Electronics Watch
Monitoring Methodology Guidance 1.0
2020

electronics watch

Responsible public procurement.
Rights of electronics workers.

Acknowledgements

Electronics Watch is an independent monitoring organization that helps public sector organisations work together, and collaborate with civil society monitors in production regions, to protect the rights of workers in their electronics supply chains.

Electronics Watch

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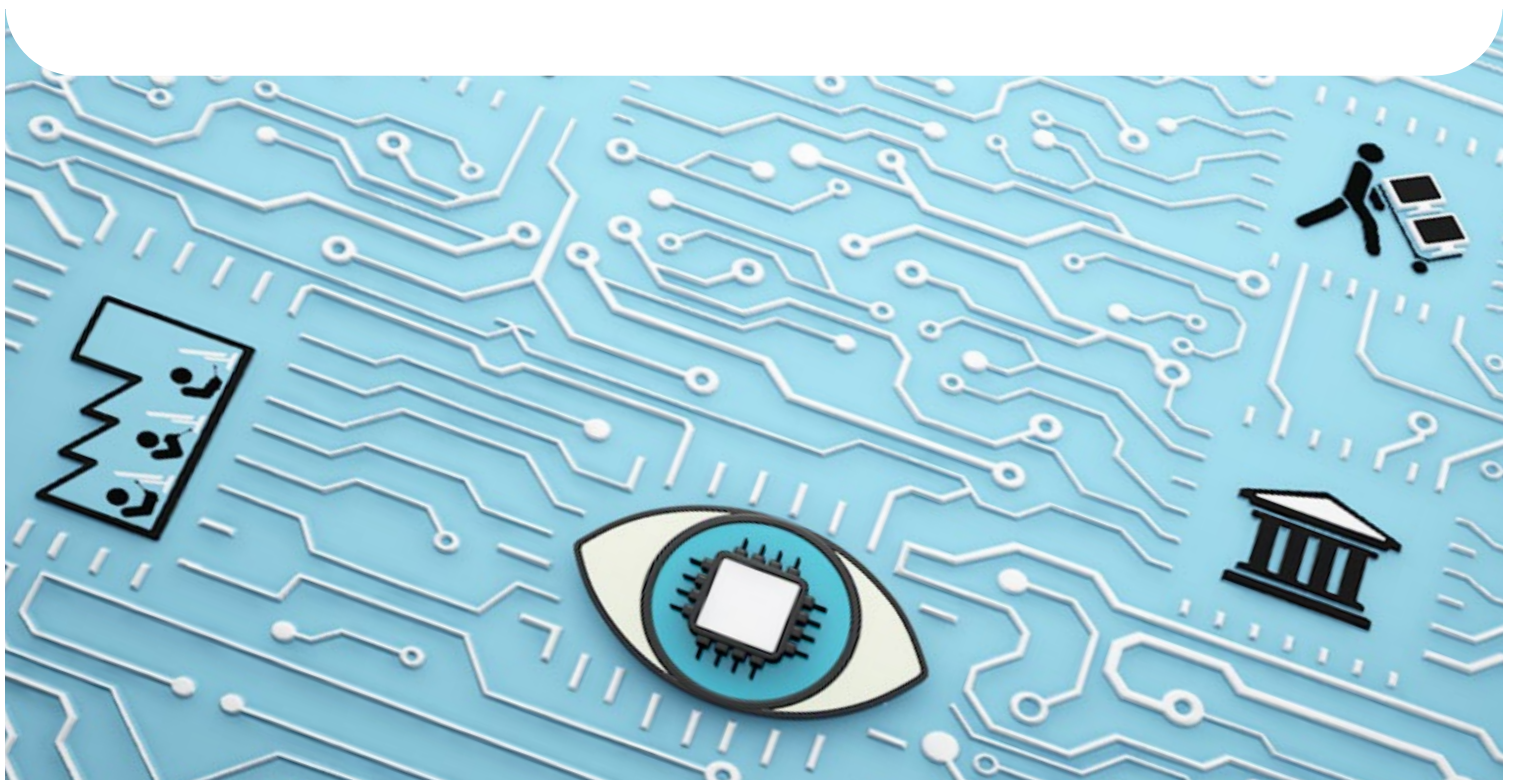Email: info@electronicswatch.org

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Contents

1- Welcome to Monitoring with Electronics Watch!

> We envision a world in which the rights of all workers in the electronics supply chain are respected, workers' voices are heard, and working conditions are safe and decent.

If you are reading this, you are most likely an Electronics Watch monitoring partner or you might become one. This Guidance is for you. We ask that you read it from start to finish, and then use it as a reference document.

You are a labour rights expert and most likely have years of experience monitoring and reporting on worker rights issues in electronics and other industries. As Electronics Watch we will greatly benefit from your experience and expertise. But monitoring with Electronics Watch will be slightly different from the monitoring you have done before. The goal of any monitoring activity will always be to remedy violations, improve working conditions, and strengthen workers' voices and collective influence to protect their rights. But we never seek to achieve this goal through corporate campaigns or naming and shaming. Instead we help our affiliated public sector buyers—for example, cities, regional governments,

universities, and state agencies—to protect the rights of workers in their electronics supply chains. These public buyers set up contracts with companies that require them to remedy rights violations in supply chains. In order to enforce that obligation, public buyers need evidence of rights violations. That is where you come in .

This Guidance is designed to help you to gather, analyse, and report evidence that a public buyer could use to hold companies accountable for failure to comply with worker rights standards in their supply chains. We will take you through the Electronics Watch worker-driven monitoring methodology from start to finish and explain specific methods, such as interviews. We will review how to evaluate and follow up worker complaints; how to protect the safety of workers and the security of data; how to corroborate evidence; how to draw conclusions about rights violations; how to put it all together in a compelling report; and more. You will no doubt have ideas about how to strengthen the Guidance based on your experience. We welcome you to share those ideas so that we can incorporate them in future editions. But we also hope this Guidance will help to strengthen your methods and your organisation and that it will help to connect you to the international network of Electronics Watch monitoring partners.

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1.1 Worker-driven monitoring: what it is and what it is not

Electronics Watch conducts worker-driven monitoring. Most likely you are familiar with this concept as there are many forms of worker-driven monitoring globally. But we may not use it exactly the same way as you do. So what is worker-driven monitoring for Electronics Watch? How is it different from other forms of research?

Worker-driven monitoring incorporates qualitative and quantitative research methods of anthropology and sociology, but it is not academic research intended to advance the knowledge of a discipline. It aims for credible evidence about rights violations, but it is not merely a legal inquiry. It is not a social audit which seeks to mitigate reputational risk from association with rights abuses. It is the source for reports, but it is not investigative journalism, which seeks headlines and public attention .

Worker-driven monitoring adopts the rigor of academic research and the creativity of investigative journalism. It can use methods of social audits and apply evidentiary standards of legal inquiries, but its goals are fundamentally different from these pursuits.

The primary purpose of worker-driven monitoring is to protect workers from rights violations and harm. Workers can initiate an investigation through complaints. They should be informed of investigatory findings and be involved in the development of plans to mitigate harm and prevent violations. Organisations and independent researchers located near workers' communities lead the monitoring activities. They are trained and experienced in labour rights monitoring; they develop relations of trust with workers; and they operate independently of the industry they monitor to ensure there is no conflict of interest.

1.2 The Electronics Watch model for change

Public buyers have a unique and powerful role to play in protecting workers' rights in global supply chains. The United Nations Guiding Principles on Business and Human Rights recommends that "States should promote respect for human rights by business enterprises with which they conduct commercial transactions," including through public procurement (UNGP No. 6). Other UN bodies, numerous national governments, international and regional organisations, the European Union, the International Finance Corporation, investors and many others have affirmed the UNGPs. Thus, there is a clear international consensus that governments and public sector organisations should protect worker rights through their public procurement activities.

The time has come to fully realise the lever of public procurement to raise standards for workers in global supply chains. Electronics Watch represents our affiliated public buyers and coordinates their engagement with industry to ensure remediation of violations and improve conditions. We work with organisations like yours to provide evidence of rights violations that help us engage with companies to achieve remedy, and help affiliates enforce their contract terms with suppliers. Thus, the Electronics Watch strategy is based on three pillars:

- Worker-driven monitoring to detect the problems and help shape the solutions;

- Coordinated public buyer demand for decent working conditions in their electronics supply chains; and

- Constructive engagement with companies to remedy violations and improve conditions.

The Electronics Watch Code sets out the standards for the production of goods purchased by its affiliates. The standards in this Code are general enough that they capture the widest possible range of violations, but also specific enough to be easily interpreted and enforced.

> States conduct a variety of commercial transactions with business enterprises, not least through their procurement activities. This provides States—individually and collectively—with unique opportunities to promote awareness of and respect for human rights by those enterprises, including through the terms of contracts, with due regard to States' relevant obligations under national and international law.
>
> *-- United Nations Guiding Principles on Business and Human Rights, No. 6*

2-Principles

To start, here are the basic principles of our monitoring methodology. Most likely you already apply these principles in your work. If not, think about how you could apply them.

1 Keep workers at the centre

Workers are at the centre of our work. Workers can initiate monitoring through a complaints process. They should be informed of findings and participate in the development of solutions. Worker-driven monitoring is for workers, it is not to manage reputational risk.

2 Focus on achieving remedy and preventing violations of worker rights

Keep the goals front and centre of your work: to remedy and prevent rights violations, improve conditions, and strengthen workers' voices and collective influence to protect their rights.

3 Conduct independent and objective monitoring

Monitoring cannot be compromised by actual, potential or perceived conflict of interest. This is why Electronics Watch accepts no financial support from the electronics industry. We are funded largely by fees from public sector affiliates. As a monitoring partner you should have no industry representatives involved in decision-making or in any capacity that could create a conflict of interest. You should have no material stake in the outcome of investigations. You must be able to conduct rigorous research, collect data from multiple sources, analyse the data against applicable standards, and let the evidence shape the conclusions without prejudice.

4 Strengthen workers' voices through monitoring activities

Detecting the problems is only the first step in a monitoring process. Finding ways to strengthen workers' individual and collective voices to protect their rights is an indispensable part of monitoring.

5 Use context-dependent and case-dependent methods

The core methodology is off-site interviews with workers. However, investigatory methods are not the same from case to case but can be adjusted to the context, the case, and issues. In general, the best method is the quickest and most effective route to remediation and improved working conditions.

6 Ensure findings are evidence-based

Monitoring partners often face situations where certain widespread violations are commonly known. However, the fact that everybody seems to know about it does not mean we can just assert it. We need evidence even for what may appear obvious. Findings are usually stronger when they are based on a set of multiple, diverse and complementary techniques, methods and sources.

7 Protect workers and whistle-blowers

Keep the safety of workers and whistle-blowers foremost in mind. Interview workers at times and in locations where they feel safe. Store personal data only to the extent necessary to collect evidence and achieve remediation.

8 Adjust your reaction time to workers

Monitoring partners who are located near workers' communities can often react quickly when workers report a problem and keep monitoring over time in order to ensure problems have been resolved. But timeliness requires ongoing preparation. You should work to establish safe communication channels with workers so they can reach you when they need you.

9 Engage companies to drive change

Electronics Watch monitoring is a tool to engage companies to drive change, but it is not a corporate campaign and it does not involve "name and shame" activities.

3-Preparing for Monitoring: The First Steps

3.1 Where to monitor

You and Electronics Watch agree together on monitoring activities to undertake. We cannot tell you where to monitor, but you need our input. We cannot monitor factories that are not linked to our affiliates' electronics supply chains. At the same time, you may wish to focus on factories where the risk of violations appears more severe or where workers have reported problems to you. So we come together. We tell you which factories are with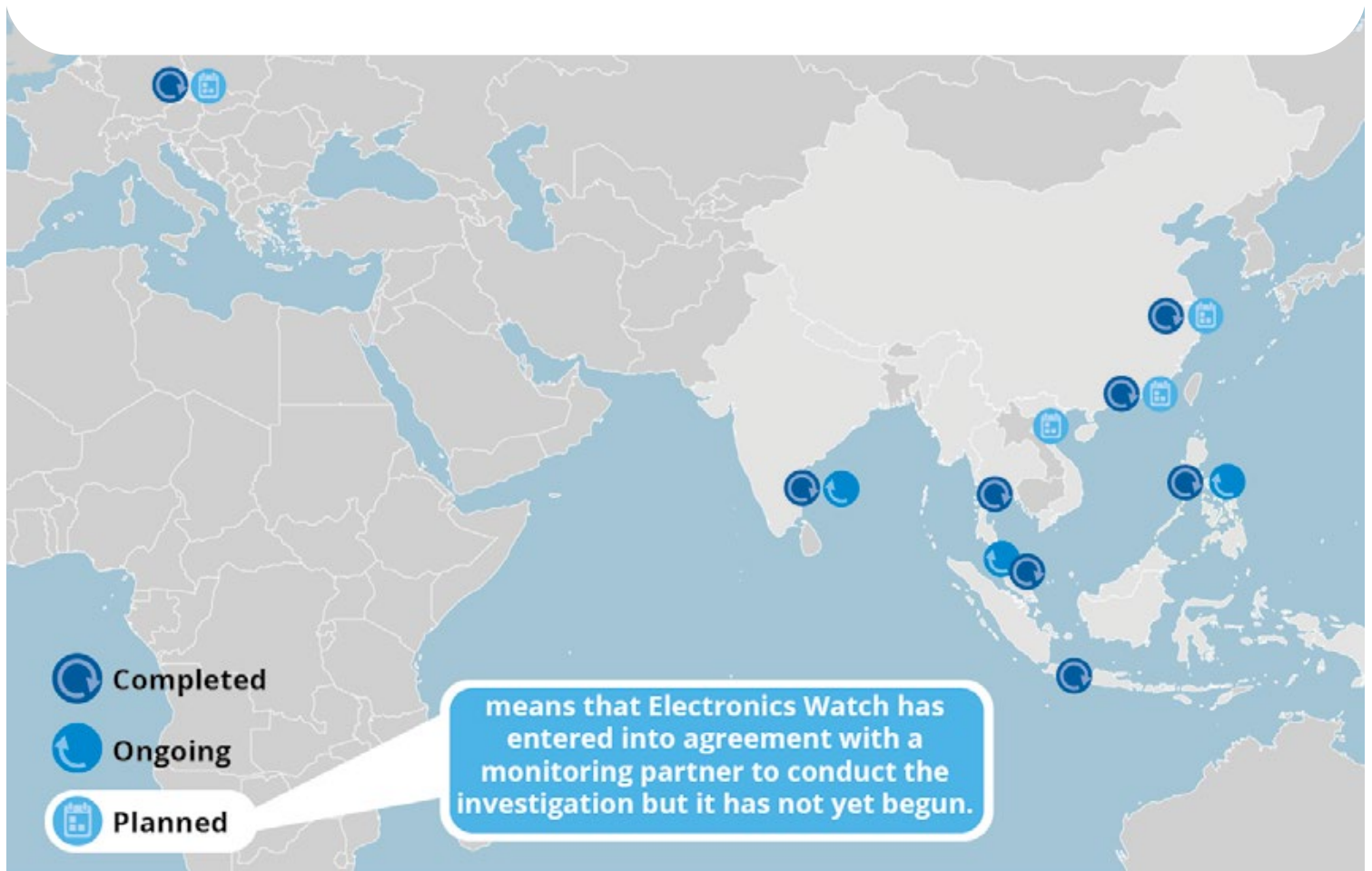in scope and which ones are particularly important in affiliates' supply chains. You tell us where there appear to be severe risks that should be addressed.

Then we set goals and draw up a plan of work. Electronics Watch understands that the monitoring process is fluid and that the timeline and sometimes even the budget have to be adjusted. However, it is also very important that we both avoid unnecessary delays. Delays could mean workers wait longer for remedy. Delays could also mean we lose leverage when a contract that links affiliates to a factory expires.

The following preparatory steps are designed to ensure the monitoring process flows as well as possible.

3.2 Keep the monitoring principles and the goals up front

Review the principles in Section 2. It is particularly important to keep the overall goal in mind as you design the monitoring process. The goal is to remedy rights violations, improve working conditions, and strengthen workers' voices and collective influence to protect their rights. The way to accomplish that goal is by generating the evidence that helps Electronics Watch affiliates enforce their contracts. This will help to ensure companies take action to remedy violations and engage transparently with your organisation and Electronics Watch.

Completed

Ongoing

Planned means that Electronics Watch has entered into agreement with a monitoring partner to conduct the investigation but it has not yet begun.

3.3 Understand the output

Keep in mind the output. The monitoring process should normally result in one of two types of reports:

Worker Rights Complaint
Anyone can submit a complaint of rights violations using the Electronics Watch Worker Rights Complaint form. But normally it will be your role to help workers submit a complaint or to submit a complaint on their behalf. The complaint focuses on a limited number of issues of concern to the workers and is focused on achieving remedy for the complainants.

Compliance Report
A compliance report is normally based on a more extensive investigation to identify and remedy violations of the Electronics Watch Code. A compliance report should address a broad range of the standards but does not necessarily have to address each one. Study the report template before you start the monitoring process.

3.4 Build networks of trust

Building networks of trust with workers is critical and requires time. In some cases, monitoring partners are located in the same communities as workers or travel frequently to those communities in order to interview workers, conduct trainings, or perhaps engage informally. In other cases, monitoring partners will have to travel to new locations to conduct monitoring. In those cases, it is important to spend time in those locations to understand the relevant social networks and meet community leaders and others who can provide introductions to workers. Monitoring partners should always share a language with workers and understand their relevant social norms, common sensitivities and vulnerabilities .

Building networks of trust with workers is critical and requires time.

3.5 Check in with unions

If there are genuine unions in the region, talking with union leaders in the beginning of the monitoring process is essential. They will have an important perspective on current issues and they will know the history of worker-management relations. They may also be able to introduce you to workers.

3.6 Understand the company

Conduct simple desktop research on the company before beginning monitoring activities. Here are key questions:

- **Basic corporate context.** What is the full legal name and physical address of the factory? Are there several divisions in different locations in the same area? What are the main operations, products, and brands? What is the market and who are the main competitors? Has the factory adopted a code of conduct to comply with customer requirements? Is it a member of an industry association, such as the Responsible Business Alliance?

- **Supply chain, upstream and downstream.** Who are key suppliers and customers? It is particularly important to identify the main brand buyers who might have leverage. Are there subcontractors? Does the company work with third party employment agencies?

- **Corporate structure.** What is the history of the company? Who owns it? Who are the key investors? Who are key managers?

- **Financial matters.** What is the profit margin of key divisions? Is any part of the company performing poorly and what consequences could that have for workers?

- **Publicity.** Has the company attracted media attention recently or in the past? What are or were the issues? Anything controversial?

You can use the following corporate sources:

- Corporate website

- Annual reports

- Quarterly financial updates

- Press releases and statements

- Published policies (e.g., CSR, human rights, ethics)

- Published supplier factory lists

Other useful public sources include:

- EDGAR—SEC filings database

- Bloomberg—the largest database for financial information

- LexisNexis—the largest database of news sources

- Orbis—comparable data resource on private companies

- Thomson Reuters Eikon—financial data

- Comtrade—UN database for international trade information (country-level)

- Observatory of Economic Complexity—visualisation engine for international trade data

3.7 Get organised

The next step is to plan and organise the monitoring activities. Here are key steps:

- Identify key actors. Who do you talk to in order to obtain key contextual information? Workers in logistics may have insights into suppliers and customers. Workers who directly experienced rights violations and witnesses to incidents will always be important. Also consider HR and other managers, recruitment agencies, third party employment agencies, state authorities, and others.

- Design the investigative methodology: what methods (discussed in this Guidance) are best suited to the context and the issues at hand?

- Bring together a team. Consider who is best suited to talk to workers in different positions and about different issues. Select a person who is responsible for overall coordination.

- Set a timeline for the different phases of the investigation.

Establish security measures to ensure data security and protect worker safety (Sections 5.2. and 5.3 .).

4-Evaluating Methodologies and Methods

Let us first define terms.

Methodology refers to the overarching strategy to gather evidence about compliance with laws or international standards and/or harm to workers related to their working conditions. Methods are the tools and procedures used within a certain methodology.

Two basic methodologies and common methods:

- **Off-site qualitative research with workers to understand problems from workers' perspectives. Methods include semi-structured interviews with individual workers, guided group discussions, and participation in or observation of workers' lives.**
- **Quantitative research to understand proportions of workers affected by a problem or the full range of problems that workers experience in a workplace. Methods include various forms of surveys and monitoring of workers' online discussions in public forums.**

Electronics Watch uses a consistent methodology: off-site qualitative research with workers. This methodology can and often should be combined with quantitative research. However, the methods will vary with the context. For example, factors that may influence your choice of methods include:

- The length of the working day. For example, if workers put in 12-hour shifts and overtime, and rarely have a day off, monitors will have to adjust their schedule accordingly.

- The political regime and the openness to outside investigators. The harsher the repression the more monitors will have to invest in networking and trust-building to gain access to workers.

- Core issues. If exposures to toxic hazards is a concern, biomonitoring or air quality tests may be required.

Some methods may be better deployed onsite than offsite. For example, it may be easier to survey large numbers of workers from one factory on-site rather than off-site. It is also important to seek to understand managers' perspective on workers' issues. You may want to interview a site manager, production manager, quality manager, human resource manager, or payroll manager. They may be easier to reach on-site than off-site .

Here is a guide to evaluating methods:

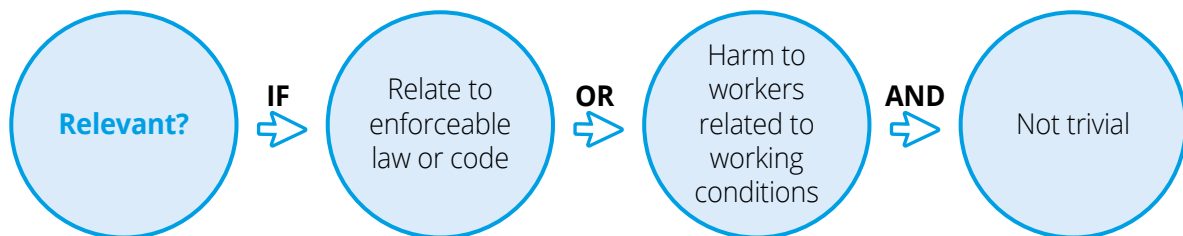| Method	Strength	Risk
Off-site semi-structured worker interviews	• Locations and times of workers' choice, social networks allow workers to speak freely and fully, with less fear of retaliation. • Likely to identify company-wide problems and widely held worker views. • Useful to show gaps in on-site auditing.	• Difficult conditions (e.g., remote settings, long working hours) may influence who is interviewed. • Difficult to judge the diversity of worker views. • Likely to miss problems influencing minorities not in interview pool.
On-site worker surveys	• Convenience of being on-site permits more workers to join survey, which sheds light on diversity of workforce. • Enough workers reply honestly to surveys, so the results identify genuine differences between suppliers. • Useful for extending perspectives to problems beyond workers' direct line of sight. • Permits deeper, more flexible analysis.	• Difficult to ensure anonymity and honest and full replies. • Employers might attempt to hide sensitive voices within the workforce. • Need to filter ineffective survey from honest survey results. • Analysis requires some expertise with survey methods. • Requires some investment of time by employer and employees.
Guided group discussions	• Exercises workers' skills to express themselves and provides a platform for them to identify better-spoken workers with confidence to voice workers' collective concerns. • Allows workers to talk to other workers (not just the interviewer), which helps build consensus among workers and strengthen their voices as they engage with management. • Collects deeper information on workers' priorities.	• Difficult to ensure anonymity and honest replies if the discussion is on-site. • Employers might attempt to hide sensitive voices within the workforce if the discussion is on-site. • Workers might feel disillusioned with limited commitment to follow through on discussion of needed improvements.

Adapted from the Economic Rights Institute (2014: 15-16)
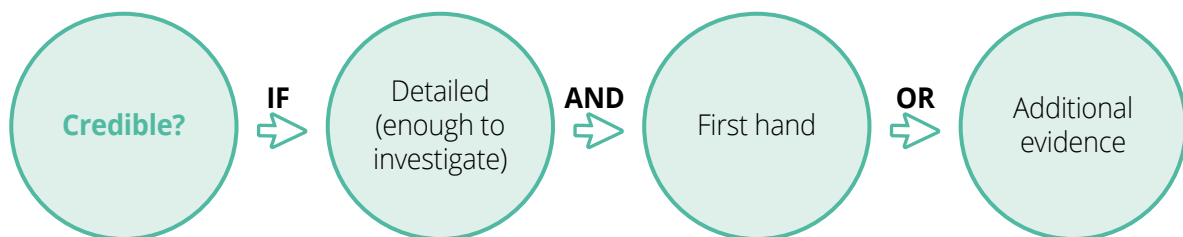
5- Getting the Evidence

5.1 Worker rights complaints: Are they relevant? Are they credible?

If you receive a worker rights complaint from a worker, how do you know if you should investigate further? We suggest you use the following criteria:

First, ask if the complaint is relevant? It is relevant if it relates to an enforceable law or international standard (see Electronics Watch Code). It is also relevant if it is about non-trivial harm to workers caused by the working conditions even if there is no violation of a law or international standard.

Relevant? → **IF** → Relate to enforceable law or code → **OR** → Harm to workers related to working conditions → **AND** → Not trivial

Second, ask if the complaint is credible. It is credible if it is detailed enough to be investigated and if you receive the complaint first-hand, directly from the complainant, or if you are able to obtain additional corroborating evidence.

Credible? → **IF** → Detailed (enough to investigate) → **AND** → First hand → **OR** → Additional evidence

You should also check with Electronics Watch to make sure the complaint relates to a factory in the supply chain of our affiliates. If the factory is not connected to such a supply chain, we may not have leverage to help remedy the violation and improve conditions for workers.

To submit a complaint, use the Electronics Watch Worker Rights Complaint Form. Please provide the information requested in as much detail as possible.

If the complaint pertains to a particular incident, it is important to provide details on: What happened? When did it happen? Where did it happen? Who was involved?

5.2 Protect workers' safety

It is of paramount importance that you take all possible steps to protect the safety of workers who participate in the monitoring process. It is always workers' choice whether or not to talk with you. No worker should ever be pressured to participate in interviews or otherwise provide information. However, you can assure workers that you will do all you can to protect them from reprisals by taking the following steps:

· Only approach and interview workers in settings where they feel safe. If possible, workers should be able to choose the time and location of interviews.

· If workers are not familiar with you or your organisation try to approach workers with a referral from a person they trust. In case this is not possible, make sure you approach a worker within acceptable cultural norms and briefly introduce yourself, refraining from authority.

· Provide utmost care for workers' confidentiality. Workers do not need to share their names with you if they do not want to. Neither their names nor any other identifying information will appear in any published materials.

· Tell workers they are in charge. Do not pressure them to talk about anything they do not want to talk about. If they want to report conditions or incidents outside the framework of your questions, encourage them to do so as long as it relates to working conditions or employment relations.

· Let workers know how they can contact you if they have additional concerns or questions to share.

· When you interview managers or others who could have an adversarial relation with workers exercise caution to mitigate the risk that they will threaten or discourage workers from taking part in the monitoring process.

· As a rule, interview workers before you approach management.

· Avoid conflict. Tell management that you seek to work cooperatively and constructively with the company to address workers' concerns.

· Provide utmost care for managers' confidentiality.

· Store personal data only to the extent necessary for the project to collect evidence and achieve remediation and ensure as few people as possible have access to ID tables and other sensitive data. When you need to communicate sensitive information only use safe channels such as the Signal messaging service. Monitoring data should be stored in password protected files.

If human trafficking and forced labour is an issue in your region you may also wish to research the availability of paralegal support for workers in case they want to assess legal options to obtain redress. Also be aware that they may need shelters to offer a warm and trusted environment.

Only approach and interview workers in settings where they feel safe.

5.3 Interviews

Quick tips for a good interview

- Listen attentively.

- Let people talk, but steer gently.

- Move from open-ended to specific follow-up questions.

- Get details about incidents: when, where, what, who.

- If the information is not first-hand ask, "How do you know?"

- Set aside all prejudices, everything you think you know. Learn from the person you are interviewing.

In general, you will use semi-structured interviews. That means that you will have prepared questions to seek information on specific issues related to the Electronics Watch Code, but you will also remain open to issues and concerns that workers bring up. Aim for at least 20-30 minutes for an interview. Many will be longer, but do not discount the opportunity for even brief conversations if workers do not have time for more. Here are guidelines for a successful interview:

Preparation

- Prepare a questionnaire or a list of issues to guide you based on the sample questionnaires. If possible, memorise the questions so you can pay full attention to the person you are interviewing.

- Picture yourself doing the interview. If you have particularly sensitive things to ask, plan a strategy to get to this point during the interview.

During the interview

- **Introduce yourself.** Always make sure the person you are interviewing knows who you are and the organisation you represent. Mention both your own organisation and Electronics Watch and explain why you want to conduct the interview.

- **Assure confidentiality.** Do not insist that workers or others you interview provide identifying information to you. Always assure them confidentiality. If you do know their names tell them that you will not divulge their names or identifying information unless they request you to do so (for example, to obtain compensation for harm they suffered on the job).

- **Ask if you can take written notes.** Written notes will help you remember and will ensure that interviews can be used effectively to drive change. However, in particularly sensitive situations workers or others you are interviewing may not want you to take notes. Then you will have to take "mental notes" and devise a method that allows you to remember essential points until after the interview. Your notes should include key words and memorable phrases verbatim. Workers experience mistreatment or abuse in different ways and talk about it differently. Incidents and experiences described in workers' own words is more effective evidence than paraphrased in your words.

- **Move from open-ended questions to specific follow up questions.** If there is time, begin with open-ended questions about work experiences, worker-management relations, and the working environment. For example, "Tell me what you do in your job," "What do you like and not like about it?" or "Can you describe smells and sounds in your work environment?" Listen for people to talk about meaningful experiences in their lives or what is important from their point of view, then probe for details and specific descriptions of their experiences and perspectives. Follow up on general topics by asking specific questions, always looking for details to substantiate the general point the person is making. If there is less time for the interview, go directly to the issues that are most important to investigate and try to follow the plan in the questionnaire.
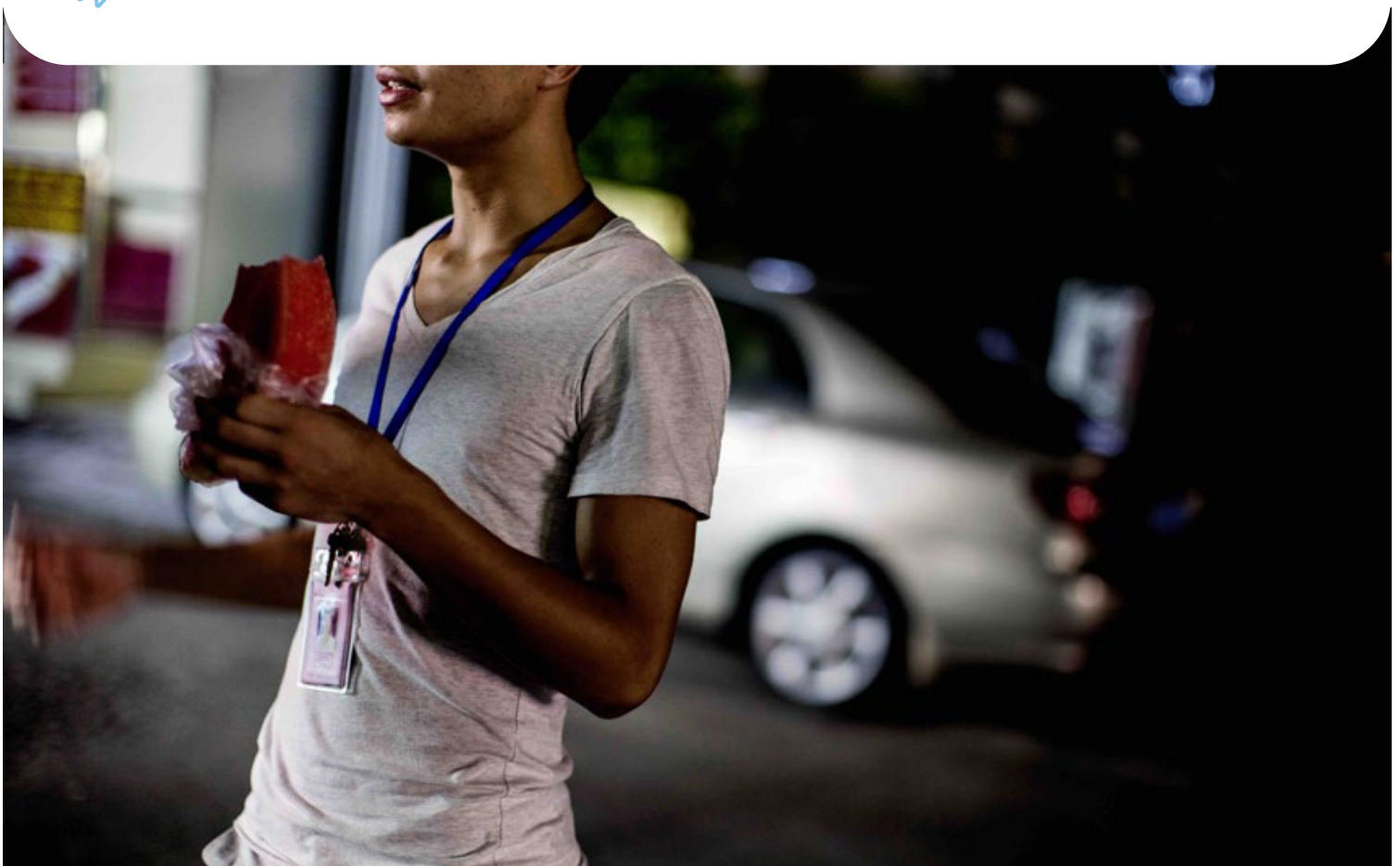
- **Get details. Ask workers to describe violations, mistreatment or abuse in detail.** Detailed allegations are more credible than general statements. For example, when workers describe problematic encounters with management, ask: Who? (was present) What? (was said, or what happened) When? (did it happen) Where? (did the incident or conversation take place).

- **Understand the nature of the evidence.** When workers describe incidents or treatment that could amount to worker rights violations, always ask "How do you know?" Seek to determine the nature of the evidence:
  - Has the person you are interviewing experienced the treatment or incident directly?
  - Does the person you are interviewing personally know others who have experienced the treatment or incident?
  - Is it just generally known that management behaves in a certain way?

  The more direct the evidence the more credible and effective it is. For example, if one worker reports to you that she was sexually harassed or even abused by a specific manager and relates the incidents in some detail, this is credible evidence. However, if a worker simply states that a manager is known to be abusive towards workers without providing any details, you should seek evidence of specific acts of wrongdoing as an unsubstantiated allegation on its own cannot be used to drive change in the workplace.

- **End with an open-ended question.** In some cases, you may come to the end of an interview but the person you are interviewing still has something important to tell you. Make sure they have a chance. For example, ask an open-ended question, such as, "Is there anything else I should know?"

- **Invite interviewees to contact you.** Before you part ways, invite the people you are interviewing to contact you in case they want to report more information or just want an update from you. Invite them to exchange mobile phone numbers and appropriate social media contacts. Again, assure them of confidentiality.

The more direct the evidence the more credible and effective it is.

Immediately after the interview: remember what they said and keep the data secure

Whether you have written notes or mental notes type up everything you remember immediately after the interview. In particular try to remember and note down key incidents and experiences in the words of the person you interviewed. Write down everything even if it does not seem important now; it may be highly important later once you see certain patterns develop. Use an indexing system to be able to compare notes on the same issue among different interviewees.

> **Immediately after the interview, type up everything you can remember:**
>
> • Key incidents in the interviewees' own words.
>
> • Everything said—not just what you think at the time is important.
>
> • The environment of the interview and the emotions of the interview.
>
> • In any order you remember—do not worry if it is not in proper time order.

To protect workers and others you interviewed you must also practice digital security. That means you must:

• Never record names of people you interviewed in an electronic interview transcript.

• Make sure interviewees' identities are known to as few as possible.

• Store research data, including any recordings, in password-protected Electronics Watch files.

• Communicate sensitive issues using Signal or communication programs with a similar level of security.

• Never use Email to send research data.

Distinguishing subjective from objectively valid comments

It is important to distinguish between subjective comments about feelings and interviewees' experience of policies and practices in the work environment. For example, a worker might comment on the "ferociousness" of supervisors. This comment, in itself, is not useful for drawing conclusion as it is entirely subjective. However, it may be useful to probe deeper with this interviewee. Ask why they call their supervisors "ferocious." Ask about context. Ask about the words that supervisors might use when scolding workers. Ask about details. Distinguish between workers' own direct experiences and things they possibly witnessed or rumours they have heard. Finally, cross-check with a wider selection of workers to confirm other employees' perceptions. If several workers independently of one another report specific forms of abusive behaviour or harsh language the supervisor uses when reprimanding workers, you can begin to draw conclusions useful for the monitoring process.

Sometimes workers also report more objective experiences. For example, workers might report on their direct experience of fines, or what happened to them when they requested permission to resign from the job but were denied. These comments may be objectively valid and useful for drawing conclusions. However, keep in mind that workers may err in their judgments. They might misinterpret their own income receipts or company policies. To be able to verify what they tell you, always ask for context and details. What happened or what is the problem? When did it happen? Where did it happen? Who is involved?

Adapted from a monitoring report written by the Economic Rights Institute for Electronics Watch

5.4 Guided group discussions

- Sometimes workers and others come together naturally in groups and you can then talk to them together in a guided group discussion. You can follow the same process as for individual interviews (Section 5.3.). A good group will consist of five to 10 people who trust one another and have similar backgrounds or experience.

- Group dynamics can yield insight that might not emerge from individual interviews. In this process you will play a guiding, supporting role, but the discussion is mostly between workers. In successful cases, workers will be involved and invested in the conversation and leaders may emerge. It may be particularly useful to steer the conversation towards remediation—that is, steps that should be taken to cease harm to workers, compensate workers for the harm, and prevent recurrence (see Section 6.1). Group dynamics can generate solutions that do not come up in individual interviews. They may not necessarily come to a consensus but instead reveal a range of perspectives which also is useful for the monitoring process.

Group dynamics can yield insight that might not emerge from individual interviews.

How many workers should you interview?

Issue Specific Investigations

If you are helping workers to submit a worker rights complaint, the number of workers is not an issue. Instead you should ensure that the complaint is relevant and credible as explained in Section 5.1.

If you are focusing an investigation on specific issues workers have reported to you, but you are not attempting to address all areas of the Electronics Code, the precise number of workers you interview also is not an issue. Instead you should follow the Guidance for corroborating evidence in Section 5.6.

You can start with workers who you may know or who are connected to you through networks of trust (Section 3.4). To reach more workers use "snowball sampling," where you ask each worker you interview to provide referrals to other workers. If you are focusing on an issue of concern only to certain workers— for example, workers exposed to a certain chemical—you should seek to talk to those workers in particular. You should recognise that you will end up with a biased sample, particularly for larger factories. There may be workers who you cannot reach through snowball sampling who experience different issues that you will not learn about. This does not mean that your conclusions are not valid.

General Investigations

If you are seeking to conduct a comprehensive investigation addressing all areas of the Electronics Watch Code, including issues that may affect smaller numbers of workers, you should start with a quantitative research methodology, such as a survey, to obtain a representative sample. Then follow up with qualitative semi-structured interviews to develop your understanding of specific issues that workers bring up in the survey.

To generate a representative sample, you can use this sample-size calculator: https://www. checkmarket.com/sample-size-calculator/.

This method may be particularly useful for very large factories as the sample size needed for populations over 20,000 does not increase markedly. For example, you would need 357 respondents in a survey of a factory with 5,000 workers to generate findings with a 5% error margin and 95% certainty, but only 377 respondents for a factory with 20,000 workers. We strongly suggest you use this statistically representative sampling method to arrive at scientifically valid conclusions. To the extent possible, please ensure that you interview the right number of workers calculated for a given factory size and provide your method in the report submitted .

In cases where you cannot obtain representative samples, for instance, because of time constraints or employers' intervention, you can use the risk-based statistical approach, in which you interview the square root ($\sqrt{}$) of the total number of workers. For example, for the same factories given above, with 5,000 and 20,000 workers, the number of interviews should then be roughly 70 and 140, respectively. If you choose to use this method, you should also explain why you could not obtain a representative sample.

Whatever interview target method you choose, you should also seek to ensure the sample is as diverse as possible, reflecting the makeup of the workforce. That is to say, depending on the factory profile, you should ensure that your sample includes all age groups, nationalities or ethnicities, men and women in roughly the same proportion as the workforce, newly employed workers and long-term workers, vulnerable workers, such as disabled workers, and different contract types, such as permanent, temporary, fixed term, and apprenticeship.

5.5 Surveys

Surveys are a good tool to reach a representative sample of workers (see text box on how many workers you should interview). The benefits of surveys are that you can:

- Identify problems that affect smaller numbers of workers, such as one abusive manager.

- Understand the extent of a problem, such as multiple locations where workers experience poor air quality.

- Discern patterns that are only visible with large data, such as income discrepancies between men and women.

- Identify workers' priorities for change overall.

Surveys are usually easiest to conduct onsite where you have access to a large number of workers. You will need the cooperation of factory management, so there are some risks with this method as well. It may be more difficult to protect workers' anonymity and they may not want to answer some questions honestly because they fear retaliation from management. You may have to filter out some survey results where management coaching is reflected in workers' responses. You should also use the qualitative interviews you conducted offsite to help interpret the survey results.

5.6 Corroborating the evidence

Gathering supplementary and corroborating evidence to worker interviews is an important part of the monitoring process. You should ask yourself if the workers you have interviewed could be wrong and if you could be mistaken in drawing hasty conclusions based on the evidence you have from workers. Even when you are certain that you have reached the correct conclusions, evidence corroborated from multiple sources is always more effective in driving change.

When you conduct off-site interviews or guided group discussions with workers, invite them to help you corroborate the evidence they give you. Explain to the workers that if you have multiple sources of evidence on the same issue you will have more power to drive improvements in their workplace. Workers then become partners in the monitoring process. Tell workers that documentary evidence is valuable. Documents can be proof in black and white that something did or did not happen. Ask workers for copies or photographs of documents such as:

- Work agreements and work contracts.

- Pay slips or other documents that show wages, wage deductions, and working hours.

- Materials that are evidence of working conditions, such as posted notices from management, agency notices in the dorms, or petitions signed by workers.

- Photographs of workers' injuries and medical records.

However, never pressure workers to give you documents they do not want to provide and watch out for body language and small signs that they are uncomfortable with this request. Always be sure to black out identifying information on workers' personal records as soon as you obtain them and before uploading them to (password protected) Electronics Watch files.

- In addition to inspecting documentary evidence, seek to corroborate evidence by:

- Interviewing additional workers to see if they independently report the same issues.

- Interviewing managers and other non-workers who are familiar with the general situation.

- Conducting site or peripheral observations.

- Consulting secondary sources, such as labour inspectors, academics, journalists, and NGOs to see if their reports are consistent with your conclusions.

- The rule of thumb is to get evidence from at least two different types of sources, unless the issue is blatantly incriminating (Section 6.1, "Is it a finding of a violation?").

Ask yourself if the workers you have interviewed could be wrong and if you could be mistaken in drawing hasty conclusions based on the evidence you have from workers. Even when you are certain that you have reached the correct conclusions, evidence corroborated from multiple sources is usually more effective in driving change.

A Monitoring Story

On the first day, 7 August, after arriving in Johor Bahru (Malaysia), at about 7 pm, the team went to the industrial area where the factory is located in order to study the layout of the factories, the hostels, transportation arrangements and shift changes over time. After talking to petty traders, food stall operators and coffee shop patrons in the area we established that there are two shifts, at 7 am and 7 pm, with workers coming out of the factories within a period of 45 minutes from the end of the shift. A convoy of factory buses would then ferry the workers to their hostels, except for those who lived nearby within walking distance.

We also observed that there is a workers' hostel within walking distance of the factory.

It was necessary for the team to initially work individually in order to avoid being too visible which would raise suspicions. Accordingly, a female member of the research team approached female workers who looked like Indonesians, a Nepali member sought out Bangladeshi and Nepali workers, while a Myanmar member looked out for workers from Myanmar. The Malaysian researcher spoke to the petty traders and patrons at the restaurant and some male Indonesian, Bangladeshi and Nepali workers who could communicate in Malay.

Over the next two days, the team generally operated according to the following schedule:

- In the mornings between 7 and 8 am the team would be outside the factory area trying to meet with the workers who were coming out after the night shift.

- From 8 am until about 1 pm the team members would spend time at two worker hostel canteens; these were not restricted areas and were accessible to non-hostel residents. Here we would try to make conversation with workers who were having a drink or a meal. During one of these times we were able to have a long conversation with a security warden from Nepal. After gaining his confidence he introduced us to a Nepali worker whom we were able to interview at length.

- In the evenings from 7 to 8 pm we would generally be in the open area outside the factories, trying to meet with workers who were coming out after the morning shift. After that we would adjourn to the hostel area to observe the activities and to meet with workers who seemed willing to talk.

In the evening, the hostel area would be bustling with activities. There would be workers going out for an evening in town, taxis going in and out, petty traders plying their wares, and pop up gambling sites.

The team member from Myanmar discovered a Buddhist temple in a small town adjacent to where the factory was located. He persuaded the monk to organise a gathering for workers who were devotees at the temple. In this way he managed to talk to eight female workers from Myanmar.

In this way, we slowly developed the networks which allowed us to investigate the working conditions and migrant workers' recruitment experiences.

Adapted from a monitoring report written by Tenaganita for Electronics Watch

6- Using the Evidence

The purpose of gathering evidence is to be able to use it towards remedying violations and improving working conditions. One common type of evidence is testimony from workers. To determine if you can use the evidence ask yourself the following three questions (see also Section 5.1):

Is it relevant?

The answer is "yes" if it relates to an enforceable law or international standard (see Electronics Watch Code, or there is harm to workers related to their working conditions, and the violation or harm is not trivial.

Is it credible?

The answer is generally "yes" if it is detailed enough to be investigated. A worker testimony is less credible if it is phrased in general terms and you have little information on when or where something happened or who was involved.

Can it be corroborated?

A single worker could provide testimony of serious violations that should be remedied (Section 6.1, "Is it a finding of a violation?", below). However, you should always seek to corroborate evidence from multiple and diverse sources. It is important that you keep an open mind. Seek to obtain a supervisor's or manager's perspective. Does it change your understanding of workers' claims?

6.1 Analysing

Is it a violation?

Analysing the data to show whether or not there is a violation is a critical phase of the monitoring process. How do you know if the data you have constitutes evidence of violations of domestic legal standards or international standards of labour rights or occupational health and safety?

To determine a violation of international standards, first check the examples of violations included in the Electronics Watch Code. For example, for the standard, Employment is Freely Chosen (ILO Conventions: No. 29 and No. 105), you will see a list of nine different types of violations. However, it is important that you do not rely on these lists alone as they are not comprehensive. Be sure to study the international conventions and recommendations listed in the Code.

You can also receive advice on applying international labour standards to specific factory conditions from the ILO Helpdesk. Email assistance@ilo.org or telephone +41 22 799-6264. This assistance service is free and confidential and available for anyone, including workers and any interested organisation. In most cases you will receive a reply within a day or two from an ILO expert.[1]

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[1] ILO, About the Helpdesk, https://www.ilo.org/empent/areas/business-helpdesk/about-us/lang--en/index.htm

The ILO Helpdesk can help you apply international labour standards to specific factory conditions. Email assistance@ilo.org.

To determine a violation of a domestic legal code you must, similarly, be familiar with relevant legislation and regulations. It is beyond the scope of this Guidance to provide examples of violations of legal codes for each country. If you are unsure if you have data that constitutes evidence of violations of a legal code, we strongly recommend that you consult with a local labour law or health and safety expert, including, as appropriate, trade unions, labour ministries, or private practitioners.

As explained above, you can also seek remedy for harm to workers even if there is no clear violation of law or international standards. In this case you must have evidence that the harm to workers is linked to the working conditions or employment conditions. For example, if workers experience deteriorating eyesight this could be because they spend all day examining screens for blemishes under bright lights even if those conditions do not violate occupational health and safety regulations.

Is it a finding of a violation?

If the data indicates a violation of a standard you must also know if it amounts to a conclusive finding or not. We distinguish between findings and risks of violations.

Findings are your conclusions about violations and/ or harm to workers based on relevant and credible evidence (Section 5.1) and analysis of the evidence against local law and/or international standards. You should always raise findings in a report. Findings should normally be based on multiple sources of evidence (see Section 5.6 on corroborating evidence) as multiple sources usually strengthens credibility and helps to drive improvements in a workplace.

But there are important exceptions to this rule. Workers often have to overcome fear, lack of resources and other obstacles to speak out about problems they face. Workers who do speak are likely in the minority, but they do so deliberately and usually thoughtfully, after weighing risks and benefits. Consider a victim of sexual harassment, a worker fired because of union

activities, or a student whose school deducts fees from her income. When they speak in detail about their own experiences their single testimony may be sufficiently credible to justify a finding. You should keep a record of findings based on a single testimony versus those corroborated by multiple sources.

At the same time keep in mind that there are cases when multiple sources are not necessarily credible. Workers are often under pressure to deny a problem, whether they have been explicitly instructed to do so or no not. Consider migrant workers who face debt bondage but have been repeatedly warned not to report the fees they had to pay to get the job. Electronics Watch has found many cases in which the recruitment agents require them to make video depositions stating they have paid no fees and warning them along the route to the job and even inside the factory that they will risk their jobs by telling the truth. You are likely to find many workers reporting no fees. Nevertheless, the few workers who do provide you with the details of how much they paid will be more credible.

Risks are those grey areas where a current issue may become more serious and perhaps lead to violations or harm to workers. For example, if managers are unaware of a law or ILO requirements there may be risk of violations. If workers raise concerns about the poor reputation of a new supervisory team from other factories, you may also want to raise this issue and recommend preventive action even though you do not report any current violations. In some cases, a single worker's testimony should be considered a risk of a violation rather than a finding. For example, one worker may have reported to you wages below the legal minimum. If true, this would be a clear legal violation, but you have not seen this worker's payslip and other workers have not reported similarly low wages. In this case there is a risk of violation that needs follow-up monitoring to corroborate the evidence from the single worker or to find an alternative explanation .

Who is responsible?

Seek to analyse responsibility for the violations or harm to workers. In most cases the factory or employer will be responsible because they cause the violation. However, any other company that contributes to the violation or simply is linked to the violation through its supply chain also carries responsibility to use its leverage to achieve remedy.

1. Show that the data is evidence of a violation of domestic legal standards or international standards. Alternatively, show that the data is evidence of harm to workers caused by the working conditions or employment relations.
2. Distinguish findings from risks of violations.
3. Analyse responsibility.
4. Identify potential remedies.

What is remediation?

For the purpose of this monitoring methodology, remediation is a three-step process where companies should:

Step 1: Stop causing or contributing to harm. As a first step, remediation requires compliance with the domestic or international standard that is being violated. Thus, you should understand what the law requires or what an international convention requires of the parties responsible for the violation. When there is no violation, but workers still suffer harm caused by the working conditions or employment relations, your analysis must go beyond laws and conventions to show how to protect workers.

Step 2: Compensate workers for the harm they have already suffered. Remediation also means that workers should be made whole, that is, receive compensation for the harm they suffered as a result of the rights violation. The UN Guiding Principles on Business and Human Rights suggests that remedy may "include apologies, restitution, rehabilitation, financial or non-financial compensation and punitive sanctions..." (UNGP No. 25).

Step 3: Prevent recurrence of harm. Remediation also includes steps to prevent recurrence of the rights violation and the harm to workers. You should confer with workers and workers' organisations to understand what effective prevention is in specific cases.

On causation[2]

As remediation includes prevention, you will also need to analyse causation. A problem cannot be prevented if you do not understand the cause. It may be useful to distinguish between symptoms, immediate causes, and root causes where:

- Symptoms are the harm to workers and rights violations that you have documented.

- Immediate causes result directly in the symptoms.

- Root causes are the underlying processes or structures related to the causes or symptoms.

If you address the cause you can mitigate the symptoms but not prevent them. If you resolve a root cause it is possible to prevent the symptoms.

For example, a symptom may be ill health among workers who are exposed to a toxic chemical. You can address the immediate cause by removing that chemical from the workplace. But root causes may be related to the business model where a factory operating on razor thin profit margins cuts costs everywhere they can. They may then skimp on measures that protect workers' health. Thus, unless you address the underlying business model you may not be able to prevent the recurrence of harm to workers.

When you explore possible "cause-effect" relationships be aware that correlation and causation are different. Because you see two phenomena together it does not mean there is a cause and effect relation. For example, workers may work—and want to work—excessive working hours. At the same time, they receive a basic income that does not meet their basic needs. It is easy to jump to the conclusion that low incomes result in workers' willingness to work long hours. However, the issue may be more complex. It is most likely true that raising workers' income will provide them with more security to reject overtime at certain times. However, when workers live apart from their families—for example, in dormitories on a factory campus—or when migrant workers have incurred debts to get their jobs, they

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[2] Adapted from methodology workshop by the Economic Rights Institute

are also more likely to accept excessive working hours independently of their wages.

Thus, when you consider causation always seek alternative explanations. Use counterfactual thinking; that is, how would the situation change if one of the variables is removed? For example, if workers moved away from their dormitories and into town where they could live with their children, would their attitude towards overtime change? Test your explanations of causality with workers you have interviewed or in guided group discussions.

When you seek to establish "cause-effect" relationships be aware that correlation and causation are different.

Use the precautionary principle to establish links between toxic chemicals and workers' health

In the electronics industry it is notoriously difficult for workers to prove that exposure to certain chemicals in the workplace cause them harm. The human toll of semiconductor manufacturing, for example, is known since at least the early 1980s. Scientists have linked miscarriages twice the expected rate and various aggressive forms of cancer and other lethal diseases with semiconductor factories in the US, UK, South Korea, Taiwan, and Japan.[3] Chemicals that were banned in the United States 25 years ago are still being used in Asian semiconductor factories today. This is affecting not only the workers on the shop floor but also their children. It has taken workers years to get their illnesses recognized as work-related and to receive compensation.

This is why the precautionary principle is so important to protect workers from harm from toxic chemicals. This principle requires companies to take action when credible threats of harm exist, even though some uncertainty may remain – a "better safe than sorry" approach.[4] This is particularly important where there is the potential for serious and irreversible health effects such as developmental damage, cancer, or life-long illnesses such as asthma. The principle shifts the burden of proof from workers having to prove a work-related harm to companies having to prove the absence of harm.[5]

So, how would you apply the precautionary principle in your monitoring? Here is an example:

Electronics Watch monitoring partners in South East Asia have identified two printer factories that make products that Electronics Watch affiliates procure. The workers routinely handle methyl ethyl ketone (MEK) and toluene, chemicals that cause teratogenic effects (pregnancy complications such as preterm labour, spontaneous abortions or miscarriages) in workers and affect the development of the foetus. In addition, they cause damage to the central nervous system

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[3] Schenker, M. B. 1992. "Epidemiologic Study of Reproductive and Other Health Effects among Workers Employed in the Manufacture of Semiconductors." Final Report. Semiconductor Industry Association, December; Schenker, M. B., E. B. Gold, J. J. Beaumont, B. Eskenazi, S. K. Hammond, B. L. Lasley, et al. 1995. "Association of Spontaneous Abortion and Other Reproductive Effects with Work in the the Semiconductor Industry," American Journal of Industrial Medicine 28:639–59; Elliott, R. C., J. R. Jones, D. M. McElvenny, et al. 1999. "Spontaneous Abortion in the British Semiconductor Industry: An HSE Investigation," American Journal of Industrial Medicine 36:557–72; Comment in American Journal of Industrial Medicine 36:584–586.

[4] https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=LEGISSUM%3Al32042

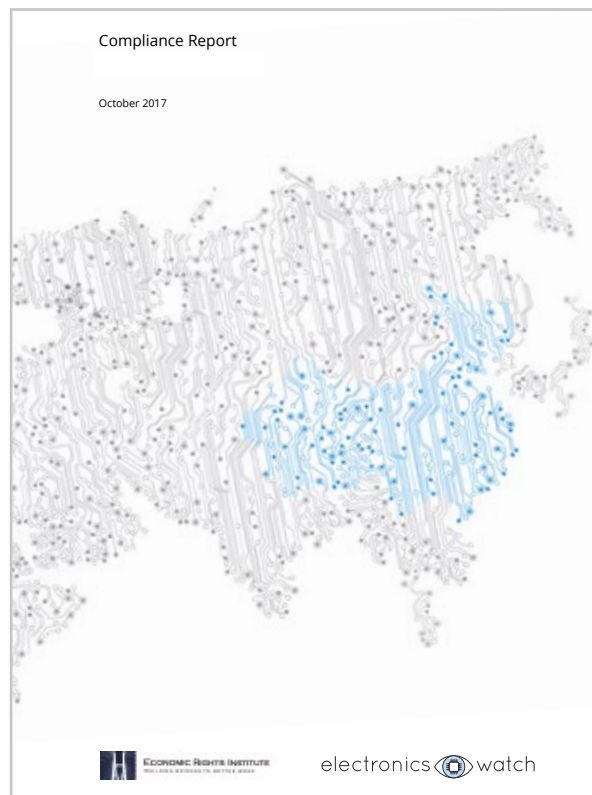[5] http://www.hse.gov.uk/foi/internalops/ocs/200-299/273_20/#Regulation-7

and target organs like the kidneys in the case of toluene. Some workers have experienced miscarriages and others have reported respiratory problems, also linked to the chemicals. They may not be able to prove that these adverse health impacts are work-related. However , the combination of scientific knowledge on the risks associated with the chemicals and workers' own reports of adverse health impacts consistent with the scientific understanding of risks should be enough to trigger the precautionary principle. Thus, even if companies state that they cannot confirm that workers' ill health is work-related, they must seek to protect workers from possible adverse health effects from these chemicals, based on the precautionary principle.

6.2 Reporting

The report is the tool we use to engage companies to remedy violations and improve working conditions. It is always a joint report by your organisation and Electronics Watch based on the monitoring that you have completed. The audience is companies that have caused the violations, contributed to them, or are linked to them through their supply chain. Those companies may be the employer, the factory, and/or buyers. They are responsible for the violations under domestic law or international human rights due diligence guidance. In most cases where Electronics Watch is involved, they are also responsible under the terms of contracts of Electronics Watch affiliates, which are public sector buyers. The goal of the report is to help affiliates enforce their contracts to ensure the companies take action to remedy the violations and engage transparently with your organisation and Electronics Watch.

Before you start writing the report carefully study the Compliance Report Template. The Template explains in detail how to put together each section of the report.

The core part of the report is the Table of Findings and Recommendations. As long as you have done the analysis, this is straightforward. Be sure to distinguish between "findings of violations," and "risk of violations" (Section 6.1, "Is it a finding of a violation? "). The recommendations should be based on your analysis of remediation (Section 6.1, "What is remediation?").

Compliance Report

October 2017

Economic Rights Institute   electronics watch

Writing tips

Good writing matters. The easier to understand the report, the more impactful it is. However, a monitoring report is not poetry. We do not need elegant language. Just focus on getting your point across as clearly as possible. Here are some tips:

The report is the tool we use to engage companies to remedy violations and improve working conditions.

- Remember that the goal is to drive change: to remedy violations and improve working conditions. Always ask, "Do I need to say this in order to drive change?"

- Use short, clear sentences. Most of us use English as a second or third language. So it is extra important to try to be clear.

- Do not use abbreviations or jargon without explanation.

- Use the active tense. That is, always state who is doing what. Do not hide the subject. For example, do not state, "It was reported that…" Instead, state: "Workers reported that…"

- Always use as few words as you can to get your point across.

If you have statements from workers in their own words, consider using a few vivid and colourful quotations that help the reader remember your point. For example:

- High turn-over: "People get hired in the morning and quit in the afternoon"

- Overwork: "You get income from [the factory] by giving your life. If you do not think your body is strong, it is best you do not come here. You will die."

- Dust free work clothing: "There's only a pair of eyes showing"

6.3 Engaging companies

Once the report is complete, we will decide together how to engage the companies. In general, we seek the quickest and most effective route to remedy. If your organisation believes constructive dialogue with local management is possible and effective this should be the starting point as the most local solutions are generally the best solutions. Otherwise we may approach brand buyers first.

In general, we will request that companies engage according to the terms of contracts they (or their resellers) have with Electronics Watch affiliates. These terms require them to take action to remedy rights violations in supply chains (Section 1). Thus, we will request that they acknowledge the report, agree on a timeline for follow up, and report their own findings against each issue in the Table of Findings and Recommendations (Section 6.2) in detail. We will also seek dialogue to agree on remediation.

6.4 Ongoing monitoring and follow-up

It is important that you plan for ongoing monitoring after the report is complete and company engagement has begun. Ongoing monitoring is usually less labour intensive than the first round of monitoring. The purpose of ongoing monitoring is to support the remediation process.

Seek to do brief follow-up interviews with most workers you interviewed originally either in person or via mobile phones to get a first-hand report on specific actions the company has taken to remedy violations and improve conditions. As during the interview (Section 5.3), ask workers to report details: what are the changes, where and when were they implemented, and who was involved. Ask workers if they are satisfied with the changes or if additional changes should be made.

Depending on the issues you should also plan to be part of the remediation process. Workers may need trainings on their rights and what to do if they believe their rights are violated. Management likewise may need training on how to act to respect workers' rights.

If we are not making sufficient progress we may want to invite Electronics Watch affiliates to support recommendations for remediation in their engagement with suppliers. Consider producing a brief video for affiliates where you simply speak to the camera stating the three most important findings and recommendations and outline the methods you used.

It is important that you plan for ongoing monitoring after the report is complete and company engagement has begun.

7- Now what?

Congratulations! You have reached the end of the Guidance. Now keep it on hand as a reference guide to make sure you are closely following the methodology in your day-to-day monitoring with Electronics Watch.

You will also have noticed that this is version 1.0. There will be other versions, explaining additional methods, and going further in depth on specific issues. So when you get an idea—about something that should be done differently, about an issue that is difficult to investigate—drop us a note. We will keep track of all your ideas and follow up with you for the updated version of the Guidance.

8- Resources

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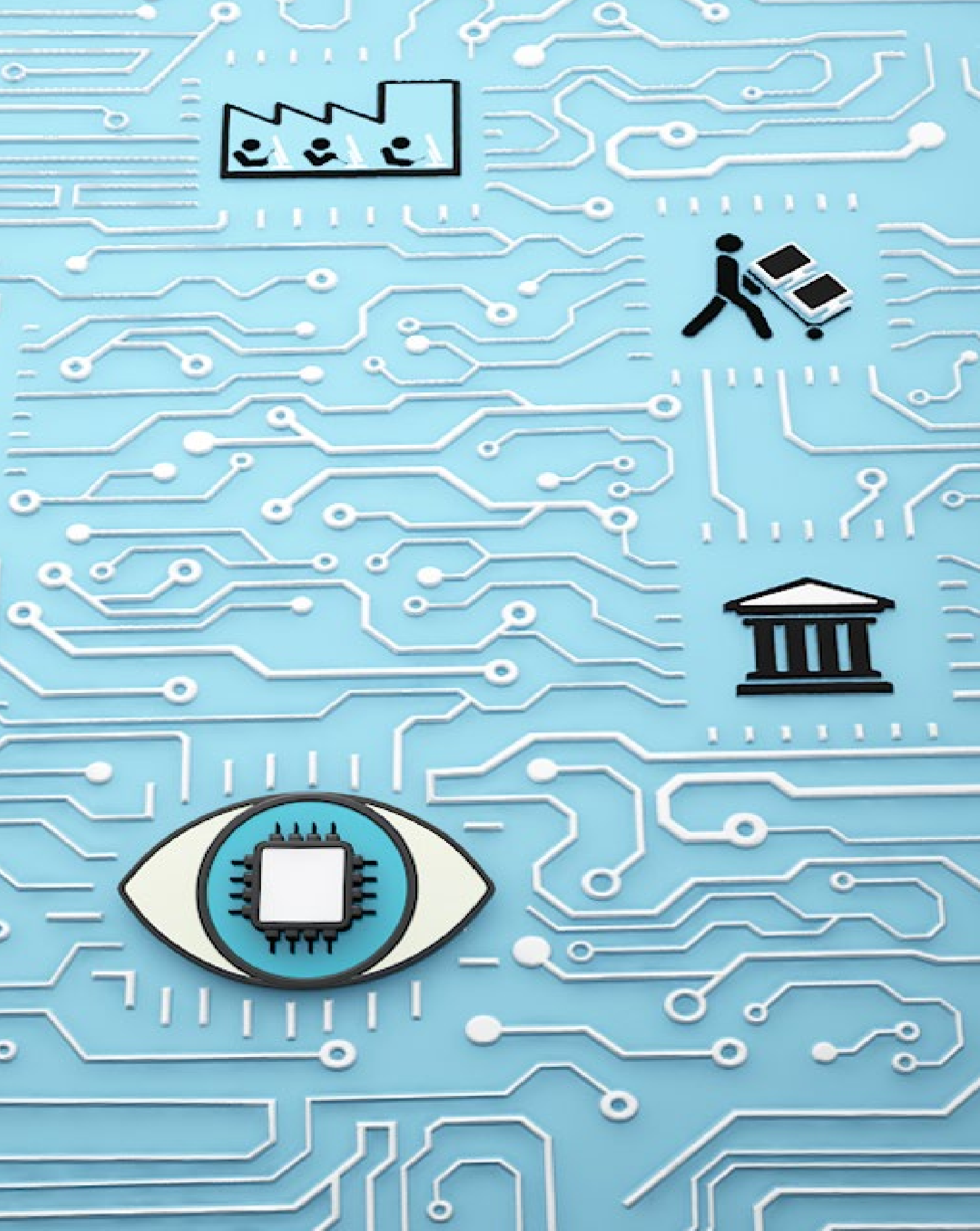United Nations (1948). Universal Declaration of Human Rights: www.un.org/Overview/rights.html

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