

## ANNEX 5 – BSCI ZERO TOLERANCE PROTOCOL

This document provides details on the Zero Tolerance issues and related protocol for the BSCI Secretariat, BSCI Participants and auditors.

### 1. BACKGROUND

Auditors must carry out the following procedure if during a BSCI Audit (full or follow-up) they identify any Zero Tolerance Issue as defined below.

Zero tolerance issues can be:

- Flagrant human rights violations
- Flagrant unethical behaviour that compromises the integrity of the BSCI Audit
- Found at the production facility as well as at the employer-provided housing that is checked as part of a factory or farm visit

### 2. DEFINITION OF ZERO TOLERANCE ISSUES

#### Child Labour

- Workers who are younger than 15 years old (or the legal minimum age defined by the country, e.g. 14)
- Workers younger than 18 who are subjected to the worst forms of child labour (forced labour, prostitution, pornography and illegal activities)

#### Bonded Labour and inhumane treatment

- Not allowing workers to leave the workplace against their will, including when they are forced to work overtime against their will
- Use of violence or the threat of violence to intimidate workers to force them to work
- Inhumane or degrading treatment, corporal punishment (including sexual violence), mental or physical coercion and/or verbal abuse

#### Occupational Health and Safety

- Occupational health and safety violations that pose an imminent and significant threat to workers' health, safety and/or lives

#### Unethical behaviour

- Attempted bribery of auditors
- Intentional misrepresentation in the supply chain (e.g. hiding production sites)

To be considered zero tolerance, all these issues must be:

- Flagrant at the time of the audit
- Factual and proven

**Confidential comments:** If the auditor has serious suspicions that zero tolerance issues take place, but they are not flagrant at the time of the audit, then the auditor shall report those suspicions under “Executive Summary of Confidential Comments” in the Audit Report.



### 3. PROTOCOL FOR THE AUDITOR

#### 3.1. Due diligence:

The auditor collects as many facts and as much evidence as possible to illustrate the violation. Pictures taken and workers' testimonies help to prove the allegation. When relevant and if possible, auditors inform the victims of their options to seek assistance and to provide referral information.

**IMPORTANT: Victims' identities are only disclosed to the BSCI Secretariat.**

#### 3.2. Action:

The auditor interrupts the regular course of the audit and uses the time left (if any) to:

- Collect as much evidence as possible
- Ensure the well-being of the victim(s). Any action taken must not in any way place the victim in any further danger or make him or her vulnerable to any retribution

#### 3.3. Notification:

**Within 24 hours:** Auditors confronted with these Zero Tolerance situations must notify them to the BSCI Secretariat and the relevant BSCI Participants within 24 hours following detection of the flagrant violation(s).

Notification must be done through the BSCI Platform and inform:

- All BSCI Participants related to that auditee (not only the RSP holder)
- The BSCI Secretariat: Auditing, Stakeholder Relations, System and Communications departments
- The BSCI scheme manager at his/her auditing company

### 4. PROTOCOL FOR THE BSCI SECRETARIAT:

#### 4.1. Due diligence:

**Within 48 hours following the allegation:**

**Auditing Department:** Immediately cross verifies:

- The auditor's collected facts and evidence to validate the reliability
- The auditor's training and competences
- Any previous allegations/complaints with regard to either the auditor's or the auditee's behaviour
- With the auditing company, any additional information or documentary support

**Communications Department:**

Immediately checks media to see if the case could be directly or indirectly related to breaking or ongoing news.



**Stakeholder Relations Department:**

Immediately verifies if BSCI has local partners to contact who could support in addressing the specific issue. This department will check with the BSCI Country Representatives (when applicable) if some information can be corroborated.

**4.2. Coordination:**

Within 72 hours following the allegation. Unethical behaviour may require a longer reaction period as it is often subject to the auditing company's internal investigation procedure.

**System Department:** Upon gathering the information from the other departments, this department organises:

- A conference call with all relevant BSCI Participants
- The integration of relevant local stakeholders (if relevant)
- Definition of investigation steps

**4.3. Follow-up and communication:**

**System Department:** Coordinates according to the specific action plan decided among the related BSCI Participants:

- Action plan and the remediation steps
- Inspection request to the local labour authority (when relevant/if possible)
- Agreement among the BSCI Participants on the remediation process. It will vary depending on the alleged violation and the underlying circumstances

**Communications Department:** Ensures regular communication with/between internal and external stakeholders as appropriate:

Communication with other initiatives if the producer or auditor is part of another initiative, when relevant.

**5. PROTOCOL FOR ALL RELATED BSCI PARTICIPANTS:**

- Links in the BSCI Platform will remain until the immediate conference call
- They react to the BSCI conference call within 72 hours
- They agree to disclose the company identity among the other implicated Participants
- They will become part of an **ad-hoc remediation group** composed of all related Participants. The group will be led by the BSCI Secretariat as per the first conference call
- They will cooperate within the ad-hoc remediation group to, among other things, communicate collectively to the auditee in question
- They will take the decisions on the investigation process and the remediation steps based on absolute majority (50% +1)
- They will suspend any monitoring activities either in progress or scheduled during the timeframe of the Remediation Plan and its implementation
- They will accept relevant stakeholders as part of this ad-hoc remediation group, if necessary
- They will ensure that the effectiveness of the Remediation Plan is verified in due course by means of a full BSCI Audit

