

M&S Response to Business and Human Rights Resource Centre – due 21st April

1. All supermarkets - A number of points were put to all nine major UK supermarkets: Our research suggests [supermarket] is likely to sell fruit and/or vegetables grown in the regions of Almeria and Huelva in southern Spain, and has done so in the past. Do you source from Almeria and/or Huelva, either directly or via intermediary suppliers?

Yes we do

2. Evidence shows that farms in the regions of Almeria and Huelva are breaking eight out of nine ETI Base Codes on: Employment is freely chosen, Freedom of association and the right to collective bargaining are respected, Working conditions are safe and hygienic, Living wages are paid, Working hours are not excessive, No discrimination is practiced, Regular employment is provided, No harsh or inhumane treatment is allowed. Are you aware of violations of the ETI Base Code on farms in Almeria and Huelva? Would you like to comment on these findings? Have you identified violations on farms from which you source either directly or via intermediaries?

We're aware of systemic challenges within Southern Spain which is why we are a founding member of the Spanish Ethical Trade Forums and work closely with the wider industry to protect workers' rights in Spain. The forums in March 2023 delivered regional events across Huelva, Murcia and Almeria focusing on supporting members on how to manage wage payments and social security. They also delivered training on how to identify and manage cases of labour exploitation. M&S is also a member of the ETI and participates in working groups focused on Spain. Additionally, we carry out our own assessments of practices within Spain, and take action to identify and resolve issues, working closely with our supplier partners.

3. The report suggests that "Supermarkets should treat the abuses outlined in this report as endemic and pervasive and assume that they are present within their supply chains." It finds that it is highly likely that UK supermarkets are connected to these issues through their fruit and vegetable supply chains, given the widespread and endemic nature of the abuses identified and the importance of both regions for UK supply chains. Would you like to comment on these findings

See above. M&S is aware of systemic challenges within agriculture in Southern Spain. Alongside the specific measures we take to address these issues above, all of our suppliers must adhere to our Global Sourcing Principles, designed to ensure fair treatment for all workers across our supply chain and we will never tolerate abuse.

Following the publication of the report, we have worked with the ETI to coordinate a cross-industry working group to discuss the particular issues raised within the report, in collaboration with the Spanish Ethical Trade Forums to strengthen industry alignment and engagement in tackling some of these issues.

Marks & Spencer In addition to the above questions:

1. The report notes that M&S has been linked, through their supply chains, to at least one accusation outlined in this report. Would you like to comment?

While we have yet to see the detail behind the report that would enable more specific investigation, our position is very clear. All our suppliers must adhere to our Global Sourcing Principles, designed to ensure fair treatment for all workers across our supply chain and we will never tolerate abuse – any allegations are urgently investigated and, if proven, then we will take decisive action.

2. The report notes that M&S does not publicly commit to auditing suppliers beyond the first tier of its supply chain. Would you like to comment?

All of our suppliers must adhere to our Global Sourcing Principles, and as part of our Human Rights Standard all direct fresh produce suppliers require a 3rd party ethical audit. We use a risk-based approach to our growers in our supply chain, which is assessed through our human rights due diligence process and risk assessment and this can result in a 3rd party audit. Under our Human Rights Standard, and in line with the UN Guiding Principles on Business and Human Rights, we also require suppliers to demonstrate their approach to human rights due diligence in their own operations and their supply chain. To support this, we developed comprehensive guidance and made this available not only to suppliers but also open source:

<https://corporate.marksandspencer.com/sites/marksandspencer/files/marks-spencer/human-rights-and-our-supply/human-rights-due-diligence-and-remedy-guidance-1-new.pdf>

3. The report notes that M&S does not publicly state to have a complaints helpline available to all supply chain workers, in their own language, anonymous and free of charge. Is your Safecall line available to all supply chain workers, in their own language, anonymous and free of charge?

Safecall is available to workers in all countries free of charge and is anonymous. Translation is available or a call back can be arranged. Anyone can also submit a webform in their own language if they are more comfortable.