

# Summary Document on Experts Consultation Report

*The following is a summary that highlights a few suggested changes to the standard offered by responders and gives a general sense of the direction they have taken. It is meant as a concise complement to the Discussion and Analysis Paper.*

## **ORGANIZATION OF THE STANDARD:**

No highlights or overall direction from responders.

## **I. PURPOSE AND SCOPE:**

The responders are calling for more detail in this section, with three specific suggestions in mind for all possible readers of SA8000:

1. Separation of “purpose” and “scope” in order to better communicate each concept.
2. Clarification of the purpose and scope of the standard by adding more detail.
3. Addition of language on the importance of the Standard’s management system component that emphasizes that SA8000 seeks to ensure implementation, monitoring and corrective action, or in other words, not just a written system but one that is operational with continuous improvement as a goal. The management system component should be implemented in such a way as to ensure compliance with the other eight labour elements of the standard.

## **II. NORMATIVE ELEMENTS AND THEIR INTERPRETATION**

Responders do not want additional elements added to this section because it puts additional burdens on all parties interested in implementing and auditing SA8000. However, if there were to be an addition it would be the UN Guiding Principles, which seems to fit within the direction the responders are going in towards strengthening the concept of due diligence within SA8000.

## **III. DEFINITIONS**

The main requested changes pertain to editorial work, updating of definitions, and strengthening of the concepts of the SA8000 worker representative and corrective and preventive action. In addition, commenters want the definition of the “living wage” added to this section, using Richard Anker’s (ILO Former Senior Economist) definition:

“Wage earned in a standard work week by an employee in a particular place sufficient to afford a decent standard of living for him/herself and his/her family. Elements of a decent standard of living include adequate food, housing, clothing, education, healthcare, other essential needs and some discretionary income and savings.”

#### **IV. 1. CHILD LABOUR**

The highlights in this section come from Yoshie Noguchi (ILO Child Labour Expert) and consist of major editorial revisions:

1. Use the UN-wide definition of “child” under the Convention on the Rights of the Child, “ which is “Any person less than 18 years of age, irrespective of marital or other legal status.”
  - a. The current definition is, “Any person less than 15 years of age, unless the minimum age for work or mandatory schooling is stipulated as being higher by local law, in which case the stipulated higher age applies in that locality.
2. Amend the definition of “child labour” to contain references to ILO Convention 138 (Minimum Age Convention) and ILO Convention 182 (Convention Concerning The Prohibition And Immediate Action For The Elimination Of The Worst Forms Of Child Labour), which would create “Any work performed by a child younger than the minimum age(s) specified in the above definition; or any work or activity by a child that falls within the definition of the worst forms of child labour under Article 3 of ILO C182 (i.e. their use in forced labour, sexual exploitation, illicit activities, and hazardous work)
  - a. The current definition is “Any work performed by a child younger than the age(s) specified in the above definition of a child, except as provided for by ILO Recommendation 146.”

#### **IV. 2. FORCED AND COMPULSORY LABOUR**

There are three highlights in this section:

1. Amend SA8000 to prohibit recruitment fees by private employment agencies since this prohibition appears in ILO Convention 181. The convention (Private Employment Agencies Convention) states:
  - a. Private employment agencies shall not charge directly or indirectly, in whole or in part, any fees or costs to workers.
  - b. In the interest of the workers concerned, and after consulting the most representative organizations of employers and workers, the competent authority may authorize exceptions to the provisions of paragraph 1 above in respect of certain categories of workers, as well as specified types of services provided by private employment agencies.
  - c. A Member which has authorized exceptions under paragraph 2 above shall, in its reports under article 22 of the Constitution of the International Labour Organization, provide information on such exceptions and give the reasons therefor.
2. Consider how to strengthen the standard’s treatment of private employment agencies in order to address the issue of human trafficking and migrant labour. This may be done in three ways:
  - a. Create a new provision on human trafficking;

- b. Create a category under Forced and Compulsory Labour or Management Systems on regulating or monitoring of business relationships with private employment agencies. (**Emphasizing this under Management Systems is the most popular suggestion**).
  - c. Create a new provision on the Rights of Migrant Workers.
3. Add the requirement of a process similar to “child labour remediation” if recruitment fee / travel charges have been charged in excess of legally agreed payments.

#### **IV. 3. HEALTH AND SAFETY**

A majority of the responders have asked that the section be strengthened with a few additions that would make health and safety management more systematic in nature:

1. Require a formal Occupational Health and Safety risk assessment;
2. Require management/worker health and safety committees, and require that there be effective communication of decisions taken by management and the health and safety committee;
3. Require companies to have a formal Health and Safety management system that contains systems to detect, avoid, and respond to potential risks.
4. Add the recent SAAS fire safety advisory (Advisory 18) as an Annex A to the standard.

#### **IV. 4. FREEDOM OF ASSOCIATION AND RIGHT TO COLLECTIVE BARGAINING**

No highlights or overall direction from responders.

#### **IV. 5. DISCRIMINATION**

The only highlight in this section from responders is to: “Add acknowledgement of “positive discrimination,” such as preferred employment of minorities, vulnerable groups, etc., such as are in some countries required by law (some countries require the workforce to contain a certain percentage of disabled workers, for example).”

#### **IV. 6. DISCIPLINARY PRACTICES**

No highlights or overall direction from responders.

#### **IV. 7. WORKING HOURS**

The highlight of this section is the issue of the regular use of overtime. The question posed is, “is it compliant to ask employees to work one hour of overtime every week paid with a premium salary, or does this violate the requirement of providing employees with a regular working hours schedule that does not include overtime hours?” The desired amendment is to ***prohibit the regular use of overtime.***

#### **IV. 8. REMUNERATION**

Responders want two amendments to this section, one a strengthening of a current requirement, the other an updating of a current concept:

1. Either outright prohibit the use of disciplinary deductions or strengthen the provision by indicating that wage deductions shall not exceed limits prescribed by national law, shall not drop employees' wages below the minimum wage, and that employees will be duly informed of the terms and conditions surrounding such deductions.
2. Update 8.3 on form of wage payment by eliminating the phrase "...either in cash or check form" and simply stating, "...remuneration shall be rendered in a manner convenient to workers." This allows the use of wire transfers, which are increasingly common, and may be supported by inserting a prohibition of payment in the form of vouchers, coupons or promissory notes (as per relevant ILO Convention).

#### **IV. 9. MANAGEMENT SYSTEMS**

This section received the most attention and the most specific suggestions from responders. Here are the highlights:

1. Tie the headings in this section to those of Social Fingerprint. However, keep "SA8000 Worker Representative" in order to direct attention to it, as it is a crucial part of the SA8000 system.
2. State the acceptability of multiple SA8000 Worker Representatives and require that multiple representatives be elected in order to allow at least one per working shift.
3. Require the 9.2 Management Representative to have decision-making authority; so not the Quality Manager but someone with enough responsibility, decision making power, and control over budget to make changes; such as the CEO, President, or Executive Vice President.
4. Management review may be structured more prescriptively by listing minimum requirements such as: review of complaints and feedback, worker representative meeting comments, internal audit results, and improvement suggestions.
5. Either require the SA8000 Worker Representative to participate in 9.4 Management Review or require that agendas and results of management review meetings are discussed with the worker representative(s) to seek their input and facilitate further dialogue.
6. Focus on strengthening 9.7 "Control of Suppliers/Subcontractors and SubSuppliers" by requiring the evaluation of suppliers by priority (spend x risk of social issues), approval, on-going assessment, and participation in corrective/preventive actions.
7. Clarify the meaning of corrective and preventive actions.