

Electronics Watch Code

Introduction

This Code sets out standards for the production of Goods. To be in compliance with this Code, the Contractor must exercise due diligence to ensure that the Goods are produced under conditions that comply with all the listed standards. This means:

- where the standards relate to the rights of and conditions for Employees, the Goods must be produced by Employees who benefit from all of those rights and conditions;
- where the standards relate to workplaces, the Goods must be produced in workplaces that meet all of these standards;
- in both cases, the trading conditions should include a fair and reasonable timeframe for delivery, forecasting that mitigates business spikes, fair pricing of Goods, and a proportionate transfer of risk through the supply chain. Trading conditions should take into account their impact on wages in the Factories (see Socially Responsible Trading Conditions in Electronics Watch Contract Conditions).

Employees are involved in the production of Goods, for the purposes of this Code, if they have any involvement in the manufacturing of the Goods or of the electronic components from which the Goods are assembled, i.e., if they have any connection to the subject matter of the Contract.

For the purpose of this Code, the term “Employees” includes not only directly employed workers but also informal workers, as well as contract workers, subcontractors, agency and other sorts of temporary workers and all other persons performing work or work-related activities, including persons in training, interns and apprentices, and individuals exercising the authority, duties or responsibilities of an employee.

Standards

Goods must be produced in compliance with all applicable domestic laws, rules and regulations, including international standards that are applicable to employers under domestic law.

Whenever international and domestic standards differ the standard that affords the greater protection for Employees and Communities shall apply, unless this Code requires the performance of an act that violates a domestic law in a country of production. In particular, international standards must be honoured by:

- permitting all activities related to freedom of association that are not prohibited by domestic law, and
- avoiding practices that violate international standards unless a practice is mandated by domestic law.

The Code is made up of three sections: Labour (Section A), Occupational Health and Safety (Section B), and Environment (Section C).

A. LABOUR

Standards

1. Domestic Labour Standards

Relevant applicable domestic labour law includes (but is not limited to) laws regulating:

- Wages and benefits, including overtime compensation;
- Hours of work, public holidays and leave;
- Discipline, violence, harassment and abuse;
- Contracts for short-term and long-term Employees;
- Freedom of association and collective bargaining;
- Prohibition of forced labour;
- Prohibition of child labour;
- Prohibition of discrimination; and
- Social security.

2. International Labour Standards

Goods must be produced with respect for the following international labour standards:

- ILO Core Conventions (ILO No. 29, 105, 87, 98, 100, 111, 138 and 182);
- Articles 23 of the United Nations Universal Declaration of Human Rights
- Article 32 of the United Nations Convention on Rights of the Child
- Additional ILO Conventions and Recommendations listed in each subsection.

Examples of Violations

1. Employment is freely chosen

(Relevant ILO Conventions: No. 29¹ and No. 105²)

All work must be undertaken voluntarily. No Employee must be coerced to work under the menace of any penalty, such as violence or intimidation, manipulated debt, retention of identity papers, or threats of denunciation to immigration authorities.

Examples of violations include but are not limited to:

- 1.1. Use of bonded labour. Examples of violations include but are not limited to requiring payment of a debt to the employer or a third party in order to leave employment.
- 1.2. Abuse of prison labourers. Examples of violations include, but are not limited to:
 - 1.2.1. Using a prisoner for work without that prisoner's consent.
 - 1.2.2. Treating prisoners less favourably than non-prisoners with respect to wages, hours of work, or health and safety protections.
- 1.3. Recruiting, transporting, transferring, harbouring or receiving persons by means of threat, force, coercion, abduction, fraud, deception, or abuse of power or of a position of vulnerability.
- 1.4. Prevention of an Employee from freely entering or leaving employment or a workplace. Examples of non-compliance include, but are not limited to:
 - 1.4.1. Preventing an Employee from voluntarily leaving a workplace, including dormitories and the Factory area.
 - 1.4.2. Locking any exits of a workplace or dormitory, unless it is ensured that no one is present indoors, e.g. for security reasons during off hours.
- 1.5. Holding, destroying, concealing, confiscating or refusing to return any personal document to an Employee upon request, including identity or immigration documents (e.g., passports, identity documents, work permits, residency papers) and employment contracts, unless otherwise required by law.

¹ C029 - Forced Labour Convention, 1930 (No. 29), Convention concerning Forced or Compulsory Labour (Entry into force: 01 May 1932).

² C105 - Abolition of Forced Labour Convention, 1957 (No. 105), Convention concerning the Abolition of Forced Labour (Entry into force: 17 Jan 1959!).

1.6. Using or threatening to use violence, deportation, visa cancellation, immigration action or arrest to force an Employee to work.

1.7. Use of economic coercion in conjunction with forced overtime. Examples of violations include but are not limited to:

1.7.1. Requiring overtime work in order for an Employee to make a legally mandated minimum wage.

1.7.2. Compelling an Employee to work hours beyond legal limits by threatening to terminate employment or eliminate overtime hours.

1.8. Forcing student Employees, interns and apprentices to complete an internship or apprenticeship against their will.

1.9. Imposing or threatening to impose a penalty on Employees, or other forms of coercion, in the event of legal resignation.

2. Fair recruitment

(Relevant ILO Conventions: No. 97³, 105,⁴ 111,⁵ 143⁶)

The Employees shall not be subject to any abuses or fraudulent practices in recruitment. No recruitment fees or related costs⁷ should be charged to, or otherwise borne by Employees or jobseekers. Examples of violations include but are not limited to:

2.1. Requiring recruited Employees or jobseekers to pay employers' or agents' recruitment fees or other related costs for their employment.

2.2. Failing to ensure that written employment contracts are concluded, and that they are transparent and are understood by the Employees. Examples of violations include, but are not limited to:

2.2.1. Failing to specify the working conditions in an appropriate, verifiable, and easily understandable manner, in a language which the Employees

³ C097 - Migration for Employment Convention (Revised), 1949 (No. 97)

⁴ C105 - Abolition of Forced Labour Convention, 1957 (No. 105), Convention concerning the Abolition of Forced Labour (Entry into force: 17 Jan 1959!).

⁵ C111 - Discrimination (Employment and Occupation) Convention, 1958 (No. 111), Convention concerning Discrimination in Respect of Employment and Occupation (Entry into force: 15 Jun 1960).

⁶ C143 - Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143)

⁷ The terms 'recruitment fees' or related costs refer to any fees or costs incurred in the recruitment process in order for Employees to secure employment or placement, regardless of the manner, timing or location of their imposition or collection (ILO General principles and operational guidelines for fair recruitment).

can understand, and through written contracts in accordance with national laws, regulations, employment contracts and applicable collective agreements.

- 2.2.2. Failing to inform the Employees of the terms and conditions of their employment, as well as the location, requirements and tasks of the job for which they are being recruited.
 - 2.2.3. Failing to obtain Employees' informed consent to the terms of the contract without deception or coercion.
 - 2.2.4. Failing to provide migrant Employees with their employment contracts sufficiently in advance of departure from the country of origin.
 - 2.2.5. Substituting or changing the employment contract upon arrival in the receiving country unless these changes are made to meet local law and provide equal or better terms.
- 2.3. Failing to evaluate compliance by other parties involved in the recruitment process (e.g., public employment services and private recruitment agencies) when Employees are not being directly recruited, or, where it is not feasible, to contractually require those parties to operate in accordance with legal requirements.
 - 2.4. Retaliating against or blacklisting Employees, in particular those who report recruitment abuses or fraudulent recruitment practices anywhere along their supply chain.
 - 2.5. Undertaking recruitment as a means to displace or diminish an existing workforce, lower wages or working conditions, or otherwise undermine decent work.
 - 2.6. Requiring jobseekers to renounce their rights to join and form workers' organisations and to bargain collectively in the recruitment process.
 - 2.7. Failing to provide or facilitate effective access to grievance and other dispute resolution mechanisms, and to appropriate remedies, for Employees who may have suffered abusive treatment in the recruitment process.
 - 2.8. Engaging Employees through agencies and other labour recruiters known to charge recruitment fees or related costs to Employees.

3. Freedom of association and the right to collective bargaining

(Relevant ILO Conventions: No. 87,⁸ No. 98⁹ and No. 135;¹⁰ Relevant ILO Recommendation: No. 143¹¹)

The Employees must enjoy freedom of association and the right to collective bargaining. Examples of violations include but are not limited to:

- 3.1. Interference with an Employees' organisation or its efforts to organize Employees. Examples of non-compliance include, but are not limited to:
 - 3.1.1. Restricting the right of Employees to form or join a union of their own choosing.
 - 3.1.2. Promoting the formation of an Employees' organisation to compete against an existing Employees' organisation.
 - 3.1.3. Interfering with, manipulating or controlling an Employees' organisation.
 - 3.1.4. Spreading or contributing to the spread of misinformation against an Employee's representative or an Employee's organisation.
 - 3.1.5. Limiting the freedom of Employees to meet without management present.
 - 3.1.6. Restricting access of Employees' representatives to Employees in the workplace.
- 3.2. Discrimination against a member of an Employees' organisation. Examples of violations include but are not limited to:
 - 3.2.1. Using membership in, or activities with, an Employees' organisation as a factor when making hiring decisions.
 - 3.2.2. Using a blacklist of members of an Employees' organisation to ensure that they are not employed.
 - 3.2.3. Offering or providing any incentive to Employees to keep them from joining, or participating in the activities of, an Employees' organisation.
 - 3.2.4. Threatening, intimidating or harassing Employees who join, consider joining, or participate in the activities of, an Employees' organisation.

⁸ C087 - Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) Convention concerning Freedom of Association and Protection of the Right to Organise (Entry into force: 04 Jul 1950).

⁹ C098 - Right to Organise and Collective Bargaining Convention, 1949 (No. 98), Convention concerning the Application of the Principles of the Right to Organise and to Bargain Collectively (Entry into force: 18 Jul 1951), df.

¹⁰ C135 - Workers' Representatives Convention, 1971 (No. 135), Convention concerning Protection and Facilities to be Afforded to Workers' Representatives in the Undertaking (Entry into force: 30 Jun 1973),

¹¹ R143 - Workers' Representatives Recommendation, 1971 (No. 143), Recommendation concerning Protection and Facilities to be Afforded to Workers' Representatives in the Undertaking.

- 3.2.5. Discriminating, retaliating, intimidating or harassing Employees who openly communicate and share ideas and concerns with management regarding working conditions and management practices.
- 3.3. Refusal to bargain collectively in good faith on any issue or failure to implement any term in a collective bargaining agreement. Examples of non-compliance include, but are not limited to:
- 3.3.1. Refusing to bargain collectively.
 - 3.3.2. Limiting the issues that can be negotiated during collective bargaining.
 - 3.3.3. Failing to implement any provision of a collective bargaining agreement in force.
 - 3.3.4. Contracts that do not provide Employees with significant monetary and non-monetary benefits beyond those already required by law and prevent Employees from benefitting from collective bargaining.
- 3.4. Interference with a strike by Employees or retaliation against any Employee for striking. Examples of non-compliance include, but are not limited to:
- 3.4.1. Hiring new Employees to replace striking Employees.
 - 3.4.2. Punishing any Employee for participating in a strike.
 - 3.4.3. Failing to reinstate all eligible Employees after striking.
 - 3.4.4. Using security guards, the police or armed forces to break up a peaceful strike or to arrest any striking Employee.

4. No discrimination in employment

(Relevant ILO Conventions: 100¹² 111¹³ and 183¹⁴ and Article 68 of Convention 102¹⁵; Relevant ILO Recommendation: No. 90¹⁶)

Discrimination must not be used in the hiring, conditions of work, pay, benefits, opportunities for promotion, access to training, retirement, termination, or any other aspect of the employment relationship. Examples of violations include but are not limited to:

4.1. Recruiting in a way that expresses a discriminatory preference.

¹² C100 - Equal Remuneration Convention, 1951 (No. 100), (Entry into force: 23 May 1953).

¹³ C111 - Discrimination (Employment and Occupation) Convention, 1958 (No. 111), Convention concerning Discrimination in Respect of Employment and Occupation (Entry into force: 15 Jun 1960).

¹⁴ C183 - Maternity Protection Convention, 2000 (No. 183), Convention concerning the revision of the Maternity Protection Convention (Revised), 1952 (Entry into force: 07 Feb 2002).

¹⁵ C102 - Social Security (Minimum Standards) Convention, 1952 (No. 102), Convention concerning Minimum Standards of Social Security (Entry into force: 27 Apr 1955).

¹⁶ R090 - Equal Remuneration Recommendation, 1951 (No. 90), Recommendation concerning Equal Remuneration for Men and Women Workers for Work of Equal Value.

- 4.2. Discrimination in a decision regarding:
- 4.3. Harassing an Employee in a way that discriminates, including sexual harassment.
- 4.4. Requiring an Employee to undergo a pregnancy test or to use contraception.
- 4.5. Requiring an Employee to undergo medical tests or physical exams that could be used in a discriminatory way.
- 4.6. Paying migrant Employees lower wages or less benefits or otherwise discriminate against migrant Employees.

For purposes of this section, “discriminate” means to treat an Employee differently based on that Employee’s age, gender, race, colour, origin, religious affiliation, political affiliation, sexual orientation, gender identity and expression, membership in a union or other Employees’ organisation, nationality, ethnicity, indigenous status, social origin, pregnancy, marital status, genetic information or physical or mental disability during any phase of employment.

5. Violence-free work environment

(Relevant ILO Convention: 155,¹⁷ 190;¹⁸ Relevant ILO Recommendation: No. 206¹⁹)

The Employees shall not be subject to any harsh or inhumane treatment including any sexual harassment, sexual abuse, corporal punishment, mental or physical coercion or verbal abuse, or the threat of any such treatment. Examples of violations include but are not limited to:

- 5.1. Failing to take measures to identify, assess, prevent and address any form of violence and harassment, bullying, intimidation, and/or exploitation, in particular, of women Employees, migrant Employees and other Employees belonging to vulnerable groups. Examples of non-compliance include, but are not limited to:
 - 5.1.1. Failing to take into account violence and harassment and associated psychosocial risks in the management of occupational safety and health.
 - 5.1.2. Failing to take measures to identify, assess, prevent and address any form of gender-based violence risks, including sexual harassment, sexual exploitation and abuse to Employees and Communities.
 - 5.1.3. Failing to ensure effective means of inspection and investigation of cases of violence and harassment occurring in the course of, linked with or arising out of work.

¹⁷ C155 - Occupational Safety and Health Convention, 1981 (No. 155)

¹⁸ C190 - Violence and Harassment Convention, 2019 (No. 190)

¹⁹ R206 - Violence and Harassment Recommendation, 2019 (No. 206)

5.2. Failing to facilitate access to safe and effective complaint and dispute resolution mechanisms, support, services and remedies for victims of any form of violence and harassment at work.

5.3. Restricting the right of Employees to remove themselves from a work situation which they have reasonable justification to believe presents an imminent and serious danger to life, health or safety due to violence and harassment, without suffering retaliation or other undue consequences.

6. No exploitation of child labour and young Employees

(Relevant ILO Conventions: No. 138²⁰ and No. 182²¹; Art. 32 UN Convention on the Rights of the Child)

Child labour must not be exploited in the production of the Goods. Examples of violations include but are not limited to:

6.1. Employing any person under the age of 15, or under the age of completion of compulsory schooling, or under the minimum age for employment in the country, whichever is greatest.

6.2. Failure to keep adequate records of Employees under 18 years of age. Examples of violations include, but are not limited to:

6.2.1. Failing to verify the age of an Employee appearing to be under 18 years of age with available documentation.

6.2.2. Failing to keep a registry of all Employees under 18 years of age.

6.3. Employing an Employee under 18 years of age in a manner that is economically exploitative or is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral, or social development. Examples of non-compliance include, but are not limited to:

6.3.1. Failing to subject all work of persons under the age of 18 to an appropriate risk assessment prior to the work commencing and regular monitoring of health, working conditions, and hours of work.

6.3.2. Allowing an Employee under 18 years of age to work overtime or at night.

²⁰ C138 - Minimum Age Convention, 1973 (No. 138), Convention concerning Minimum Age for Admission to Employment (Entry into force: 19 Jun 1976).

²¹ C182 - Worst Forms of Child Labour Convention, 1999 (No. 182), Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (Entry into force: 19 Nov 2000).

6.3.3. Allowing an Employee under 16 years of age to do physically hazardous work.

6.3.4. Allowing an Employee between 16 and 18 years of age to do physically hazardous work without adequate safety training.

6.3.5. Shouting at, insulting, or hitting an Employee under 18 years of age.

6.4. Using student Employees, interns, and apprentices in order to avoid obligations of labour and social security laws and regulations arising from regular employment relationships.

6.5. Payment of wages and benefits to student Employees, interns and apprentices that are below those of other entry-level Employees performing equal or similar tasks, unless otherwise permitted under domestic law.

6.6. Failing to provide appropriate support and training to all student Employees.

7. No excessive working hours

(Relevant ILO Convention: No. 1²²)

Employees involved in the production of the Goods must not be required to undertake excessive working hours. Examples of violations include but are not limited to:

7.1. Requiring Employees to work in excess of 48 hours per week.

7.2. Requiring Employees to work more than six days in a row without at least 24 consecutive hours off.

7.3. Compelling non-voluntary overtime work.

7.4. Allowing voluntary overtime work in excess of 12 hours per week.

7.5. Failure to compensate overtime at a premium rate.

8. No abusive termination of employment

(Relevant ILO Convention: 158²³)

The Employees involved in the production of the Goods must not have their employment terminated unless there is a valid reason for such termination based on the capacity or conduct of the Employee or on the operational requirements of the Factory. Examples of violations include but are not limited to:

²² C001 - Hours of Work (Industry) Convention, 1919 (No. 1).

²³ C158 - Termination of Employment Convention, 1982 (No. 158), Convention concerning Termination of Employment at the Initiative of the Employer (Entry into force: 23 Nov 1985).

- 8.1. An Employee's employment must not be terminated because the Employee:
- 8.1.1. Is a member of an Employees' organisation, participates in activities of an Employees' organisation outside working hours or, with the consent of the employer, within working hours;
 - 8.1.2. Seeks office as, or acts or has acted in the capacity of, an Employees' representative;
 - 8.1.3. Files a complaint or participates in proceedings against an employer involving alleged violations of laws or regulations or recourse to competent administrative authorities;
 - 8.1.4. Identifies as a particular race, colour, sex, sexual orientation, marital status, religion, political persuasion, national extraction or social origin;
 - 8.1.5. Is pregnant or has certain family responsibilities;
 - 8.1.6. Is absent from work during maternity leave;
 - 8.1.7. Is temporarily absent from work because of illness or injury.

9. Legal wages

(Relevant ILO Conventions: No. 95,²⁴ No. 131,²⁵ No. 173²⁶)

The Goods must be produced by Employees who receive the remuneration to which they are legally entitled. Examples of violations include but are not limited to:

- 9.1. Payment of wages and benefits to Employees that are less than those defined in applicable domestic laws and collective bargaining agreements, including those relating to minimum wages, overtime hours and benefits.
- 9.2. The use of wage deductions as a disciplinary measure or for reasons not provided for by domestic law without the express permission of the Employee concerned.
- 9.3. Failure to provide an Employee complete and accurate written information about employment conditions in respect to wages before beginning of employment.
- 9.4. Failure to provide pay slips with all legally required information, including details of the gross wages for the pay period and the taxes and any other deductions for the pay period concerned.
- 9.5. Failure to provide an Employee with a legally required permanent contract.

²⁴ C095 - Protection of Wages Convention, 1949 (No. 95), Convention concerning the Protection of Wages (Entry into force: 24 Sep 1952).

²⁵ C131 - Minimum Wage Fixing Convention, 1970 (No. 131), Convention concerning Minimum Wage Fixing, with Special Reference to Developing Countries (Entry into force: 29 Apr 1972).

²⁶ C173 - Protection of Workers' Claims (Employer's Insolvency) Convention, 1992 (No. 173).

10. Living wages

(Art. 23 Universal Declaration of Human Rights)

The Goods should be produced by Employees who receive a living wage.

For the purposes of the Code a “living wage” means a “take home” or “net” wage (excluding any taxes, bonuses, allowances, or overtime wages) earned during a country’s regular legal maximum work-week (not exceeding 48 hours), which is sufficient to pay for the basic needs (housing, energy, nutrition, clothing, health care, education, potable water, childcare, transportation and provision for unexpected events) of the Employees and their families,²⁷ and includes an additional 10% of the cost of basic needs as discretionary income. Examples of violations include but are not limited to:

- 10.1. Failing to calculate a living wage standard applicable to all Employees.
- 10.2. Failing to develop, publish, and implement a timebound plan to pay all Employees a living wage.

²⁷ The number of workers per family and of family members varies by country and location.

B. OCCUPATIONAL HEALTH AND SAFETY

Standards

(Relevant ILO Conventions: No. 115²⁸, No. 119²⁹, No. 120³⁰, No. 136³¹, No. 139³², No. 148³³, No. 155³⁴, No. 161³⁵, No. 170³⁶, No. 174³⁷, No. 183³⁸, No. 187³⁹, and No. 190⁴⁰)

The Goods must be produced under healthy and safe working conditions, in compliance with domestic and international labour standards, guaranteeing respect for Employees' and Communities' health and the environment.⁴¹ The Goods should be produced in Factories that maintain effective occupational health and safety (OHS) programmes in the following three areas: comprehensive OHS programmes; identi-

²⁸ C115- Radiation Protection Convention, 1960 (No. 115) Convention concerning the Protection of Workers against Ionising Radiations (Entry into force: 17 Jun 1962).

²⁹ C119 - Guarding of Machinery Convention, 1963 (No. 119) Convention concerning the Guarding of Machinery (Entry into force: 21 Apr 1965).

³⁰ C120 - Hygiene (Commerce and Offices) Convention, 1964 (No. 120) Convention concerning Hygiene in Commerce and Offices (Entry into force: 29 Mar 1966).

³¹ C136 - Benzene Convention, 1971 (No. 136) Convention concerning Protection against Hazards of Poisoning Arising from Benzene (Entry into force: 27 Jul 1973).

³² C139 - Occupational Cancer Convention, 1974 (No. 139) Convention concerning Prevention and Control of Occupational Hazards caused by Carcinogenic Substances and Agents (Entry into force: 10 Jun 1976).

³³ C148 - Working Environment (Air Pollution, Noise and Vibration) Convention, 1977 (No. 148).

³⁴ C155 - Occupational Safety and Health Convention, 1981 (No. 155).

³⁵ C161 - Occupational Health Services Convention, 1985 (No. 161) Convention concerning the Protection of Workers against Occupational Hazards in the Working Environment Due to Air Pollution, Noise and Vibration (Entry into force: 11 Jul 1979).

³⁶ C170 - Chemicals Convention, 1990 (No. 170) Convention concerning Safety in the use of Chemicals at Work (Entry into force: 04 Nov 1993).

³⁷ C174 - Prevention of Major Industrial Accidents Convention, 1993 (No. 174) Convention concerning the Prevention of Major Industrial Accidents (Entry into force: 03 Jan 1997).

³⁸ C183 - Maternity Protection Convention, 2000 (No. 183) Convention concerning the revision of the Maternity Protection Convention (Revised), 1952 (Entry into force: 07 Feb 2002).

³⁹ C187 - Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187) Convention concerning the promotional framework for occupational safety and health (Entry into force: 20 Feb 2009).

⁴⁰ C190 - Violence and Harassment Convention, 2019 (No. 190) Convention concerning the elimination of violence and harassment in the world of work.

⁴¹ In Sections B and C of this Code, the term "Community" refers to the people who live within a geographic region who have been or can be affected by, or have an interest in, the occupational health and safety or environmental practices of a Factory. Following the definition of "the public concerned" in the Aarhus convention (1998), non-governmental organizations promoting environmental protection and meeting any requirements under national law shall be deemed to have an interest (Convention on Access to Information, Public Participation in Decision-Making and Access to Justice In Environmental Matters).

fication, evaluation, and control of health and safety hazards; and worker participation in the development, implementation, and verification of OHS programmes.

Examples of Violations

Examples of violations include but are not limited to:

1. Evaluation and monitoring

- 1.1. Failing to undertake an assessment commensurate to the level of safety and health risks, to develop a project specific safety and health plan, and to periodically review such plan to evaluate its effectiveness to address related risks.
- 1.2. Failing to ensure comprehensive ongoing industrial hygiene and environmental monitoring to measure the release and exposure to all hazardous materials used in manufacturing and production.
- 1.3. Failing to evaluate and control:
 - 1.3.1. hazards from factory buildings, machinery, equipment, tools, and production processes;
 - 1.3.2. hazards from electrical equipment and installations;
 - 1.3.3. hazards from chemical, physical, and biological agents; and
 - 1.3.4. hazards from physically demanding tasks, including manual material handling and heavy or repetitive lifting, prolonged standing, highly repetitive or forceful assembly tasks and highly demanding visual tasks.
- 1.4. Failing to evaluate and control specific risks associated with certain work activities that could result in adverse effects on the health, safety and wellbeing of Employees who may be particularly vulnerable because of their age, gender, disability, migration status, or short or long-term health conditions: This includes, in particular, failing to ensure that children, young workers and women who are pregnant, who have recently given birth or who are breastfeeding, never use or otherwise be exposed to toxic substances at work.
- 1.5. Failing to evaluate machinery for safety hazards, including failing to provide and properly maintain physical guards, interlocks and barriers where machinery presents an injury hazard to Employees.
- 1.6. Failing to ensure comprehensive, occupationally relevant health surveil-

lance for all Employees.

- 1.7. Failing to ensure protection of individual confidentiality in monitoring and exposure data.

2. Transparency

- 2.1. Failing to maintain an inventory of all materials and chemical substances used and generated throughout the production process and to disclose it to Employees and their representative organizations upon reasonable request.
- 2.2. Failing to promote full transparency to Employees with respect to information on hazardous substances⁴² found in the manufacturing of the Goods, including those used in production, contained in the Goods, or found in the Factory. Each chemical used or stored in the Factory that appears on a hazardous substances inventory list, should have an individual Safety Data Sheet with hazard information. This information should be provided to all potentially exposed Employees.
- 2.3. Failing to provide ongoing, full, up-to-date, understandable and free-of-charge health and safety information to Employees and their representative organisations that is sufficient to protect their health and safety, in a form that bears in mind their skills and language proficiency. This includes failing to provide the results of medical examinations; information on the identity and the health, safety and environmental effects of substances used in production and present in the Goods they make even when specific material formulas are confidential; and information on Employees' actual and potential exposure to toxic and otherwise hazardous substances.
- 2.4. Failing to provide Employees and Communities with all relevant occupational and environmental health monitoring protocols and records, including the doses, toxicity, and duration of each person's exposure to hazardous substances and corporate health records.

3. Training

- 3.1. Failing to provide ongoing relevant training to Employees, Community representatives and emergency medical responders on the following issues,

⁴² This means each chemical used or stored in the facility that appears on a hazardous substances inventory list, should have an individual Safety Data Sheet with hazard information, and this information should be provided to all potentially exposed Employees.

and to cooperate with appropriate third-party experts:

- 3.1.1. early warning systems about the inherent hazards of the materials being used;
- 3.1.2. detailed information about hazardous substances in production and best practices for protection from and reduction of exposure to those hazards;
- 3.1.3. how to recognize early signs of adverse health impacts; and,
- 3.1.4. implementation of good industrial hygiene practices to prevent and/or minimize exposure to all hazards.

4. Worker voice

4.1. Failing to ensure the right of Employees:

- 4.1.1. to form and join unions and to organize for self-protection, in particular, failing to ensure the right of female Employees and other classes of Employees at heightened risk to take action to defend their rights.
- 4.1.2. to raise concerns with employers, their co-workers, the press, the public and government agencies, in order to ensure that they themselves and their co-workers are protected, without fear of retaliation;
- 4.1.3. to collectively bargain;
- 4.1.4. to develop and participate in democratically elected health and safety committees, and to be provided with the training, authority and paid release time necessary for them to effectively perform assigned committee tasks;
- 4.1.5. to receive effective health and safety training appropriate to their job assignments and in a language they understand;
- 4.1.6. to monitor and support effective health and safety protections in the workplace;
- 4.1.7. to refuse dangerous, unsafe or unhealthy work without reprisal or discrimination;
- 4.1.8. to have timely access to an appropriate and effective remedy for safety and health violations; and
- 4.1.9. to be protected from retaliation, intimidation, threats and other reprisals for exercising their rights.

5. Safe materials

5.1. Failing to ensure that the risk from hazardous chemicals to the safety and health of Employees and Communities is eliminated. In the event that elimination is not feasible, failing to reduce the risk from hazardous chem-

icals to a minimum by substitution with not hazardous or less hazardous⁴³ chemicals or process.

- 5.2. Failing to implement protection⁴⁴ and prevention measures and exposure controls to ensure that any risks from a hazardous chemical agent to the safety and health of Employees at work is reduced to a minimum, where knowledge does not currently permit such risks to be eliminated by substitution.
- 5.3. Failing to avoid the use of a substance that is inadequately or incompletely categorised and whose environmental or human health effects are unknown, or failing to provide Employees with the best possible protection until the hazards are clarified using safety data sheets.
- 5.4. Failing to safely handle, store, treat, transport and dispose of chemicals and other hazardous materials in order to prevent exposure.
- 5.5. Transferring environmentally unsound technologies and products that are prohibited, cause severe environmental degradation or are found to be harmful to human health, to other countries.

6. Physical environment

- 6.1. Failing to ensure that buildings and structures are safe and healthful facilities, including required lighting, ventilation and air conditioning.
- 6.2. Failing to provide Employees with ready access to clean toilet facilities, potable water and sanitary food preparation, storage, and eating facilities.

7. Occupational injury and diseases

- 7.1. Failing to maintain an effective emergency action plan to prevent and respond to incidents, accidents, natural disasters, and emergencies, including explosions and fires and infectious disease outbreaks, in a manner appropriate to the existent operational risks and the need to prevent or reduce their potential adverse impacts.

⁴³ This means they should be significantly less toxic, persistent, bio accumulative or bio concentrating, carcinogenic, mutagenic, neurotoxic, endocrine disrupting, or hazardous to reproduction and development than the chemicals they replace.

⁴⁴ Including failing to provide Employees with and use appropriate, well-maintained, personal protective equipment, including educational materials about the risks associated with these hazards.

- 7.2. Failing to investigate, document, and analyse the findings, adopt measures to prevent reoccurrence and, where required by law, notify and cooperate with the relevant authorities, in case of work-related accident, injury, or disease.
- 7.3. Failing to ensure that Employees and Community members suffering injury or disease that is caused by exposure to hazardous materials receive emergency relief; adequate, just and timely compensation; and treatment and rehabilitation for as long as is needed.
- 7.4. Failing to maintain accurate statistics of occupational injuries, occupational diseases, and fatalities at the Factory.



C. ENVIRONMENT

Standards

The Goods must be produced with respect for environmental responsibility standards, in compliance with domestic and international environmental law and other applicable regulatory requirements. Adverse effects on the environment and natural resources are to be minimized.

Examples of Violations

Examples of violations include but are not limited to:

1. Compliance with environmental standards

- 1.1. Failing to obtain, maintain and keep current all required environmental permits, approvals and registrations.
- 1.2. Failing to identify, label and manage chemical and other materials posing a hazard to human beings or the environment to ensure their safe handling, treatment, transportation, storage, use, recycling or reuse, and disposal.
- 1.3. Failing to document and monitor water sources, use and discharge; to control channels of contamination; and to monitor, control, and adequately treat all wastewater.
- 1.4. Failing to track and document energy consumption and all relevant greenhouse gas emissions.
- 1.5. Failing to adopt appropriate mitigation measures for efficient and effective resource use, pollution prevention and control, and avoidance, minimisation and reduction of greenhouse gases emissions.
- 1.6. Failing to treat and/or dispose of waste in an environmentally sound and safe manner, where waste cannot be recycled, reused, or recovered.
- 1.7. Failing to ensure that Communities near mineral processing facilities and Communities near mines, are provided with effective levels of protection from occupational health and safety hazards and environmental exposures.
- 1.8. Failing to define and communicate key environmental responsibilities to the

relevant personnel.

- 1.9. Failing to ensure that employees with direct responsibility for activities relevant to the environmental performance of the activity are suitably qualified and trained.

2. Monitoring and mitigating environmental risk

- 2.1. Failing to perform an assessment of the environmental risks and impacts associated with the manufacture and production and to develop protection, prevention and mitigation measures proportionate to the impacts and risks. The assessment of the environmental risks and impacts associated with the manufacture and production should address, amongst others, resource use and the generation of waste and emissions, the potential cumulative impacts of water abstraction upon Communities and local ecosystems, and the potential effects on climate change.
- 2.2. Failing to establish a policy defining the environmental objectives and principles that enable the activity to achieve sound environmental performance.
- 2.3. Failing to develop and implement a programme of mitigation, corrective and preventive actions to address the identified environmental risks and impacts.
- 2.4. Failing to ensure comprehensive ongoing monitoring to measure the environmental performance of the manufacture and production process, including monitoring of the release of all materials of concern used and/or generated in manufacture/production.
- 2.5. Failing to conduct effective, transparent, independent monitoring and public reporting of all discharge streams from all Factories and mines, and eliminate hazardous exposures and discharges to air, waterways, and land.
- 2.6. Failing to implement mitigation measures, technologies and practices, and corrective and preventive actions, where adverse risks and impacts are identified. In particular, failing to eliminate hazardous exposures and discharges to air, waterways, and land.
- 2.7. Failing to establish and maintain a process for transparent, internal reporting of incidents that have harmed Communities and local ecosystems, including up-to-date and accurate records of all environmental releases from all Factories and mines.

3. Safe materials for the environment

- 3.1. Manufacturing, trading or using hazardous substances and materials subject to international bans or phase-outs due to their high toxicity to living organisms, environmental persistence, potential for bioaccumulation, or potential for depletion of the ozone layer.
- 3.2. Failing to apply appropriate risk management measures in order to minimise or control the release of hazardous substances into air, water and/or land resulting from their production, transportation, handling, storage, use and disposal.
- 3.3. Failing to ensure the safe and secure transport of hazardous materials including wastes, and to implement measures to avoid or reduce Community exposure.



