



HUMAN RIGHTS
& BUSINESS

HUMAN RIGHTS COMPLIANCE ASSESSMENT (HRCA)

'QUICK CHECK'



DANISH INSTITUTE FOR
HUMAN RIGHTS

Users' guide to the HRCA Quick Check

What is the HRCA?

The Human Rights Compliance Assessment (HRCA) is a diagnostic tool designed to help companies detect potential human rights violations caused by the effect of their operations on employees, local residents and all other stakeholders. The tool has been under development by the Human Rights & Business Programme at the Danish Institute for Human Rights (DIHR) since 1999, and is a joint venture between the Danish Institute for Human Rights, the Confederation of Danish Industries (DI), and the Danish Industrialization Fund for Developing Countries (IFU), with the support of the Danish government (DANIDA). The aim of this cooperation has been to develop a widely accessible resource tool to help companies deal with human rights issues relevant for their particular operations. When the full tool is released, it will be the most comprehensive tool on the market defining company responsibility towards human rights.

How does the HRCA work?

The entire tool runs on a database containing over 350 questions and 1.000 corresponding human rights indicators, developed from the Universal Declaration of Human Rights, the 1966 Dual Covenants and over 80 other major human rights treaties and conventions. The full HRCA will be published in 2005 as an interactive computer programme and will allow each company to select and modify the information in the database to suit their type of business and area of operations. The standards and indicators are updated on an annual basis, based on feedback from both company users and human rights groups, to ensure that the tool addresses the real life problems faced by companies and to reflect changes/developments in international human rights law.

What is the HRCA Quick Check?

The HRCA Quick Check comprises approximately 10% of all the questions contained in the entire HRCA database and relates to some of the most essential human rights issues a company must consider in relation to its activities. This check was developed in cooperation with a group of development finance institutes to provide companies and investment funds with a condensed assessment covering key human rights issues. The Quick Check will also form part of the larger HRCA computer programme, which will contain more extensive guidance on a broad range of human rights issues.

What type of violation does the Quick Check cover?

The Quick Check covers violations in relation to the following three areas:

1. Employment Practices – concerning the rights of individuals employed by the company, or seeking employment with the company;
2. Community Impact – concerning the rights of individuals residing in societies (including societies defined by political, cultural or geographic boundaries) which are affected by company activities or products;
3. Supply Chain Management - concerning the rights of individuals affected by business partners' operations, whether as employees, local residents or other stakeholders.

How is international and national law treated in the HRCA?

The HRCA takes its point of departure in international human rights law, but is based on the premise that the company should comply with whichever applicable standard is most stringent, whether it be national law, or the international standard cited by the

tool. Each question in the Quick Check refers to the specific sources of international law and relevant international guidelines cited for that particular question. Since the international legal texts cited by the tool apply specifically to states, the cited provisions have been modified accordingly in the tool to apply to companies. The tool also cites the guidelines of various human rights organisations, research institutions and other independent bodies, whenever those guidelines serve as useful human rights reference points for companies.

Are the human rights standards relevant to business?

The field of human rights is politically and academically well developed, with rights and standards emerging from treaties and conventions, international legal decisions, and reports of a number of different UN, national and international bodies. But most standards and application procedures have been developed for governments, not companies. To ensure that our interpretation of international human rights law for companies has the support and wide acceptance of both companies and human rights groups, we have taken the tool through a year-long consultation process funded by the European Union. The consultation process involved a total of 80 companies and human rights groups from 10 European countries. Each review team consisted of one commercial and one human rights representative that reviewed the same rights to ensure that the resulting standards and indicators represent practical and economic concerns as well as community/rights interests.

Can I be sure it is practical?

Throughout the development of the tool, the researchers have received input from a number of associated companies and business organisations to ensure that the practical interests and needs of the business community continually guided the work. In particular, Shell International has served as the test company for the tool. Field tests were run in relation to two distinct Shell companies: one in a country with a poor human rights record generally, the other in a society with racial conflict between populations. Further testing of the Quick Check version of the tool will be conducted in 2005 on by Shell International and Grundfos.

How do I get started?

The Quick Check contains 28 main questions and has a total of 240 corresponding indicators. Under each question, you will find a narrative description of the question, references to international law, and a list of suggested indicators with pre-determined answers boxes ('Yes', 'No', 'F/A = further attention required', 'N/A = not applicable' and 'Unknown'). We suggest that you read the question and the descriptive paragraph first, and then proceed to answer the suggested indicators before attempting to answer the main question.

What are the suggested indicators?

The suggested indicators are guidelines designed to help you determine whether or not your company complies with the main question. There are three types of indicators in the tool: policy, procedure and performance. The policy indicators seek to determine whether your company has policies or guidelines in place to address the human rights issue of concern in the main question. The procedural indicators inquire whether your company has appropriate and sufficient procedures in place to effec-

tuate the policies, while the performance indicators request verification of company performance. It is important for the validity of the assessment that you contemplate the policy, procedure and performance indicators first before attempting to answer the main question. While the number of indicators may seem overwhelming at first, the categories of pre-determined answers were designed with enough flexibility so that you should, after some familiarity with the tool, be able to answer all the indicators quickly and without difficulty.

How do my indicator answers relate to the main question?

The relevance and importance of each of the indicators in the tool varies for each company depending on the industry, risks, country, and type of operation involved. To accommodate those differences and provide for flexibility, the tool allows you to determine the relevance and weight of the indicators and how they relate to the main question. In general, the more indicators you can answer in the affirmative, the more likely it is that your company is in compliance with the main question. Your company is not necessarily out of compliance if you fail to answer affirmatively on all the indicators, but you should nevertheless make an effort to understand the point of the indicator and seek to determine whether your company complies in principle. If, for example, you are able to answer 'true' (indicating compliance) to all but one of the indicators for a particular question, and your company has an alternative method of compliance for the remaining indicator, you should describe the alternative method of compliance next to the indicator and then answer 'yes' (for compliance) to the main question. If, on the other hand, you answer 'false' (for non-compliance) to all of the indicators, but still answer 'yes' to the main question, you should either question the result of your answer to the main question, or make a note as to why all the indicators for that question are irrelevant to your business. For those indicators that your company does not have the information to answer, you can simply click the 'unknown' answer category for that indicator. The more indicators you are able to answer, however, the more reliable the results of the assessment will be.

How should I use the pre-determined answer box categories?

Yes/No and True/False: To be used when you agree or disagree with the question or statement presented. We encourage you to answer yes/no to the main question and true/false to the indicators as often as possible so that the results of the assessment and the improvements made by your company from year to year will be easier for you to monitor and measure.

Further Attention Required (F/A): To be used when your company is in the process of addressing the issue, such as correcting procedures on a particular question or indicator but the process is not yet complete, or when your desired answer doesn't fall squarely within any of the other answer categories.

Not Applicable (N/A): To be used when the particular question or indicator presented isn't relevant to your company's operations because the question applies more specifically to a different industry or country of operation.

No Info: To be used when you lack the information necessary to respond to the indicator or question presented.

What do the red, yellow and green- light scores mean to my company's performance?

Red light scores indicate that your company is not in compliance with the particular question and you should take immediate steps to remedy the problem area, after consulting your company's legal counsel or relevant advisers for specific guidance. A yellow light score indicates that you are aware of the problem and are in the process of addressing the issue, but you need to take further steps to change your company's performance to a green light. Finally, a green light score indicates that your company complies with the question as phrased.

Does completing the Quick Check guarantee that my company is in full compliance with human rights?

The Quick Check is designed as a self-assessment tool to be used by company staff or investment officers. Although the Quick Check covers many essential human rights issues, it can not be seen as a replacement for the full HRCA tool or for an external audit. To improve the results, we strongly encourage companies to involve local stakeholders in a dialogue about the problem areas detected through the use of the Quick Check, as well as having the results verified by an independent third party, to ensure that all concerns of the local population are duly noted and adequately addressed. Although there is no guarantee for full human rights compliance, the more pieces of the tool you complete, the more confident you can be in your company's human rights performance.

Where can I find out more about this tool?

More information about the aim and development of the HRCA can be found in 'Building a Tool for Better Business Practice: the human rights compliance assessment' (M. Jungk, 2003). The premise of business responsibility underpinning the HRCA is explained in 'Defining the Scope of Business Responsibility for Human Rights' (M. Jungk, 2001). These brochures can be ordered directly from the Danish Institute for Human Rights (+45 32 69 88 51) or be obtained through the Human Rights & Business Programme Website, where the Quick Check also can be found and used as an interactive computer programme: www.humanrightsbusiness.org

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A. EMPLOYMENT PRACTICES

A.1 FORCED LABOUR

RELATES TO THE RIGHT TO
FREEDOM FROM FORCED
LABOUR AND SERVITUDE
AND RIGHT TO AN ADEQUATE
STANDARD OF LIVING.

A.1.1. DOES THE COMPANY TAKE ALL NECESSARY MEASURES TO ENSURE THAT IT DOES NOT PARTICIPATE IN, OR BENEFIT FROM ANY FORM OF FORCED LABOUR, (THIS CAN INCLUDE BONDED LABOUR, DEBT BONDAGE, FORCED PRISON LABOUR, SLAVERY, SERVITUDE, OR HUMAN TRAFFICKING)?

YES	<input type="checkbox"/>	NO	<input type="checkbox"/>	F/A	<input type="checkbox"/>	N/A	<input type="checkbox"/>	NO INFO	<input type="checkbox"/>
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TICK BOX AS APPROPRIATE

The company must seek to ensure that it does not use, contract, or benefit (directly or indirectly) from the use of forced labour – which is work performed involuntarily under threat of penalty. Company-involved forced labour usually includes compelled overtime, human trafficking, or debt bondage. Compelled, involuntary overtime occurs when a company locks the worker inside the workplace or threatens an employee with pay deductions, physical abuse, or termination if the worker refuses to perform overtime hours for the company.

Human trafficking and debt bondage often occur together. Human trafficking is defined as the recruitment or abduction and transportation of a person--by the use of threats, force, coercion or deception--to perform labour under sweatshop conditions in a community other than one where the person was living. Trafficking usually involves the absence of consent, at least during some stage of the trafficking process. Coercion may not be evident at the beginning, as most people become victims of trafficking by persuasion and deception. However, conditions at the destination point are likely to involve coercion, including threats of violence, restrictions on freedom of movement, indebtedness, confiscation of papers, and the late payment of wages.

Often victims of trafficking are immobilised by debt, and they become tied to jobs as bonded labourers because of debt owed to the company, a trafficker, or a recruitment agency – often for fees paid to secure the job in the first place. In some bonded labour cases, all the labour of the debtor becomes collateral property until the debt is paid; the debtor earns no income and therefore will never be able to repay. In other cases, the work of the debtor may ostensibly be applied to the debt, but through false accounting and excessive interest rates, full repayment is effectively impossible. Workers can also become indebted if the company fails to pay a living wage (see also question on living wages) and the workers are forced to take salary advancements/loans from the company to cover the costs of living expenses. The debt and need for ongoing advancements effectively ties them to the workplace. Debt bondage can also affect children, when they are forced to repay debt owed (or allegedly owed) by parents or other relatives.

The company should pay particular attention to possible instances of forced or bonded labour in industries where migrant workers are common. Many countries deal with a volatile labour market, where workers tend to move from one employer to another due to various reasons, such as bad working conditions and low wages. Some employers engage in the practice of charging deposits from new workers, which are often equal to approximately one-half of the workers' monthly wage. If workers quit before the

contract terminates, they forfeit their deposit. Even if working conditions are poor, migrant workers may be reluctant to lose their deposit and stay until the contract terminates.

To avoid company-involved debt bondage, the company should make sure that employment contracts are issued for all employees and that contracts are fair, transparent and understood by workers before they start working.

Even if not involved in direct violations of forced labour itself, the company can still violate the right to be free from forced labour if it uses or benefits from labour of workers who are the victims of forced labour by others, such as temporary employment agencies, suppliers, business partners, or government actors (see question on supply chain management). The company should be aware that its labour pool may include individuals who, as a result of trafficking, are forced into servitude and debt bondage. The company may encounter this problem indirectly, and/or inadvertently support its continuation, as the scope of the underground labour market is extensive in many developing and developed countries. Special measures may be required to help trafficked people escape their condition of servitude and debt bondage.

For more detailed guidance and instruction on how to deal with difficult issues of forced and bonded labour, please refer to the complete version of the Human Rights Compliance Assessment, which will be released in 2005.

SUGGESTED INDICATORS:

	TRUE	FALSE	F/A	N/A	NO INFO
1 The company has a policy prohibiting forced prison labour and its various forms, such as debt bondage, compelled involuntary overtime, forced prison labour and trafficked labour.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2 The company ensures that employment contracts are fair, transparent, and understood by the workers.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3 All workers are allowed to leave the employ of the company after reasonable notice.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4 All workers are allowed to leave company premises at the end of their shifts.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5 The company ensures, by proper investigation, that it does not use labour from agencies or firms involved in trafficking, debt bondage, or kidnapping.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6 The company (or its recruiting agencies) does not charge workers recruiting or hiring fees that require the worker to be indebted to the company (or recruiting agency), or to work for the company (or recruiting agency) to pay off the debt.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



continued **SUGGESTED INDICATORS:**

	TRUE	FALSE	F/A	N/A	NO INFO
7 The company pays a living wage and does not compel workers to engage in a cycle of salary advancements in order to meet living expenses.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8 The company does not withhold wages or threaten to withhold wages to compel overtime (or work itself), but makes payments on a regular basis, and in a timely manner.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9 The company does not coerce or compel employees to work involuntary (overtime) hours (or work itself) by the use of threat or force.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10 The company does not use prison labour, unless the prisoner has been convicted by a court of law, and labour voluntarily under the supervision and control of a public authority.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11 The company does not require workers to lodge money deposits with the company.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12 Workers and labour organisations confirm that the company respects the right to freedom from forced labour.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

[The above question is based on general principles contained in the following: Universal Declaration of Human Rights (1948), Article 4; International Covenant on Civil and Political Rights (1966), Article 8; International Covenant on Economic, Social and Cultural Rights (1966), Article 7 (b); Convention on the Protection of the Rights of All Migrant Worker and Members of Their Families (1990), Article 11 (2); ILO Forced Labour and Servitude Convention (C29, 1930), Articles 2.2.C, 12 and 13; ILO Abolition of Forced Labour Convention (C105, 1957); ILO Declaration on Fundamental Principles and Rights at Work (1998), Article 2(b), Convention on the Elimination of All Forms of Discrimination against Women (1979), Article 6]

RELATES TO THE RIGHT TO FREEDOM FROM FORCED LABOUR AND SERVITUDES AND THE RIGHT TO FREEDOM OF MOVEMENT.

A.1.2 DOES THE COMPANY REFRAIN FROM RETAINING THE IDENTITY CARDS, TRAVEL DOCUMENTS, AND OTHER IMPORTANT PERSONAL PAPERS OF ITS EMPLOYEES?

YES
NO
F/A
N/A
NO INFO

TICK BOX AS APPROPRIATE

The withholding of travel documents and identity cards results in an unreasonable

restriction on an employee's freedom of movement, and may result in compelling the worker to continue to work for the company involuntarily if the documents are not returned to the employee promptly upon request. The withholding of essential personal documents can also limit an individual's ability to apply for jobs with other companies, to freely move about during non-work hours, or to leave the country. The failure of the company to issue release letters, which in some countries is necessary to end employment with a company, can also result in forced labour if the employee is unable to leave the company or secure employment elsewhere because the company is withholding the necessary paperwork.

SUGGESTED INDICATORS:

	TRUE	FALSE	F/A	N/A	NO INFO
1 Those in the company responsible for collecting personal data from employees are instructed not to retain travel documents and identity cards.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2 Company managers do not possess worker's personal travel or identity documents.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3 To safeguard documents against loss, damage or misplacement, the company photocopies (or hand copies) the information from employee ID cards and travel documents and doesn't retain the originals for even a short amount of time.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4 Company records demonstrate that the company immediately grants letters of release whenever the letter is needed for an employee to retain a job elsewhere.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

[The above question is based on general principles contained in the following: Universal Declaration of Human Rights (1948), Articles 4 and 13; International Covenant on Civil and Political Rights (1966), Articles 8 and 12 (2); Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1997), Articles 8, 21 and 39; ILO Abolition of Forced Labour Convention (C105, 1957) Article 2; ILO Forced Labour (Indirect Compulsion) Recommendation (R35, 1930), Article 3]

A.2. CHILD LABOUR AND YOUNG WORKERS

RELATES TO THE RIGHT TO
EDUCATION AND THE RIGHT
TO WORK AND JUST AND
FAVOURABLE CONDITIONS
OF WORK.

A.2.1 DOES THE COMPANY COMPLY WITH MINIMUM AGE STANDARDS?

YES	<input type="checkbox"/>	NO	<input type="checkbox"/>	F/A	<input type="checkbox"/>	N/A	<input type="checkbox"/>	NO INFO	<input type="checkbox"/>
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TICK BOX AS APPROPRIATE

Children are entitled to the basic right of an education, and must not be hired to work before completing their compulsory education. The age for completion of education and the minimum age for entry into employment are both determined by the national government in the country of operation. However, under International Labour Organisations (ILO) standards, the minimum age for entry into employment should be no younger than 15. If the company operates in a country where the age of entry into employment or the age for completion of compulsory education is higher than 15, the company must follow national legislation. If national legislation falls below the minimum 15 years of age, the company must follow ILO standards. Even if a child is above the minimum age for entry into employment, the company must structure that employment so that it does not interfere with the child's school attendance or educational responsibilities.

The prohibitions described in this paragraph are not intended to forbid the company from offering legitimate vocational training or technical education programmes to young workers. However, such vocational training may not be used as a guise to hire young workers into false apprenticeship programmes that exploit them by paying them less than adult workers, but requiring equal work and providing little educational benefit. True apprenticeship programmes are typically limited in duration, educational to the child, organised through a school programme (or supervised by a Labour Minister or Labour Organisation), and do not interfere with the child's compulsory education.

In rare circumstances, governments in developing countries may set the age for entry into employment at 14, but only when done in accordance with International Labour Organisation Convention (ILO) Convention 138, and only after consultation with employers and workers organisations. When relying on national legislation in such circumstances, the company must first check to ensure that national legislation is in compliance with ILO Convention 138 (See: <http://www.ilo.org/ilolex/english/convdisp2.htm>).

SUGGESTED INDICATORS:

	TRUE	FALSE	F/A	N/A	NO INFO
1 The company has a clear policy regarding the minimum age for employment, which complies with national laws, but is no less than 15 years of age.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2 The company requires candidates to provide copies of birth certificates or	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



continued **SUGGESTED INDICATORS:**

	TRUE	FALSE	F/A	N/A	NO INFO
other official forms of identification to verify their age before being hired by the company.					
3 Hiring managers are aware of the forms of identification forgery commonly used in the country of operation and they are able to spot such forgeries.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4 In countries where birth certificates are not common, or are frequently falsified, the company has a procedure for estimating the age of employment for young candidates, such as average height or knowledge of historic events.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5 The company researches when classes are held in local schools, and ensures that children who have not passed the age of compulsory schooling are not hired by the company.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6 The company does not hire any person under the age of 18 to perform work that interferes with their education.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7 Company provided apprenticeship programmes do not constitute the main portion of the workforce, are limited in duration, are performed in conjunction with a school programme (or supervised by Labour Ministers or Labour Organisations), are educational to the student, and do not interfere with the child's compulsory education.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8 Employee records from the past year confirm that the company does not employ child workers.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9 Local NGOs and schools confirm that the company is not employing child workers.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

[The above question is based on general principles contained in the following: Universal Declaration of Human Rights (1948), Articles 24 and 26; International Covenant on Economic, Social and Cultural Rights (1966), Article 7; Convention on the Rights of the Child (1989), Article 32 (2); ILO Minimum Age Convention (C138, 1973), Article 3]

RELATES TO THE RIGHT TO
EDUCATION AND RIGHT TO
WORK AND JUST AND
FAVOURABLE CONDITIONS
OF WORK

A.2.2 IF THE COMPANY BECOMES AWARE THAT IT IS EMPLOYING CHILDREN OF SCHOOL AGE, DOES IT ENSURE THAT THE CHILDREN ARE ENROLLED IN A REMEDIATION/EDUCATION PROGRAMME, RATHER THAN BEING SUMMARILY TERMINATED FROM EMPLOYMENT?

YES	<input type="checkbox"/>	NO	<input type="checkbox"/>	F/A	<input type="checkbox"/>	N/A	<input type="checkbox"/>	NO INFO	<input type="checkbox"/>
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TICK BOX AS APPROPRIATE

If a company becomes aware that it has hired underage workers, it must take immediate action to remedy the situation. Since poverty and lack of social services are the main cause for child labour, simply dismissing underage workers may be harmful and disruptive to their lives, forcing them into more dangerous work, prostitution, a life on the streets, or starvation. Instead, the company must make efforts to enrol the children in an educational programme and assist them in making the transition from work to school. The company might also consider collaborating with other companies operating in the same location to collectively address the problem of child labour.

For more guidance and best practices examples on the issue of educational remediation and child labour, please refer to the complete version of the Human Rights Compliance Assessment, which will be released in 2005.

SUGGESTED INDICATORS:

	TRUE	FALSE	F/A	N/A	NO INFO
1 The company offers to hire the parents, guardians, elder siblings or other adult members of the extended family of any child found to be working for the company.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2 The company establishes apprenticeship programs (or other such measures) that ensure the basic education of the child worker, while concurrently providing practical experience and financial support.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3 NGOs and local community representatives confirm that the company has not summarily terminated the employment of any children found to be working for the company.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

[The above question is based on general principles contained in the following: Universal Declaration of Human Rights (1948), Article 26; International Covenant on Economic, Social and Cultural Rights (1966), Article 13 (1); Convention on the Rights of the Child (1989), Articles 28 (1) and 32; ILO Social Policy (Basic Aims and Standards) Convention (C117, 1962), Article 15]

A.2.3 DOES THE COMPANY ENSURE THAT IT DOES NOT HIRE MINORS (BELOW 18 YEARS OF AGE) TO PERFORM WORK THAT IS HAZARDOUS OR HARMFUL TO THEIR HEALTH, SAFETY, OR MORALS?

RELATES TO THE RIGHT TO FREEDOM FROM FORCED LABOUR AND SERVITUDE AND THE RIGHT TO WORK AND JUST AND FAVOURABLE CONDITIONS OF WORK.

YES		NO		F/A		N/A		NO INFO	
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TICK BOX AS APPROPRIATE

The company must not hire minors (below the age of 18) to perform work that is hazardous or harmful to their health, safety, or morals, and it must also take efforts to ensure that it does not benefit directly or indirectly from such labour (see question on supply chain management). National governments are responsible for defining the type of work considered hazardous or harmful to minors and the company must consult national laws in the country of operation for guidance. For international guidance regarding harmful activities, the company must consult the indicators attached to this question, which are taken in part from International Labour Organisation Recommendation 190 regarding the Worst Forms of Child Labour.

National governments may make exceptions and allow workers over the age of 16 to perform certain functions generally considered harmful, but only after a) consulting with the workers' and employers' organisations concerned; b) ensuring that the health, safety and morals of the children are protected; and c) ensuring that the children receive specific instruction or training on the activity to be performed. The company should consult national legislation for all relevant exceptions, but only rely on such exceptions if the exceptions meet the aforementioned criteria.

The prohibitions described in this question should not be confused with minimum age standards. Companies are expected to comply with minimum hiring ages (as explained in question in the question on minimum ages), regardless of whether the work to be performed is harmful or not.

SUGGESTED INDICATORS:

	TRUE	FALSE	F/A	N/A	NO INFO
1 The company has a policy or guidelines in place defining what tasks at the company are prohibited as hazardous or harmful to the health, safety, or morals of workers under the age of 18, which includes all relevant elements from the following indicators.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2 The company does not hire or contract workers under the age of 18 to perform work that exposes them to psychological, emotional or sexual abuse. (II 3(a), International Labour Organisation Recommendation 190)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3 The company does not hire or contract workers under the age of 18 to work	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



continued **SUGGESTED INDICATORS:**

	TRUE	FALSE	F/A	N/A	NO INFO
“underground, under water, at dangerous heights or in confined spaces.” (II 3(b), International Labour Organisation Recommendation 190).					
4 The company does not hire or contract workers under the age of 18 to work with dangerous machinery, equipment and tools, or to manhandle or transport heavy loads. (II 3(c), International Labour Organisation Recommendation 190).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5 The company does not hire or contract workers under the age of 18 to perform work in an environment which exposes them to “hazardous substances, agents or processes or to temperatures, noise levels, or vibrations damaging to their health.” (II 3(d), International Labour Organisation Recommendation 190).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6 The company does not hire or contract workers under the age of 18 to work for long hours, during the night, or in a position that requires them to be unreasonably confined to the premises. (II 3(e), International Labour Organisation Recommendation 190).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7 Young workers are subject to medical examinations to ensure their fitness for the form of employment they are to undertake. (International Labour Organisation Convention 77, Article 2(1) (1946); International Labour Organisation Convention 78, Article 2(1) (1946)).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8 Managers demonstrate awareness of the above limitations concerning the work tasks of workers below the age of 18.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9 Worker representatives or NGOs confirm that the company does not hire worker's under the age of 18 to perform work that may be hazardous or harmful to their health, safety, educational, or moral development.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

[The above question is based on general principles contained in the following: Universal Declaration of Human Rights (1948), Articles 4, 23, 24 and 25; International Covenant on Economic, Social and Cultural Rights (1966), Article 7; Convention on the Rights of the Child (1989), Article 32; ILO Worst Forms of Child Labour Convention (C182, 1999); Article 3; ILO Worst Forms of Child Labour Recommendation (R190, 1999); ILO Minimum Age for Admission to Employment Recommendation (R146, 1973), Part IV]

A.3. NON-DISCRIMINATION

A.3.1 DOES THE COMPANY ENSURE THAT ITS COMPENSATION, BENEFIT PLANS, AND EMPLOYMENT-RELATED DECISIONS ARE BASED ON RELEVANT AND OBJECTIVE CRITERIA?

RELATES TO THE RIGHT TO NON-DISCRIMINATION AND THE RIGHT TO WORK AND JUST AND FAVOURABLE CONDITIONS OF WORK.

YES		NO		F/A		N/A		NO INFO	
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TICK BOX AS APPROPRIATE

Discrimination includes any 'distinction, exclusion or preference' made on the basis of a distinguishing personal characteristic – such as, gender, age, nationality, ethnicity, race, colour, creed, caste, language, mental or physical disability, organisational membership, opinion, health status (including HIV/AIDS), marital status, sexual orientation, birth, or civic, social, political characteristics of the worker, etc. – which negatively impacts a person's employment opportunities or otherwise results in unequal treatment in the workplace.

Discrimination can be direct or indirect. Direct discrimination occurs whenever a company policy, practice or procedure specifically targets a particular group of people because of a distinguishing personal characteristic, and treats that group differently than the others for the worse. To avoid direct discrimination, the company must seek to treat workers fairly with respect to all policies, conditions and benefits of employment, such as advancement, placement, training and remuneration. Indirect discrimination occurs when the practical application of a company policy, procedure or practice negatively impacts a group of people – even if the policies, procedures or practices appear neutral. The best way to avoid indirect discrimination is to minimise the chance of discriminatory application of policies by making certain that employment-related decisions are based on relevant and objective factors (such as merit, experience, tasks, skills, etc), and that consistent procedures are followed in decision making processes. The company should also avoid seeking irrelevant personal information from candidates or employees (such as religion, personal opinion or age or family circumstances) when the information is unrelated to the functions of the position. There are a few exceptions where personal information is legitimately requested and used by employers because of bone fide occupational qualifications required for the job. For example, a political party may need to restrict a candidate because of his/her political beliefs. These exceptions are rare, however, and will generally not be encountered by most companies. When a bone fide occupational qualification does exist, it is not discriminatory for the company to ask a person for the relevant personal information.

Employee compensation must be based on the concept of equal work for equal value, and differences in rates of remuneration between workers must correlate specifically to objective job criteria. Because the level of pay a worker receives is also related to the promotion and training opportunities available to him/her, the company should evaluate its advancement opportunities for bias as well.

For more guidance on specific discrimination issues, as well as suggestions for how to handle difficult dilemmas with regard to discrimination, please refer to the complete version of the Human Rights Compliance Assessment, which will be released in 2005.

SUGGESTED INDICATORS:

	TRUE	FALSE	F/A	N/A	NO INFO
1 The company has policies in place to ensure that hiring, placement, remuneration, advancement, training, discipline, retirement and termination decisions within the company are based only on objective factors, and are not connected to the gender, age, nationality, ethnicity, race, colour, creed, caste, language, mental or physical disability, organisational membership, opinion, health status (including HIV/AIDS), marital status, sexual orientation, birth, or civic, social, or political characteristics of the worker.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2 The company has a method for ensuring that company benefits and services, such as sick leave, holiday, housing, health care, transportation etc. are provided in a non-discriminatory manner.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3 Job descriptions are clearly defined, utilised by all hiring managers, and frequently updated to ensure that employees are hired and granted promotions by the company only on the basis of the skills, qualifications and experience required for the position.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4 Employment advertisements do not reference irrelevant characteristics, such as race, unless listed as part of an equal opportunities promotion.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5 The company does not ask applicants questions regarding their marital status, intent to have children, or number of dependents, which is sometimes used as a method to avoid hiring women because of fear that their duties at home will interfere with their dedication to work.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6 The company does not require applicants or employees to take pregnancy tests, get abortions, or sign agreements not to become pregnant.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7 The company has a method for ensuring that pay is based on objective factors and is implemented in a non-discriminatory way.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8 Wage records do not show pay discrepancies for work of equal value.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9 The company makes reasonable accommodations to allow disabled workers job opportunities with the company.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



continued **SUGGESTED INDICATORS:**

	TRUE	FALSE	F/A	N/A	NO INFO
10 The company has a training programme in place, where instruction is made available, without discrimination, to help workers achieve the qualifications necessary to acquire positions at all levels within the company.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11 Hiring managers receive training regarding the company's non-discrimination policies.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12 Workers have access to a complaints mechanism where they can report complaints of discrimination, and they are familiar with the mechanism.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13 An individual or department in the company is responsible for monitoring company compliance with non-discrimination standards and policies.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
14 Worker's representatives confirm that the company's employment practices are non-discriminatory.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

[The above question is based on general principles contained in the following: Universal Declaration of Human Rights (1948), Articles 1, 2, and 23; International Covenant on Economic, Social and Cultural Rights (1966), Article 7(a); Convention on the Elimination of All Forms of Discrimination against Women (1979), Article 11(1); ILO Equal Remuneration Convention (C100, 1951), Articles 1 and 2; ILO Discrimination (Employment and Occupation) Convention (C111, 1958) Article 1; ILO Tripartite Declaration of Principles Concerning Multinational Enterprises and Social Policy (1977), Articles 21, 22 and 41; ILO Right to Organise and Collective Bargaining (C98, 1949), Article 1]

A.3.2. DOES THE COMPANY SEEK TO MAINTAIN A WORK ENVIRONMENT THAT IS CULTURALLY RESPECTFUL AND SENSITIVE TO THE NEEDS OF ALL WORKERS?

RELATES TO THE RIGHT TO WORK AND JUST AND FAVOURABLE CONDITIONS OF WORK, THE RIGHT TO PARTICIPATE IN CULTURAL LIFE, AND THE RIGHT TO NON-DISCRIMINATION.

YES
NO
F/A
N/A
NO INFO

TICK BOX AS APPROPRIATE

The principles of non-discrimination and diversity extend not only to employment benefits, but also to the overall atmosphere and environment in the workplace. The company may find that minority, female or ethnic employees are effectively prevented from expressing themselves, their religion or their culture, unless company policies are particularly attuned to securing an environment of equality in the workplace. Similarly, the com-

pany may experience the fact that employees expressing themselves culturally, for example by wearing certain cultural symbols, may cause conflict in the work place. In the face of strong cultural/religious tensions in the external environment, the company may have to take special measures to create an environment of trust and inclusion inside the company.

The company may also find that employees are denied their right to participate in special cultural holidays, due to lack of government recognition. If the particular state in which the company is operating only recognises the dominant culture as 'official', the company should not condone this, but attune its own policies to ensure that employees from other cultural groups are given equal opportunities to participate in the particular activities of their culture.

The company should pay attention to instances or harassment or discrimination against minority employees who decide to opt-out of the minority group to which they belong or disagree with some of its practices, principles or values. The company must make sure that all employees can participate on equal terms with others in company social and cultural activities and that company policies and training programmes are respectful of cultural diversity.

SUGGESTED INDICATORS:

	TRUE	FALSE	F/A	N/A	NO INFO
1 Company benefit and vacation policies allow for the observance of different cultural/religious holidays.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2 Company training programmes are culturally appropriate, gender neutral, and respectful of diversity.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3 Training manuals and company literature do not use examples or illustrations that stereotype or categorise any groups of people.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4 The company allows employees to dress in traditional cultural garments if the clothing is appropriate for business and does not increase the risk of accidents in the workplace.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5 Worker's representatives and employees confirm that the work environment is culturally sensitive and non-discriminatory.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

[The above question is based on general principles contained in the following: Universal Declaration of Human Rights (1948), Articles 1, 2, 23, and 27; International Covenant on Civil and Political Rights (1966), Article 26; Convention on the Elimination of all Forms of Racial Discrimination (1965), Article 1; Convention on the Elimination of All Forms of Discrimination Against Women (1979), Article 1; Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990), Article 7; ILO Discrimination (Employment and Occupation) Convention (C111, 1958), Articles 1,2 and 3; ILO Social Policy (Basic Aims and Standards) Convention (C117, 1962), Article 14(e); UNESCO Declaration of the Principles of International Cultural Co-operation (1966), Article 1; ILO Workers with Family Responsibilities Convention (C156, 1981), Articles 3 and 4; ILO Maternity Protection Convention (C183, 2000)]

A.4. FREEDOM OF ASSOCIATION

A.4.1 DOES THE COMPANY RECOGNISE THE FREEDOM ASSOCIATION RIGHTS OF ITS WORKERS, INCLUDING THE RIGHT TO BARGAIN COLLECTIVELY?

RELATES TO THE RIGHT TO PEACEFUL ASSEMBLY AND FREEDOM OF ASSOCIATION.

YES		NO		F/A		N/A		NO INFO	
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TICK BOX AS APPROPRIATE

Workers must be allowed the freedom to associate with organisations of their choice for the purpose of protecting their employment interests. The company must respect the role of worker's organisations and allow them to function independently without interference. To the extent that it does not pose undue harm to the legitimate interests of the company, the company must also allow worker's organisations access to the information, resources, and facilities necessary to carry out their representative functions. The company must also respect the right of workers to bargain collectively, including respect for collective bargaining provisions concerning the settlement of disputes arising out of the interpretation and application of the collective bargaining agreement, and abide by decisions made by the mechanisms or tribunals authorised to handle such disputes. Under no circumstances may the company terminate employees or discriminate against them in retaliation for exercising employee rights, submitting grievances, participating in union activities, or reporting suspected legal violations.

Some countries allow exclusivity agreements (closed-shop agreements), where a worker is required to become a member of a particular trade union in order to work for the company. These types of agreements are considered to violate workers' rights in many countries around the world, but the practice still legitimately exists in others. The European Court of Human Rights has previously upheld the practice, as long as the worker is informed of the membership requirement in advance of his/her employment (European Court of Human Rights – Young, James & Webster vs. Great Britain 13/09/1981). The issue continues to be debated, however, and it is not a recommended practice.

Even if the company itself respects the rights of employees to freely exercise the right to freedom of association, trade union members may still be looked upon as traitors by their non-union co-workers, because union activities are seen as undermining job security. Union members may therefore face an increased risk of physical or verbal harassment by the non-union members in the workplace. Such actions may also be tolerated or supported by the government. The company should be aware that not all employees encourage the formation of trade unions and that trade union members may be harassed, not only by an employer, but also by their own colleagues. In such circumstances, the company may be required to take special measures to secure an environment conducive to the realisation of the right to freedom of association.

For more guidance on difficult issues regarding unions and the freedom of association, please refer to the complete version of the Human Rights Compliance Assessment, which will be released in 2005.

SUGGESTED INDICATORS:

	TRUE	FALSE	F/A	N/A	NO INFO
1 The company has a policy recognising the freedom of association rights of its workers.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2 The company recognises worker's organisations for collective bargaining purposes.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3 The company does not discriminate or take adverse actions against employees in retaliation for exercising employee rights, participating in union activities, or reporting suspected legal violations	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4 The company engages in collective bargaining and holds regular consultations with authorised worker's representatives concerning working conditions, remuneration, dispute resolution, internal relations and matters of mutual concern.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5 The company makes copies of the current collective bargaining agreements available to worker's representatives so that the terms to be negotiated are easily accessible.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6 The company allows worker representatives reasonable access to the company documentation needed to fulfil their duties; negotiate with the company, and ascertain the performance of the company regarding relevant matters.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7 The company allows worker's representatives reasonable access to the employees and the company facilities necessary to carry out their responsibilities.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8 The company provides reasonable notice of impending changes in operations that will affect employment at the company, such as anticipated mergers and layoffs.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9 The company does not use undue influence, employee transfers, or other coercive tactics to improperly interfere with the ability of worker's representatives to effectively negotiate on behalf of its members during the bargaining process.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10 The company does not use military actors to discourage strikes, intimidate workers, or interfere with the exercise of employee rights.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



continued **SUGGESTED INDICATORS:**

	TRUE	FALSE	F/A	N/A	NO INFO
11 The company takes efforts to protect employees from union-related harassment by other workers.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12 Worker's organisations confirm that the company recognises their position, allows them access to employees and facilities, and engages with them in good faith during the collective bargaining process.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

[The above question is based on general principles contained in the following: Universal Declaration of Human Rights (1948), Article 20 and 23(4); International Covenant on Civil and Political Rights (1966), Article 22; International Covenant on Economic, Social and Cultural Rights (1966), Article 8; ILO Collective Bargaining Convention (C154, 1981), Article 5 (2); Article 8; ILO Workers Representatives Convention (C135, 1973), Articles 1 and 2; Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy (1977), Articles 48, 49, 50, 51 and 52

A.4.2. IF TRADE UNIONS ARE NOT ALLOWED IN THE AREA OF OPERATION, OR ONLY STATE AUTHORISED ORGANISATIONS ARE ALLOWED, DOES THE COMPANY ESTABLISH ALTERNATIVE MEASURES TO ALLOW EMPLOYEES TO GATHER INDEPENDENTLY TO DISCUSS WORK-RELATED PROBLEMS?

RELATES TO THE RIGHT TO PEACEFUL ASSEMBLY AND FREEDOM OF ASSOCIATION

YES
NO
F/A
N/A
NO INFO

TICK BOX AS APPROPRIATE

In some countries, state law does not allow the right to unionise and bargain collectively, or only state-controlled organisations are allowed. Under such circumstances, the company still has an obligation to respect the right of its employees to assemble and associate independently, and must ensure that other forms of workers meetings and representation are allowed. In addition, the company must take measures to ensure open channels of communication and negotiation between management and employees concerning all work-related issues. It should be noted that the alternative measures described in this question apply only in those countries where the right to unionise and bargain collectively is not allowed, as such attempts would otherwise be viewed as efforts to displace or circumvent the role of existing labour organisations.

SUGGESTED INDICATORS:

	TRUE	FALSE	F/A	N/A	NO INFO
1 The company allows employees to engage in regular employee meetings, where employees can freely discuss concerns regarding working conditions.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



continued **SUGGESTED INDICATORS:**

	TRUE	FALSE	F/A	N/A	NO INFO
2 Meeting rooms are made available for employee-only meetings to discuss wages and working conditions.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3 Management meets regularly with employee representatives to discuss work-related problems and any grievances employees may wish to raise.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4 Workers are able to detail the last workers meeting and there are meeting minutes or other documentation from the meeting.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5 Employees confirm that they are given the opportunity to attend meetings regarding their work conditions, and staff representatives meet regularly with management to discuss these issues.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

[The above question is based on general principles contained in the following: Universal Declaration of Human Rights (1948), Article 20 and 23(4); International Covenant on Civil and Political Rights (1966), Article 21 and 22; International Covenant on Economic, Social and Cultural Rights (1966), Article 8 (1c); Convention on the Protection of All Migrant Workers and Members of Their Families (1997), Articles 26(a) and 40; ILO Freedom of Association and Protection of the Right to Organise Convention (C87, 1948) Articles 2, 3, 4 and 5; ILO Right to Organise and Collective Bargaining (C98, 1949), Articles 1, 3 and 4; ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy (1977), Articles 41, 42, 43 and 57]

A.5. WORKPLACE HEALTH AND SAFETY

A.5.1 DOES THE COMPANY ENSURE THAT ITS WORKERS ARE AFFORDED SAFE, SUITABLE AND SANITARY WORK FACILITIES?

RELATES TO THE RIGHT TO LIBERTY AND SECURITY OF PERSON AND THE RIGHT TO HEALTH.

YES
NO
F/A
N/A
NO INFO

TICK BOX AS APPROPRIATE

The company must provide safe and healthy working facilities and take appropriate precautionary measures to protect employees from work-related hazards and anticipated dangers in the workplace. The actual type and number of safety precautions necessary will differ depending upon the industry of operation and unique concerns of the company, as well as the location of operation and the particular needs of vulnerable workers, such as pregnant women. Reasonable responses to dangers could include the increase of lighting on the premises, the installation of video cameras, the installation of property fencing, the increase in the number of unarmed security guards, or even the suspension of operations--in the most extreme cases--for as long as is necessary to remedy the problem. If an unanticipated danger is identified, the company must act swiftly to remedy the defect and institute a prevention plan to deter future incidents. The company must also have a pre-established action plan designed to respond effectively to workplace accidents and health hazards in the event that all precautions fail. The company must employ the highest applicable industry and national standards required for its operations, but at a minimum, must comply with the following indicators, which are taken from international labour conventions.

SUGGESTED INDICATORS:

	TRUE	FALSE	F/A	N/A	NO INFO
1 The company has effective health and safety prevention and remediation policies and procedures in place which comply with industry, national and international standards	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2 The company's health and safety standards are made available to employees in a language they understand.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3 The company has a disciplinary plan which applies to all violations of the company's health and safety standards.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4 The company documents accidents and adjusts its processes to prevent recurring problems.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5 The company routinely monitors its production processes, machinery and equipment to ensure that they are safe and in good working order.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



continued **SUGGESTED INDICATORS:**

	TRUE	FALSE	F/A	N/A	NO INFO
6 The company has a procedure or process for receiving and responding to health and safety complaints, such as designating a health and safety representative or committee.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7 Responsibilities for health and safety tasks are clearly outlined at all levels of the company and there is a system for monitoring the accountability of the tasks.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8 Workers and managers are trained to respond to workplace emergencies and first aid kits are readily available.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9 Escape exits are free from obstruction.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10 There are fully functional fire extinguishers and first escapes on all workplace premises.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11 Work premises and equipment are maintained and kept clean (International Labour Organisation Convention 120, Article 7).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12 The workplace has sufficient and suitable ventilation, with fresh or purified air, appropriate for the climate and industry of operation (International Labour Organisation Convention 120, Article 8).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13 Workplace temperature is comfortable and steady (International Labour Organisation Convention 120, Article 10).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
14 The workplace has sufficient and suitable lighting. (International Labour Organisation Convention 120, Article 18).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15 Potable water is available for all workers (International Labour Organisation Convention 120, Article 12).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
16 Sufficient and suitable washing facilities and sanitary conveniences are provided and properly maintained (International Labour Organisation Convention 120, Article 13).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
17 Sufficient, suitable and comfortable seats/chairs are supplied to the workers (International Labour Organisation Convention 120, Article 14).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



continued **SUGGESTED INDICATORS:**

	TRUE	FALSE	F/A	N/A	NO INFO
18 If employees use uniforms or other work-specific clothing, the company provides suitable facilities for changing, storing, and drying their clothing (International Labour Organisation Convention 120, Article 15).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
19 Clean and sanitary food storage facilities and designated eating areas are available for all employees (International Labour Organisation Convention 161, Article 5 (b)).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
20 Residential or overnight facilities are clean and sanitary and meet the basic needs of the workers (International Labour Organisation Convention 161, Article 5 (b)).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
21 The company provides clean and sanitary toilet facilities appropriate for both genders (International Labour Organisation Convention 161, Article 13).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
22 Special attention is paid to the health and safety of pregnant women, disabled employees and other vulnerable workers.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
23 Employees are given access to health and safety information about the company.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
24 Health and safety inspections confirm that the workplace is safe, clean, comfortable and hygienic.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

[The above question is based on general principles contained in the following: Universal Declaration of Human Rights (1948), Article 25; International Covenant on Economic, Social and Cultural Rights (1966), Articles 7 (b) and 12 (2b); Convention on the Elimination of All Forms of Discrimination against Women (1979), Article 11 (1f); ILO Hygiene (Commerce and Office) Convention (C120, 1964); ILO Occupational Health and Services Convention (C161, 1985), Article 5 (b)]

RELATES TO THE RIGHT TO HEALTH.

A.5.2. DOES THE COMPANY SUPPLY ITS EMPLOYEES WITH THE PROTECTIVE EQUIPMENT AND TRAINING NECESSARY TO PERFORM THEIR TASKS SAFELY?

YES		NO		F/A		N/A		NO INFO	
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TICK BOX AS APPROPRIATE

All workers must be trained on all tasks for which they are responsible prior to beginning a new assignment. This must be followed by regular health and safety training to ensure that workers are fully updated and capable of carrying out their work tasks safely throughout their tenure with the company. In general, workers should not be exposed to harmful processes, chemicals, substances or techniques; however, sometimes exposure is unavoidable when it is impossible to modify the work environment and still perform the work tasks. If there is no way to modify the work environment to avoid exposure, then all workers who are exposed to hazardous substances or conditions must be provided with all protective equipment necessary, at no cost to him/her. The type of protective equipment necessary will vary depending upon the nature of the work, but may include specialised suits, gloves, helmets, goggles, steel-toe boots, safety harnesses, ropes, etc. Undue burden or expense to the company must not be used as a justification for failing to provide appropriate safety equipment.

SUGGESTED INDICATORS:

	TRUE	FALSE	F/A	N/A	NO INFO
1 Company policy and procedure dictate that all employees are provided with the protective equipment and training necessary to safely perform the functions of their position.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2 The company keeps itself informed of scientific developments with respect to harmful materials and safety equipment in its sector to ensure that its processes provide appropriate protection for the industry dangers present in its operations.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3 All workers are protected against processes, substances and techniques, which are obnoxious, unhealthy, toxic or harmful (International Labour Organisation Convention 120, (C120, 1964) Article 17) including the following:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
A. exposure to harmful chemicals or biological agents					
B. exposure which can cause undesired physical, physiological or psychological changes					
C. exposure to loud noise					



continued **SUGGESTED INDICATORS:**

TRUE **FALSE** **F/A** **N/A** **NO INFO**

D. exposure to toxic fumes, emissions, smoke, gases, smells, or other forms of air pollution

E. exposure to vibration

F. exposure to radiation

G. exposure to electrical shocks and currents

H. exposure to flames

I. exposure to incendiary or explosive agents

J. exposure to snow, ice, or other slippery surfaces

K. exposure to extreme temperatures

L. exposure to falling objects (e.g. on construction sites or oil platforms)

M. exposure to asbestos, coal, and other substances that cause respiratory ailments if inhaled or ingested

N. exposure to bright light or sun

O. exposure to dangerous machinery (e.g. saws, presses)

P. exposure to lead and benzene

Q. exposure to cigarette or cigar smoke (e.g. bars and restaurants)

R. exposure to flying debris, particles or sparks

S. exposure to any other harmful, chemical, agent, or threats

4 Company-provided safety gear takes into account gender differences and the special needs of pregnant women.

5 Company employees have the right to access information about company health and safety risks and the need for protective equipment.

6 Knowledgeable experts provide hands-on demonstrations in a language that is understandable to the employees on how to use each new machine, equipment piece, substance, or work technique that will be introduced to the working environment before they become incorporated into the work routine.

7 Workers receive periodic updates on their training to refresh their know-



continued **SUGGESTED INDICATORS:**

	TRUE	FALSE	F/A	N/A	NO INFO
ledge and update their skills.					
8 All individuals who are reassigned to different work tasks receive hands-on training from a knowledgeable expert in a language they understand before commencing their new tasks.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9 An accurate record is kept by the employer detailing who has been trained, for what tasks the employee has been trained, how he/she has been trained (duration, method), and by whom (name of instructor).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10 If an accident occurs, the company evaluates the incident, implements appropriate corrective measures, and provides an internal educational campaign on the risks associated with the injury causing activity.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11 Workers do not show injuries or illnesses that are a result of improper exposure and lack of protective gear.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12 Employees, worker's unions and safety inspectors confirm that company employees are adequately trained and provided with the necessary protective equipment to carry out all their work-related tasks.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

[The above question is based on general principles contained in the following: Universal Declaration of Human Rights (1948), Article 25; International Covenant on Economic, Social and Cultural Rights (1966), Articles 7 (b) and 12 (2b and c); ILO Occupational Safety and Health Convention (C155, 1981), Articles 16 (3) and 21], ILO Hygiene (Commerce and offices) Convention (C120, 1964), Article 17.

A.6. CONDITIONS OF EMPLOYMENT AND WORK

A.6.1. DOES THE COMPANY TAKE MEASURES TO PROTECT WORKERS FROM ACTS OF PHYSICAL, VERBAL, SEXUAL, OR PSYCHOLOGICAL HARASSMENT, ABUSE, OR THREATS IN THE WORKPLACE, INCLUDING WHEN DETERMINING AND IMPLEMENTING DISCIPLINARY MEASURES?

RELATES TO THE RIGHT TO JUST AND FAVOURABLE CONDITIONS OF WORK; THE RIGHT TO NON-DISCRIMINATION AND THE RIGHT TO FREEDOM FROM TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT.

YES
NO
F/A
N/A
NO INFO

TICK BOX AS APPROPRIATE

Workplace violence is a growing problem in many countries around the world, and causes not only ill health and anxiety for the victim, but also results in considerable costs to the company in terms of reduced efficiency, increased litigation, poor morale, high turnover, and absenteeism. Workplace violence encompasses many types of behaviour, including assault, physical and sexual harassment or threats, and workplace bullying and intimidation. ‘Workplace bullying’ is vindictive, cruel and humiliating treatment aimed at undermining the victim. Workplace bullying not only causes emotional distress for the victim, but also results in decreased efficiency, because the victim is forced to devote time developing counter-offensive tactics, avoiding the harasser, and recruiting allies. Sexual harassment includes, but is not limited to: deliberate, unsolicited, unwanted sexual flirtations, advances, offensive sex related remarks, discussion, illustrations, jokes, gossip; requests for sexual acts and/or favours; leering, whistling and the physical or verbal harassment of homosexual individuals. To protect workers against all such acts, the company must implement prevention policies, facilitate open communication, provide training, and allow workers to report such incidents to a complaint mechanism that fully investigates the reports and responds accordingly. Finally, while disciplinary measures are necessary and legitimate, the company must not engage in or support the use of corporal punishment, physical or mental coercion, or verbal abuse.

SUGGESTED INDICATORS:

	TRUE	FALSE	F/A	N/A	NO INFO
1 The company distributes a prevention policy on workplace violence and harassment, which notifies employees of their obligations to refrain from violent, threatening or abusive conduct toward others.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2 The company has a mechanism to receive reports of workplace violence, harassment and threats, which is specifically designed to competently address all types of workplace misconduct, including sexual harassment.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3 The company promptly investigates all complaints of workplace violence, harassment, and threats and takes appropriate preventative and disciplinary action.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4 Managers are trained to use appropriate management techniques, including	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

continued **SUGGESTED INDICATORS:**

	TRUE	FALSE	F/A	N/A	NO INFO
proper disciplinary measures, and instructed to refrain from harassing, violent, threatening and abusive conduct.					
5 The company promptly addresses stress and tensions (such as racial tensions) in the workplace which can later lead to abusive, violent or harassing conduct.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6 The company facilitates open communication and problem-solving groups designed to deter, monitor, prevent and report workplace violence.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7 The company takes special measures to protect workers from the harassing, violent and threatening conduct of outsiders, such as customers, vendors and clients.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8 When there is sufficient evidence that an employee has engaged in an act of violence, the company reports the individual to the appropriate government authority.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9 Worker's representatives and employees confirm that the company has appropriate measures in place to protect employees from harassing, abusive and threatening behaviour.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10 Worker's representatives and employees confirm that the company refrains from using corporal punishment, physical or mental coercion, and verbal abuse when implementing disciplinary decisions.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

[The above question is based on general principles contained in the following: Universal Declaration of Human Rights (1948), Article 5; International Covenant on Civil and Political Rights (1966), Article 7; Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984), Articles 2 (1), 4 and 10; Convention on the Protection of All Migrant Workers and Members of Their Families (1990), Article 10]

A.6.2. DOES THE COMPANY HAVE MECHANISMS FOR HEARING, PROCESSING, AND SETTLING THE GRIEVANCES OF EMPLOYEES?

RELATES TO THE RIGHT TO WORK AND JUST AND FAVOURABLE CONDITIONS OF WORK AND RIGHT TO PRIVACY.

YES
 NO
 F/A
 N/A
 NO INFO

TICK BOX AS APPROPRIATE

Workers must have a right to submit grievances regarding workplace concerns without the threat of suffering adverse employment action or prejudice as a result of the grievance. In order to facilitate the expression of these complaints, the company must work with worker’s organisations/representatives to establish and maintain effective grievance procedures whereby workers can lodge workplace-related complaints. Complaints might range from dissatisfaction with work hours and rest periods to claims of coercion, intimidation or abuse. The company must properly examine all grievances pursuant to its pre-established grievance procedure. Any worker filing a grievance must receive notification of the company’s findings regarding his or her particular complaint and whether corrective action will be taken. If the worker disagrees with the decision, he or she must have recourse to some reasonable form of independent arbitration or dispute resolution process to settle the claim with the company.

SUGGESTED INDICATORS:

	TRUE	FALSE	F/A	N/A	NO INFO
1 The company has agreed with worker’s representatives about the requirements of a fair hearing.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2 The fair hearing requirements are followed in relation to all grievances presented to the company.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3 The company has established committees responsible for hearing, processing, and settling disputes. Those committees have equal representation of employers and workers. (ILO Tripartite Declaration of Principles Concerning Multinational Enterprises and Social Policy (1977), Article 58)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4 Company workers are aware of the company grievance process and are able to anonymously submit grievances if they prefer to do so.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5 Worker representatives are allowed to participate with the employee in any hearing held with respect to a grievance.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6 Records show that the company systematically and objectively reviews any complaints filed and implements correc-	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



continued **SUGGESTED INDICATORS:**

	TRUE	FALSE	F/A	N/A	NO INFO
tive action when necessary.					
7 The grievance procedure is non-discriminatory and is able to respond to gender specific issues, such as sexual harassment.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8 Company actors do not retaliate against workers who file grievances or complaints.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9 Employees and worker representatives confirm that they have access to a grievance mechanism which addresses the concerns raised by them in a fair and systematic manner.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

[The above question is based on general principles contained in the following: Universal Declaration of Human Rights (1948), Articles 23, 24 and 25; International Covenant on Economic, Social and Cultural Rights (1966), Article 7 (b); ILO Tripartite Declaration of principles concerning Multinational Enterprises and Social Policy (1977), Articles 57 and 58; ILO Examination of Grievances Recommendation (R130, 1967), article 2]

RELATES TO THE RIGHT TO AN ADEQUATE STANDARD OF LIVING AND THE RIGHT TO WORK AND JUST AND FAVOURABLE CONDITIONS OF WORK.

A.6.3. DOES THE COMPANY PROVIDE A LIVING WAGE, WHICH ENABLES WORKERS TO MEET THE BASIC NEEDS OF THEMSELVES AND THEIR DEPENDENTS?

YES
 NO
 F/A
 N/A
 NO INFO

TICK BOX AS APPROPRIATE

Workers wages must enable them to meet the basic needs of themselves and their dependants, as well as provide some discretionary income. In general, minimum wages are fixed by national law, but in many states the minimum wages have not been adjusted for decades, regardless of inflation, and as a result are too low to guarantee an adequate standard of living. In other states, no minimum wage legislation exists at all. Therefore, the company must not rely solely on local legislation when developing its pay policies, but must instead seek to establish a living wage that will ensure an adequate standard of living for all its employees and their dependants, which not only includes food, housing and water, but also education and disposable income.

In some industries, workers are paid entirely or in part on the number of pieces they produce/harvest (piece-rate). Piece-rate payment structures must be closely evaluated to ensure that the total salary paid meets living wage requirements of the workers;

that the price per piece is not too low; and the production expectations are not too high so that workers are required to work extra unpaid hours to meet the demands.

Even if the company itself pays a living wage, the company should take special efforts to monitor its suppliers and partners for living wage practices. By failing to pay fair prices to suppliers for goods and services, the company contributes to poor wage practices that violate the human rights of the suppliers' workers.

For more guidance on the calculation of living wages, please refer to the complete version of the Human Rights Compliance Assessment, which will be released in 2005.

SUGGESTED INDICATORS:

	TRUE	FALSE	F/A	N/A	NO INFO
1 The company has a policy stating that worker's are entitled to a living wage, sufficient to meet basic food, clothing and housing needs, as well as provide for some discretionary income.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2 The company knows whether minimum wage in the country of operation is sufficient to meet basic needs and to provide discretionary income.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3 If no national minimum wage is established, or if national minimum wage standards are insufficient to meet the basic needs of employees and their dependents, the company dialogues with local trade unions, NGOs, other companies, or state bodies responsible for regulating labour market matters to seek guidance on the proper standard of pay for the region.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4 The company negotiates minimum wage standards by collective agreement with union representatives before implementing wage policies.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5 The company does not use an excessive number of part-time positions as a method to avoid paying full wages and benefits to its workers.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6 The company pays wages at regular times and does not take deductions from wages for disciplinary measures, or other deductions which are not authorised by national law without the freely given consent of the employee.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7 Overtime hours are not required in order for workers to earn a living wage.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8 Piece rate payment systems are monitored to ensure that the total salary	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



continued **SUGGESTED INDICATORS:**

	TRUE	FALSE	F/A	N/A	NO INFO
paid meets living wage requirements.					
9 The company establishes prices with suppliers that expect the payment of living wages.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10 Worker's representatives or NGOs confirm that the company pays workers a living wage.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

[The above question is based on general principles contained in the following: Universal Declaration of Human Rights (1948), Article 25; International Covenant on Economic, Social and Cultural Rights (1966), Article 7 (a) and 11 (1); International Covenant on Civil and Political Rights, Article 23; Convention on the Elimination of All Discrimination Against Women (1979), article 11; Convention on the Protection of All Migrant Workers and Members of Their Families (1990), Article 25; ILO Minimum Wage Fixing Convention (C131, 1970), Article 3; ILO Social Policy (Basic Aims and Standards) Convention (C117, 1962), Article 5; ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy (1977), Article 34]

RELATES TO THE RIGHT TO WORK AND JUST AND FAVOURABLE CONDITIONS OF WORK, THE RIGHT TO FAMILY LIFE, AND THE RIGHT TO HEALTH.

A.6.4. DOES THE COMPANY GRANT EMPLOYEES PAID HOLIDAY AND SICK LEAVE EACH YEAR, AS WELL AS PARENTAL LEAVE TO EMPLOYEES WHO MUST CARE FOR A NEW-BORN OR NEWLY ADOPTED CHILD?

YES
 NO
 F/A
 N/A
 NO INFO

TICK BOX AS APPROPRIATE

The company must grant all employees paid annual holiday and sick leave for the period determined by the national government (competent authority) in the country of operation. International Labour Organisation (ILO) standards require all employees to be granted a minimum of no less than three weeks of holiday per year.

In relation to maternity leave, the International Labour Organisation (ILO) establishes a minimum of 14 weeks of maternity leave. This amount of time is still not common in many countries, but it is recommended that the company works towards granting its employees 14 weeks of maternity leave, and if national legislation allows more than the 14 weeks, the company must comply with this. The entire maternity leave should not automatically apply only to the mother, if a couple wishes to share the maternity leave granted, the company should allow male employees to take leave of absence to care for newborns or newly adopted children.

SUGGESTED INDICATORS:

	TRUE	FALSE	F/A	N/A	NO INFO
1 Company employees are granted at least three weeks of paid holiday leave per year, in accordance with International Labour Organisation standards. (International Labour Organisation Convention 132 (C132, 1970), Article 4(2)).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2 Company policy provides paid sick leave in accordance with national law requirements. If national law provides no guidance or only limited protection, the company consults with union representatives during the collective bargaining process, workers, and/or local NGOs to establish a sufficient amount of sick time.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3 The company does not force employees to use vacation time as a substitute for sick leave.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4 The company policy allows female employees no less than fourteen weeks of maternity leave per child in accordance with International Labour Organisation standards. (International Labour Organisation Convention 183 (C183, 2000), Article 4). (The ILO Maternity Protection Recommendation of 2000 even suggests that this leave be extended to 18 weeks.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5 The company grants parental leave to employees who have recently adopted a child/children or have taken on the responsibility to care for foster and/or other dependent children.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6 Part-time and short-term employees are provided with holiday leave on a pro rata basis.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7 Workers representatives and trade unions confirm that all employees are granted paid holiday and sick leave each year, as well as parental leave to care for newborns or adopted children, and this is confirmed by relevant company records.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

[The above question is based on general principles contained in the following: Universal Declaration of Human Rights (1948), Articles 16, 23 and 24; International Covenant on Economic, Social and Cultural Rights (1966), Article 7 (d) and 10 (2); Convention on the Elimination of All Forms of Discrimination against Women (1979), Article 11 (2b and 2c); Convention on the Rights of the Child, Article 5; ILO Holidays with Pay (Revised) Convention (C132, 1970), Article 4 (2); ILO Maternity Protection Convention (C183, 2000), Article 4]

RELATES TO THE RIGHT TO
WORK AND JUST AND
FAVOURABLE CONDITIONS
OF WORK.

A.6.5. DOES THE COMPANY ENSURE THAT THE WORK-WEEK IS LIMITED TO 48 HOURS, OVERTIME IS VOLUNTARY, INFREQUENT, AND DOES NOT EXCEED 12 HOURS PER WEEK, AND THAT EMPLOYEES ARE GIVEN REASONABLE BREAKS WHILE WORKING, AND SUFFICIENT REST PERIODS BETWEEN SHIFTS?

YES	<input type="checkbox"/>	NO	<input type="checkbox"/>	F/A	<input type="checkbox"/>	N/A	<input type="checkbox"/>	NO INFO	<input type="checkbox"/>
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TICK BOX AS APPROPRIATE

The company must set a reasonable limitation on working hours to provide sufficient time for rest and leisure. According to International Labour Organisation (ILO) standards, the work-week must be limited to 48 hours for both commercial and industrial occupations, but the number of hours per day in commercial industries is limited to 10 and the number per day in industrial occupations is 8. (The ILO additionally recommends that national governments move toward the development of a 40-hour work-week).

The limit to the ILO hours of work (48 per week and 8 or 10 per day) may only be exceeded in exceptional circumstances. When relying on ILO standards for working hours, the company should consult national law for applicable exceptions, since national governments are responsible for designating exemptions to the 48 hour work week for persons employed in management positions or in a confidential capacity.

Overtime shall be voluntary and shall not exceed 12 hours per week. If national legislation restricts the work-week to less than 48 hours, overtime is still limited to 12 hours per week. Also, overtime shall not be regular. This means that the company may only increase the number of hours in response to unexpected, exceptional, and short-term business demands. Finally, overtime shall be remunerated at premium rate.

In addition to the limitations placed on the number of hours per week, the ILO also provides for weekly rest periods of no less than 24 consecutive hours of rest in every seven day period of work. The national governments or appropriate machinery in the country of operation are responsible for designating exemptions to the 24 hour rest periods for those employed in high managerial positions. The company should consult national laws to determine whether any such exemptions apply to its operations. If the industry standards or national laws in the country of operation are more protective than the 48 hour weekly standards and rest periods set by the ILO, the company must follow the national law or applicable industry standards. When the standards set by either national law or industry standards fall below ILO standards, the company must then comply with the standards set by the ILO.

The ILO does not provide a general standard for the number of breaks employees should be entitled to during the work day. However, if the country of operation does not prescribe the number and timing of rest periods, we suggest that workers be allowed a half-hour break every four hours to eat, stretch and rest. If the work is strenuous or very repetitive, workers should be provided with breaks more often, especially when

necessary to prevent repetitive-stress or fatigue-related injuries. For certain work groups, such as drivers, the ILO has particular standards concerning breaks and work hours, please see ILO Hours of Work and Rest Periods (Road Transport) Convention, (C153, 1979) for more information.

SUGGESTED INDICATORS:

	TRUE	FALSE	F/A	N/A	NO INFO
1 Company work hours are limited to 48 per week by both company policy and in practice (or fewer hours if provided by national law or industry standards). (International Labour Organisation Hours of Work (Industry) Convention (C1, 1919); International Labour Organisation Hours of Work (Commerce) Convention, Articles 3 and 4 (C30, 1930)).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2 The company ensures that overtime is voluntary, infrequent, remunerated at premium rate, and does not exceed 12 hours per week.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3 Company employees are allowed at least 24 consecutive hours of rest in every seven day period (or more rest if provided by national laws or industry standards). (International Labour Organisation Weekly Rest (Commerce) Convention, Article 6 (C106, 1957); International Labour Organisation Weekly Rest (Industry) Convention, (C14, 1921).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4 Company employees are given no less than a 30-minute break for every 4 hours of work, or more if the nature of the work or national laws or industry standards so require.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5 The company strives to employ the number of workers necessary to meet production expectations, so that employees can complete their work tasks within the weekly and daily time limits defined in international standards, national and industry standards (whichever is most protective).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7 Breaks are strategically scheduled to ensure that no employee is required to work for extended lengths of time during a shift without a rest period.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8 The company is moving toward the development of a 40 hour work week. International Labour Organisation Forty-Hour Week Convention (International Labour Convention 47 (C47, 1935)).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9 Managers are aware that employees are allowed to use toilet facilities whenever necessary and not just during designated	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



continued **SUGGESTED INDICATORS:**

	TRUE	FALSE	F/A	N/A	NO INFO
breaks.					
10 If the company is located far away from any food supply, or if the employees have to take special measures, such as undressing from protective lab coats before they can eat, the break is extended to allow extra time for such activities.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11 The number of fatigue related accidents at the company is not excessive for the type of industry.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12 The company does not encourage employees to avoid taking breaks by rewarding those who do not use their break time.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13 Employees confirm that they are provided with periodic breaks during the day to eat, stretch and use toilet facilities and that work hours are limited to 48 per week.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

[The above question is based on general principles contained in the following: Universal Declaration of Human Rights (1948), Articles 23, 24 and 25; International Covenant on Economic, Social and Cultural Rights (1966), Article 7 (d); ILO Hours of Work (Commerce and Offices) Convention (C30, 1930), Articles 3 and 4; ILO Hours of Work (Industry) Convention (C1, 1919); ILO Weekly Rest (Industry) Convention (C14, 1921), Article 2(1); ILO Weekly Rest (Commerce and Offices) Convention (C106, 1957), Article 6 (1); ILO Forty-Hour Week Convention (C47 1935)]

RELATES TO THE RIGHT TO
PRIVACY.

A.6.6. DOES THE COMPANY RESPECT THE PRIVACY RIGHTS OF ITS EMPLOYEES WHENEVER IT GATHERS PRIVATE INFORMATION OR IMPLEMENTS EMPLOYEE-MONITORING PRACTICES?

YES
 NO
 F/A
 N/A
 NO INFO

TICK BOX AS APPROPRIATE

The company will almost certainly need to gather information about its employees for legitimate purposes such as determining tax liability, providing health insurance and complying with government demands for lawful information. When gathering and maintaining personal information, the company must ensure that the collection of data has a legitimate business purpose and that the employee is aware of the purpose for providing the information. Personal information about an employee must be collected

directly from the individual him/herself, unless the employee consents, in writing, to the third party release of personal information.

Almost all businesses monitor the workplace conduct of employees in some way. This can range from periodic performance appraisals, to electronic monitoring of output production and computer usage. Regardless of how the company decides to monitor its employees, its monitoring practices must be reasonable, proportional, and justifiable to the business need served. Company manuals must outline exactly how the organisation intends to audit its staff, and detail whether there will there be periodic or random checks, or whether monitoring will occur only when corporate officers have reasonable suspicion of inappropriate activity. The scope of the policy should also be defined, and detail whether monitoring policies apply anytime an employee is using company equipment, such as a company laptop at home, or whether it only applies when an individual is at the workplace using the company system.

Issues of privacy are heavily regulated by regional and national laws, and as with all questions in the HRCA, the company is expected to comply with all applicable laws, as well as meeting international standards.

SUGGESTED INDICATORS:

	TRUE	FALSE	F/A	N/A	NO INFO
1 The company has a clear privacy policy, outlining its data collection and monitoring practices.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2 Company policy or guidelines state what kind of personal information is retained on employees, where it is stored, who has access, and why the information is necessary.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3 The company discloses to employees the specific purpose of collecting any information it retains.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4 The company does not attempt to gain information from an individual with whom the employee has a privileged relationship, including a spouse, pastor, doctor, or lawyer, without the employee's prior written consent.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5 The company informs a person if he/she is being specifically targeted for special monitoring.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6 Employees are made aware of all workplace monitoring.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7 Employees have access to all personal data collected about them, including data obtained through monitoring.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



continued **SUGGESTED INDICATORS:**

	TRUE	FALSE	F/A	N/A	NO INFO
8 The company does not reveal, retain or misuse any personal data about an employee that has inadvertently been collected during the monitoring process.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9 The collection of data and the use of monitoring is accomplished in a non-discriminatory manner.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10 There are no video cameras or monitoring mechanisms in toilet facilities or changing rooms.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11 Worker's organisations and employees confirm that the company's monitoring practices are respectful of the right to privacy, and that employees are kept informed of the monitoring practices of the company.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12 Employees confirm that the company requests only reasonable information from them, and that the purposes for requesting the information are clearly explained.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

[The above question is based on general principles contained in the following: Universal Declaration of Human Rights (1948), Article 12; International Covenant on Civil and Political Rights (1966), Article 17; ILO Code of Practice: Protection of Workers Personal Data (1997), Sections 5, 6 (14) and 12 (2b)]; UN Guidelines for the regulation of Computerized personal Data Files (1990), Article 3 (a); OECD Guidelines: On the Protection of Privacy and Transborder Flows of Personal Data (1980), Article 9]

B. COMMUNITY IMPACT

B.1. SECURITY

B.1.1. ARE COMPANY SECURITY GUARDS TRAINED WHEN TO INTERVENE IN SECURITY-RELATED SITUATIONS AND HOW TO USE THE MINIMAL AUTHORIZED FORCE NECESSARY?

RELATES TO THE RIGHT TO LIFE, LIBERTY AND SECURITY OF PERSON.

YES
NO
F/A
N/A
NO INFO

TICK BOX AS APPROPRIATE

The company is allowed to use security guards to protect its employees and property if operating in areas where this is considered necessary, but the use of excessive force violates the liberty and security of the victim. Generally speaking, private security guards must only behave in a defensive and preventative manner and attempt to solve security-related situations with non-violent means. For situations where defensive force is necessary, guards must be adequately trained to use appropriate levels of force for the different security situations they encounter. It is not enough to avoid using lethal force against suspects in security situations, because permissible levels of force differ with respect to the degree of risk and type of activity encountered when one apprehends a suspect or other dangerous person. Arrest and imprisonment functions must be left to the jurisdiction of local law enforcement mechanisms, and company security guards must not attempt to interfere in this process. Finally, security guards must also refrain from interfering in situations where community members organise peaceful demonstrations to protest about projects, in order to ensure respect for their right to freedom of expression and peaceful assembly.

SUGGESTED INDICATORS:

	TRUE	FALSE	F/A	N/A	NO INFO
1 The company has a policy manual clearly defining the role and responsibility of security guards.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2 All company security guards are carefully trained to handle different types of security situations to enable them to fully understand their duties and properly exercise their authority.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3 The company investigates any security related complaints received by the community, remedies the problem, and keeps records of these incidents.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4 Security guards who use unnecessary or excessive force are reprimanded, disciplined or dismissed for their actions, depending on the severity of the offence, and incidents are reported to the competent state authorities.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5 Community representatives, local law enforcement officials and other relevant external parties confirm that com-	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

continued **SUGGESTED INDICATORS:**

TRUE **FALSE** **F/A** **N/A** **NO INFO**

pany security guards only use the minimal force necessary to handle security-related situations.

[The above question is based on general principles contained in the following: Universal Declaration of Human Rights (1948), Article 3; International Covenant on Civil and Political Rights (1966), Articles 6 (1) and 9 (1); Convention on the Protection of All Migrant Workers and Members of Their Families (1990), Article 16(4); UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (1990), Articles 1, 4, 5, 7, 8, 9, 19 and 20]

B.2. LAND MANAGEMENT

B.2.1. BEFORE PURCHASING LAND, DOES THE COMPANY CONSULT WITH ALL AFFECTED PARTIES, INCLUDING BOTH LEGAL AND CUSTOMARY OWNERS, IN ORDER TO SEEK THEIR PRIOR INFORMED CONSENT?

RELATES TO THE RIGHT TO OWN PROPERTY, THE RIGHT TO ADEQUATE HOUSING, AND THE RIGHT TO FOOD.

YES <input type="checkbox"/>	NO <input type="checkbox"/>	F/A <input type="checkbox"/>	N/A <input type="checkbox"/>	NO INFO <input type="checkbox"/>
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TICK BOX AS APPROPRIATE

In some developing countries, some of the land is not subject to land titles. Also national systems of land registration often co-exist with traditional/customary systems of legal ownership. Indigenous or local peoples may lack documentation to prove ownership, and/or other actors may have illegal and competing documentation of ownership to the same property, but they still own the land or have usage rights to property under colonial or post-colonial treaties, or traditional indigenous laws. In some cases, the state itself may be the illegal owner to property which rightfully belongs to indigenous peoples pursuant to colonial or post-colonial treaties. Indigenous or local peoples may also be pressured to sell their property interests to companies by methods that deprive them of their human rights. For example, if poachers are hired to kill animals on which the people rely for their subsistence, the people may be forced to leave their property or sell it.

Another problem is that certain vulnerable groups, such as single women, elderly women, or wives, are often deprived of their property rights, implying that relatives or other acquaintances sell their property without their permission and the customary law does not recognise or allow enforcement of their rights. Although state law or customary law may prescribe otherwise, women have the right to administer property and hold contracts under international law and husbands and wives have equal rights with respect to marital property.

Without proper investigation into land rights prior to purchase, the company might unknowingly receive a transfer of property from a purported owner only after the title has been improperly transferred from the true owner. The company should thus be aware that some sellers may not be the true owner of the land under international or indigenous peoples' property rights, or according to treaties between indigenous peoples and the state, which were ratified during colonial or post-colonial periods. In all land transactions, the company must ensure to investigate land ownership properly and consult with all affected groups before purchasing. When dealing with indigenous peoples it is important to emphasise that this group enjoys special protection under international law due to their historical relation to the lands and territories they use or occupy. In such cases, international law requires their free and informed consent before any relocation can be undertaken.

For more information about how to deal with indigenous peoples, please refer to the complete version of the Human Rights Compliance Assessment, which will be released in 2005.

SUGGESTED INDICATORS:

	TRUE	FALSE	F/A	N/A	NO INFO
1 The company has a method in place to verify all existing claims and titles to land, under state law (including colonial and post-colonial treaties) and the law and customs of indigenous peoples.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2 The company is committed to clarifying and settling all existing claims and conflicts of land title in compliance with international human rights law or state law, whichever is more protective of the rights of the claimants.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3 Company guidelines ensure that no coercive measures are taken to affect land use by local people, in order to obtain transfer of their property interests.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4 Company guidelines include consultations with all affected parties (including women and wives) prior to acquiring their property through a third party, and if indigenous peoples are involved, it requires their free informed consent.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5 NGO's and indigenous peoples representatives confirm that the company is respectful of the land rights of local and indigenous people whenever it leases or purchases land.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

[The above question is based on general principles contained in the following: Universal Declaration of Human Rights (1948), Articles 17 and 25; Convention on the Elimination on All Forms of Discrimination against Women (1979), Article 15 (2) and 16 (h); ILO Indigenous and Tribal Peoples Convention (C169, 1989, Article 14]

RELATES TO THE RIGHT TO AN ADEQUATE STANDARD OF LIVING, THE RIGHT TO ADEQUATE HOUSING, THE RIGHT TO PROPERTY, AND THE RIGHT TO FREEDOM OF MOVEMENT.

B.2.2. DOES THE COMPANY ENSURE THAT IT DOES NOT PARTICIPATE IN OR BENEFIT FROM IMPROPER FORCED RELOCATIONS, AND ADEQUATELY COMPENSATES INHABITANTS IN VOLUNTARY RELOCATIONS?

YES
 NO
 F/A
 N/A
 NO INFO

TICK BOX AS APPROPRIATE

Forced relocation must only be conducted by the government and only in accordance with domestic law and international human rights protections. It should be emphasized

that forced relocation of non-consenting inhabitants is only allowed in limited circumstances for a public purpose when necessary to promote national security, economic development or to protect the health of the population. Thus, forced relocation must not be used for private sector developments that do not have some public purpose. Once removed, those who were displaced (whether willingly or not) must be provided with adequate compensation and not be rendered homeless. The company must ensure that it is not complicit in forced relocations that do not fulfill the requirements set forth above.

In the case of voluntary relocations, the company should always seek to engage in a dialogue with the current inhabitants of the land before any property is rented/purchased to ensure that the inhabitants are willing to move and are adequately compensated with substitute land and housing of equal and suitable quality. This practice should be undertaken even if the land transaction is conducted with a middleman (such as a formal title-holder to the land) or a government.

SUGGESTED INDICATORS:

	TRUE	FALSE	F/A	N/A	NO INFO
1 The company has a procedure for ensuring that it is not complicit in any forced relocations, unless the relocation is done in conformity with international law and all alternative solutions have first been explored.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2 When purchasing or renting property from governments or large-scale land owners, the company investigates the occupation of the land to ensure that no forced relocations have been performed, unless these have been done in conformity with international law.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3 The company explores all alternative measures in consultation with the affected parties in order to mitigate any negative affects of a proper government relocation.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4 The company ensures that adequate compensation (housing, land, money, etc.) is provided to all affected parties in case of relocation.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5 Affected parties and relevant NGOs confirm that the company has done all it can to avoid forced relocations and if relocation has taken place, all affected parties have been consulted and received adequate compensation in conformity with international law.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

[The above question is based on general principles contained in the following: Universal Declaration of Human Rights (1948), Articles 13, 17 and 25; International Covenant on Civil and Political Rights (1966), Article 12 (1); ILO Indigenous and Tribal Peoples Convention (C169, 1989), Articles 15 (2), 16 and 17]

RELATES TO THE RIGHT TO OWN PROPERTY, THE RIGHT TO FREEDOM OF MOVEMENT, AND THE RIGHT TO FOOD.

B.2.3. DOES THE COMPANY HONOUR THE LAND, PASSAGE, AND USAGE RIGHTS OF LOCAL OR INDIGENOUS PEOPLES ON COMPANY-CONTROLLED LAND?

YES <input type="checkbox"/>	NO <input type="checkbox"/>	F/A <input type="checkbox"/>	N/A <input type="checkbox"/>	NO INFO <input type="checkbox"/>
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TICK BOX AS APPROPRIATE

Local or indigenous people may have customary rights to enter onto or use land and natural resources, even when a state has conceded control of a large expanse of that land to a private company. People who resided on the land prior to the company’s investment may have full property or residence rights on portions of the land. Nomadic peoples may have the right to pass through the land periodically or seasonally. Their rights may also be linked to certain natural resources, such as an oasis or water spring, vast herds of migratory animals, or plants that grow naturally and can be harvested only at a particular time of year. The company must make every effort to respect these entry rights and train its employees and security guards to respect the same. The company should not establish dangerous operations in areas where local or indigenous people have access rights to the land. If the company already has dangerous operations on land where local or indigenous people have access rights, the company must dialogue in good faith with the community to resolve the conflict.

SUGGESTED INDICATORS:

	TRUE	FALSE	F/A	N/A	NO INFO
1 If operating in areas where indigenous peoples have right to access company-controlled land, the company has guidelines concerning the access and usage rights.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2 The company investigates the rights of all communities with respect to access and usage rights and dialogues with all affected parties to find mutually acceptable solutions to land usage.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3 Company security guards are educated about the rights of local or indigenous peoples to enter or use land on company controlled property.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4 Company employees and security personnel are trained to interact appropriately with indigenous and local rights holders, allowing safe and unimpeded use of the land and its resources without harassment or intimidation.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5 NGO’s and community representatives confirm that the company respects the access and usage rights of indigenous and local people to company-controlled land.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

[The above question is based on general principles contained in the following: Universal Declaration of Human Rights (1948), Articles 13, 17 and 25; ILO Indigenous and Tribal Peoples Convention (C169, 1989), Article 14]

B.2.4. DOES THE COMPANY CONSULT WITH THE LOCAL INHABITANTS AND TAKE MEASURES TO ADDRESS AND MITIGATE ANY DISRUPTIVE EFFECTS THAT ITS OPERATIONS MAY HAVE ON COMPANY LAND, THE LOCAL COMMUNITY, AND THE NATURAL RESOURCES IN THE AREA?

RELATES TO THE RIGHT TO AN ADEQUATE STANDARD OF LIVING, THE RIGHT TO HOUSING, THE RIGHT TO FOOD AND THE RIGHT TO HEALTH.

YES		NO		F/A		N/A		NO INFO	
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TICK BOX AS APPROPRIATE

The company must remain alert and mitigate any negative effects its operations may have on company land and the surrounding areas in order to ensure the health of the local inhabitants, as well as their access to clean water and land that is suitable for the production of food. This includes respecting the needs of the people with whom it shares public services (such as water and electricity). If public resources are scarce in an area, the energy consuming operations of a company may result in a shortage of public resources for local residents. Other disruptions that might force individuals to relocate include activities producing substantial air, water or land pollution affecting wildlife and farming; loud and disturbing noises; disruptions to natural land use patterns, etc. During the course of its operations, the company should monitor its pollution output and regularly control its work processes in order to prevent harmful pollutants and other detrimental effects from damaging the land and neighbouring residential areas. When leaving company land, it must also take all measures to ensure that the land is made suitable for future habitation and farming.

SUGGESTED INDICATORS:

	TRUE	FALSE	F/A	N/A	NO INFO
1 The company has a policy on land management covering environmental protection.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2 The company continually monitors its pollution output and maintains the highest level of environmental safety standards related to its particular industry sector.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3 Before initiating new operations, or when changing or extending operations, the company discusses its plans and activities with all affected parties and relevant experts to measure the impact and to determine how to avoid or mitigate any harmful effects.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



continued **SUGGESTED INDICATORS:**

	TRUE	FALSE	F/A	N/A	NO INFO
4 If community resources are scarce, the company develops a schedule defining the amount, location and timing of resources needed for its activities, so that the local authorities know when to expect rising demand and have sufficient time to prepare.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5 The company continually monitors its use of local resources, and if necessary, it arranges for alternative resources from outside to make sure that its activities do not deprive local inhabitants of basic services such as water or electricity.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6 When leaving land, the company has an action plan in place to ensure that there are no harmful and disruptive effects left on the land.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7 Relevant NGOs and local inhabitants confirm that the company consults with them concerning all disruptive activities and addresses any concerns raised by them.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

[The above question is based on general principles contained in the following: Universal Declaration of Human Rights (1948), Article 25; International Covenant on Economic, Social and Cultural Rights (1966), Article 11 (1); ILO Social Policy (Basic Aims and Standards) Convention (C117, 1962), Articles 1, 2 and 4 (c); ILO Indigenous and Tribal Peoples Convention (C169, 1989), Articles 14 and 15]

B.3. ENVIRONMENTAL HEALTH AND SAFETY

B.3.1. DOES THE COMPANY HAVE EMERGENCY PROCEDURES IN PLACE TO EFFECTIVELY PREVENT AND ADDRESS ALL HEALTH EMERGENCIES AND INDUSTRIAL ACCIDENTS AFFECTING THE SURROUNDING COMMUNITY?

RELATES TO THE RIGHT TO HEALTH.

YES
NO
F/A
N/A
NO INFO

TICK BOX AS APPROPRIATE

In emergency situations, the company owes a responsibility to the community to promptly advise them about any health concerns related to company activities and to respond to problems in an efficient and reasonable manner. The level of emergency preparedness required of a company depends upon the nature of its operations and the magnitude of damage its operations could cause. It is not enough that the company have in place emergency procedures to respond to accidents as they occur; the company must also take measures to institute preventative methods. For example, an oil company is not only responsible for implementing efficient emergency procedures in the case of an oil spill, but it must also seek to implement preventative procedures to try to ensure that such a spill does not occur in the first instance. The type and number of emergency response techniques will vary according to the requirements of the industry. The company must ensure that all its emergency procedures comply with the highest level of industry standard, and if the industry standard is insufficient to provide the appropriate level of protection, the company must seek to exceed and improve upon the industry standard.

SUGGESTED INDICATORS:

	TRUE	FALSE	F/A	N/A	NO INFO
1 The company policy has detailed emergency procedures, prevention plans, and training programmes to protect against dangers and handle emergencies.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2 The company has measures in place to contain industrial accidents (e.g., on-site fire crews, airtight self-sealing blast-proof doors, etc.).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3 The company has a clearly audible/visible alarm system that warns nearby communities of potential emergencies, if necessary.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4 The company has developed emergency community evacuation plans with the appropriate local, regional, and national authorities, if necessary. Community residents are clearly informed about these plans and familiar with the evacuation procedures contained therein.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5 The company maintains close contact with nearby communities, the relevant authorities, and external emergency	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



continued **SUGGESTED INDICATORS:**

services, and is able to notify them with minimal delays about potential emergencies.

TRUE **FALSE** **F/A** **N/A** **NO INFO**

6 If the site is located far away from a hospital, the company has adequate medical resources and competent staff to provide preliminary relief and treatment to people who might suffer the consequences of an industrial accident.

7 The company's emergency response procedures comply with the highest level of industry standard, or exceed the standard when necessary.

8 Local authorities, NGOs and community representatives confirm that they have been informed about the company's emergency community evacuation plans and the procedures contained therein.

9 Local authorities, NGOs and community representatives confirm that any workplace emergencies or industrial accidents registered have been effectively contained with minimal harm to the health of the local population.

[The above question is based on general principles contained in the following: Universal Declaration of Human Rights (1948), Article 25; ILO Prevention of Major Industrial Accidents Convention (C174, 1993), Articles 9 and 14 (2); Permanent Peoples' Tribunal Charter on Industrial Hazards and Human Rights (1994), Article 13]

RELATES TO THE RIGHT TO LIBERTY AND SECURITY AND THE RIGHT TO HEALTH.

B.3.2. DOES THE COMPANY HAVE MECHANISMS FOR HEARING, PROCESSING, AND SETTLING THE GRIEVANCES OF THE LOCAL COMMUNITY?

YES **NO** **F/A** **N/A** **NO INFO**

TICK BOX AS APPROPRIATE

Anyone affected by the company's activities must have access to a grievance mechanism where they can report any concerns about the company's activities, without discrimination or fear of repercussions. In order to facilitate dialogue with the local community, the company must establish and maintain an effective grievance process

whereby members of the local community can lodge company-related complaints. Complaints might range from dissatisfaction with company operations resulting in noise or pollution of the air or water, to claims of intimidation or abuse by company security guards. The company must properly examine all grievances pursuant to its pre-established grievance procedure. The grievance procedure should be designed in collaboration with representatives from the local community to reflect their needs and interests and to create ownership and trust in this mechanism. Any individual or organisation filing a grievance must receive notification of the company’s findings regarding the particular complaint and whether corrective action will be taken. If the individual or organisation disagrees with the decision, he or she should have recourse to some reasonable form of arbitration or dispute resolution to settle the claim with the company.

For more information about arbitration and dispute resolution, please refer to the complete version of the Human Rights Compliance Assessment, which will be released in 2005.

SUGGESTED INDICATORS:

	TRUE	FALSE	F/A	N/A	NO INFO
1 The company has a policy prescribing the requirements of a fair hearing.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2 Company policy requirements are followed in relation to all grievances.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3 The company has a neutral mechanism responsible for hearing, processing, and settling disputes. That mechanism has representation from members of both the company and the local community.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4 Members of the local community are informed about the company grievance process and are able to anonymously submit grievances if they prefer to do so.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5 Local NGOs or other representatives are allowed to participate and represent community members in any hearing held with respect to a grievance.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6 Records show that the company systematically and objectively reviews any complaints filed and implements corrective action if necessary.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7 Community members and local NGOs confirm that they have access to a grievance mechanism which addresses any concerns raised in a fair and transparent manner.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

[The above question is based on general principles contained in the following: Universal Declaration of Human Rights (1948), Article 25; International Covenant on Economic, Social and Cultural Rights (1966), Article 12 (b); ILO Tripartite Declaration of principles concerning Multinational Enterprises and Social Policy (1977), Articles 57 and 58]

B.4. CORRUPTION AND BRIBERY

RELATES TO THE RIGHT TO TAKE PART IN GOVERNMENT AND THE RIGHT TO A FAIR TRIAL.

B.4.1. DOES THE COMPANY REFRAIN FROM BRIBING, OR USING ANY OTHER METHOD, TO UNJUSTLY INFLUENCE GOVERNMENT OFFICIALS AND/OR THE JUDICIARY?

YES <input type="checkbox"/>	NO <input type="checkbox"/>	F/A <input type="checkbox"/>	N/A <input type="checkbox"/>	NO INFO <input type="checkbox"/>
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TICK BOX AS APPROPRIATE

Companies frequently engage in discussions with government officials, in an effort to establish or maintain operations. Discussions may entail disagreement, attempts to explain a viewpoint or persuade a governmental actor to agree with a company position, proposal, or policy. Discussions of this nature are an inevitable part of the process of business, and do not generally constitute a violation of the right to take part in government or the right to a fair trial. However, companies routinely encounter bribery issues when they operate in states where bribery is a common business practice.

Companies operating in such states often recognize that bribery is illegal and disruptive to the process of ensuring democracy and transparency, but nevertheless feel compelled to participate in the bribery in order to remain competitive in the industry. The company must consider these obstacles before deciding whether to operate in such an environment and should discourage such practices whenever feasible, as corruption may impede an individual’s right to a fair trial and undermine the right to take part and influence the governance and politics of the country. Examples of some methods that result in a direct violation include, efforts to influence or bribe an official with favours, goods, or money; threats to use company resources to oppose the official or other elected officials in future elections; or other enticements or threats that undermine the representative function of an elected official and his or her appointees.

The type of influence that a company must avoid is that which could unjustly influence government officials or the political and judicial process itself. Unjust actions are those undertaken 1. without the public’s awareness (which would deny citizens’ the opportunity to participate in shaping the decisions of public officials and the political process); or 2. with the intent to influence (through bribery, threats, promises or other means) judges, judicial employees or other jury members to affect the process or outcome of legal matters in the law enforcement system.

Facilitation payments – that is, small payments or gifts made to secure or expedite the performance of a routine or action to which the company is entitled – are considered a form of bribery, and the company should work to eliminate them. By accepting facilitation payments, the company perpetuates corruption at the societal level and makes itself more vulnerable to extortion. In situations where facilitation payments cannot be avoided, the company should book the amount and attach an explanation of the incident

SUGGESTED INDICATORS:

	TRUE	FALSE	F/A	N/A	NO INFO
1 The company has a written policy against unjustly influencing and bribing public officials, or engaging in any other methods that subvert the representative process of government and/or the judiciary.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2 The company has guidelines instructing employees in how to deal with bribery and corruption issues and these are made available to all employees, particularly those who are involved in legal matters relating to company business.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3 The company investigates the level of bribery practices in states before undertaking business in the area, and in situations where bribery is too severe, the company takes extra precautions to make employees aware of this problem or refrains from operating there.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4 The company sends two or more people to meetings with government officials in order to discourage practices of bribery and corruption.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5 If bribery and corruption is severe, the company informs the government officials prior to meetings that all discussions and correspondence with them may be recorded and subject to the review of an independent company monitor.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6 The company is transparent about facilitation payments and actively works to eliminate them.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7 Relevant NGOs and other external parties confirm that the company is not involved in the bribery and corruption of government officials.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

[The above question is based on general principles contained in the following: Universal Declaration of Human Rights (1948), Article 6-11 and 21; International Covenant on Civil and Political Rights (1966), Article 25; OECD Convention on the Combating of Bribery of Foreign Public Officials in International Business Transactions (1997), Article 1; OECD Guidelines for Multinational Enterprises (2000), Section 6. UN Convention Against Corruption (2003), Article 12.]

B.5. COMPANY PRODUCTS AND MARKETING PRACTICES

RELATES TO THE RIGHT TO LIFE, LIBERTY AND SECURITY AND THE RIGHT TO HEALTH.

B.5.1. DOES THE COMPANY EXERCISE DUE DILIGENCE WHEN DESIGNING, MANUFACTURING AND MARKETING PRODUCTS, TO PROTECT AGAINST PRODUCT DEFECTS WHICH COULD HARM THE LIFE, HEALTH OR SAFETY OF THE CONSUMER OR OTHERS LIKELY TO BE AFFECTED BY THE DEFECTIVE PRODUCT?

YES
NO
F/A
N/A
NO INFO

TICK BOX AS APPROPRIATE

The company must exercise due diligence to protect against product defects in all stages of product development, including design, manufacturing and marketing. Design defects are inherent and occur before the product is manufactured, while manufacturing defects occur during production when the construction of the item fails to comply with the proper design. Defects in marketing occur when the product fails to include proper use instructions or warning labels regarding latent dangers associated with the product, and foreseeable risks to life, health and safety which could otherwise be avoided with proper guidance.

The company must take precautionary measures to protect against the unintentional misuse of its products caused by improper instructions or warning labels, which could result in injury, health consequences, or the loss of life. Cigarettes, alcohol and other products which may lead to long-term health damage and loss of life, must be adequately and clearly labelled so that the consumer is able to make an informed choice about likely consequences of using the products.

Issues of product liability are heavily legislated by national laws, and as with all questions in the HRCA, the company is expected to comply with all applicable laws in addition to meeting international standards.

SUGGESTED INDICATORS:

	TRUE	FALSE	F/A	N/A	NO INFO
1 The company complies with all relevant national law, relevant international guidelines, and industry standards regarding product production, manufacturing, design and marketing.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2 The company conducts a predevelopment assessment of product risks.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3 The company has a system or process meant to protect against product defects in the design, manufacturing and marketing stages of development.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4 The company has a process for ensuring that its products are safe for the use intended, as well as for reasonably foreseeable uses.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5 The company takes all measures to eliminate any ingredients, designs, defects	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



continued **SUGGESTED INDICATORS:**

	TRUE	FALSE	F/A	N/A	NO INFO
or side effects that could harm or threaten human life and health.					
6 The company provides clear warnings about hazards associated with the product, and proper use instructions on all packaging or products.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7 If there are reported injuries or deaths associated with the proper use of a certain product, the company immediately makes the danger known to the consumers, and recalls the item.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8 Consumer organisations confirm that the company takes all measures to ensure that company products do not harm human life or health and the products comply with all relevant laws with regard to proper product information and labelling.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

[The above question is based on general principles contained in the following: Universal Declaration of Human Rights (1948), Articles 3 and 25; International Covenant on Civil and Political Rights (1966), Article 6 (1); ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy (1977), Article 37]

B.5.2. BEFORE USING LOCAL ARTISTIC OR COPYRIGHTABLE MATERIAL OR PATENTING A PREVIOUSLY UNPATENTED INVENTION THAT HAS ALREADY BEEN IN USE BY A LOCAL OR INDIGENOUS PEOPLE, DOES THE COMPANY FIRST OBTAIN THE INFORMED CONSENT OF THE CREATOR OR OWNER OF THE WORK?

RELATES TO THE RIGHT TO INTELLECTUAL PROPERTY.

YES
 NO
 F/A
 N/A
 NO INFO

TICK BOX AS APPROPRIATE

The company may wish to patent a previously unpatented invention. Even if the material is already widely used, or is centuries old, a traditional knowledge holder could still retain the rights to the material under customary law and national law and the company must respect that ownership. The company may also wish to use local artistic or other copyrightable work in its advertising or marketing campaigns. However, if it does not obtain authorization from the owner and provide recognition to the creator, a copyright or the related rights to property that apply to performing artists and broadcasters might be violated.

Under some intellectual property systems, an author or owner may not need to even

register a copyright to protect his or her interests in the work, so the company should be cognisant of all existing intellectual property schemes in order to ensure compliance with these laws. Works protectable by copyright include, among other things, literary, artistic, architectural, musical, audiovisual works, maps and technical drawings, databases, and computer programs. Most of these works are protected with a 50 year minimum term for exclusive ability to authorize use.

SUGGESTED INDICATORS:

	TRUE	FALSE	F/A	N/A	NO INFO
1 The company carefully researches any material potentially protected by copyright to identify its origin, authorship and ownership.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2 Customary systems of property ownership are also considered when researching authorship and ownership of intellectual property.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3 Negotiations to obtain informed consent are conducted with all property owners and proper payment is provided.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4 Even if a formal patent has not been sought, the company negotiates with indigenous or local peoples for informed consent and compensation to commercially exploit their inventions.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5 NGO sources, local artisans and indigenous representatives confirm that the company compensates the owner before using copyrightable material in its marketing or advertising materials and refrains from patenting inventions that historically and legally belong to the indigenous communities.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

[The above question is based on general principles contained in the following: Universal Declaration of Human Rights (1948), article 27 (2); International Convention on Economic, Social and Cultural Rights (1966), Article 15 (c); Berne Convention for the Protection of Literary and Artistic Works (1979), Article 7(2); WIPO Copyright Treaty Convention, Article 7(2); ILO Indigenous and Tribal Peoples Convention (C169, 1989), Articles 2 (2) (b) and 4 (1)]

C. SUPPLY CHAIN MANAGEMENT

C.1.1 DOES THE COMPANY SCREEN AND MONITOR ALL MAJOR SUPPLIERS, CONTRACTORS, SUB-SUPPLIERS, JOINT-VENTURE PARTNERS, AND OTHER MAJOR BUSINESS ASSOCIATES FOR COMMITMENT ON HUMAN RIGHTS/SOCIAL ISSUES?

RELATIONS WITH SUPPLIERS, CONTRACTORS AND OTHER ASSOCIATES.

YES
NO
F/A
N/A
NO INFO

TICK BOX AS APPROPRIATE

Violations which are committed by business partners are commonly called ‘indirect’ violations. Most companies maintain numerous business partners, and as a result, risk being indirectly connected to literally hundreds of violations. Clearly companies cannot always be held responsible for the practices of their partners, as they may not have reasonable foreseeability and the ability to control bad practices in all cases. Ultimately what is expected is ‘due diligence’ – ensuring that all reasonable measures are undertaken to avoid complicity in violations. Of those rights which are at greatest risk in the particular locale, companies are advised to inform local partners of their concern for good human rights practices, and reinforce the message with standard human rights clauses in contractual agreements, regular questionnaires, and on-site monitoring.

SUGGESTED INDICATORS:

	TRUE	FALSE	F/A	N/A	NO INFO
1 The company has a procedure to evaluate and select suppliers/associates based on human rights/social commitment and performance.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2 The company inserts a clause in all contractual agreements indicating that suppliers and other associates are expected to respect human rights in all areas of operation.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3 The company maintains records of the commitments made by suppliers/associates to human rights/social issues.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4 The company requires a written agreement from each supplier/associate stating that it will inform the company of all relevant business with other supplier/subcontractors/associates.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5 The company requires a written agreement from each supplier/associate stating it will promptly address issues of non-conformance if they arise.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6 The company requires a written agreement from each supplier/associate stating that it will participate in any human rights/social compliance monitoring activities organised by the company.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



continued **SUGGESTED INDICATORS:**

	TRUE	FALSE	F/A	N/A	NO INFO
7 The company monitors the human rights/social compliance of its suppliers and business partners through regular questionnaires and spot checks in the form of on-site visits/audits.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8 NGO's confirm that the company screens and monitors all major suppliers, contractors, sub-suppliers, joint-venture partners, and other major business associates for commitment on human rights/social issues.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

DISCLAIMER

The HRCA Quick Check is intended as a general guide to assist you in respecting international human rights standards. It is not intended to serve as legal advice and must not be considered a substitute for legal counsel. While every effort has been made to ensure the accuracy of all information contained in the HRCA, errors can occur. Law, treaties and regulations cited in the HRCA will change over time and questions regarding their interpretation and application to particular factual circumstances should be directed to the appropriate legal counsel. Any actions taken or omissions or alterations made to policies, practices or procedures on the basis of the HRCA should be reviewed and approved by corporate counsel or other legal advisors prior to implementation. The Danish Institute for Human Rights is neither responsible nor liable for any direct, indirect, consequential, special, exemplary, punitive or other damages arising out of or in any way related to the application or use of this report.

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