

Expert Consultation
Report: SA8000:2014
Revision
June 2013



Prepared by Social Accountability International (SAI)

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I. Overview

From May 1 2013 to July 15, 2013 a consultation process was undertaken as part of the SA8000: 2014 revision. The consultation consisted of written responses to a questionnaire and phone interviews by subject matter experts.

The majority of the participating experts belong to NGOs, followed by the private sector and academia. Participation statistics by region show a near even representation of experts from North America (12), Europe (11), and Asia-Pacific (10).

II. Introduction

Social Accountability International (SAI) is a non-governmental, multi-stakeholder organization whose mission is to advance the human rights of workers around the world. It partners to advance the human rights of workers and to eliminate sweatshops by promoting ethical working conditions, labour rights, corporate social responsibility and social dialogue.

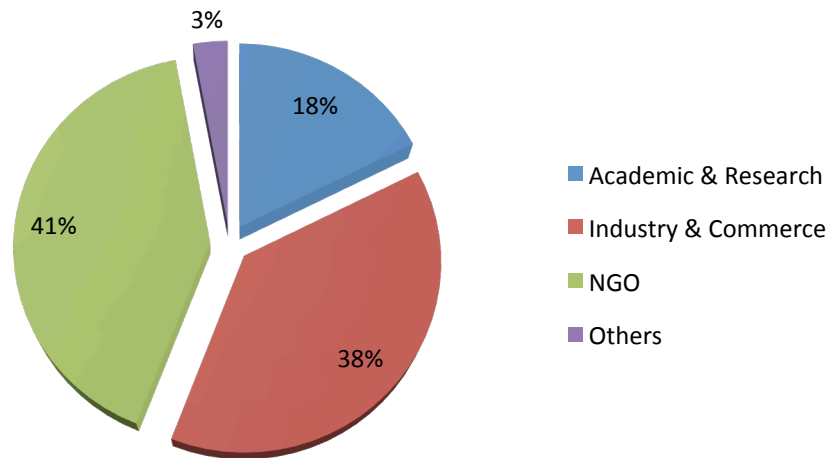
The SA8000 Standard was first published in September 1997 after a multi-stakeholder, consensus-based drafting process. The intent of the standard is and has always been: to promote workers' rights and enable employers to sustainably implement a systems-based approach to ensuring decent work and working conditions. The standard draws on international human rights norms and national labour law to promote workers' best interest, with a view to sustainable livelihoods and employment. SA8000 is based on the principle that ensuring workers' rights and well-being is not a "burden" for employers, but rather an investment in human resources that leads to a healthy and sustainable workplace for all.

The standard also draws on ISO-based principles, with extensive management systems requirements and a view to continuous improvement. The standard combines an emphasis on management process with minimum levels of compliance defined according to norms established by international human rights instruments and national labour laws.

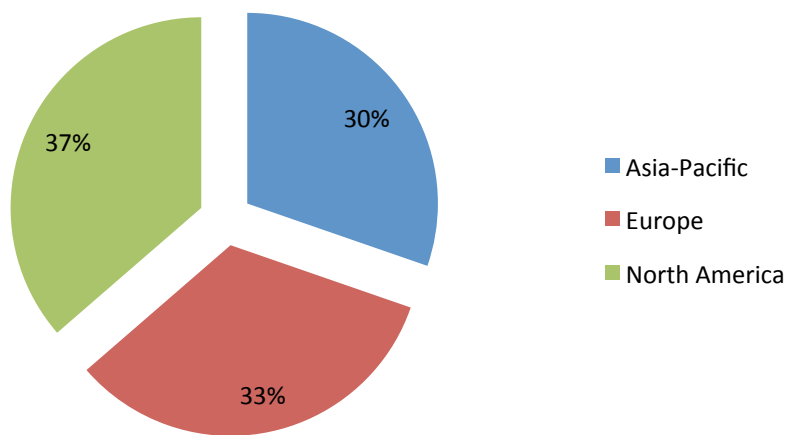
III. Summary

This Report summarizes the submissions received during the comment period for the Expert Consultancy. In total, more than 500 individual comments were received from 33 experts.

Distribution of comments by affiliation



Distribution of comments by represented regions



IV. Comments Analysis

| Provision/Section | No change | Editorial change and/or minor change to requirement | Major change of requirement | New requirement |
|---|-----------|---|-----------------------------|-------------------|
| Organization | | X | X | X |
| I. Purpose and Scope | X | X | X | X |
| II. Normative Elements and Their Interpretation | X | X | X | X |
| III. Definitions | X | X | X | X |
| IV.1. Child Labour | | 1.1, - 1.4 | | 1.1 – 1.3 |
| IV.2. Forced and Compulsory Labour | | 2.1 – 2.4 | 2.4, * | 2.1, 2.3, 2.4, * |
| IV.3. Health and Safety | 3.7 – 3.9 | 3.1, 3.3 – 3.5, 3.7, 3.8 | 3(all), * | 3.1 – 3.7, 3.9, * |
| IV.4. Freedom of Association & Right to Collective Bargaining | 4.1 - 4.3 | 4.1 – 4.3 | * | 4.1, * |
| IV.5. Discrimination | 5.1 | 5.2, 5.4 | 5.3 | 5.3, 5.4, * |
| IV.6. Disciplinary Practices | 6.1 | 6.1 | 6.1, * | 6.1, * |
| IV.7. Working Hours | | 7.1 – 7.4 | 7.4 | 7.1 - 7.3 |
| IV.8. Remuneration | | 8.1, 8.3 - 8.5 | 8.2, 8.5, * | 8.2, 8.3, * |
| IV.9. Management Systems | 9.4,9.7 | 9.1 – 9.6, 9.8 – 9.10, 9.12 – 9.16 | 9.0, 9.1, 9.3 – 9.16, * | 9.1, 9.3 - 9.5, * |

X = indicates that a change has been suggested

1.1, 1.2, etc. = the section for which the change has been suggested

* = Additional provision suggested

Comments with a Critical Mass

The following are the most common recommended changes listed by provision of the standard, with the first section dedicated to the overall organization of the standard:

ORGANIZATION OF THE STANDARD:

- Move “III. DEFINITIONS” to the end of the standard.
- Move “IV.9 MANAGEMENT SYSTEMS” to the beginning of the standard in order to stress the importance of the Management System component.
- Follow the newly devised section numbering of IAF/ISO
ISO 17021 is an accreditation standard used by all certifying bodies/registrars (CB) and as such improvement made in the system of a CB would bring in improvement the SAAS certification system as well within the CB.

I. PURPOSE AND SCOPE

- No change necessary.
- Clarify the purpose and the scope of the standard. Demonstrate how compliance with the standard may be achieved – such as through self-declaration, internal auditing, external verification, certification by third party, etc. This section may also indicate the possibility of integration with other management systems.
- Either add to this section or add a preamble that emphasizes the role of the management system to ensuring implementation, monitoring and corrective action. In other words, this is not just a written system but also one that is operational with continuous improvement as the goal.
- Add a list of exceptions/exclusions (non-applicability) to the standard e.g. Marine Services, Offshore drilling platforms, etc.
- Specifically use the words “Purpose” and “Scope” within this section to add clarity to each.
- Use the words “organizations’ performance and impact” rather than a “company’s products or services.”
- Rework the first paragraph. Suggested language includes”
 - Roger Plant: “rephrase the first paragraph as, ‘National labour laws that will enable companies to protect and empower all personnel within their scope of

control and influence. This includes personnel who produce products or provide services for that company, including personnel employed by the company itself, as well as its suppliers...”

- Daniel Vaughan-Whitehead: “first paragraph might need some minor revision, such as, ‘SA8000 is aimed at protecting and empowering all personnel within a company’s scope of control and influence, on the basis of international human rights norms and national labour laws’, and before that it may be complemented by including ‘personnel employed by the company itself, as well as by its suppliers/subcontractors, sub-suppliers, and home workers.’”
- Mike Patrick: “keep the introduction (purpose) and scope separate. For instance, the scope should state, ‘The SA 8000 standard explains the principles of SA 8000 and describes the criteria, processes and typical requirements against each of the elements of the standard. The standard is applicable the processes of the organization and consequently the management principles on which it is based that are deployed throughout the organization.’ The scope should state, “the scope covers the organizational suppliers/subcontractors, sub-suppliers and home workers.”
- James Childress: “Clarify the purpose and scope of the standard as so, ‘The purpose of SA8000 is to provide a standard based on international human rights norms and national labour laws that will protect and empower all personnel working within the certified company’s control and influence. The scope of the standard includes personnel employed by the company itself, as well as by its suppliers/subcontractors, sub-suppliers, and home workers. Its requirements apply universally, regardless of a company’s size, geographic location, or industry sector.’”

II. NORMATIVE ELEMENTS AND THEIR INTERPRETATION

- Do not add any more normative elements because this puts additional burdens on all parties interested in implementing and auditing SA8000. The list is comprehensive as is.
- Include the UN Guiding Principles
- Include the ILO Convention 95 on ‘Protection of wages’
- Include the ILO 156 on workers with family responsibilities
- Include the ILO 189 on domestic workers

III. DEFINITIONS

- Take out the “Definition of” from all the definitions (redundant!).

- In “Definition of SA8000 worker representative,” change “**a worker** elected by non-management” to “**a worker representative** elected by non-management.”
- Change “Definition of SA8000 worker **representative**” to “Definition of SA8000 worker **representatives**,” in order to emphasize that there may and ideally should be multiple worker representatives.
- Forced and compulsory labour – stick with the basic ILO definition, “All work or service exacted from any persons under the threat of any penalty or punishment, and for which these persons have not offered themselves voluntarily.” In later sections deal with issues such as debt bondage and prison labour.
- Use the entire definition of human trafficking as outlined in “human trafficking” with Article 3(a) of the “Protocol To Prevent, Suppress And Punish Trafficking In Persons, Especially Women And Children, Supplementing The United Nations Convention Against Transnational organized Crime.”
- Update “Worker representative” to reflect the fact that the elected representative or representatives must not be line leaders or possess other supervisory powers that put them in a position of power over their peers.
- Change “Company” to “Organisation,” as Organisation is more inclusive; it includes charities, NGOs, government departments, etc. that are not strictly “companies.” It is also consistent with other international management system standards like ISO 9001, ISO 14001, etc.
- Amend “Corrective and preventive action”
Use the ISO 9000:2005 definitions of “correction”, “corrective action” and “preventive action” as 3 separate definitions.

IV. 1. CHILD LABOUR

- Address Child Labour and Young workers separately within this section to avoid confusion.

IV. 2. FORCED AND COMPULSORY LABOUR

- Add the prohibition of recruitment fees by private employment agencies since it appears in ILO Convention 181.

IV. 3. HEALTH AND SAFETY

- A formal OHS risk assessment should be made mandatory.

- Safety committees should be required, as should effective communication of safety decisions taken by management and the safety committee.
- Reframe H&S criteria so that companies are required to have a formal Health and Safety management system that will include the elements listed.
- The company should establish systems to detect, avoid, or respond to potential threats to the health and safety of personnel.

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

- No critical mass in this section.

IV. 5. DISCRIMINATION

- 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 critical mass in this section.

IV. 7. WORKING HOURS

- Prohibit the regular use of overtime, such as one hour of overtime every week paid with a premium salary. Many people confuse periodicity with the maximum limits.
- Clarify “*on a regular basis*” as it is used in “all overtime work shall be voluntary...shall not exceed 12 hours per week, nor be requested *on a regular basis.*”
- Clarify the term “*significant*” as it is used in the phrase “worker organisations representing a *significant* portion of its workforce.”

IV. 8. REMUNERATION

- Improve Living wage formulation and calculation by inserting a detailed definition. Merge appropriate elements of paragraph 8.1 with, “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.”
- Add the requirement that the Living Wage of a company be calculated using local inputs.
- Strengthen the provision about wage deductions 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.
- 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

- Rewrite the headings in this section to match Social Fingerprint. For example, the current heading for 9.1, “Policy,” would become “Policies and Procedures,” while 9.2, “Management Representative,” would become “Internal Social Compliance Team.”

- As part of the alignment of headings with Social Fingerprint, replace “Management Representative” with “Internal Social Compliance Team,” and require the SA8000 Worker Representative(s) to be part of this team and be informed of the results of the Management Review under 9.13 and 9.14.
- 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.
- 9.4 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.
- Include the Plan-Do-Check-Act (PDCA) methodology in the “IV.9 MANAGEMENT SYSTEMS” section.
- Require the SA8000 Worker Representative(s) to participate in 9.4 Management Review.
- On the other hand, the following was also a comment with a critical mass (paraphrased): Do not require the SA8000 Worker Representative or Representatives (plural) to participate in 9.4 Management Review. Instead, require that the agenda of the management review meetings are discussed with the SA8000 worker representative(s) to seek their input and the results of the management review meeting shall be communicated to the worker representative(s) to facilitate further dialogue as necessary.
- Require the performance of internal audits as part of 9.5 Planning and Implementation.
- Suppliers and Subcontractors commitment (9.7) should be rewritten to include the evaluation of suppliers by priority (spend x risk of social issues), approval, on-going assessment, and participation in corrective/preventive actions.
- For 9.12, clarify the meaning of corrective and preventive actions.
- For 9.13, require that companies establish, maintain and initiate procedures to communicate regularly to all interested parties data and other information regarding compliance with the requirements of this document, including, but not limited to, the results of management reviews and monitoring activities.

Comments Requiring a Major Change

The following are a summary of comments recommending major changes to components of the standard. The major changes are linked to the summary of comments table in the Annex.

ORGANIZATION OF THE STANDARD:

- Control of Suppliers/ sub-contractors and sub-suppliers being a critical issue across all industrial sectors should be separately dealt with as a [separate element](#).
- The fundamental issue is that the SA8000 standard needs to be structured as a [management system](#).

I. PURPOSE AND SCOPE

- [Purpose and scope](#) need to be separate sections.
- Some parts of this section need to be moved to an [auditable part](#) of the standard.

II. NORMATIVE ELEMENTS AND THEIR INTERPRETATION

- Distinguish between [normative elements](#) and principles and change the name of the section to “Normative Elements, Principles and their Interpretation”.
- These should be an [appendix](#) that can be updated.

III. DEFINITIONS

- [Amend definition of child](#) to “Any person less than 18 years of age, irrespective of marital or other legal status.”
- [Amend definition of young worker](#) to “Any worker at or over the minimum working age as defined above, and under the age of 18.”
- A child below the age of 18 should not be [allowed to work](#).

IV. 2. FORCED AND COMPULSORY LABOUR

- [Trafficking](#) should be considered separately under a new provision.
- A separate category on [regulating or monitoring](#) business relationships with private employment agencies is advisable here.

- Integrating a [standard on contracts](#) of employment would strengthen this section.
- A new provision on the [Rights of Migrant Workers](#) should be integrated into the new standard.

IV. 3. HEALTH AND SAFETY

- The recent [SAAS fire safety](#) guidance may be brought in as Annex A to the standard and be made mandatory after appropriate modification.
- All of the 9 sections can be misinterpreted on [health and safety](#) and need to be a lot more specific in what we are looking for, thus, the organization must have in place an effective H&S management system that conforms to the requirements of the standard
- Companies should be required to have a [formal](#) Health and Safety management system that will include all the criteria currently listed in the Health and Safety section.

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

- Government facilitated, management sponsored unions and committees must be treated [outside the purview](#) of this section.
- The standard may add a specific clause that mandates a workers' committee if [no unions exist](#).

IV. 6. DISCIPLINARY PRACTICES

- Consider [widening](#) the scope of this section and addressing 5.3 under this item and renaming the item to include discipline, abuse, coercion, harassment; consider addressing the use of security personnel under this section and that security personnel treat personnel with respect and dignity (consider including gender-appropriate, non-intrusive security measures). Consider inclusion of written disciplinary procedures that personnel are made aware of upon hire. Consider requirement for recorded disciplinary action of which the personnel must be aware of (e.g. signed acknowledgement). Consider not permitting monetary fines or deductions as a disciplinary measure, or limiting the amount thereof so that personnel does not fall under the minimum wage or become indebted (deductions only not fines covered under 8.2)

IV. 7. WORKING HOURS

- Provide [additional explanation](#) on 7.4 about cases of use of Overtime... e.g. is it compliant to ask people to work 1h overtime, every week, paid with a premium salary? Many people confuse with what is granted, the periodicity and the maximum limits per week.
- Companies should not be able to apply for [working hour exemptions](#) (as is common in China).

IV. 8. REMUNERATION

- Workers may be compensated the [OHS](#) risk basis.
- A clause may be added to require the organization to establish the [Living Wage](#) in each location of its operation through suitable means.
- In 8.2, there should be no exceptions to the rule that '[deductions from wages](#) are not made for disciplinary purposes'.
- 8.5. is not only dealing with wages but more generally with 'labour and social security legislation and regulations' so it might be better placed in the section 5 or eventually in another [earlier section](#).
- Consider including a [new section](#) on recruitment, hiring, and termination.

IV. 9. MANAGEMENT SYSTEMS

- A section can be added to 9.4 to include a requirement of [periodic worker](#) committee meeting.
- In 9.5, planning and implementation can be split into [specific requirements](#).
- 9.6 can be taken away if this guidance document becomes a [part 2](#) of the standard.
- 9.6 should be revisited, as the Guidance is not [in sync](#) with the standard.
- Management Systems must contain all procedures, processes, programs and policies [in writing](#).

- Companies must provide evidence of their substantial efforts to push their strategic first tier supplier in a strong relation of partnership through a commercial or [industrial contract](#).
- 9.3 could be amended to state acceptability of more than one [worker representative](#) for the company.
- 9.7 should be classified under a separate SA 8000 [element](#).
- This section is [fundamentally flawed](#) and does not need to exist if SA8000 is written as a proper management system standard.
- In 9.7/9.8/9.9, should the suppliers, etc. be required to establish and maintain metrics indicating achievement of SA [goals and objectives](#)?
- In 9.16, the minimum retention should be established for [all records](#).
- [Segregate](#) this [SA8000] in two parts – one which is to be included in the policy and the other the methodology of implementation.
- Presence of worker representative in management reviews is not always practical especially when the company is following an [integrated system](#).
- 9.8 & 9.9 may be [moved forward](#) to take the place of 9.7.
- [Delete](#) the requirement for companies to communicate results of management review meeting. Instead, 9.13 & 9.14 could be combined.
- Policies and procedures need to be documented (not necessarily written) in a manner easily understandable by [all employees](#).
- Need to ensure the MR does have decision-making [authority](#).
- In 9.3, it should be [mandatory](#) to have worker representation.
- In 9.4, you can't insist on the WR attending the Man Review if the WR is [not mandatory](#). I prefer to have the WR being part of the Social Improvement Team
- In 9.7, we need to ensure factories analyse the [risk factors](#).
- 9.11 almost certainly requires a Worker Representative to run the [complaint process](#) – but having a WR is not mandatory.
- There must be an effective [Corrective Action](#) system run by the company.

- In 9.13/9.14, companies need to be made to have more [positive systems](#) for managing this information process, particularly for informing the worker.