

The background of the entire page is a low-angle, upward-looking photograph of a complex industrial system. It features numerous large, vertical, metallic pipes that are part of a larger structure, possibly a refinery or a power plant. These pipes are supported by a network of dark metal scaffolding and cross-braces. The lighting is bright, creating strong highlights and shadows on the metallic surfaces, which gives the image a sense of depth and scale. The overall color palette is dominated by warm, orange-brown tones, which are also used for the text boxes and the overall filter of the image.

**THE DANISH  
INSTITUTE FOR  
HUMAN RIGHTS**

**THE HUMAN RIGHTS  
COMPLIANCE ASSESSMENT  
TOOL**

**HUMAN RESOURCES**

**CONSULTATION DRAFT JUNE 2015**

## CONSULTATION DRAFT OF THE HUMAN RIGHTS COMPLIANCE ASSESSMENT TOOL

### HUMAN RESOURCES

© Danish Institute for Human Rights (DIHR), June 2015.

The Danish Institute for Human Rights (DIHR) is an independent A-Status national human rights institution modelled in accordance with the UN Paris Principles. The Institute, which was established by statute in 2002, carries on the mandate vested in the Danish Centre for Human Rights in 1987. This encompasses research, analysis, communication, information, education, documentation and the implementation of national and international programmes.

The chief objective of DIHR is to promote and develop knowledge about human rights on a national, regional and international basis predicated on the belief that human rights are universal, mutually interdependent and interrelated. The Institute believes that societies must be based on the rule of law, where the State protects and confers obligations on the individual while safeguarding the most disadvantaged and marginalised groups in society. The Institute cooperates with private entities, organisations and public authorities, with academic institutions and humanitarian organisations in Denmark and in other countries, as well as with the Council of Europe, the EU, the OSCE, the UN, the World Bank and a range of international donors.

This consultation draft was developed by the Human Rights Development Department of the Danish Institute for Human Rights.

For more information on this guide please contact DIHR at:

Wilders Plads 8K, 1403 Copenhagen K, Denmark

Telephone: +45 32698888 Facsimile: +45 32698800

E-mail: [info@humanrights.dk](mailto:info@humanrights.dk) Internet: [www.humanrights.dk](http://www.humanrights.dk)

ISBN-number: 978-87-91836-90-9

### TERMS OF USE

The HRCA is the sole property of the Danish Institute for Human Rights. We permit the free reproduction of its contents provided that due acknowledgement is given.

### DISCLAIMER

This guide and the information contained therein are intended as a general guide to the issues addressed. They must not be considered a substitute for legal advice and questions regarding the legal interpretation and application of the information should be directed to appropriate legal counsel. Any actions taken or omissions or alterations made on the basis of this information are done at the user's risk. The Danish Institute for Human Rights is neither jointly nor individually 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 guide and its information.

# CONTENT

<b>INTRODUCTION</b>	<b>4</b>
2.1 Employment Status and Dismissals	6
2.2 Forced or Bonded Labour	13
2.3 Child Labour and Young Workers	27
2.4 Wages and Benefits	43
2.5 Work Hours, Rest Periods and Leave	58
2.6 Association and Collective Bargaining	91
2.7 Equal and Fair Treatment	107
2.8 Workplace Privacy	143
2.9 Provision of Facilities to Workers	159

# INTRODUCTION

Welcome to the Human Resources section of the Human Rights Compliance Assessment (HRCA) tool. This section concerns how human rights are respected when it comes to working conditions.



The sub-categories for this section are:

- Employment Status and Dismissals
- Forced or Bonded Labour
- Child Labour and Young Workers
- Wages and Benefits
- Work Hours, Rest Periods and Leave
- Association and Collective Bargaining
- Equal and Fair Treatment
- Workplace Privacy
- Provision of Facilities to Workers

This section has been through limited review in the latest update process. Most of the questions and indicators have been through an external consultation process prior to the publication of this consultation draft.

DIHR would like to engage with stakeholders on the content and implementation of the HRCA. This includes providing case studies, sending submission on specific components and engaging with us on projects to improve and advance the content of the tool.

To submit your feedback, go to the platform [here: http://business-humanrights.org/en/platform-for-human-rights-indicators-for-business-hrib](http://business-humanrights.org/en/platform-for-human-rights-indicators-for-business-hrib)

You can also contact us directly: [hrib@humanrights.dk](mailto:hrib@humanrights.dk)

## 2.1 EMPLOYMENT STATUS AND DISMISSALS

<b>No.</b> 2.1.1	<b>Area</b> Human Resources	<b>Section</b> Employment status and dismissals
------------------	-----------------------------	---

### Question

Do all employees have an official employment status with the company and know the terms of the employment contract or relationship?

Yes	No	F/A	N/A

### Description

All workers, including young workers, are entitled to know their employment status with the company and the working conditions. The risk of exploitative labour practices increases when a company exploits an individual without recognizing or acknowledging his or her employment status within the company (either as an employee, a hired laborer or otherwise) and without providing him/her with the same employment benefits and protections as the other workers. To avoid this, the company should ensure that personnel policies and procedures empower all workers with some form of independent status, title or position within the company.

### Suggested Indicators

- 1 Employee contracts detail each worker's specific rights and obligations of employment, and reference to any company handbooks or other documents that are integrated into the contract.

True	False	F/A	N/A

- 2 Each worker either has an official employment status with the company or an employment contract.

True	False	F/A	N/A

**Comments:**

**Basis for assessment:**

---

**Question references:**

Universal Declaration of Human Rights (1948), Article 4; International Covenant on Civil and Political Rights (1966), Article 8

---

<b>No. 2.1.2</b>	<b>Area</b> Human Resources	<b>Section</b> Employment status and dismissals
------------------	-----------------------------	---

**Question**

Are layoffs administered fairly and in accordance with national laws and collective bargaining agreements?

Yes	No	F/A	N/A

**Description**

When faced with layoffs, the company must ensure that the process is conducted fairly and is not used to target particular workers for dismissal (such as women, union members, minorities, disabled persons, or older workers). The closure of an entire department is less likely to lead to discriminatory dismissals than other types of layoffs, unless the department is dominated by a group of minorities. However, the company should still ensure that the selection of departments for closure is based on fair business decisions. To mitigate the impact of layoffs on company employees, anticipated layoffs due to corporate circumstances (e.g. downturns in performance, takeovers, mergers) must be announced to the worker's representatives (or the workers themselves if they are not represented) as soon as possible after the company becomes aware of the situation, and give workers unions and employees an opportunity to negotiate and mitigate the layoffs before the final layoff decisions are made. When making the layoff announcement, the company must provide the appropriate national government authority and the worker's representatives (or the workers if unrepresented/un-unionised) with all necessary information regarding the anticipated administration of the layoffs. National governments may limit the scope of these responsibilities, depending on the number of workers affected by the layoffs.

**Suggested Indicators**

- 1 The company complies with national law and collective bargaining agreements when administering layoffs.

True	False	F/A	N/A

- 2 After announcing anticipated large-scale layoffs, the company requests proposals from worker's representatives to minimise the impact of the layoff, and negotiates over the proposals in good faith.

True	False	F/A	N/A

- 
- 3 The company considers alternatives to layoffs including placement options for employees to remain employed with the company, reduction in hours and/or limitation on overtime hours, voluntary early retirement options, and training opportunities to assist employees to transition to another work environment.

True	False	F/A	N/A

- 
- 4 The company respects the seniority of its employees and complies with all seniority provisions of the collective bargaining agreement.

True	False	F/A	N/A

- 
- 5 The company hires an independent party (or takes other such measures) to assess retrenchment or layoff processes to ensure that it is carried out in a fair manner.

True	False	F/A	N/A

---



- 6 The company draws evenly from all bargaining units and does not use the layoff as a justification for dismissing members of particular unions.

True	False	F/A	N/A

- 7 When layoffs are anticipated, the company informs the national government authority and worker's representatives about cause of the layoffs, the time frame, the number of workers likely to be affected, and any other relevant information.

True	False	F/A	N/A

- 8 The company does not use the layoffs to discriminatorily or arbitrarily dismiss any workers or groups of workers.

True	False	F/A	N/A

---

**Comments:**

---

**Basis for assessment:**

---

**Question references:**

Universal Declaration of Human Rights (1948), Articles 2 and 23; International Covenant on Civil and Political Rights (1966), Article 26; Convention on the Rights of Persons with Disabilities Article 27; ILO Discrimination (Employment and Occupation) Convention (C111, 1958), Article 1; ILO Indigenous and Tribal Peoples Convention (C169, 1989), Article 20; ILO Termination of Employment Convention (C158, 1982), Part II, Articles 4, 5 and 6, 13 and 14; ILO Tripartite Declaration of Principles Concerning Multinational Enterprises and Social Policy (1977), Articles 26 and 27; ILO Termination of Employment Convention (C158, 1982), Article 13(1)(a) and Article 14(1))

---

<b>No. 2.1.3</b>	<b>Area Human Resources</b>	<b>Section</b> Employment status and dismissals	
------------------	-----------------------------	---	--

### Question

Are dismissals conducted in a fair manner, which provides adequate procedural safeguards and compensation where appropriate?

Yes	No	F/A	N/A

### Description

Except in cases of serious misconduct, an employee must be given reasonable notice before being terminated. "Serious conduct" is misconduct that is so unreasonable that it would be unreasonable to allow the employee to maintain his employment during the notice period. 'Reasonable notice' is not defined by international standards, but national law in the country of operation often prescribes notice provisions. When setting its own notice policies, or relying on national law notice provisions, the company must consider the amount of time it would reasonably take to make the necessary arrangements to adjust to the loss of employment, such as finding a new job, or getting unemployment benefits. If operating in a country where unemployment is high and unemployment insurance is low or non-existent, for example, the company must give a longer notice period than it would otherwise give. Workers must also enjoy certain protections, such as the opportunity to defend themselves against allegations or respond to the reasons for dismissal. An exception to this is when the company cannot reasonably be expected to provide such an opportunity (e.g. the worker's presence on company property presents a serious threat of danger to other employees). Although the actual procedural safeguards owed to an employee in a performance related dismissal are not detailed by international standards, national law may provide relevant guidance. At a minimum, the opportunity to defend oneself should include prior notice of the allegations, an opportunity to question other employees/management, adequate union representation, if applicable, and a fair hearing.

### Suggested Indicators

- 1 The company has guidelines stating a reasonable period of notice before dismissal, or relies on national law, if national law provides a reasonable notice period.

True	False	F/A	N/A

- 2 If reasonable notice cannot be provided to a dismissed employee, monetary compensation is provided in lieu of advance notice, at a rate of at least equivalent to compensation for the period of reasonable notice.

True	False	F/A	N/A

- 
- 3** If the company is considering dismissing an employee because of dissatisfaction with the employee's performance, the employee is given written notice of the problem, the opportunity and time to respond to the claim, and the opportunity and time to improve performance and avoid dismissal.

True	False	F/A	N/A

- 
- 4** The employee is provided with the opportunity to defend himself, consult with a worker or union representative, to have representation at a disciplinary proceeding, have the union representative present at the hearing, and to call witnesses on his or her behalf.

True	False	F/A	N/A

- 
- 5** The disciplinary processes reflect that the employer has the burden of showing a valid reason for dismissal.

True	False	F/A	N/A

- 
- 6** The company provides the employee with the right to appeal to an independent tribunal, committee, court or arbitrator.

True	False	F/A	N/A

---

**Comments:**

---

**Basis for assessment:**

---

**Question references:**

Universal Declaration of Human Rights (1948), Article 23 and 25; International Covenant on Economic, Social and Cultural Rights (1966), Article 7; ILO Termination of Employment Convention (C158, 1982), Article 7, 8 and 11

---

## 2.2 FORCED OR BONDED LABOUR

<b>No. 2.2.1</b>	<b>Area</b> Human Resources	<b>Section</b> Forced or bonded labour
------------------	-----------------------------	--

### Question

Does the company refrain from threatening or coercing employees to work against their will, up to and including the use of violence?

Yes	No	F/A	N/A

### Description

Even if an employee is compensated for his or her work, forced labour can still take place due to improper influence or threat of punishment. Excessive working hours or prolonged periods without rest may indicate the use of threats or other forms of coercion. Similarly, if the company threatens an employee with discipline or termination if he or she does not work excessive overtime hours or remain on the premises between shifts without a rest break, this also amounts to a violation of the right to freedom from forced labour. Verbal or physical abuse may not be used to exact labour from workers. Impermissible disciplinary measures include intimidation, harassment, discrimination and violence, whether physical or psychological.

### Suggested Indicators

- 1 Company policy prohibits forced labour, servitude and the use of involuntary prison labour.

True	False	F/A	N/A

- 2 Managers and other staff do not threaten or force employees to work overtime, skip breaks or rest allowances, or otherwise work against their will.

True	False	F/A	N/A

- 3 Company guidelines prohibit the use of physical and psychological threats, punishment or other disciplinary measures for forcing employees to work overtime or without pay.

True	False	F/A	N/A

- 
- 4 Company supervisors and security staff are trained to use appropriate disciplinary techniques and measures.

True	False	F/A	N/A

- 
- 5 The company requires that managers document all disciplinary measures taken against a worker and that the worker receives a copy of such documentation, which he or she is able to respond to.

True	False	F/A	N/A

- 
- 6 The company requires the immediate suspension of any personnel found to be inflicting or threatening corporal punishment.

True	False	F/A	N/A

---

- 7 If the company employs young workers, hiring managers obtain their consent directly from the worker outside of the presence of parents or guardians.

True	False	F/A	N/A

---

**Comments:**

---

**Basis for assessment:**

---

**Question references:**

Universal Declaration of Human Rights (1948), Article 4 and 5; International Covenant on Civil and Political Rights (1966), Article 8; International Covenant on Economic, Social and Cultural Rights (1996), 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 12 and 13; ILO Declaration on Fundamental Principles and Rights at Work (1998), Article 2(b); ILO Convention Concerning Minimum Wage Fixing with Special Reference to Developing Countries (C131, 1970)

---

No. 2.2.2	Area Human Resources	Section Forced or bonded labour
-----------	----------------------	---------------------------------

**Question**

Does the company refrain from retaining the identity cards, passports, and other important personal documents of its employees?

Yes	No	F/A	N/A

**Description**

Withholding of employees' travel documents and identity cards results in an unreasonable restriction on their freedom of movement and travel. It may also limit the individual's ability to apply for jobs with other companies, or to leave the country.

## Suggested Indicators

- 1 If employees need letters of release to seek other employment, they are issued automatically and upon request immediately.

True	False	F/A	N/A

- 
- 2 The company only keeps employees' documents for short periods while making photocopies or copying information for employees' personnel files.

True	False	F/A	N/A

- 
- 3 The personnel files (and other relevant files) contain no original personal documents or personal property.

True	False	F/A	N/A

---

**Comments:**

---

**Basis for assessment:**

---

### Question references:

Universal Declaration of Human Rights (1948), Article 4; International Covenant on Civil and Political Rights (1966), Article 8 and 12 (1); Convention on the Protection of the Rights of All Migrant Worker and Members of Their Families (1990), Article 21; ILO Forced Labour and Servitude Convention (C29, 1930); ILO Abolition of Forced Labour Convention (C105, 1957), Article 1

---



<b>No. 2.2.3</b>	<b>Area</b> Human Resources	<b>Section</b> Forced or bonded labour
------------------	-----------------------------	--

### Question

Does the company avoid hiring workers into bonded labour relationships involving salary advances or loans?

Yes	No	F/A	N/A

### Description

Advancing salary in the form of a loan does not necessarily result in a bonded labour employment relationship. However, such an arrangement could amount to bonded labour under certain circumstances, such as when the debt repayment cycle is never-ending, the debt is excessive, and the repayment terms are so unfair that the employee must continue to work for the company in order to pay off the loan. The International Labour Organisation directs states to develop policies limiting the amount of advancements paid to a worker, and many states prohibit the advancement of more than one or two month's salary. In general terms, the company should be wary of any advances that create a debtor relationship where the employee or his or her family is constrained from leaving the company, unable to pay his or her own living expenses or incapable of repaying the debt in a reasonable amount of time. Each case is fact specific, however, and should be analysed in the context of the indicators listed below.

### Suggested Indicators

- 1 Written procedures detail the proper use of loans or salary advances.

True	False	F/A	N/A

- 2 Any available loan or salary advance repayment terms are explained to the worker, in a language understood by the worker, and are included in a written agreement signed by the worker.

True	False	F/A	N/A

- 3 Loan or salary advance terms must be reasonable, at prevailing market interest rates or less, and the terms to not restrict employee's ability to change job or employer, or return to their place of origin if they are migrant workers.

True	False	F/A	N/A

**Verification:** Records - loans/advances

- 
- 4 Loans or salary advance terms do not involve members of the employees family, for example by requiring them to work to pay off the debt.

True	False	F/A	N/A

**Verification:** Employee representatives

- 
- 5 Loans and salary advances are not made on a cyclical basis, placing employees in a continued process of debt and repayment with the company.

True	False	F/A	N/A

**Verification:** Records - loans/advances

- 
- 6 If employees take out repeated loans or salary advances for living expenses, the company re-evaluates its living wage policies and/or institutes a program to rehabilitate long-term indebted employees.

True	False	F/A	N/A

**Verification:** Management

---

**Comments:**

---

**Basis for assessment:**

---

**Question references:**

Universal Declaration of Human Rights (1948), Article 4; ILO Social Policy (Basic Aims and Standards) Convention (C117, Article 12); Supplementary Slavery Convention (1956), Article 1(a); ILO Protection of Wages Convention (C95, 1949)

---

<b>No. 2.2.4</b>	<b>Area</b> Human Resources	<b>Section</b> Forced or bonded labour
------------------	-----------------------------	--

**Question**

Does the company refrain from withholding wages in an attempt to coerce additional labour from employees, or demanding deposits for any reason?

Yes	No	F/A	N/A

**Description**

The company must reimburse employees and hired labourers fairly and in a timely manner. The company must not demand deposits (e.g., money or wage deductions) from employees for any purpose, as this may bind the employee to the workplace and restrict their freedom of movement. Under no circumstance may it withhold wages in order to discipline workers or to extract additional labour from them. If the company relies on an authorized form of forced labour, it should either reimburse the forced labourer directly or ensure that the responsible governmental authority facilitates the reimbursement. The company should also refrain from using employment agencies that demand deposits from employees.

**Suggested Indicators**

- 1 Company procedures provide that workers be paid in accordance to the work provided and in a timely manner.

**Verification:** Policy

True	False	F/A	N/A

- 2 Workers are paid on a regular basis and in accordance with the amount of work provided.

**Verification:** Employee representatives,  
Records - payroll

True	False	F/A	N/A

- 3 Company procedures provide that only authorized, voluntary and legitimate deductions are made from workers' salaries.

**Verification:** Guidelines

True	False	F/A	N/A

- 4 The company has fixed procedures for hiring employees, ensuring that the company does not demand deposits or use employment agencies that demand deposits from employees.

**Verification:** Guidelines - wages

True	False	F/A	N/A

**Comments:**

**Basis for assessment:**

**Question references:** Universal Declaration of Human Rights (1948), Article 4 and 23; International Covenant on Economic, Social and Cultural Rights (1966), Article 7; International Covenant on Civil and Political Rights (1966), Article 8; ILO Forced Labour and Servitude Convention (C29, 1930), Article 14; ILO Protection of Wages Convention (C95, 1949), Article 12

<b>No. 2.2.5</b>	<b>Area</b> Human Resources	<b>Section</b> Forced or Bonded Labour
------------------	-----------------------------	--

### Question

Are company employees free to move around and leave the workplace and housing facilities, limited only by reasonable restrictions?

Yes	No	F/A	N/A

### Description

Employees must not be held at company premises or housing against their will, even if the intent of the restriction is to bring the company in conformance with local laws or cultural practices (e.g. prohibiting women from freely moving about without a male escort). Reasonable restrictions on movement are permissible when necessary to maintain order or safety in the workplace, such as when a company requires its employees to sign in or clock out when entering or departing company facilities, or for legitimate business interests, such as protecting competitive interests and limiting access to sensitive areas. If there are security concerns in the location of operation, the company may request employees to depart the premises at certain intervals in order to be escorted through hazardous areas by security personnel.

### Suggested Indicators

- 1 The physical environment provides for accessibility by employees with disabilities, such as accommodation for persons in wheelchairs, to provide them with access to all facilities on an equal basis.

True	False	F/A	N/A

- 2 Any existing restrictions on employee movement within the company are reasonable and serve an important interest.

True	False	F/A	N/A

- 3** Security control and monitoring of employee whereabouts are done by non-intimidating means, such as by signing employees in and out of work areas, or monitoring required checkpoints.

True	False	F/A	N/A

- 
- 4** Company employees do not enforce any local laws or practices that restrict women from moving about or departing until an escort arrives.

True	False	F/A	N/A

- 
- 5** Company security personnel do not threaten or stop employees from leaving company premises.

True	False	F/A	N/A

- 
- 6** Doors, entrances to hallways, and exits from the premises are not blocked, and employees may freely use them to come and go without obstruction.

True	False	F/A	N/A

- 
- 7** A grievance mechanism allows for the safe reporting of all workplace grievances, including complaints about workplace movement restrictions.

True	False	F/A	N/A

---

- 8 A grievance mechanism allows for the safe reporting of all workplace grievances, including complaints about workplace movement restrictions.

True	False	F/A	N/A

---

**Comments:**

---

**Basis for assessment:**

---

**Question references:** Universal Declaration of Human Rights (1948), Article 4; International Covenant on Civil and Political Rights (1966), Article 8 and 12 (1), International Covenant on Economic, Social and Cultural Rights (1966), Article 7 (b); Convention on the Rights of Persons with Disabilities (2008) Article 9

---

<b>No. 2.2.6</b>	<b>Area</b> Human Resources	<b>Section</b> Forced or Bonded Labour
------------------	-----------------------------	--

**Question**

If the company sources labour from a correctional facility or other government authority, does the company ensure that labourers have voluntarily consented to work and that the labourers are appropriately remunerated and supervised?

Yes	No	F/A	N/A

**Description**

Depending on the circumstances, the company may hire the services of forced labourers serving out court sentences or civil obligations required by law. Such 'captive' individuals or groups may range from convicted prisoners to conscientious objectors. Despite the prohibition against most types of forced labour, governments may still lawfully exact forced labour from such captive individuals. In other words, prisoners, conscientious objectors and other captives need not consent to mandated labour if it arises as a form of lawful punishment or as the fulfilment of essential civil obligations. Nevertheless, international law does require obtaining the consent of captive individuals to any labour that directly benefits private companies or individuals. A private company may only utilise the service of a prisoner if the prisoner truly consents to the proposed work. But consent can be particularly difficult to obtain from captives because their decisions can be easily swayed by their captors' direct and indirect actions. For instance, a prisoner might have no choice but to work, rather than face substandard conditions or treatment at the hands the prison authority. A prisoner in such a situation would not have the ability to accept or decline work freely and could, therefore, not freely consent to the labour. However, if the prisoner earnestly desires to gain vocational

skills or compensation for his efforts, he might be in a realistic position of giving his true consent to the proposed labour. Due to the particular vulnerability of captive groups, the company must be very cautious if hiring captives, and must ensure that they have given their true consent to work for the company. If the company knows or has reason to believe that a particular labourer did not have the ability to give true consent, the company should refrain from utilising the services of that individual.

**Suggested Indicators**

1	The company gets the express written and verbal consent of all hired labourers, including prison labourers and conscientious objectors, before they start their work.	True	False	F/A	N/A

---

2	If the company knows or suspects that government or correctional authorities use unlawful ways of pressuring captive individuals to work, the company stops sourcing labourers from the government or correctional authorities.	True	False	F/A	N/A

---

3	When using voluntary prison labourers or other compulsory labourers, the company only uses able-bodied men or women between the ages of 18 and 45.	True	False	F/A	N/A

---



- 4 Prison labourers are paid directly in cash or in kind

True	False	F/A	N/A

- 
- 5 Prison labourers and conscientious objectors are informed about and provided access to the company grievance procedure, for any grievances including those regarding condition of forced labour.

True	False	F/A	N/A

- 
- 6 Any forced labourers that are provided by prison authorities or in compliance with international law are supervised by the appropriate governmental authority.

True	False	F/A	N/A

- 
- 7 Compensation to workers sourced through government or correctional facilities meets the minimum standards in the area.

True	False	F/A	N/A

- 
- 8 The company has not been the object of allegations of non-consensual working conditions or severe disciplinary measures.

True	False	F/A	N/A

---

**Comments:**

---

**Basis for assessment:**

---

**Question references:** Universal Declaration of Human Rights (1948), Article 4; International Covenant on Civil and Political Rights (1966), Article 8; ILO Forced Labour Convention and Servitude (C29, 1930); UN Standard Minimum Rules for Treatment of Prisoners (1977), Articles 71-76

---

## 2.3 CHILD LABOUR AND YOUNG WORKERS

<b>No.</b> 2.3.1	<b>Area</b> Human Resources	<b>Section</b> Child labour and young workers
------------------	-----------------------------	---

### Question

Does the company respect minimum age standards in its hiring practices?

Yes	No	F/A	N/A

### Description

All businesses should refer to ILO Convention No. 138 on the minimum age for admission to employment and work, and comply with national law or international standards, whichever is higher. Where permitted by national law, a company, its supplier or subcontractor, may employ children to perform a few hours of light work per day. 'Light work' involves simple, limited tasks performed under adequate adult supervision – and it must not interfere with children's educational opportunities.

No child under 18 years old should ever be engaged in the worst forms of child labour, defined in ILO Convention 182 as: (a) all forms of slavery, the sale and trafficking of children, debt bondage and serfdom, and forced or compulsory labour, including recruitment of children for use in armed conflict; (b) the use, procuring or offering of a child for prostitution, or production of pornography; (c) the use, procuring or offering of a child for illicit activities, in particular for production and trafficking of drugs; and (d) work that is likely to harm children's health, safety or morals. The last item is also referred to as 'hazardous' work, which typically includes long working hours, work at night, work at dangerous heights, or work with dangerous machinery, equipment and tools; the transport of heavy loads; exposure to hazardous substances or processes; unreasonable confinement to the employer's premises.

### Suggested Indicators

- 1 The company has a policy, clearly stating the minimum age for employment in line with national law or international standards, whichever is higher.

True	False	F/A	N/A

- 2 The company requires job applicants to provide birth certificates or other official forms of identification to verify their age before being hired by the company.

True	False	F/A	N/A

- 
- 3 The company has a procedure in place to check the age of young job applicants, requiring, for example, a birth certificate or other official identification to verify age before recruitment.

True	False	F/A	N/A

- 
- 4 The company disseminates its minimum age policy to all relevant stakeholders, including managers, employees, suppliers and their subcontractors.

True	False	F/A	N/A

---

**Comments:**

---

**Basis for assessment:**

---

**Question references:** Universal Declaration of Human Rights (1948), Article 26; International Covenant on Economic, Social and Cultural Rights (1966), Article 13 (2a); Convention on the Rights of the Child (1990), Articles 28 (1) and 32; ILO Minimum Age Convention (C138, 1973), Articles 1, 2, 3 and 7.

---

<b>No.</b> 2.3.2	<b>Area</b> Human Resources	<b>Section</b> Child labour and young workers
------------------	-----------------------------	---

### Question

Does the company have a process in place for monitoring, reporting and managing cases where children below the minimum age are discovered?

Yes	No	F/A	N/A

### Description

If a company becomes aware that it has hired workers below 15 years of age, it must take action to remedy the situation. Since poverty and lack of social services are the main cause of child labour, dismissing underage workers may be harmful and disruptive to their lives, forcing them into 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, while ensuring that the overall income of the family of the child is not reduced due to this transition.

### Suggested Indicators

- 1 Company child labour guidelines cover how to handle cases where the company finds that it has hired workers below 15 years of age or school-age children.

True	False	F/A	N/A

- 
- 2 Before an underage worker is dismissed from employment, the company makes sure a remediation programme is available, as well as other measures to address the problem of school-age children identified in the company.

True	False	F/A	N/A

- 
- 3 The company offers replacing a child labourer with an adult family member to compensate for the family's loss of income.

True	False	F/A	N/A

---

- 4 The company does not dismiss child workers without taking appropriate remedial actions to protect the child.

True	False	F/A	N/A

---

**Comments:**

---

**Basis for assessment:**

---

**Question references:** 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 (1990), Articles 28 (1) and 32; ILO Social Policy (Basic Aims and Standards) Convention (C117, 1962), Article 15.

---

<b>No. 2.3.3</b>	<b>Area</b> Human Resources	<b>Section</b> Child labour and young workers
------------------	-----------------------------	---

**Question**

Does the company have clear procedures in place for identifying and addressing the worst forms of child labour, including hazardous work, trafficking, sexual exploitation, debt bondage and forced labour?

Yes	No	F/A	N/A

**Description**

The company should establish procedures and practices to prevent, identify and investigate alleged abuse, intimidation, harassment, trafficking, sexual exploitation and labour exploitation of a child. If child rights violations are discovered, companies should arrange assistance and refer the child to appropriate local child protection authorities or local child rights NGOs.

**Suggested Indicators**

- 1 The company has procedures and practices in place to prevent, identify and investigate alleged abuse, intimidation, harassment, trafficking, sexual exploitation and labour exploitation of a child.

True	False	F/A	N/A

- 2 The company arranges immediate assistance for the child and referral to relevant authorities or organizations when worst cases of child labour is discovered.

True	False	F/A	N/A

**Comments:**

**Basis for assessment:**

**Question references:** 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 (1990), Articles 28 (1) and 32; ILO Social Policy (Basic Aims and Standards) Convention (C117, 1962), Article 15.

<b>No.</b> 2.3.4	<b>Area</b> Human Resources	<b>Section</b> Child labour and young workers
------------------	-----------------------------	---

### Question

Does the company have a formal grievance mechanism in place for receiving, processing, investigating and responding to reports of violations regarding the employment of children below the minimum age?

Yes	No	F/A	N/A

### Description

As companies develop operational-level grievance mechanisms and processes for remedy, it is crucial to make these mechanisms accessible to children. Companies may want to call on non-governmental organizations or local youth clubs that work on children's rights to explain to children how the grievance mechanism works. Additionally, children should not be refused access or turned away in favour of a grievance filed by their parents. Regarding the process for reporting incidents of rights violations, companies should ensure that children and young people receive assistance from someone who is trained to communicate with them in a language they can understand. Children's safety, identity and privacy must be protected throughout the reporting procedure to ensure that they do not experience retaliation from the alleged offender or others. Take particular care to ensure that children and families are able to report instances of child sexual abuse, whether by employees in the workplace, by security staff or in relation to community projects, including sports and education. Mechanisms for reporting child sexual abuse should be confidential and safe, recognizing the many risks associated with reporting allegations in situations of extreme vulnerability.

### Suggested Indicators

- 1 A company level grievance mechanism is in place and is accessible to children and those who can report child labour violations on behalf of children.

True	False	F/A	N/A

- 2 The company informs employees, suppliers, service providers and business relations about the grievance mechanism, the channels available to report child labour, and how to recognize the risks and occurrences of child labour.

True	False	F/A	N/A

- 3 The company informs community members, procurement staff who visit suppliers in the

True	False	F/A	N/A



field, auditors, trade unions, local NGOs and government officials about the company's grievance procedures.

--	--	--	--

4 The company cooperates with local governments and officials such as police, labour inspectors and social workers, as well as with legitimate processes, including judicial mechanisms that provide remedies for adverse impacts.

True	False	F/A	N/A

Comments:

Basis for assessment:

**Question references:** 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 (1990), Articles 28 (1) and 32; ILO Social Policy (Basic Aims and Standards) Convention (C117, 1962), Article 15.

<b>No. 2.3.5</b>	<b>Area</b> Human Resources	<b>Section</b> Child labour and young workers
------------------	-----------------------------	---

### Question

Does the company have a defined approach to providing decent working conditions for young workers and student workers?

Yes	No	F/A	N/A

### Description

Young workers are particularly vulnerable to violence, exploitation and abuse. Yet due to their evolving level of maturity and experience, they often know little about their rights and are unable to speak up against abuse. The company must take into account young workers' need for protection and provide a work environment that is particularly sensitive to their special needs and that respects their rights without discrimination.

Young migrant workers are particularly vulnerable to abusive labour arrangements and trafficking because they are outside the protective environment of their community and, in some cases, outside their home country. Furthermore, when unaccompanied, they are outside the protective environment of their family.

### Suggested Indicators

- 1 The company defines and outlines young workers' core labour rights.

True	False	F/A	N/A

- 
- 2 The company identifies work that is prohibited as hazardous, i.e., harmful to the health, safety or morals of young workers under age 18, in accordance with national law or the relevant ILO standard, whichever is stricter.
- 

True	False	F/A	N/A

- 3 The company specifies zero tolerance of harassment and exploitation of young workers, and have measures in place to protect them from discrimination, violence and abuse.

True	False	F/A	N/A

- 
- 4 The company has clear procedures in place for how to prevent, identify and address any alleged violations of a young worker's labour rights.

True	False	F/A	N/A

- 
- 5 The company identifies and maintains up-to-date records of all employees younger than 18 years old and their task allocations.

True	False	F/A	N/A

---

**Comments:**

---

**Basis for assessment:**

---

**Question references:** Universal Declaration of Human Rights (1948), Articles 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 Minimum Age Recommendation (R146, 1973), Part IV.

---

<b>No. 2.3.6</b>	<b>Area</b> Human Resources	<b>Section</b> Child labour and young workers	
------------------	-----------------------------	---	--

### Question

Are the working conditions of young workers consistent with international standards for young workers?

Yes	No	F/A	N/A

### Description

The company must provide suitable working conditions for young workers and be particularly sensitive to their special needs.

### Suggested Indicators

- 1 Young workers are fairly compensated for their work, and receive equal pay for work of equal value.

True	False	F/A	N/A

- 
- 2 The company provides appropriate and necessary training, support and supervision of young workers.

True	False	F/A	N/A

- 
- 3 The company maintains proper health and safety standards for young employees.

True	False	F/A	N/A

---

- 4 Young workers have adequate time for their studies and to participate in other home and leisure activities.

True	False	F/A	N/A

- 
- 5 Young workers receive at least 12 consecutive hours of night rest between shifts.

True	False	F/A	N/A

- 
- 6 Young workers have holiday leave of at least 4 weeks per year, and not less than that received by adult workers.

True	False	F/A	N/A

- 
- 7 Young workers receive coverage in work related benefit schemes, such as health insurance and sick leave.

True	False	F/A	N/A

---

**Comments:**

---

**Basis for assessment:**

---

**Question references:** Universal Declaration of Human Rights (1948), Articles 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 Minimum Age Recommendation (R146, 1973), Part IV.

<b>No. 2.3.7</b>	<b>Area</b> Human Resources	<b>Section</b> Child labour and young workers
------------------	-----------------------------	---

### Question

Are apprenticeship programmes appropriately supervised, fairly administered and beneficial to the trainee/apprentice?

Yes	No	F/A	N/A

### Description

Some companies develop training and apprenticeship programmes to train young workers for employment in the company's industry, which may be useful to the young worker and provide a true educational benefit. Sometimes apprenticeship/training programmes are misused by companies who use trainees to perform menial tasks with little educational value, for long hours and unfairly low pay. Responsible apprenticeship programmes are 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 worker's education.

### Suggested Indicators

- 1 The company has a list of job functions that can safely be performed by young workers.

True	False	F/A	N/A

- 2 The company provides training for young workers on their rights.

True	False	F/A	N/A

- 
- 3** The company's training and apprenticeship programmes are limited in duration (usually 6 months).

True	False	F/A	N/A

- 
- 4** The company's training and apprenticeship programmes are performed in conjunction with a school programme or supervised by governmental authorities or unions.

True	False	F/A	N/A

- 
- 5** Trainees and apprentices are not paid less than adult workers with equivalent responsibilities.

True	False	F/A	N/A

- 
- 6** Trainees and apprentices are appropriately supervised and given the instruction needed to perform their tasks effectively.

True	False	F/A	N/A

---

- 7 Only workers meeting the legal minimum age for employment participate in the company's training and apprenticeship programmes.

True	False	F/A	N/A

- 
- 8 In cases where the company provides housing for young workers, this is considered suitable.

True	False	F/A	N/A

- 
- 9 There a formal grievance mechanism in place for receiving, processing, investigating and responding to reports of violations of young workers' rights, including students and vocational school workers.

True	False	F/A	N/A

---

**Comments:**

---

**Basis for assessment:**

---

**Question references:** Universal Declaration of Human Rights (1948), Articles 23 and 25; International Covenant on Economic, Social and Cultural Rights (1966), Article 7.

---



<b>No. 2.3.8</b>	<b>Area</b> Human Resources	<b>Section</b> Child labour and young workers	
------------------	-----------------------------	---	--

### Question

Does the company have a zero-tolerance policy on violence, exploitation and abuse of children, including but not limited to sexual exploitation and is there a process in place to identify, assess and monitor risks and impacts related to non-compliance?

Yes	No	F/A	N/A

### Description

Business facilities or resources can be used to facilitate the abuse and exploitation of children in any number of ways, usually without the company's knowledge and contrary to its values, its corporate image and often its own stated internal regulations. Employees can use company property such as computers or phones to download sexual abuse images, or they might use company funds during business travel to engage in sexual exploitation. The conduct of employees on company business and on company premises or in company-supported housing poses additional risks. Remote worksites that rely on a large, transient workforce often entail increased risks of child exploitation, for instance, through prostitution or involvement in other illegal activities.

### Suggested Indicators

- 1 Company policy prohibits the use of any company facilities, property, expense accounts and communication networks in child exploitation and abuse.

True	False	F/A	N/A

- 2 The company policy stipulates specific accountabilities for all employees who come into direct contact with children as part of work activities.

True	False	F/A	N/A

- 3 The company policy is communicated to all employees and, as relevant, communicated externally.

True	False	F/A	N/A

- 
- 4 The company provides training for all managers and employees on the zero-tolerance policy on violence, exploitation and abuse of children.

True	False	F/A	N/A

- 
- 5 The company has a formal grievance mechanism in place for receiving, processing, investigating and responding to complaints about violence, exploitation and abuse of children in the context of business activities.

True	False	F/A	N/A

---

**Comments:**

---

**Basis for assessment:**

---

**Question references:**

United Nations Guiding Principles on Business and Human Rights, principle 16 (2011), Convention on the Rights of the Child (1989), International Labour Organization, Declaration on Fundamental Principles and Rights at Work (1998), International Labour Organization, C182 – Worst Forms of Child Labour Convention (1999), International Labour Organization, C029 – Forced Labour Convention (1930), International Labour Organization, C138 – Minimum Age Convention (1973), International Labour Organization, C189 – Domestic Workers Convention (2011).

---

## 2.4 WAGES AND BENEFITS

<b>No. 2.4.1</b>	<b>Area</b> Human Resources	<b>Section</b> Wages and benefits
------------------	-----------------------------	-----------------------------------

### Question

Does the company provide all employees with a wage that is sufficient to cover food and housing expenses and all other basic needs for themselves and their entitled official dependents?

Yes	No	F/A	N/A

### Description

The company has an obligation to ensure that the wages it pays are sufficient to cover the cost of food, housing and basic needs of its employees and their dependants, so that workers are not forced to work overtime to meet their basic needs. 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. If a country has no national minimum wage, or if the minimum wage is insufficient to ensure an adequate standard of living, including adequate food and housing, the company should establish its own living wage for employees. The wages provided must not only reflect the costs of housing, food, water, clothing and transport, but should also consider education and some disposable income, as well as social benefits (i.e. health care, unemployment insurance, pension, etc.) of the employees and their dependants. Appropriate wage calculations can broadly be determined by looking at: a) the needs of the workers and their families; b) the general level of wages in the country; c) the cost of living and changes therein; d) social security benefits; e) the relative living standards of other social groups; f) collective bargaining agreements; g) economic factors, including the requirements of economic development, levels of productivity and the desirability of attaining and maintaining a high level of employment. 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.

### Suggested Indicators

- 1 Company policy guarantees a living wage to all employees, without discrimination.

True	False	F/A	N/A

- 
- 2 The company monitors the local cost of living, which is taken into account when setting the wages of employees.

True	False	F/A	N/A

- 
- 3 If the minimum wage is not sufficient to cover basic needs, the company establishes a living wage which covers the basic needs of all employees.

True	False	F/A	N/A

---

**Comments:**

---

**Basis for assessment:**

---

**Question references:** Universal Declaration of Human Rights (1948), Article 25; International Covenant on Economic, Social and Cultural Rights (1966), Article 7 (a) and 11 (1); Convention on the Eradication of Discrimination Against Women (1979), article 11 ; Convention on the Rights of the Child (1989), Article 27 (3); 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

---

<b>No. 2.4.2</b>	<b>Area</b> Human Resources	<b>Section</b> Wages and benefits
------------------	-----------------------------	-----------------------------------

### Question

Is the value and type of non-cash remuneration or allowances provided to employees appropriate?

Yes	No	F/A	N/A

### Description

Companies sometimes offer allowances as part of employee remuneration, including such things as accommodations, products, services or other non-monetary gifts. The value of the non-monetary portion of the remuneration could fall below the reasonable compensation for the services performed by the employee. If a company elects to pay workers in part through non-monetary measures, the company must ensure that the value of the remuneration is calculated appropriately and that the allowances are desirable to the worker.

### Suggested Indicators

- 1 All allowances given by the company are authorised by national laws, regulations, collective bargaining agreements or arbitration awards.

True	False	F/A	N/A

- 
- 2 Employees receive a consistent cash salary in addition to their allowances.

True	False	F/A	N/A

- 
- 3 The content of the allowance or non-cash remuneration is appropriate for the employee and his or her family's use.

True	False	F/A	N/A

- 
- 4 The market value of allowances is comparable to the value of the money they substitute.

True	False	F/A	N/A

- 
- 5 Allowances are not provided in the form of liquor with high alcohol content or intoxicating drugs.

True	False	F/A	N/A

---

**Comments:**

---

**Basis for assessment:**

---

**Question references:** Universal Declaration of Human Rights (1948), Articles 23, 24 and 25; ILO Plantations Convention (C110, 1958), Article 27(3); International Covenant on Economic, Social and Cultural Rights (1966), Article 7; ILO Migrant Workers (Supplementary Provisions) Convention (C143, 1975)

---

<b>No. 2.4.3</b>	<b>Area Human Resources</b>	<b>Section Wages and benefits</b>
------------------	-----------------------------	-----------------------------------

### Question

Are employees paid the appropriate premium for overtime hours or hours worked during statutory holiday periods?

Yes	No	F/A	N/A

### Description

A regular workweek should be no more than 48 hours, and any overtime must be due to exceptional cases of work pressure for a specific period of time. Employees who work more than their designated daily and weekly working hours must be paid at a higher wage rate during those excess hours of work (and for all hours worked on statutory holidays), at an amount determined by national regulations or laws. If overtime compensation under national legislation falls below 1.25 times the normal amount, then the company must apply international standards and pay at least 1.25 times the normal amount of compensation for overtime work. The overtime payment of piece rate workers involves more complicated calculations because of the difficulty determining their base salary. In general, a piece rate worker's regular hourly rate of pay should be obtained by dividing the worker's total weekly earnings by the total number of hours he or she worked that week. The worker must then be paid 1.25 times the regular hourly rate for each overtime hour worked (in addition to being paid his or her regular piecework earnings). Another way to calculate overtime pay for piece rate workers is to pay 1.25 times the piece rate for all pieces produced while the worker is in overtime. Regardless of how many pieces are produced, however, the worker must always yield enough to earn the minimum wage per hour.

### Suggested Indicators

- 1 Company guidelines state that employees are remunerated at a premium rate for overtime work hours in accordance with national standards, but not less than 1.25 times the normal wage.

True	False	F/A	N/A

- 2 Piece rate workers are compensated for overtime hours at a premium piece rate, or the overtime rate applicable for minimum wage employees.

True	False	F/A	N/A

- 
- 3 Employees (except piece rate workers) are compensated for overtime in accordance with national law or 1.25 times their wage, whichever is higher.

True	False	F/A	N/A

---

**Comments:**

---

**Basis for assessment:**

---

**Question references:** Universal Declaration of Human Rights (1948), Articles 23, 24 and 25; International Covenant on Economic, Social and Cultural Rights (1966), Article 7; ILO Hours of Work Convention (C1, 1919), Article 6 (2)

---

<b>No. 2.4.4</b>	<b>Area</b> Human Resources	<b>Section</b> Wages and benefits
------------------	-----------------------------	-----------------------------------

**Question**

Are all workers, including home workers, informed of all essential wage information, and are their salaries and benefits accurately calculated?

Yes	No	F/A	N/A

**Description**

Prior to being hired by a company or before being moved into a new position, workers must be clearly informed of all essential wage information regarding their employment, including the calculation of wages, bonuses, commissions and any authorised deductions. Workers must also be provided with a pay check each pay period, which accurately summarises all relevant wage information in a language they understand.

**Suggested Indicators**



- 1** Before being hired and during their employment, employees are clearly informed and updated about the pay scale, calculation methods, and timing for payment for all wages, bonuses, commissions and authorised deductions.

True	False	F/A	N/A

- 
- 2** Wage rates, including bonuses and commissions, comply with relevant national laws and applicable industry standards.

True	False	F/A	N/A

- 
- 3** Wages, bonuses, authorised deductions, benefits and commission calculations are kept up to date, documented, accurately calculated, and available at each pay period for employee review.

True	False	F/A	N/A

- 
- 4** Employees are provided with wages slips written in a language they understand, and wage slips detail the calculation of wages and all other wage particulars, including the gross and net amount of wages and any deductions made.

True	False	F/A	N/A

---

- 5 Employees have access to a means of easily contesting and resolving disputed wage claims without fear of retaliation.

True	False	F/A	N/A

- 
- 6 Managers monitor the payment of wages to prevent the abuse of employees' wage entitlements by payroll or accounting staff.

True	False	F/A	N/A

- 
- 7 Legal and company minimum wages are posted on company premises in a language employees can understand.

True	False	F/A	N/A

---

**Comments:**

---

**Basis for assessment:**

---

**Question references:** Universal Declaration of Human Rights (1948), Articles 23 and 25; International Covenant on Economic, Social and Cultural Rights (1966), Article 7; ILO Protection of Wages Convention (C95, 1949), Article 14

---

<b>No. 2.4.5</b>	<b>Area</b> Human resources	<b>Section</b> Wages and benefits
------------------	-----------------------------	-----------------------------------

### Question

Are all pay check deductions properly authorised, legitimate, transparent and accurately calculated?

Yes	No	F/A	N/A

### Description

Deductions should never be taken from employee pay checks for punishment or disciplinary fines. Sometimes, however, employee wages are legitimately attached or assigned to cover certain employee expenses like child support, litigation judgments, or mandatory insurance contributions. When participating in the deduction of these amounts from employee pay checks, the company must ensure that its deduction policies comply with national laws or are authorised by the employee. For example, if a court order is required under national law to deduct child support from the worker's pay check, the company must ensure that the necessary court order is in existence before the deductions are taken.

### Suggested Indicators

- 1 All deductions are documented in advance to the employee and authorised by national laws, regulations, arbitration awards or collective bargaining agreements.

True	False	F/A	N/A

- 2 Deductions are not taken from an employee to directly or indirectly obtain, secure or retain employment.

True	False	F/A	N/A

- 3 Deductions are not taken from employee pay checks for disciplinary fines related to work production, output, breaks or behaviour.

True	False	F/A	N/A

- 
- 4 Deductions are not made to pay for damage to company products or equipment unless the employee is clearly shown to be responsible and is given a reasonable opportunity to demonstrate why the deduction shouldn't be taken.

True	False	F/A	N/A

- 
- 5 Deductions made for damage to company products or equipment are fair and do not exceed the true amount of loss.

True	False	F/A	N/A

---

**Comments:**

---

**Basis for assessment:**

---

**Question references:** Universal Declaration of Human Rights (1948), Article 23; International Covenant on Economic, Social and Cultural Rights (1966), Article 7; ILO Protection of Wages Convention (C95, 1949), Article 8

---

<b>No. 2.4.6</b>	<b>Area Human Resources</b>	<b>Section Wages and benefits</b>
------------------	-----------------------------	-----------------------------------

### Question

Are wages paid on a regular and frequent time schedule, and in a safe manner?

Yes	No	F/A	N/A

### Description

Employee wages must be paid on a consistent basis, in a manner that complies with national laws of the host country, or as mandated by collective bargaining agreements and arbitration awards. If national law is less protective than the attached indicators, the company must ensure that it makes the payment within a reasonable period of times per the indicators... Wages must be paid in legal tender, and directly to the worker, not through an intermediary recipient, unless national laws, regulations, bargaining agreements, arbitration awards or the worker provide for an alternative arrangement. Alternative arrangements should be handled in a manner that protects the interests of the worker. Cash wages must be paid at or near the workplace or to a bank account on workdays, unless otherwise provided by national law, arbitration awards or collective bargaining agreements. The company should make cash payments at a safe time and manner to minimise the risk of theft and assault. For example, employees should not be paid late at night, especially if the payday is known in the local community and employees generally walk home alone. If payday thefts/assaults are common, the company should provide safe transport or find another solution to protect the safety of employees.

### Suggested Indicators

- 1 For wages calculated on hourly, daily or weekly schedules: The company pays employee wages at least twice a month, at intervals no longer than 16 days apart (or more often if specified by national law).

True	False	F/A	N/A

- 
- 2 For wages calculated on monthly or yearly schedules: At least once a month (or more often if specified by national law).

True	False	F/A	N/A

---

- 3 For wages calculated by piece-rate or on output: At least twice per month, at intervals no longer than 16 days apart (or more often if specified in national law).

True	False	F/A	N/A

- 
- 4 For wages calculated on the basis of the completion of a task which takes longer than a fortnight: At least twice a month, at intervals no longer than 16 days apart (or more often if specified in national law).

True	False	F/A	N/A

- 
- 5 For wages calculated on the basis of the completion of a task: Final settlement of payment is done within a fortnight of the completion of the task.

True	False	F/A	N/A

- 
- 6 Cash wages are paid at or near the workplace or to a bank account, unless otherwise provided by national law, arbitration awards or collective bargaining agreements.

True	False	F/A	N/A

---

- 7 Wages are paid directly to the worker and not through an intermediary recipient, unless national laws, regulations, bargaining agreements, arbitration awards or the worker provide for an alternative arrangement.

True	False	F/A	N/A

- 8 The company provides security for workers whenever the payment of cash wages could threaten their security.

True	False	F/A	N/A

**Comments:**

**Basis for assessment:**

**Question references:** Universal Declaration of Human Rights (1948), Article 23; International Covenant on Economic, Social and Cultural Rights (1966), Article 7; ILO Protection of Wages Convention (C95, 1949) Article 3 (1), 12; ILO Recommendation Concerning the Protection of Wages (C85, 1949), Article 4

<b>No. 2.4.7</b>	<b>Area</b> Human Resources	<b>Section</b> Wages and benefits
------------------	-----------------------------	-----------------------------------

**Question**

Does the company contribute to national unemployment, sickness and pension benefit schemes, workers compensation and invalidity/disability schemes, or establish such schemes if none exists at the national level?

Yes	No	F/A	N/A

**Description**

The state is expected to provide social security to its citizens, but most states will also require company input and cooperation with the schemes. If the state has failed to establish such schemes, or if the existing schemes provide insufficient coverage, the company should first try to work with the state to improve or develop a social security system, which provides adequate coverage for all. However, if this is impossible or progressing very slowly, the company should develop its own benefit plan to provide its employees with

adequate income protection from sickness, old age and unemployment. The company should consider developing such schemes in cooperation with local trade unions, NGOs, or other companies in the area. Many countries require employers to contribute to workers' compensation and invalidity/disability insurance programmes on behalf of their employees. If the state does not have a worker's compensation and disability insurance scheme, then the company must have a system in place designed to support workers who become ill, injured, or disabled as a result of work-related accidents.

### Suggested Indicators

- 1 Company guidelines state that the company will contribute its share to national unemployment, sickness and retirement benefits programmes.

True	False	F/A	N/A

- 
- 2 The company directly compensates migrant workers or others who may not be eligible for national unemployment, sickness and retirement schemes.

True	False	F/A	N/A

- 
- 3 The company's unemployment, sickness or retirement benefit programme is not discriminatory on the basis of gender, ethnic origin, religion, national origin, disability or any other ground.

True	False	F/A	N/A

---



- 4 If no national unemployment, sickness or retirement benefit programmes exist, the company pays sickness, unemployment and retirement benefits directly to its current and former employees.

True	False	F/A	N/A

- 5 The company contributes its share to state-run worker's compensation and invalidity and disability benefit schemes, or creates its own if the state does not offer one.

True	False	F/A	N/A

- 6 The company does not rely on the use of repeated short term contracts on a continuous basis, to avoid granting employees social benefits.

True	False	F/A	N/A

---

**Comments:**

---

**Basis for assessment:**

---

**Question references:** Universal Declaration of Human Rights (1948), Article 25; International Covenant on Economic, Social and Cultural Rights (1966), Article 9 and 11 (1); Convention on the Protection of All Migrant Workers and Members of Their Families (1990), Article 54 (1b); Convention on the Elimination of All Forms of Discrimination against Women (1979), Article 11 (1e); ILO Medical Care and Sickness Benefits Convention (C130, 1969), Articles 6, 7 and 8 ; ILO Social Security (Minimum Standards) Convention (C102, 1952), Article 19; ILO Income Security Recommendation (R67, 1944), Articles 1, 5 and 7

---

## 2.5 WORK HOURS, REST PERIODS AND LEAVE

<b>No.</b> 2.5.1	<b>Area</b> Human Resources	<b>Section</b> Work hours, rest periods and leave
------------------	-----------------------------	---

### Question

Are all workers entitled to appropriately paid minimum holiday leave of at least three weeks each year?

Yes	No	F/A	N/A

### Description

The company must grant all employees paid annual holiday leave of at least three weeks per year (or longer if the national government in the location of operation specifies a longer time period), and workers must be allowed to take at least two uninterrupted weeks at a time. Holiday pay must be compensated at a rate that is equivalent to the worker's normal or average remuneration. The calculation of holiday pay must comply with the manner determined by the competent authority and include the cash equivalent of any remuneration normally paid in kind. A person whose length of service is less than one year must be entitled to holidays with pay in proportion to the length of service for that year. The company should refer to national legislation for the minimum period of service the employee is required to serve before being entitled to holiday with pay. In no circumstances should the minimum period exceed 6 months. Entitlements to minimum holiday pay must be respected, even if an employee voluntarily consents to a departure from the requirements. Sometimes workers voluntarily request to forgo minimum holiday leave in order to earn additional compensation. However, the company must respect national and international labour standards: employees cannot waive their labour rights. If requests are persistent, the company should evaluate whether the requests are a result of company salary policies, which fail to provide a fair or living wage.

### Suggested Indicators

- 1 Company policy guarantees all workers at least three weeks of paid holiday leave per year, or longer if required by national law.

True	False	F/A	N/A

- 2 Workers are allowed to take at least two uninterrupted working weeks as part of their holiday leave, or longer if required by national law.

True	False	F/A	N/A

- 
- 3 Workers' holiday pay is equal to their normal or average remuneration and includes the cash equivalent of any remuneration normally paid in kind.

True	False	F/A	N/A

- 
- 4 The minimum period of service the employee must have worked before being entitled to holiday with pay is six months or less if required by national law.

True	False	F/A	N/A

- 
- 5 Workers whose length of service is less than that required for a full holiday entitlement still are eligible for holiday, but with pay proportionate to his or her length of service for that year.

True	False	F/A	N/A

- 
- 6 When determining the timing for holiday leave, the company takes into consideration company work requirements, as well as the opportunities of rest and relaxation available to the worker.

True	False	F/A	N/A

---

- 7 Managers do not pressure or encourage employees to give up their minimum holiday leave, or offer them compensation to do so.

True	False	F/A	N/A

- 
- 8 If employees consistently request to give up their mandatory holidays, the company evaluates its compensation schedules to determine whether it is paying a sufficient salary.

True	False	F/A	N/A

---

**Comments:**

---

**Basis for assessment:**

---

**Question references:** Universal Declaration of Human Rights (1948), Articles 23 and 24; International Covenant on Economic, Social and Cultural Rights (1966), Article 7; ILO Holidays with Pay (Revised) Convention (C132, 1970), Article 3 (3),12

---

<b>No. 2.5.2</b>	<b>Area</b> Human Resources	<b>Section</b> Work hours, rest periods and leave
------------------	-----------------------------	---

### Question

Is annual holiday leave properly counted, credited, or compensated, during a worker's employment and when employment with the company ends?

Yes	No	F/A	N/A

### Description

An employee who meets the minimum service required for entitlement to holiday leave must receive compensation for the accumulated holiday leave to which he or she is entitled (proportionate to the length of service) when he or she leaves employment with the company. The compensation may be in monetary form, as holiday with pay, or in the form of holiday credit which can be transferred for use with the next employer, if such a system exists in the country of operation. Customary and public holidays must not be counted as part of a worker's personal minimum annual holiday, whether or not they fall during the minimum annual holiday. The company may not count periods of absence from work due to illness, injury and maternity leave or other reasons beyond the control of the employed person as part of the worker's minimum annual holiday. For qualifications and limitations concerning absence from work, such as whether the employed person is required to document the illness or how long of an absence is allowed, the company should refer to national law.

### Suggested Indicators

- 1 Company guidelines specify how much minimum paid holiday leave an employee earns each month, which cannot be negotiated or waived.

True	False	F/A	N/A

- 2 Public and customary holidays are not counted as part of the annual holiday leave, whether or not they fall during the worker's annual holiday.

True	False	F/A	N/A

- 3 Employees leaving the company who meet the minimum service period receive compensation, holiday with pay, or credit for the outstanding leave they have accumulated.

True	False	F/A	N/A

- 
- 4 The employee has access to or receives regular information about the amount of holiday pay he or she has earned.

True	False	F/A	N/A

- 
- 5 Periods of absence for illness, injury, maternity, or other reasons beyond the control of the employee are not counted as holiday leave.

True	False	F/A	N/A

---

**Comments:**

---

**Basis for assessment:**

---

**Question references:** Universal Declaration of Human Rights (1948), Articles 23 and 24; International Covenant on Economic, Social and Cultural Rights (1966), Article 7; ILO Indigenous and Tribal Peoples Convention (C169, 1989), Articles 2 (b), 5 and 6

---

<b>No. 2.5.3</b>	<b>Area</b> Human Resources	<b>Section</b> Work hours, rest periods and leave
------------------	-----------------------------	---

### Question

Are holiday and vacation allowances structured and applied so as to allow for the observance of bank holidays, and different religious and cultural holidays?

Yes	No	F/A	N/A

### Description

Ensuring a work environment that is culturally respectful and sensitive includes the observance of national/bank holidays and employees' different cultural/religious holidays. Most states legislate specific national holidays, which often coincide with the prevailing religious or cultural background of the majority. However, if minority religious and cultural holidays are not protected by state legislation the company should, to the extent reasonable, structure benefit and vacation allowances to accommodate these holidays. The company may not require its employees to work on bank holidays, unless particular duty is stipulated in the employees contract in particular sectors, such as hospitals. However, the company may allow foreign and minority employees to choose whether they would like to observe bank holidays or their own. Any mandatory company work days which may conflict with religious holidays (such as tight delivery schedules on Christmas Eve for postal service companies) should be made known to employees during the hiring process.

### Suggested Indicators

- 1 The company's vacation and benefit guidelines accommodate the religious and cultural holidays observed by all employees, and the bank holidays observed in the country of operation.

True	False	F/A	N/A

- 2 Company guidelines provide that the national or bank holidays of the country of operation will be respected and not counted against the employees' annual holiday leave.

True	False	F/A	N/A

- 3 Any restrictions on use of benefit and vacation allowances are neutral and the minimum necessary to the legitimate business purpose they are designed to serve.

True	False	F/A	N/A

- 
- 4 Prospective employees are informed of any mandatory work days which may conflict with religious holidays before they are hired.

True	False	F/A	N/A

---

**Comments:**

---

**Basis for assessment:**

---

**Question references:** Universal Declaration of Human Rights (1948), Article 23, 24, 27; International Covenant on Civil and Political Rights (1966), Articles 18 and 27; International Covenant on Economic, Social and Cultural Rights (1966), Articles 2 (2), 7, and 15 (1a); Convention on the Protection of All Migrant Workers and Members of Their Families (1990), Articles 31 and 38; ILO Indigenous and Tribal Peoples Convention (C169, 1989), Articles 2 (b), 2 (2), 5 (b), 6 and 8; ILO Weekly Rest (Commerce and Offices) Convention (C106, 1957), Article 6 (4).

---



<b>No. 2.5.4</b>	<b>Area</b> Human Resources	<b>Section</b> Work hours, rest periods and leave
------------------	-----------------------------	---

### Question

Does the company make accommodation for employees to participate in judicial and governance processes, and in their local, Indigenous or national legal systems?

Yes	No	F/A	N/A

### Description

The effectiveness and smooth functioning of legal systems is often dependent upon the work of local officials who are appointed or elected to serve on a part-time, ad hoc or voluntary basis. In particular, Indigenous legal systems often rely on meetings of specially appointed judges/elders who are not retained for the work on a full-time basis. When a company employee serves in such a capacity, the company should strive to accommodate the special needs of the employee to the extent possible. This may include extra periods of unpaid leave, flexible hours, or more limited travel when the employee judge/magistrate is working on a case. When called to serve as a juror or subpoenaed to testify at a legal proceeding, an employee has a civic obligation to appear (in accordance with national laws) and must be allowed time off from work to fulfil those duties, even if the company is the opposing party to the proceeding. The company must not pressure or penalise the employee, or attempt to speed along the juror's process of decision-making by demanding an abbreviated absence from work. That time off may be paid or unpaid. Offering paid time off is not a requirement in international law. To ensure the right to a fair trial, an accused must be presumed innocent until proven guilty and given the opportunity to defend him/herself in a court of law without obstruction. If where an individual has been wrongly accused, the additional hardship associated with the loss of employment would be particularly devastating, and would unfairly impede the person's efforts to restore his or her life after being acquitted. One of the most significant methods of participating in government is casting a vote. The company must not hinder an employee's participation in the electoral process by prohibiting leave from work on election day, if that is the only time available for the employee to vote. When taking leave to vote, employees should be allowed sufficient time for travel to and from the polling station, particularly if business operations are located a considerable distance from the polling area. Voting is not the only method of participating in government. The right to take part in government recognises referenda, communal meetings, assemblies of elders, and other ways of ensuring that the will of the people is the basis for governmental authority at the national and local levels. The company should accommodate its employees' attempts to participate and allow flexi-time or time off from work to participate in these processes. Migrant workers, minorities, and Indigenous employees might require the company to take special measures in order to ensure their right to take part in their own governing institutions. Participation in governing councils, elders' meetings, or tribal councils might require the Indigenous employee's absence on special days. In addition, if the state government has taken special measures to ensure that Indigenous peoples or minorities participate in state elective institutions and decision-making, and other bodies responsible for policies and programmes which concern them, the company should facilitate the Indigenous/minority employees' participation, without penalty.

## Suggested Indicators

- 1** Company guidelines provide for adequate annual leave to employees who serve as part-time, seasonal or temporary officials in their local, Indigenous or national legal system.

True	False	F/A	N/A

- 
- 2** Company guidelines provide for adequate annual leave for jury duty, serving as witness in trials, and preparing for one's own defence in criminal cases.

True	False	F/A	N/A

- 
- 3** Company guidelines provide for adequate leave for employees to participate in governance processes such as referenda and communal meetings, elections, taking into account the location of the process and opening hours of polling sites.

True	False	F/A	N/A

- 
- 4** Employees who take leave to participate in judicial or governance processes can return to their former position on the same terms as when they left, without penalty or demotion.

True	False	F/A	N/A

---

- 5 All employees who are accused in a criminal case are given leave to prepare their defence and attend their trial, even if the company is a party to the proceeding.

True	False	F/A	N/A

- 
- 6 Employees are allowed to work flexible hours and arrange their workdays to attend communal meetings and other governance-related activities.

True	False	F/A	N/A

---

**Comments:**

---

**Basis for assessment:**

---

**Question references:** Universal Declaration of Human Rights (1948), Articles 6-11,21; International Covenant on Civil and Political Rights (1966), Article 14, 25; Convention on the Protection of All Migrant Workers and Members of Their Families (1997), Article 42(2); ILO Indigenous and Tribal Peoples Convention (C169, 1989), Articles 2 and 8; UN Declaration on the Rights of Indigenous Peoples, Article 18, 20, 34

---

<b>No.</b> 2.5.5	<b>Area</b> Human Resources	<b>Section</b> Work hours, rest periods and leave
------------------	-----------------------------	---

### Question

Does the company provide maternity or paternity leave to employees with a new-born or newly adopted child, without retaliation or discrimination?

Yes	No	F/A	N/A

### Description

The 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, and if national legislation allows for more, 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 leave allowance, the company should consider allowing male employees to take leave to care for new-borns or newly adopted children as well. Frequently employees experience discrimination when returning from leave to care for a sick family member or a new-born or newly adopted child. This is discrimination and also sends the wrong signal to other employees. To protect employees returning from maternity and other forms of family leave, the company should guarantee that employees can return to their original position, or if a change in position is required to accommodate for new family responsibilities (such as a reduction in the amount of travel) the change should be at the request of the employee, and should not entail a reduction in salary/benefits.

### Suggested Indicators

- 1 The company provides maternity leave to all female employees, which is no less than fourteen weeks per child.

True	False	F/A	N/A

- 2 Employees who have adopted a child or have taken on the responsibility for another type of dependent child are provided with maternity/paternity leave.

True	False	F/A	N/A

- 3 The company provides parental leave to male employees to share in the care of a new-born or newly adopted child.

True	False	F/A	N/A

- 
- 4 Employees who have taken family leave cannot be dismissed during the leave, and may return to the same or a similar position and benefits as they had prior to the leave.

True	False	F/A	N/A

---

**Comments:**

---

**Basis for assessment:**

---

**Question references:** Universal Declaration of Human Rights (1948), Article 16; International Covenant on Economic, Social and Cultural Rights (1966), Articles 3 and 10; International Covenant on Civil and Political Rights (1966), Article 23 (1); Convention on the Elimination of All Forms of Discrimination against Women (1979), Article 11 (2b and 2c), 13 (a) and 16 (1d); Convention on the Rights of the Child, Articles 5 and 18 (1); ILO Maternity Protection Convention (C183, 2000), Article 4; ILO Workers with Family Responsibilities Conventions (C156, 1981) Articles 1, 3 and 4(b); ILO Workers with Family Recommendation (R165, 1981), Article 22

---

<b>No. 2.5.6</b>	<b>Area</b> Human Resources	<b>Section</b> Work hours, rest periods and leave
------------------	-----------------------------	---

### Question

If the company operates in a commercial industry, are employee hours limited to 48 per week, with a maximum of 10 hours per day (or fewer if mandated by national law)?

Yes	No	F/A	N/A

### Description

Companies operating commercial industries must limit employee hours to 48 per week and 10 per day. Supervisors, managers and employees employed in a confidential capacity are exempted from this provision. The limit of the hours of work (48 per week and 10 per day) for commercial industries may only be exceeded in exceptional circumstances when interruptions of work occur as a result of public holidays, accidents or incidences of force majeure. If electing to make up hours after such an exceptional circumstance, the company must notify the competent authority of the nature and cause of the interruption, the number of hours lost, and the anticipated alteration of the work schedule. When making up lost hours, the company must ensure that the lost hours are recovered within a reasonable period of time and that the make up schedule does not consume more than 30 days during the year. The increase in the number of hours shall not exceed one hour per day and the hours of work per day shall never exceed 10. The public authority, in special circumstances, may prescribe additional exceptions to the 48-hour work week for certain classes of people or certain establishments, such as managers or persons employed in a confidential capacity. The company must refer to local legislation for these exceptions, but before relying on any such legislation, the company should confirm with ILO Hours of Work (Commerce and Offices) Convention (C30, 1930) that the national government complied with international standards when drafting it.

### Suggested Indicators

- 1 The company limits employee work hours to a maximum of 10 per day and 48 per week, or fewer if required by national law.

True	False	F/A	N/A

- 2 The company maintains detailed and accurate records of the number of hours worked by each employee.

True	False	F/A	N/A

- 3 The company employs the number of workers necessary to meet production expectations, so that employees can complete their work tasks within the weekly and daily limits.

True	False	F/A	N/A

**Comments:**

**Basis for assessment:**

**Question references:** Universal Declaration of Human Rights (1948), Article 24; 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

No. 2.5.7	Area Human Resources	Section Work hours, rest periods and leave
-----------	----------------------	--

**Question**

If the company operates in an industrial sector, are employee hours limited to 48 per week, with a maximum of 8 hours per day (or fewer if mandated by national law)?

Yes	No	F/A	N/A

**Description**

Companies operating in an industrial sector must limit employee hours to 48 per week and 8 per day. Supervisors, management and employees employed in a confidential capacity are exempted from this provision. If the workday is less than 8 hours on one or more days of the week, then the 8-hour limit may be exceeded (by no more than one hour) on the other days of the week, if the company receives approval from the competent public authority. The daily and weekly limits may also be exceeded in cases where employees are employed in shifts, so that employees may work longer days and longer weeks during certain weeks, as long as the average number of hours worked in a three-week period does not exceed 48 per week and 8 per day. Other exceptions to the daily and weekly time limits exist for exceptional circumstances relating to accidents or incidents of force majeure, but only so far as necessary to avoid interference with the company undertaking.

## Suggested Indicators

- 1 The company maintains detailed and accurate records of the number of hours worked by each employee.

True	False	F/A	N/A

- 
- 2 The company employs the number of workers necessary to meet production expectations, so that employees can complete their work tasks within the weekly and daily limits.

True	False	F/A	N/A

- 
- 3 The company limits employee work hours to a maximum of 48 per week and 8 per day, or fewer if required by national law.

True	False	F/A	N/A

---

**Comments:**

---

**Basis for assessment:**

---

**Question references:** Universal Declaration of Human Rights (1948), Article 24; International Covenant on Economic, Social and Cultural Rights (1966), Article 7 (d); ILO Hours of Work (Industry) Convention (C1, 1919).

---



<b>No. 2.5.8</b>	<b>Area</b> Human Resources	<b>Section</b> Work hours, rest periods and leave
------------------	-----------------------------	---

### Question

Is overtime used infrequently, and kept below 12 hours per employee in any one week (or less if required by national law)?

Yes	No	F/A	N/A

### Human rights implicated

*Right to work and just and favourable conditions of work*

### Description

Overtime must only be used in exceptional circumstances, rather than as a matter of the ordinary course of business. Limits to the number of overtime hours an employee can work in a particular time period is not specified in international law, but is to be determined by national governments. However, not all governments have established such limitations, and even if they have, the number of overtime hours allowed may be very high. Thus, the company should comply with such local provisions when setting its overtime policies, but set its maximum at no more than 12 hours per week. The limitations to overtime and the provisions of minimum holiday pay must be respected, even if an employee voluntarily consents to a departure from the requirements. Workers sometimes voluntarily request to violate overtime provisions and forgo minimum holiday leave in order to earn additional compensation. Regardless, the company must respect national and international labour standards: employees cannot waive their labour rights. If requests are persistent, the company must evaluate whether the requests are a result of company salary policies, which fail to provide a living wage.

### Suggested Indicators

- 1 Company overtime guidelines limit overtime hours to infrequent use and no more than 12 hours per week (or fewer if set by national law).

True	False	F/A	N/A

- 2 Company guidelines prohibit agreements that allow workers to violate overtime restrictions.

True	False	F/A	N/A

- 
- 3 Employees do not work more than 12 hours of overtime in any week (or fewer if set by national law).

True	False	F/A	N/A

- 
- 4 Overtime is used only infrequently and is not used as a regular solution to meeting production demands that are predictable.

True	False	F/A	N/A

- 
- 5 Managers do not pressure, encourage, or allow employees to give up their minimum holiday requirement or violate overtime provisions.

True	False	F/A	N/A

---

**Comments:**

---

**Basis for assessment:**

---

**Question references:** Universal Declaration of Human Rights (1948), Article 24; International Covenant on Economic, Social and Cultural Rights (1966), Article 7 (d); ILO Reduction of Hours of Work Recommendation (R116, 1962), Articles 14 and 17; ILO Holidays with Pay (Revised) Convention (C132, 1970), Article 12; SA 8000 Standards, Article 8; Ethical Trading Initiative, Article 6, Fair Labor Association's Workplace Code of Conduct.

---

<b>No. 2.5.9</b>	<b>Area</b> Human Resources	<b>Section</b> Work hours, rest periods and leave
------------------	-----------------------------	---

### Question

Do all workers enjoy adequate reasonable rest periods during the day?

Yes	No	F/A	N/A

### Description

In general, employees must be provided with no less than one half hour paid break for every four consecutive hours of work (or more often if provided by national law). However, the amount of breaks will vary by industry, with more frequent breaks necessary for employees performing particularly taxing or repetitive tasks, for disabled or pregnant employees, or in areas where the temperature is particularly hot or cold. The breaks may either follow a fixed schedule for each worker, or be recorded as they take place. Breaks must be strategically scheduled to ensure that no employee is required to work more than four hours of time during a shift without a rest period, or is given more breaks when the task or industry or special circumstances of the worker so demands. Some employees may need extra breaks during the day due to certain medical conditions (e.g. diabetics), which requires them to take medicine at specific times or to ensure a stable food intake during the workday. Pregnant women and young workers may also require extra breaks during the day, as they often need food at more frequent intervals to ensure an adequate amount of food for their condition or age. Even if breaks are provided for in company policy, some managers may discourage breaks by showing disapproval for employees who exercise their allowed break time. Or, if breaks are unpaid, employees may forgo break periods in favour of the extra pay. In order to ensure that employees get the rest they need to perform their functions safely day after day, the company must instruct its line managers to respect and enforce company break policies, particularly in hazardous occupations. Breaks should also be paid so that employees are not tempted to avoid taking breaks during the day in favour of the extra pay.

### Suggested Indicators

- 1 Employees are entitled to no less than a 30-minute break for every 4 hours of work, or more when the type of job requires more frequent breaks or national law so requires.

True	False	F/A	N/A

- 2 Workers with special health and nutrition needs such as pregnant, nursing, diabetic or disabled employees, are provided with breaks and facilities that accommodate their special needs.

True	False	F/A	N/A

- 
- 3 Managers allow workers to use toilet facilities whenever workers find it necessary.

True	False	F/A	N/A

- 
- 4 Workers are provided with enough break time to comfortably eat and meet their other needs before they are required to return to their workstations, considering factors such as location and size of facilities.

True	False	F/A	N/A

- 
- 5 Breaks either follow a fixed schedule for each worker or are recorded as they take place.

True	False	F/A	N/A

---

- 6** Workers who perform physically demanding or repetitive tasks are given enough breaks during the day to eliminate the dangers associated with repetitive stress injuries and ailments.

True	False	F/A	N/A

- 
- 7** Employees nursing infants are allowed at least one extra break during the workday or a daily reduction of hours for nursing.

True	False	F/A	N/A

- 
- 8** Working hours and rest periods are posted and verbally announced in a highly visible locations, and in a comprehensible format.

True	False	F/A	N/A

- 
- 9** Managers do not pressure employees to forgo their breaks.

True	False	F/A	N/A

- 
- 10** The company does not reward employees or managers for reducing break time or failing to take breaks.

True	False	F/A	N/A

---

**11** Break time is paid in order to discourage workers from forgoing their breaks.

True	False	F/A	N/A

---

**12** There is a low rate of fatigue related accidents at the workplace.

True	False	F/A	N/A

---

**Comments:**

---

**Basis for assessment:**

---

**Question references:** 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 and Rest Periods (Road Transport) Convention (C153,1979), Article 5 (1).

---

<b>No. 2.5.10</b>	<b>Area</b> Human Resources	<b>Section</b> Work hours, rest periods and leave
-------------------	-----------------------------	---

**Question**

Does the company provide an adequate and culturally appropriate weekly rest period each week to all workers?

Yes	No	F/A	N/A

**Description**

National laws usually define the amount of time required for the weekly rest period, but at a minimum, employees must be allowed no less than 24 consecutive hours of rest in every seven day period. If national law provides for more hours of weekly rest, the company must apply the national standard. National governments are also responsible for determining exceptions to weekly rest periods for special cases or

instances of force majeure, but only after consultation with workers' organisations. When granting weekly rest periods, the company must attempt to follow the traditional or customary rest days in the region of operation to ensure that the rest time of its employees coincides with the rest time of family and friends, and when traditional/cultural ceremonies usually take place. Exceptions may be made in sectors requiring staff 24 hours per day 7 days a week.

Suggested Indicators

- 1 Workers are allowed weekly rest periods of no less than 24 consecutive hours in every seven-day period (or more if provided by national law or collective bargaining agreement).

True	False	F/A	N/A

- 
- 2 The weekly rest periods, to the extent possible, fall on the traditional or customary rest days normally respected in the area.

True	False	F/A	N/A

- 
- 3 The company informs workers in advance, in a visible location, of the weekly rest period requirements.

True	False	F/A	N/A

---

- 4 The company takes into account the customs and traditions of religious minorities when setting rest periods.

True	False	F/A	N/A

- 
- 5 Weekly rest periods are granted to the entire staff simultaneously, whenever possible.

True	False	F/A	N/A

---

**Comments:**

---

**Basis for assessment:**

---

**Question references:** Universal Declaration of Human Rights (1948), Articles 23 and 24; International Covenant on Economic, Social and Cultural Rights (1966), Article 7 (d); ILO Weekly Rest (Industry) Convention (C14, 1921), Article 2(1); ILO Weekly Rest (Commerce and Offices) Convention (C106, 1957), Article 6 (1)

---



<b>No. 2.5.11</b>	<b>Area</b> Human Resources	<b>Section</b> Work hours, rest periods and leave
-------------------	-----------------------------	---

### Question

Does the company ensure that company drivers comply with national and international rest periods and working hours?

Yes	No	F/A	N/A

### Description

Company drivers are a significant hazard to citizens on public roads and highways if their driving is impaired from lack of rest and improper work hours. Generally, national governments have extensive legislation regarding the driving hours and rest periods of commercial drivers. However, in some cases, national law falls below the standards required by international instruments and the company should apply the standard which is most protective. Companies sometimes institute pay schemes intended to encourage drivers to meet or exceed certain performance expectations, such as giving the driver a bonus for delivering cargo early or deducting wages for delivering the cargo late. While these schemes are usually not intended to encourage drivers to violate rest policies, the incentive of procuring an additional monetary reward for a speedy delivery may nevertheless encourage drivers to forgo safety and rest requirements when delivering cargo, thereby endangering themselves and others on the road.

### Suggested Indicators

- 1 Company guidelines require that drivers take a daily rest period of no less than 10 consecutive hours in every 24-hour period from the start of the workday, or more if national law requires.

True	False	F/A	N/A

- 2 Company drivers are not required to remain in or near the company vehicle during rest periods, if they have secured the vehicle and the load.

True	False	F/A	N/A

- 3 Drivers are not penalised for late deliveries when their tardiness is related to circumstances outside of the driver's control (e.g. traffic accidents, severe weather, road closings).

True	False	F/A	N/A

- 
- 4 Bonuses are not paid to drivers who deliver shipments in an unrealistic amount of time, or who violate rest policies and safety standards.

True	False	F/A	N/A

- 
- 5 The company provides driver log books and related records to the competent legal authority as required.

True	False	F/A	N/A

- 
- 6 Company guidelines prohibit drivers from driving more than four consecutive hours without a break, or up to five hours if authorized by the competent authority.

True	False	F/A	N/A

---

- 7 Company guidelines prohibit drivers from driving more than nine hours per day or 48 hours per week, including overtime, or less if national law requires.

True	False	F/A	N/A

- 
- 8 Company drivers are required to fill out control/log books to record their mileage, rest periods, and other relevant information about their transport.

True	False	F/A	N/A

- 
- 9 A manager is responsible for monitoring driving patterns and log books, and is required to take remedial action to correct driver behaviour that violates policies and guidelines.

True	False	F/A	N/A

---

**Comments:**

---

**Basis for assessment:**

---

**Question references:** Universal Declaration of Human Rights (1948), Articles 23 and 24; International Covenant on Economic, Social and Cultural Rights (1966), Article 7 (d); ILO Hours of Work and Rest Periods (Road Transport) Convention (C153, 1979)

---

<b>No. 2.5.12</b>	<b>Area</b> Human Resources	<b>Section</b> Work hours, rest periods and leave
-------------------	-----------------------------	---

### Question

Does the company directly or indirectly impede employees' ability to engage in open and free dialogue, expression, and worship during their rest periods?

Yes	No	F/A	N/A

### Description

During breaks or rest periods the employees should be free from company interference in how, and what manner, they choose to pass the time. Employees should be permitted to engage in free and open discussions conveying a variety of viewpoints and ideas, as long as no attempt is made to incite national, racial or religious hatred or violence. The company should also take measures to accommodate the religious needs of employees for prayer time during break periods, including allowing breaks to follow either a fixed or flexible schedule depending on special religious/traditional requirements for prayers and other rituals, and ensuring appropriate areas for prayer/reflection unhindered by others

### Suggested Indicators

- 1 Employees are not restricted from discussing certain topics during breaks, and their discussions are not monitored.

True	False	F/A	N/A

- 2 Employees who use breaks for prayer and other religious or spiritual rituals are given adequate space and time.

True	False	F/A	N/A

**Comments:**

**Basis for assessment:**

---

**Question references: Question references**

Universal Declaration of Human Rights (1948), Articles 18 and 19; International Covenant on Civil and Political Rights (1966), Articles 18 and 19; Convention on the Protection of All Migrant Workers and Members of Their Families (1990), Articles 12(1) and 13; ILO Discrimination (Employment and Occupation) Convention, (C111, 1958), Articles 2 and 3; Declaration on the Elimination of All forms of Intolerance and Discrimination Based on Religion or Belief (1981), Articles 4 and 6

---

<b>No.</b> 2.5.13	<b>Area</b> Human Resources	<b>Section</b> Work hours, rest periods and leave
-------------------	-----------------------------	---

**Question**

When employees are required to work for extended periods away from their families, does the company ensure that they are allowed sufficient time off for family visits?

Yes	No	F/A	N/A

**Description**

A number of jobs require employees to work for extended periods away from home. These include a wide variety of positions, among others, jobs on oil rigs, excavation sites in remote areas, and sales positions which demand extensive and prolonged travel. Such situations necessitate that the company be considerate of employees family needs when determining break schedules, holidays, and the possibility of family visits to the work site.

**Suggested Indicators**

- 1 Company guidelines provide that employees whose work involves frequent and prolonged travel, or who are stationed away from their families, are entitled to a fixed break schedule which allows each employee sufficient time off at regular intervals to visit his or her family.

True	False	F/A	N/A

- 
- 2 If the duty station cannot be reached by regular transportation, the company provides transportation services to the families, or to the employee, for the purpose of family visits.

True	False	F/A	N/A

---

**Comments:**

---

**Basis for assessment:**

---

**Question references:** Universal Declaration of Human Rights (1948), Article 16; International Covenant on Civil and Political Rights (1966), Article 23 (1); International Covenant on Economic, Social and Cultural Rights (1966), Article 10 (1); Convention on the Rights of the Child, Article 5; Convention on the Protection of All Migrant Workers and Members of Their Families (1997), Article 44(1)(2); ILO Convention on Workers with Family Responsibilities (C156, 1981) Article 4 (b)

---

<b>No. 2.5.14</b>	<b>Area</b> Human Resources	<b>Section</b> Work hours, rest periods and leave
-------------------	-----------------------------	---

**Question**

Does the company allow for flexible working arrangements to ensure equal opportunities for employees with family responsibilities?

Yes	No	F/A	N/A

**Description**

Both male and female employees with families face challenges balancing home and work responsibilities. International human rights principles recognize the societal importance of promoting a positive family environment by allowing both sexes to equally and effectively participate in child rearing or care of family members while working outside of the home. Employers should refrain from discriminating against both men and women on the basis of their family responsibilities. When instituting family friendly policies, the company should avoid reinforcing gender stereotypes by only providing family benefits to female workers. In most cultures, people are obliged to attend a variety of family-related functions, such as weddings, funerals and religious ceremonies, which may result in absence from work. Employees may also be absent from the workplace to care for ill members of their families. 'Family', for the purposes of these obligations, may consist of natural/adoptive/foster parents, grandparents, aunts, uncles, siblings, spouses, life partners and children, or other relatives. The company should ensure that its employees are entitled to a sufficient number of discretionary 'personal' and 'family' days off, to meet their family responsibilities.

## Suggested Indicators

- 1 Company guidelines provide for allowing employees to take a certain number of discretionary 'personal' and/or 'family' days from work in order to attend to family responsibilities.

True	False	F/A	N/A

- 
- 2 Flexible working arrangements such as part time shifts, temporary contracts and periods of temporary leave are available to employees with family responsibilities.

True	False	F/A	N/A

- 
- 3 Each employee is informed of the hours and travel required for the job before signing a contract, so that they can estimate the amount of time they will spend away from their family.

True	False	F/A	N/A

- 
- 4 The company takes into account the needs of employees with families when setting flexible and shift schedules.

True	False	F/A	N/A

---

**Comments:**

---

**Basis for assessment:**

---

**Question references:** Universal Declaration of Human Rights (1948), Article 16; International Covenant on Civil and Political Rights (1966), Article 23 (1); International Covenant on Economic, Social and Cultural Rights (1966), Article 10 (1); Convention on the Rights of the Child, Articles 5, 18 and 19; ILO Workers with Family Responsibilities Convention (C156, 1981), Articles 1 (2) and 3

---

<b>No. 2.5.15</b>	<b>Area</b> Human Resources	<b>Section</b> Work hours, rest periods and leave
-------------------	-----------------------------	---

**Question**

Are workers informed of their work schedule in advance?

Yes	No	F/A	N/A

**Description**

The company must post the hours of work and the time when each shift begins and ends in a conspicuous place on the premises. For employees who work on alternating or rotating work schedules, those employees should be notified of their scheduled work hours well in advance of the scheduled work time. Although the required length for the notification period has not been established by international standards, an employee working alternating shifts should be notified at least one week in advance of his or her working schedule so that he or she can plan accordingly. If national law in the country of operation requires more notice, the company must comply with national law.

**Suggested Indicators**

- 1** Working hours and rest periods are posted in highly visible locations on the work premises and in a language understandable to the workers.

True	False	F/A	N/A

- 2** Schedules for shift workers are drawn up at least one week in advance (or more frequently if required by national law) to inform workers of their individual working hours.

True	False	F/A	N/A



- 
- 3 The company takes special measures to ensure that illiterate employees are verbally notified of the hours they will have to work.

True	False	F/A	N/A

- 
- 4 Any adjustments to the work schedule are done only with the knowledge and permission of the affected employee(s).

True	False	F/A	N/A

---

**Comments:**

---

**Basis for assessment:**

---

**Question references:** Universal Declaration of Human Rights (1948), Articles 23 and 24; International Covenant on Economic, Social and Cultural Rights (1966), Article 7 (d); ILO Hours of Work (Commerce and Offices) Convention (C30, 1930), Article 11; ILO Hours of Work (Industry) Convention (C1, 1919), Articles 2 (b) and 8

---

<b>No.</b> 2.5.16	<b>Area</b> Human Resources	<b>Section</b> Work hours, rest periods and leave
-------------------	-----------------------------	---

**Question**

Does the company provide employees with leave from work to attain medical treatment, recuperate from illness, and care for ill children?

Yes	No	F/A	N/A

**Description**

The company must allow employees time off from work in order to comply with treatment measures specified by a health specialist. For limitations and pay requirements of this provision, the company must consult national law in the country of operation. In many cultures, a health specialist usually is a formally trained and certified dentist, psychologist, psychiatrist, medical doctor etc., However, in other cultures, the judgment of a 'local healer' or other traditional authorities may carry as much weight as formally trained

and certified specialists. The company should establish a policy that explains its position with respect to traditional medicine and sick leave or refer to national law, whenever applicable.

### Suggested Indicators

- 1 Company policy allows employees to take leave from work for the length of time required to seek health services for illnesses, injuries, or other health considerations, including psychological problems, whether work-related or not.

True	False	F/A	N/A

- 
- 2 Company guidelines allocate a minimum number of paid sick days to all employees, which can be used to care for ill children and which is compliant with national law.

True	False	F/A	N/A

- 
- 3 Employees are permitted to use their sick days without experiencing pressure or retaliation.

True	False	F/A	N/A

---

**Comments:**

---

**Basis for assessment:**

---

**Question references:** Universal Declaration of Human Rights (1948), Article 25; International Covenant on Economic, Social and Cultural Rights (1966), Article 10 (1)12 (2d); Convention on the Rights of the Child (1989), Articles 3 (2) and 18; Convention on the Elimination of All Forms of Discrimination against Women (1979), Article 11 (1e); ILO Medical Care and Sickness Benefits Convention (C130, 1969), Article 16 part 3; Convention on the Protection of All Migrant Workers and Members of their Families (1990), Article 28

---

## 2.6 ASSOCIATION AND COLLECTIVE BARGAINING

<b>No. 2.6.1</b>	<b>Area</b> Human Resources	<b>Section</b> Association and collective bargaining
------------------	-----------------------------	--

### Question

If trade unions do not exist in the area of operation, or only state authorised organisations are allowed, does the company facilitate or allow the establishment of alternative measures to allow employees to gather independently to discuss work-related problems?

Yes	No	F/A	N/A

### Description

In some countries, national 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 allow that of workers meetings and representation. In addition, the company must ensure open channels of communication and negotiation between management and employees concerning all work-related issues. The alternative measures described in this question apply only in those countries where the right to unionise and bargain collectively is not allowed, because such attempts would otherwise be viewed as efforts to displace or circumvent the role of existing labour organisations.

### Suggested Indicators

- 1 Employees are allowed to hold employee-only meetings, where they can freely discuss working conditions.

True	False	F/A	N/A

- 
- 2 The company makes meeting rooms available for holding employee-only meetings to discuss wages and working conditions.

True	False	F/A	N/A

---

- 3 Management meets regularly with employee representatives to discuss work-related problems and employee grievances.

True	False	F/A	N/A

---

**Comments:**

---

**Basis for assessment:**

---

**Question references:** 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

---

<b>No. 2.6.2</b>	<b>Area</b> Human Resources	<b>Section</b> Association and collective bargaining
------------------	-----------------------------	--

**Question**

Does the company provide union representatives with access to company property to meet with employees, and provide them with the information required for carrying out their responsibilities?

Yes	No	F/A	N/A

**Description**

In order to effectively represent their members, union representatives must have access to company premises and be allowed to carry out their responsibilities therein, as long as they exercise their duties in a reasonable and non-disruptive manner. Union representatives must also have access to relevant information and documentation regarding the nature of any employment dispute, as well as information necessary for the purposes of collective bargaining, such as economic information concerning the company's assets and

## Suggested Indicators

- 1 Company guidelines state that unions may access company premises on a regular basis, and must be provided with access to all relevant documentation about workers and working conditions (provided that the employee has consented).

True	False	F/A	N/A

- 
- 2 Company security guards and other staff allow union representatives to enter the workplace.

True	False	F/A	N/A

- 
- 3 The company does not obstruct access to documentation about workers who seek union representation in internal grievances or arbitrations.

True	False	F/A	N/A

---

**Comments:**

---

**Basis for assessment:**

---

**Question references:** 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 (1); ILO Workers' Representatives Convention (C135, 1971), Article 2; ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy (1977), Articles 46 and 54

---

<b>No. 2.6.3</b>	<b>Area</b> Human Resources	<b>Section</b> Association and collective bargaining
------------------	-----------------------------	--

### Question

Does the company effectively prohibit intimidation, harassment, retaliation and violence against union members and union representatives?

Yes	No	F/A	N/A

### Description

The company is responsible for ensuring that its employees are not intimidated or harassed at the workplace due to their active participation in collective bargaining or strikes aimed at improving working conditions. To ensure that union officials are protected from arbitrary termination during their tenure, union officials may not be terminated except in cases of serious misconduct. This principle is not intended to provide unchecked immunity to union officials during their employment, but is intended instead to protect union officials from arbitrary and politically motivated discipline. A union representative must never be dismissed on the basis on his or her union activities or participation. If an employer chooses to terminate a workers' representative for another reason, the company bears the burden of justifying that the termination is on account of serious misconduct and is unrelated to the union activities.

### Suggested Indicators

- 1 Company guidelines provide that security guards must be available to prevent violence to participants and spectators at demonstrations or picket lines.

True	False	F/A	N/A

- 2 Company guidelines specify the circumstances under which union representatives can be dismissed.

True	False	F/A	N/A

- 3 The company has a safe and effective grievance mechanism for reporting harassment or intimidation in the workplace.

True	False	F/A	N/A

- 
- 4 The company has a zero tolerance policy against intimidation, harassment and violence against workers and union representatives, particularly during collective bargaining negotiations and strikes.

True	False	F/A	N/A

- 
- 5 Workers and union representatives do not experience retaliation, intimidation or violence due to their union activities.

True	False	F/A	N/A

- 
- 6 In cases where union members challenge their termination as having been caused by their union activities, the case is submitted to arbitration or another neutral decision making process.

True	False	F/A	N/A

---

- 7 Managers and security guards are trained that workers have the right to strike as a part of the collective bargaining process.

True	False	F/A	N/A

---

**Comments:**

---

**Basis for assessment:**

---

**Question references:** 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 (1); ILO Workers' Representatives Convention (C135, 1971), Article 1, ; ILO Workers' Representatives Recommendation (R143, 1971), Article 6 (a)

---

<b>No. 2.6.4</b>	<b>Area</b> Human resources	<b>Section</b> Association and collective bargaining
------------------	-----------------------------	--

**Question**

Does the company remain neutral as regards employees' membership in any particular trade union and allow trade unions to operate independently?

Yes	No	F/A	N/A

**Description**

The right to organise, assemble and associate implicitly includes the right to organise, assemble and associate with the trade union of choice. The company must not attempt to influence the right to organise by encouraging participation in a trade union favourable to the company, nor may the company discriminate against a particular trade union because its policies and projects disfavoured by the company. Unions also have the right to operate independently and to associate with whom they please in order to strengthen their position in negotiations with companies. The company must refrain from attempts to interfere with a union's right to associate with national and international affiliations.



## Suggested Indicators

- 1** Company policy states that employees may join a trade union of their choosing, or none at all if they so choose.

True	False	F/A	N/A

- 
- 2** The company does not provide financial support to or have a financial interest in any trade union.

True	False	F/A	N/A

- 
- 3** Joining a union or giving up union membership is not a condition for being hired by the company.

True	False	F/A	N/A

- 
- 4** The company remains completely neutral as to unions and employees' union membership.

True	False	F/A	N/A

---

- 5 When conducting layoffs, the company draws from all bargaining units and does not selectively discharge workers belonging to any particular union.

True	False	F/A	N/A

- 
- 6 The company refrains from interfering with union voting processes and internal union business.

True	False	F/A	N/A

- 
- 7 The company does not attempt to influence, coerce or compel unions from joining or associating with national or international union federations and organisations.

True	False	F/A	N/A

---

**Comments:**

---

**Basis for assessment:**

---

**Question references:** 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 ; Convention on the Protection of All Migrant Workers and Members of Their Families (1997), Article 26(b); ILO Right to Organize and Collective Bargaining Convention (C98, 1949), Article 2 (2) and 5; ILO Discrimination (Employment and Occupation) Convention (C111, 1958, Article 1, ILO Social Policy (Basic Aims and Standards) Convention, (C117, 1962), Article 14 (1); ILO Right to Organise and Collective Bargaining Convention (C98, 1949), Articles 2, 3 and 4; ILO Tripartite Declaration concerning Multinational Enterprises and Social Policy (1977), Article 48

---

<b>No. 2.6.5</b>	<b>Area</b> Human Resources	<b>Section</b> Association and collective bargaining
------------------	-----------------------------	--

### Question

Does the company recognise the elected worker representatives, and their trade unions, and engage with them in good faith in collective bargaining concerning all important workplace concerns?

Yes	No	F/A	N/A

### Description

Workers elect representatives and join unions they find will best represent their interests in the workplace. Companies must not attempt to defeat the power of union representatives by refusing to recognise them for collective bargaining purposes, or by recognising non-elected or otherwise unofficial representatives. In order to make the right to associate meaningful, the company must negotiate in good faith with the elected workers representatives and labour unions. The company must not only recognise employee representatives and trade unions, but also engage with these in collective bargaining to ensure that the company addresses any employment or workplace concerns they raise. If union officials are more interested in receiving kickbacks or benefits from the employer than in properly representing their union members, and the company encourages this behaviour, it participates in abusing the right to association and collective bargaining of its employees.

### Suggested Indicators

- 1 Company policy states that it engages in collective bargaining with the elected workers representatives and unions concerning all important workplace concerns.

True	False	F/A	N/A

- 2 Regular meetings are held between management and employee representatives/trade unions to discuss working conditions and employment terms.

True	False	F/A	N/A

- 3 The company does not use coercive tactics or offer bribes or other benefits to union representatives to improperly interfere with the union representative's ability to effectively negotiate during the collective bargaining process.

True	False	F/A	N/A

- 4 The collective bargaining agreements contain provisions that were negotiated through a good faith process of collective bargaining.

True	False	F/A	N/A

- 5 The company circulates the current collective bargaining agreements to union workers, union representatives and company managers so that the terms to be negotiated are readily accessible.

True	False	F/A	N/A

**Comments:**

**Basis for assessment:**

**Question references:** 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; OECD Guidelines for Multinational Enterprises (2000), section 6

<b>No. 2.6.6</b>	<b>Area</b> Human Resources	<b>Section</b> Association and collective bargaining
------------------	-----------------------------	--

### Question

Does the company comply with the terms of collective bargaining agreements, including the mechanisms for dispute resolution?

Yes	No	F/A	N/A

### Description

If collective bargaining agreements are routinely breached by the company, the effectiveness of the right to associate is hindered. The company is obliged to comply with the provisions of the collective bargaining agreements. When a dispute arises about the interpretation of the collective bargaining agreements, the company must submit the dispute to the dispute resolution mechanisms provided for in the collective bargaining agreement.

### Suggested Indicators

- 1 An individual employee or a particular department is responsible for monitoring internal compliance with collective bargaining agreements.

True	False	F/A	N/A

- 2 The company complies with the dispute resolution processes agreed in the collective bargaining agreement.

True	False	F/A	N/A

**Comments:**

**Basis for assessment:**

**Question references:** 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 3

<b>No. 2.6.7</b>	<b>Area</b> Human Resources	<b>Section</b> Association and collective bargaining
------------------	-----------------------------	--

### Question

Does the company cooperate fully with labour inspectors, and remedy deficiencies that they identify?

Yes	No	F/A	N/A

### Description

Labour inspection is a process used to enforce compliance with legal provisions regarding working conditions, and to draw the authority's attention to abusive labour practices. In order to protect the working environment, labour inspectors must be able to perform their assigned functions without interference, and workers must be allowed to communicate with labour inspectors and express their concerns freely without threat of retaliation.

### Suggested Indicators

- 1 Company guidelines forbid retaliation against any employee who communicates or makes a complaint to a labour inspector.

True	False	F/A	N/A

- 
- 2 The company complies with remediation instructions given by labour inspectors within the time allotted.

True	False	F/A	N/A

- 
- 3 The company does not retaliate against any employee who communicates or makes a complaint to a labour inspector.

True	False	F/A	N/A

---

**4** Labour inspectors are provided with necessary company support to perform their duties.

True	False	F/A	N/A

---

**5** Labour inspectors are allowed to supply technical information and advice to workers concerning the most effective means of complying with legal provisions.

True	False	F/A	N/A

---

**6** Labour inspectors are allowed to enter the workplace unannounced at any hour of the day or night.

True	False	F/A	N/A

---

**7** Labour inspectors are allowed to coordinate with workers and their representatives.

True	False	F/A	N/A

---

- 8 Labour inspectors are allowed to carry out any test or examination necessary to ensure that legal provisions are being followed.

True	False	F/A	N/A

- 9 Labour inspectors are allowed to interview staff (alone or in the presence of witnesses) regarding compliance with legal provisions.

True	False	F/A	N/A

**Comments:**

**Basis for assessment:**

**Question references:** Universal Declaration of Human Rights (1948), Articles 23 and 24; International Covenant on Economic, Social and Cultural Rights (1966), Article 7; ILO Plantations Convention (C110, 1958), Article 73; ILO Labour Inspection Convention (C81, 1947), Article 12

<b>No. 2.6.8</b>	<b>Area</b> Human Resources	<b>Section</b> Association and collective bargaining
------------------	-----------------------------	--

### Question

Does the company refrain from dismissing union officials during their office tenure for anything other than serious misconduct, and does it accept the burden of justifying the validity of such dismissals?

Yes	No	F/A	N/A

### Description

To ensure that union officials are protected from arbitrary termination during their tenure, union officials may not be terminated except in cases of serious misconduct. This principle is not intended to provide unchecked immunity to union officials during their employment, but is intended instead to protect union officials from arbitrary and politically motivated discipline. A union representative must never be dismissed on the basis on his or her union activities or participation. If an employer chooses to terminate a workers' representative for another reason, the company bears the burden of justifying that the termination is on account of serious misconduct and is unrelated to the union activities.



## Suggested Indicators

- 1 Company guidelines establish the circumstances under which union officials can be dismissed.

True	False	F/A	N/A

- 
- 2 Union officials that are dismissed are provided with documented reasons for their termination that do not relate to their union-related work.

True	False	F/A	N/A

- 
- 3 If a union official challenges the termination as being related to his or her union activities, the company submits the case to arbitration or some other neutral decision making process.

True	False	F/A	N/A

- 
- 4 The company does not have a history or pattern of dismissing union officials without adequately documenting legitimate reasons for the dismissal.

True	False	F/A	N/A

---

**Comments:**

---

**Basis for assessment:**

---

---

**Question references:** 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 (1); ILO Workers Representatives Convention (C135, 1971), Article 1; ILO Workers Representatives Recommendation (R143, 1971), Article 6 (a)

---

## 2.7 EQUAL AND FAIR TREATMENT

<b>No. 2.7.1</b>	<b>Area</b> Human Resources	<b>Section</b> Equal and Fair Treatment
------------------	-----------------------------	---

### Question

Does the company apply only relevant and objective criteria when making decisions related to hiring, promotions, compensation and benefits?

Yes	No	F/A	N/A

### Description

Discrimination refers to 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 worse than others. To avoid direct discrimination, the company must 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 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. 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.

### Suggested Indicators

- 1 The company has a written policy providing for non-discrimination and equal treatment in all aspects of hiring, promotion, compensation, and benefits.

True	False	F/A	N/A

- 2 Employment advertisements for available positions do not make reference to personal characteristics that are not relevant to the job, unless they are included as part of an equal opportunities policy.

True	False	F/A	N/A

- 
- 3 Clear job descriptions and salary guidelines are developed, used by hiring managers, and regularly updated to ensure that workers are hired and promoted only on the basis of the skills, qualifications and experience required for the position.

True	False	F/A	N/A

- 
- 4 Job placement, remuneration and promotions are based on objective factors such as the nature of the tasks and the skills, experience and qualifications of the employees.

True	False	F/A	N/A

- 
- 5 Salary guidelines are implemented in a non-discriminatory way.

True	False	F/A	N/A

- 
- 6 Hiring managers have been trained in the company's non-discrimination policies.

True	False	F/A	N/A

---

**Comments:**

---

**Basis for assessment:**

---

**Question references:** Universal Declaration of Human Rights (1948), Articles 2 and 23; 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

---

<b>No. 2.7.2</b>	<b>Area</b> Labour Practices	<b>Section</b> Equal and Fair Treatment
------------------	------------------------------	---

**Question**

Does the company refrain from favouring or discriminating against employees on the basis of their opinions, expression, thoughts, conscience, or religion?

Yes	No	F/A	N/A

**Description**

Although the company is entitled to control the dissemination of ideas or information made in its name or on its behalf, an employee's personal opinions and expressions are irrelevant to company operations and must not be used as a basis for discrimination or adverse employment action against the employee. When an employee is a company spokesperson or official representative, however, he or she may reasonably be requested to refrain from publicly expressing certain views which would interfere with his or her ability to adequately represent the image of the company. Non-mainstream belief systems are also protected. "New" religions or belief systems can constitute a 'religion' for the purposes of international human rights protection. If, however, the new religion is based on a belief consisting primarily or exclusively in the worship, use or distribution of a narcotic drug, it is not protected. Atheism and agnosticism are protected similarly to any other belief system. Companies should be particularly vigilant for the rights of non-believers when operating in states with officially recognized religions. The company must also not show preferences to employees based on their political opinions. The company may allow its employees to undertake political activities on the company premises, but if it does so, the company must then allow equal access by all political groups. The company should not restrict any one particular group from campaigning or distributing election materials, and it should ensure that no parties use coercion on company property in an attempt to gain votes. Any company that allows campaigning activities/materials on its premises must take the necessary steps to make employees aware that the company endorses none of the parties.

## Suggested Indicators

- 1** Company policy prohibits discrimination against employees on the basis of their opinion, expression, thought, conscience or religion.

True	False	F/A	N/A

- 
- 2** The company does not ask for information relating to a job applicant's ideological, political and religious affiliations, either in person or on application forms.

True	False	F/A	N/A

- 
- 3** Company managers do not ask questions about employees' ideological, political and religious affiliations during annual performance reviews.

True	False	F/A	N/A

- 
- 4** Any limitations on workplace expression and religious practices are applied fairly and consistently to all workers, without singling out particular groups.

True	False	F/A	N/A

---

- 5 When hiring for positions that include restrictions on employees' freedom of expression, the company explains the scope of the restrictions to the applicants for the position during the initial hiring process.

True	False	F/A	N/A

- 
- 6 New or minority religions or belief systems are accommodated by the company.

True	False	F/A	N/A

- 
- 7 The company has a clear and accessible set of guidelines about whether and under what conditions political activities are permitted on the company premises.

True	False	F/A	N/A

- 
- 8 If the company allows campaigning or other political activities on its premises, it provides equal access to all political parties.

True	False	F/A	N/A

---

9 Government propaganda is not displayed or distributed at the workplace.

True	False	F/A	N/A

---

**Comments:**

---

**Basis for assessment:**

---

**Question references:** Universal Declaration of Human Rights (1948), Articles 2, 18,19, and 21; International Covenant on Civil and Political Rights (1966), Articles 18, 19, 25 and 26; Convention on the Protection of All Migrant Workers and Members of Their Families (1990), Article 7; ILO Convention on Discrimination (Employment and Occupation), (C111, 1958), Article 1; Declaration on the Elimination of All forms of Intolerance and Discrimination Based on Religion or Belief (1981), Articles 2, 3 and 4; Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy (1977), Article 21

---

<b>No. 2.7.3</b>	<b>Area</b> Human Resources	<b>Section</b> Equal and Fair Treatment
------------------	-----------------------------	---

**Question**

Does the company refrain from discriminating against employees because of their membership in an association (including a trade union)?

Yes	No	F/A	N/A

**Description**

The company must not discriminate against an employee or a potential employee in any employment-related decision for his or her wish or refusal to join a union activity or membership in a group. Under no circumstances may the company retaliate against an employee for attempting to organise workers. 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. Although the issue continues to be debated, it is not a recommended practice.



## Suggested Indicators

- 1 Company applications do not ask for information regarding union membership or other organisational affiliation.

True	False	F/A	N/A

- 
- 2 Human resources personnel are instructed to not ask questions about applicants' or employees' political or religious affiliations or memberships in organisations or associations.

True	False	F/A	N/A

- 
- 3 Companies that choose to allow facilities to be used for any employees' organisational meetings also provide equal access to other employees' organisational meetings without discrimination.

True	False	F/A	N/A

- 
- 4 The company does not use union membership as a decision making criterion for personnel decisions, including administering work benefits, job opportunities, or promotions.

True	False	F/A	N/A

---

**Comments:**

---

**Basis for assessment:**

---

**Question references:** 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; Convention on the Protection of All Migrant Workers and Members of Their Families (1997), Articles 26 and 40; ILO Right to Organize and Collective Bargaining (C98, 1949), Article 1; ILO Discrimination (Employment and Occupation) Convention (C111, 1958), Article 1; ILO Social Policy (Basic Aims and Standards) Convention (C117, 1962), Article 14 (1); ILO Declaration on Fundamental Principles and Rights at Work (1998), Article 2(d); ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy (1977), Article 41

<b>No. 2.7.4</b>	<b>Area</b> Human resources	<b>Section</b> Equal and Fair Treatment
------------------	-----------------------------	---

### Question

Does the company ensure that managers do not discriminate against employees, and particularly women, based on their marital status, pregnancy, maternity/paternity leave, or parenthood?

Yes	No	F/A	N/A

### Description

The right to family life both requires that the company respects the family choices of its employees and refrains from basing employment decisions on the employee's family status. Some employees may have higher demands, such as single parents and parents of children with disabilities. Managers might assume that the individual in question is unable to fulfil the requirements of a full-time job as a result. The decision, however, is for the employee, not the company. The company's responsibility is to enable the employee to make an informed decision by providing full advance details of their job responsibilities, and ensuring that no large-scale changes in the demands of the job are made without the employees' consent. Company managers sometimes deny promotions or job opportunities to employees, and particularly women, out of concern that the demands of family life will impair her ability to function effectively at work. Single mothers are particularly susceptible in these circumstances. It is discriminatory for a manager to assume what a woman can handle, or what is in her best interests, especially since it puts the woman at a disadvantage in respect to her male or childless colleagues. Unless a woman is unable to fulfil the functions of a position and cannot live up to the demands of the job, it must not be assumed otherwise.

### Suggested Indicators

- 1 Company policy prohibits managers from using information about marital status, pregnancy or children as a reason for denying job opportunities or promotions.

True	False	F/A	N/A

- 
- 2** Hiring managers and interviewers are trained not to ask job candidates about pregnancy, children, or marital status at job interviews.

True	False	F/A	N/A

- 
- 3** Job applicants and employees are not required to take pregnancy tests or birth control, or have abortions, or agree not to become pregnant, start a family or care for dependents, in order to obtain or maintain employment.

True	False	F/A	N/A

- 
- 4** Workers who take family or maternity leave, who are pregnant, married or have families do not experience a loss in status, seniority, access to promotions, or demotions.

True	False	F/A	N/A

- 
- 5** Pregnant women are not excluded from work that is not hazardous to their health, by the company giving "health and welfare" as a reason for the exclusion.

True	False	F/A	N/A

---

- 6 Women who are granted extended maternity leave as an alternative to night work do not experience a loss in status, seniority, or access to promotions.

True	False	F/A	N/A

- 7 Workers are not required to register a marriage with the company or get company approval to marry.

True	False	F/A	N/A

---

**Comments:**

---

**Basis for assessment:**

---

**Question references:** Universal Declaration of Human Rights (1948), Articles 2, 16, 12 and 23; International Covenant on Civil and Political Rights (1966), Article 17, 23 and 26; Convention on the Elimination of All Forms of Discrimination against Women (1979), Articles 2 and 11; Convention on the Elimination of All Forms of Racial Discrimination (1965), Article 5; Convention on the Rights of the Child, (1989), Article 18; ILO Workers with Family Responsibilities Convention (C156, 1981), Articles 3 and 4; ILO Discrimination (Employment and Occupation) Convention (C111, 1958), Article 1; ILO Maternity Protection Convention (C183, 2000), Article 3, 8 and 9; Equal Remuneration Convention (C100, 1951), Article 1

---

<b>No. 2.7.5</b>	<b>Area</b> Human Resources	<b>Section</b> Equal and Fair Treatment
------------------	-----------------------------	---

### Question

Does the company make reasonable accommodations to provide disabled applicants and workers with equality of treatment and opportunity at the workplace?

Yes	No	F/A	N/A

### Description

Many disabled persons have reduced prospects for employment because of a duly recognised mental or physical impairment. Reasonable accommodations at the workplace may be necessary to provide disabled people with the same employment opportunities as other workers. The number and types of accommodations required depends on the nature of the disabilities presented, but could include such actions as installing ramps, modifying doors, adjusting work tasks, or modifying work schedules. Whether an accommodation request is considered reasonable depends on the limitations involved, such as the difficulty of implementing the adjustment, the costs involved, and the resources available to the employer. Nothing in these provisions requires a company to hire a disabled employee who isn't otherwise qualified for the position. For example, regardless of the type of accommodations made, a blind person may simply not be qualified to fly a commercial airline and the company isn't obligated to hire him/her simply because of the disability. On the other hand, a qualified accountant must not be denied access to employment at the company simply because he or she cannot physically reach a second floor office without accommodation.

### Suggested Indicators

- 1 Company policy states that disabled job applicants and workers must be given equal treatment at the workplace, including providing for reasonable accommodation.

True	False	F/A	N/A

- 2 The company ensures that all job requirements listed are relevant to the position advertised.

True	False	F/A	N/A

- 3 An assessment of accommodations made for disabled workers indicates that the company has successfully accommodated constraints or needs related to their disability.

True	False	F/A	N/A

- 
- 4 The company provides disabled workers with adequate time off from work to attend to rehabilitation programmes or treatments related to their disability.

True	False	F/A	N/A

---

**Comments:**

---

**Basis for assessment:**

---

**Question references:** Universal Declaration of Human Rights (1948), Articles 2 and 23; International Covenant on Civil and Political Rights (1966), Article 26; Convention on the Rights of Persons with Disabilities (2006) Article 27; ILO Discrimination (Employment and Occupation) Convention (C111, 1958), ILO Vocational Rehabilitation and Employment (Disabled Persons) Convention (C159, 1983); ILO Vocational Rehabilitation and Employment (Disabled Persons) Recommendation (C168, 1983)

---

<b>No. 2.7.6</b>	<b>Area</b> Human Resources	<b>Section</b> Equal and Fair Treatment
------------------	-----------------------------	---

### Question

Does the company make reasonable efforts to accommodate the expressive conduct and religious and cultural practices of its employees?

Yes	No	F/A	N/A

### Description

The company can legitimately channel expression of many types, including religious and cultural, so that it does not interfere with the work of its employees or the profitability of the enterprise. For example, if a company chooses to allow religious or political leafleting on its premises, it may restrict those activities to break periods or rest areas. This protects the individual's right to expression of belief, while simultaneously allowing employees who are working to be free from interference. The company may limit restrictions on the right of expression by reasonable time, place, and manner restrictions. A reasonable time restriction might include a ban on expressive conduct when the employee is working or meeting with clients, on a factory floor. Another reasonable manner restriction could include prohibiting conduct such as the use of vulgarities and shouting. Traditional, cultural or religious garments may be an important part of an employee's cultural identity and expression. For instance, headscarves may be part of an employee's religious identity. If an employee wishes to wear his or her cultural dress in the workplace, the company must not oppose the request merely on the basis of aesthetic displeasure or cultural/religious bias. Instead, limitations on this type of clothing must be consistent with business purposes or necessary for workplace safety and must be applied in a non-discriminatory manner.

### Suggested Indicators

- 1 Company guidelines clearly explain any limitations on expressive and religious conduct.

True	False	F/A	N/A

- 2 Limitations on expression or religious activity at the workplace are specific and clear and do not restrict harmless activities.

True	False	F/A	N/A

- 3 If the company restricts the wearing of cultural or religious garments for legitimate reasons, such as health and safety, the employees are notified of the reasons and given the opportunity to propose suitable alternatives.

True	False	F/A	N/A

- 
- 4 Company guidelines specify in which particular job functions the employee will need to wear safety gear or special uniforms.

True	False	F/A	N/A

- 
- 5 The company dress code is flexible and accommodates the relevant cultural and gender-based requirements for appropriate dress.

True	False	F/A	N/A

---

**Comments:**

---

**Basis for assessment:**

---

**Question references:** Universal Declaration of Human Rights (1948), Articles 18, 19 and 27; International Covenant on Civil and Political Rights (1966), Articles 18, 19, and 27; Convention on the Protection of All Migrant Workers and Members of Their Families (1990), Articles 12(1), 13 and 31; ILO Discrimination (Employment and Occupation) Convention, (C111, 1958), Articles 1, 2 and 3; ILO Indigenous and Tribal Peoples Convention (C169, 1989), Articles 2, 3, 4 and 5; ILO Social Policy (Basic Aims and Standards) Convention C117, 1962), Article 14 (e), Declaration on the Elimination of All forms of Intolerance and Discrimination Based on Religion or Belief (1981), Articles 4 and 6

---



<b>No. 2.7.7</b>	<b>Area</b> Human Resources	<b>Section</b> Equal and Fair Treatment
------------------	-----------------------------	---

### Question

Does the company refrain from placing restrictions on or attempting to influence employees' voting practices and political activities outside the workplace?

Yes	No	F/A	N/A

### Description

Companies must not restrict workers' political activities outside of the workplace, or punish workers who do so. However, in some cases the company may be entitled to legitimately restrict the political activities of certain employees, with respect to particular types of activities. Employees whose duties include representing the company may reasonably be requested to refrain from participating in certain kinds of political activism. For example, a company spokesperson who is an activist in a party that advocates extreme racist views, may be asked to refrain from activities which would interfere with his or her ability to represent the image of the company. Failure to refrain from such harmful activism could provide a reasonable basis for removing the individual from his or her spokesperson position. Any attempts to influence the voting behaviour of employees constitute a violation of the right to take part in government. In certain situations, employees may perceive that the company would like them to vote in a particular way. For example, if the company is owned by an organisation or family with political ties, employees may believe that supporting the owner's party is tantamount to supporting the company itself. In these cases, it is recommended that the company directly inform employees that they are not expected to vote in a particular way, and will not be asked to reveal how they voted.

### Suggested Indicators

- 1 Company policy states that it does not restrict the political activities of its employees outside the workplace, except related to particular positions where reasonable restrictions are based on work-related need, and are specific and clear.

True	False	F/A	N/A

- 2 Any reasonable restrictions on political activities for persons occupying certain positions are clearly explained to applicants applying for those positions during the hiring process.

True	False	F/A	N/A

- 
- 3 The company does not provide incentives or retaliate against employees who vote in any particular way.

True	False	F/A	N/A

- 
- 4 The company does not poll its employees about political matters or monitor or access their voting records.

True	False	F/A	N/A

- 
- 5 Company facilities are not used as a campaign platform for candidates or political ideas.

True	False	F/A	N/A

- 
- 6 Managers responsible for conducting annual performance reviews do not refer to employees' political affiliation at any time during the period of employment.

True	False	F/A	N/A

---

**Comments:**

---

**Basis for assessment:**

---

**Question references:** Universal Declaration of Human Rights (1948), Articles 12 and 21; International Covenant on Civil and Political Rights (1966), Articles 19 and 20, 25; Convention on the Protection of All Migrant Workers and Members of Their Families (1997), Article 13; ILO Indigenous and Tribal Peoples Convention (C169, 1989), Article 3

<b>No. 2.7.8</b>	<b>Area</b> Human Resources	<b>Section</b> Equal and Fair Treatment
------------------	-----------------------------	---

### Question

Are workers able to freely exercise worker rights and report suspected violations or abuses of their rights and entitlements by the employer without fear of retaliation, discipline or termination?

Yes	No	F/A	N/A

### Description

There is a delicate balance between the loyalty an employee feels toward his or her employer and the responsibility he or she has to society when it comes to reporting illegal actions or harmful activities carried out by an employer. These conflicting considerations can make an employee vulnerable to company pressure if the occasion to report a violation arises. Managers may attempt to control employees by disciplining or discharging those who take actions considered to be contrary to corporate interests, such as participating in union activities, exercising employee rights, or reporting suspected legal violations. Discharging an employee on the basis of any of these factors, however, violates the right to work.

### Suggested Indicators

- 1 Employees are not disciplined, terminated or retaliated against for filing complaints or good faith reporting of legal violations by the employer.

True	False	F/A	N/A

- 2 Employees are not disciplined, terminated or retaliated against for filing complaints or good faith reporting of legal violations by the employer.

True	False	F/A	N/A

- 
- 3** Employees are not terminated, disciplined or retaliated against for seeking office or serving as a workers' representative.

True	False	F/A	N/A

- 
- 4** Employees are not disciplined, terminated or retaliated against for using grievance mechanisms, filing complaints, or contacting administrative authorities with regard to their employment.

True	False	F/A	N/A

- 
- 5** Employees are not disciplined, terminated or retaliated against for raising concerns about workplace safety, ethics, or employment conditions.

True	False	F/A	N/A

- 
- 6** Employees are not disciplined, terminated or retaliated against for exercising employee rights, such as maternity or sick leave.

True	False	F/A	N/A

- 
- 7** Employees are not disciplined, terminated or retaliated against for being absent from work due to compulsory military service, jury duty, or other civic obligations.

True	False	F/A	N/A

- 
- 8 Employees are not disciplined, terminated or retaliated against for being temporarily absent from work due to illness or injury.

True	False	F/A	N/A

---

**Comments:**

---

**Basis for assessment:**

---

**Question references:** Universal Declaration of Human Rights (1948), Articles 23, 24 and 25; ILO Freedom of Association and Protection of the Right to Organise Convention (C87, 1948); ILO Termination of Employment Convention (C158, 1982), Article 5

---

<b>No. 2.7.9</b>	<b>Area</b> Human Resources	<b>Section</b> Equal and Fair Treatment
------------------	-----------------------------	---

**Question**

Has the company implemented measures to prevent and address harassment, violence and other forms of discrimination in the workplace?

Yes	No	F/A	N/A

**Description**

Workplace violence and harassment causes not only suffering 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, harassment or threats, and workplace bullying and intimidation. Workplace bullying is vindictive, cruel and humiliating treatment aimed at undermining the victim. To protect workers against abuse from fellow employees, the company should implement prevention policies, facilitate open communication, provide training, and allow workers to report such incidents to a grievance mechanism that fully investigates the reports and responds accordingly. Sexual harassment, includes 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. The employer must strive to create a community in which people are treated with respect and dignity and without fear of intimidation, harassment or oppression. If a complaint of harassment is made, the company must respond to the complaint in an efficient, timely and responsible manner, and ensure

that the employee does not suffer retaliation as a result of the complaint. Messages of national, racial or religious hatred or incitement to violence, or "hate speech", are also discriminatory and can constitute harassment.

**Suggested Indicators**

1	Company policy prohibits all forms of psychological and physical violence and harassment, including verbal and sexual harassment, and prescribes disciplinary actions to be taken against the perpetrator.	True	False	F/A	N/A

---

2	The company grievance mechanism is available to report problems related to harassment and discrimination without fear of retaliation.	True	False	F/A	N/A

---

3	Complaints can be made on a confidential basis.	True	False	F/A	N/A

---

4	A person trained in harassment and discrimination records, investigates and resolves any incidences of harassment and discrimination within a reasonable period of time.	True	False	F/A	N/A

---

- 5 Employees found guilty of harassment face appropriate disciplinary measures, including and up to dismissal.

True	False	F/A	N/A

- 
- 6 When the company has a reasonable suspicion that an individual is guilty of sexual assault, the case is reported to the appropriate government authority.

True	False	F/A	N/A

- 
- 7 Company guidelines prohibit communications that advocate racial or religious hatred or encourage discrimination, violence, or hostility against a person or group of persons.

True	False	F/A	N/A

- 
- 8 When workers are systematically isolated or harassed by other workers on the basis of their political opinions, the company asks politically vulnerable groups to appoint a staff representative to represent them related to relevant workplace matters.

True	False	F/A	N/A

- 
- 9 All employees are trained in the company policy and guidelines for harassment and how to use the company grievance mechanism.

True	False	F/A	N/A

---

**Comments:**

---

**Basis for assessment:**

---

**Question references:** Universal Declaration of Human Rights (1948), Article 2, 5, 19, and 23; International Covenant on Civil and Political Rights (1966), Article 20 and 26 ;International Covenant on Economic, Social and Cultural Rights (1966), Article 7 (b); Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984), Article 10; Convention on the Elimination of All Forms of Discrimination against Women (1979), Articles 2 and 11; ILO Indigenous and Tribal Peoples Convention (C169, 1989), Article 20 (d); Convention on the Protection of All Migrant Workers and Members of Their Families (1990), Articles 12(3) and 13(3)(d); ILO Convention Concerning Discrimination (Employment and Occupation) (C111, 1958), Article 1;

---

<b>No.</b> 2.7.10	<b>Area</b> Human Resources	<b>Section</b> Equal and Fair Treatment
-------------------	-----------------------------	---

**Question**

Does the company recruit and treat migrant workers in a manner that is authorized, non-discriminatory, and fair?

Yes	No	F/A	N/A

**Description**

In order to protect the political and social interests of the migrant populations, only entities and businesses licensed by the competent national government authority, or those employers exempted from the licensing provisions, may recruit migrant workers for work on plantations. Recruiting is defined as 'all operations undertaken with the object of obtaining or supplying the labour of persons who do not spontaneously offer their services at the place of employment or at a public emigration or employment office or at an office conducted by an employers' organisation and supervised by the competent authority.' When given permission to recruit migrant workers or if exempted from licensing, the company must ensure that the methods of recruitment are responsible and responsive to the needs migrant community. Recruiters may not offer false promises and must clearly communicate all the requirements, expectations and benefits of the position to be offered. Once employed, migrant workers are especially vulnerable to corporate abuse because they often perform jobs considered less desirable to members of the local community, and they may not be represented by labour organisations. Additionally, the recruited worker may not be familiar with local customs, laws or workplace expectations, and most do not have the resources or support to enforce their workplace rights. Consequently, the company has a special duty to ensure that it treats migrant workers in a way that is comparable to that of other workers.



## Suggested Indicators

- 1 The company has a policy explicitly prohibiting its agencies and recruiters from misleading or deceiving prospective workers.

True	False	F/A	N/A

- 
- 2 The company has obtained a license to recruit from the appropriate national government authority unless it is exempted from the authority's licensing provisions.

True	False	F/A	N/A

- 
- 3 The company recruiters explicitly and accurately detail all the conditions and benefits of employment to migrant worker applicants, including, but not limited to, the salary, job duties, and length of employment.

True	False	F/A	N/A

- 
- 4 The company prepares a checklist of all the employment conditions and benefits for each worker, which is signed by management and the worker and kept in the employee's personnel file.

True	False	F/A	N/A

- 
- 5 All information in the recruitment process is translated into a language and format that the migrant workers can understand.

True	False	F/A	N/A

- 
- 6 Migrant workers enjoy the same treatment as other workers as to promotion, remuneration, hiring, termination, working hours, rest periods, night work, dispute resolution, minimum age and health and safety standards.

True	False	F/A	N/A

- 
- 7 Migrant workers have equal access to staff councils and take part in staff-management meetings.

True	False	F/A	N/A

---

**Comments:**

---

**Basis for assessment:**

---

**Question references:** Universal Declaration of Human Rights (1948), Articles 23, 24 and 25; International Covenant on Economic, Social and Cultural Rights (1966), Article 7; Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990), Articles 25, 27 and 54; ILO Migrant Workers (Supplementary Provisions) Convention (C143, 1975), Article 8 (2), 9, 10 and 12; ILO Plantations Convention (C110, 1958), and , part II Engagement and Recruitment of Migrant Workers)

---

<b>No. 2.7.11</b>	<b>Area</b> Human Resources	<b>Section</b> Equal and Fair Treatment
-------------------	-----------------------------	---

### Question

Does the company have a responsive grievance mechanism for receiving, processing and resolving the grievances of its workers?

Yes	No	F/A	N/A

### Description

Workers have a right to submit grievances relating to their employment, without suffering adverse employment action or prejudice as a result of using the grievance mechanism. The company should thoroughly and promptly examine all grievances pursuant to pre-determined criteria and procedures. The grievance mechanism should be designed in collaboration with worker representatives to reflect the needs and interests of workers. It is also important that the mechanism is accessible via a number of different avenues and that the identity of workers submitting grievances can remain confidential if they wish. The function and availability of the grievance mechanism should be communicated to workers on a regular and ongoing basis in a variety of formats (e.g., written and oral, in a variety of local languages etc.). Such information should include clear guidance on how complaints can be submitted and what the processes and procedures are that will be followed in addressing the complaint. Grievance resolution should be fair, timely and where possible involve dialogue and seek resolutions in collaboration with the worker submitting the complaint.

### Suggested Indicators

- 1 Written company guidelines detail the function and procedures of the employee grievance mechanism, including access, timeliness, steps and processes used to resolve grievances and options for appeal. Guidelines state clearly that access to the company grievance mechanism in no way precludes recourse to judicial dispute resolution avenues and remedies

True	False	F/A	N/A

- 2 The grievance mechanism facilitates the protection of confidentiality of the complainant and guidelines state clearly that retaliation for submission of complaints is not tolerated.

True	False	F/A	N/A

- 3 The requirements of a fair hearing (procedural due process) are followed in relation to all grievances presented to the company. Dispute resolution techniques such as dialogue or mediation are used where possible, rather than unilaterally presenting resolutions by the company.

True	False	F/A	N/A

- 
- 4 Grievances are processed in a timely manner and workers who have lodged a grievance are updated regularly. Grievances are systematically and objectively reviewed, and corrective action is taken in keeping with the decisions made.

True	False	F/A	N/A

- 
- 5 Employees are entitled to have a worker representative present at a hearing concerning them.

True	False	F/A	N/A

- 
- 6 All employees have effective access to the mechanism free from discrimination, and the process takes account for issues that particularly affect vulnerable groups, such as gender specific issues and sexual harassment.

True	False	F/A	N/A

---

- 7 Workers who file grievances and worker representatives who participate in the grievance mechanism procedures do not report retaliation as a consequence of their participation.

True	False	F/A	N/A

- 
- 8 Workers are informed about the grievance mechanism, its accessibility and processes, on a regular and ongoing basis in a manner that is understandable to them.

True	False	F/A	N/A

- 
- 9 The company dispute resolution mechanism has an equal representation of employers and workers.

True	False	F/A	N/A

- 
- 10 The grievance mechanism can be accessed via at minimum two different access points, and access points are designed to ensure that all workers, including vulnerable groups such as child and young workers, women, and illiterate workers, have effective access to the system.

True	False	F/A	N/A

---

- 11** The company keeps records of all grievances lodged and reports on grievance resolution trends on a regular basis both internally and externally.

True	False	F/A	N/A

- 12** Workers are fully aware that they have access to a grievance mechanism and clearly understand the processes and procedures that would be followed if they wish to make a complaint.

True	False	F/A	N/A

**Comments:**

**Basis for assessment:**

**Question references:** Universal Declaration of Human Rights (1948), Articles 23, 24 and 25; International Covenant on Economic, Social and Cultural Rights (1966), Article 7; ILO Tripartite Declaration of Principles Concerning Multinational Enterprises and Social Policy (1977), Articles 57 and 58

<b>No. 2.7.12</b>	<b>Area</b> Human Resources	<b>Section</b> Equal and Fair Treatment
-------------------	-----------------------------	---

**Question**

Does the company avoid using threats or coercion to prevent or stop company critics (including employees) from criticizing the company?

Yes	No	F/A	N/A

**Description**

The company must not use its power to prohibit employees or other critics from publicly airing complaints about the company, its policies or its processes. Instead of implementing a prior restraint on the speaker, the company should devise other methods for protecting its reputation in the community. For example, the

company could respond to the substance of the allegations in a public forum. If the allegations ultimately prove to be false and defamatory, the company may also seek legal recourse against the speaker for damages.

Suggested Indicators

1	Company policy states that employees are free to express their opinions about the company and any other cause, as long as they do not use hate speech or disclose confidential information about the company or related enterprises.	True	False	F/A	N/A

---

2	The company does not try to threaten or silence employees from expressing opinions about the company.	True	False	F/A	N/A

Comments:

Basis for assessment:

**Question references:** Universal Declaration of Human Rights (1948), Article 19; International Covenant on Civil and Political Rights (1966), Article 19; ILO Convention on the Abolition on Forced Labour (C105, 1957), Article 1

<b>No. 2.7.13</b>	<b>Area</b> Human Resources	<b>Section</b> Equal and Fair Treatment
-------------------	-----------------------------	---

### Question

Do company disciplinary measures ensure respect for employees' mental, emotional and physical well-being?

Yes	No	F/A	N/A

### Description

Disciplinary measures are necessary and legitimate, but the company must not engage in or support the use of corporal punishment, physical or mental coercion, or verbal abuse. The company must also refrain from using coercion or other abusive measures to seek information or confessions from employees when investigating suspicions of misconduct, or to force people to work without their consent.

### Suggested Indicators

- 1 Company disciplinary policy prohibits all forms of cruel, inhuman or degrading treatment or punishment, including the use of coercion to get information about misconduct.

True	False	F/A	N/A

- 
- 2 The company has a written procedure through which reports of employee misconduct are received and investigated.

True	False	F/A	N/A

- 
- 3 Employees are informed of the disciplinary procedure and staff members with supervisory responsibility are adequately trained in its use.

True	False	F/A	N/A

---



- 4 The company uses appropriate and progressive disciplinary measures, starting with verbal or written warning before taking more serious measures such as suspension or termination.

True	False	F/A	N/A

- 
- 5 The company does not take away breaks as a disciplinary measure.

True	False	F/A	N/A

- 
- 6 Disciplinary proceedings are documented for the file.

True	False	F/A	N/A

- 
- 7 Worker representatives are involved in disciplinary proceedings, in particular when workers are interviewed regarding misconduct.

True	False	F/A	N/A

---

- 8 Employees may formally appeal or complain about the results of disciplinary procedures.

True	False	F/A	N/A

- 
- 9 Report of abusive disciplinary practices are immediately recorded and investigated.

True	False	F/A	N/A

- 
- 10 Any supervisor or personnel with authority who is found guilty of abusive disciplinary practices measures faces dismissal and if appropriate, is reported to the authorities.

True	False	F/A	N/A

---

**Comments:**

---

**Basis for assessment:**

---

**Question references:** 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

---

<b>No. 2.7.14</b>	<b>Area</b> Human Resources	<b>Section</b> Equal and Fair Treatment
-------------------	-----------------------------	---

### Question

If the company offers benefits (such as health insurance or pension schemes) to spouses and dependents of employees, does it extend the same benefits to employees with non-traditional families, such as those with same sex couples and adopted children?

Yes	No	F/A	N/A

### Description

The company should ensure that it does not discriminate in its distribution of benefits. All partners and dependents of employees should be recognized, irrespective of whether there is a traditional family structure or not. This includes same sex couples, couples married under non-traditional ceremonies which have not been recognized by the state, life-long cohabiting couples, families that comprise single mothers or fathers and their children, families with foster children, families with children born outside of marriage, extended families and families with non-traditional dependents.

### Suggested Indicators

- 1 Company guidelines for distribution of benefits provides equal access to benefits for non-traditional families.

True	False	F/A	N/A

- 2 If certain benefits are made available to spouses of employees, they are also extended to the life partners of employees in same sex or exclusive cohabiting relationships.

True	False	F/A	N/A

- 3 If certain benefits are made available to the legitimate children of employees, they are also extended to illegitimate, step, foster, adopted and other dependent children.

True	False	F/A	N/A

- 
- 4 When benefits are extended to dependents of employees, no limits are placed on the number of dependents who have access to these benefits.

True	False	F/A	N/A

- 
- 5 The company grievance system is open to employees who wish to complain that they have not received equal treatment related to provision of benefits for their families.

True	False	F/A	N/A

---

**Comments:**

---

**Basis for assessment:**

---

**Question references:** Universal Declaration of Human Rights (1948), Article 16; International Covenant on Civil and Political Rights (1966), Articles 17 (1) and 26; International Covenant on Economic, Social and Cultural Rights (1966), Articles 2 (2) and 10 (1); Convention on the Rights of the Child, Article 5; ILO Equality of Treatment Convention (Social security) Convention (C118, 1962)

---

<b>No. 2.7.15</b>	<b>Area</b> Human Resources	<b>Section</b> Equal and Fair Treatment
-------------------	-----------------------------	---

### Question

Do part-time workers have employment benefits, protections, and working conditions comparable to those of full-time employees?

Yes	No	F/A	N/A

### Description

Employers must not adjust policies or decrease benefits for part-time employees simply because of the nature of their part-time employment. Benefits must be equivalent to those offered to full-time employees, but may be calculated in proportion to the part-time employee's hours of work or earnings. The competent legal authority in the state of operation may exclude part-time workers from certain benefit schemes in certain circumstances, but the company should ensure that the state is in compliance with Article 8 of ILO Convention 175, before it relies on such exclusions.

### Suggested Indicators

- 1 Part-time workers receive the same protections as compared to full-time workers with respect to: (a) the right to organize, the right to bargain collectively and the right to act as workers representatives; (b) occupational health and safety; (c) discrimination in employment and occupation.

True	False	F/A	N/A

- 2 Part-time workers receive benefits equivalent to those of comparable full-time workers in the areas of: (a) maternity protection; (b) employment policies; (c) paid annual leave and paid public holidays; and (d) sick leave. These benefits may be calculated in proportion to the part-time employee's hours of work or earnings.

True	False	F/A	N/A

- 3 The remuneration of a part-time employee is not lower than that of a comparable full-time worker solely because of the part-time nature of the work (whether calculated proportionately on an hourly basis, performance related or piece-meal basis).

True	False	F/A	N/A

---

**Comments:**

---

**Basis for assessment:**

---

**Question references:** Universal Declaration of Human Rights (1948), Articles 23, 24 and 25; International Covenant on Economic, Social and Cultural Rights (1966), Article 7 (a); ILO Part-Time Work Convention, (C175, 1994)

---

## 2.8 WORKPLACE PRIVACY

<b>No.</b> 2.8.1	<b>Area</b> Human Resources	<b>Section</b> Workplace privacy
------------------	-----------------------------	----------------------------------

### Question

Is private information that is gathered by the company about job applicants or employees collected and used only for a justifiable business purpose?

Yes	No	F/A	N/A

### Description

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 of providing the information. Questions regarding marital status, pregnancy, children, age, political beliefs, disability, religious affiliations, sexual preferences, and ethnicity must be avoided, unless the information has a lawful and legitimate purpose, and is related to the requirements of the position. For example, an airline might need to ask the age of a pilot if, for health and safety reasons, national requirements restrict the commercial flying age to those under 60, or a political party may need to learn about a job applicant's political beliefs. These types of exceptions, "bona fide occupational qualifications", are rare, and are not likely to occur in the ordinary course of business. Nothing in this section prohibits a company from generally engaging an applicant in conversation about his or her hobbies and interests, provided that the questions are not intended to extract sensitive and personal information. Companies often 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. Personal information about an employee should be collected directly from the individual him/herself. Information about an employee may be requested from a third party only if the company has first obtained the employee's consent. When conducting background checks, the company must ensure that the particular methods of investigation it uses are: 1) reasonable/justifiable; 2) job-related; 3) done with the expressed permission of the applicant; and 4) as non-intrusive as possible. Background checks will likely be more extensive for certain positions than others, such as security positions, or when the applicant will be caring for children or vulnerable adults as part of his or her employment. Personal health information about staff must also only be used for justified business purposes, such as when an employee notifies the employer of a health condition for the purposes of acquiring workplace accommodations, or to exercise sick leave. Such information should always be treated as strictly confidential and kept in a secure location. The information should never be used to take adverse employment action against the employee or to limit his or her employment and advancement opportunities within the company.

## Suggested Indicators

- 1 Company guidelines explain the kinds of personal and other employee-related information that is collected and stored, where it is stored, who has access, and why it is necessary.

True	False	F/A	N/A

- 
- 2 In employment interviews, background checks and employment related forms, ideological, political, religious, or other personal information are not requested unless for a justifiable business purpose.

True	False	F/A	N/A

- 
- 3 Personal information about employees, including health information, is not used as a basis for retaliating against employees, or denying them promotions or other work-related goods.

True	False	F/A	N/A

- 
- 4 Procedures for conducting background checks and screening on applicants detail why, when and how detailed the checks should be.

True	False	F/A	N/A

---



- 5 The company obtains written consent before seeking information from persons with whom the employee/applicant has a relationship considered to be confidential, such as a medical doctor, priest, or spouse.

True	False	F/A	N/A

- 
- 6 When the company collects personal information from applicants or employees for legitimate purposes such as affirmative action programmes, the company communicates that it is optional to give such information.

True	False	F/A	N/A

- 
- 7 Prior to conducting background checks, the company informs the applicant of the nature and extent of the background checks, and obtains his or her consent.

True	False	F/A	N/A

---

**Comments:**

---

**Basis for assessment:**

---

**Question references:**

Universal Declaration of Human Rights (1948), Article 12; International Covenant on Civil and Political Rights (1966), Article 17; Convention on the Protection of All Migrant Workers and Members of Their Families (1990), Article 14; ILO Code of Practice: Protection of Workers Personal Data (1997), Section 5, and 6 (5)

---

<b>No. 2.8.2</b>	<b>Area</b> Human Resources	<b>Section</b> Workplace privacy
------------------	-----------------------------	----------------------------------

### Question

Does the company refrain from asking job applicants or employees about personal medical information, or from testing them for medical conditions or illness, without a justifiable business purpose?

Yes	No	F/A	N/A

### Description

### Suggested Indicators

- 1 Company policy prohibits management from refusing to hire an applicant or taking adverse employment action against an employee because of medical/genetic concerns.

True	False	F/A	N/A

- 2 Company guidelines prohibits medical or genetic testing of employees, unless done under strict conditions and for a purpose directly related to the position held or applied for.

True	False	F/A	N/A

- 3 Employees or applicants are not requested or required by the company to disclose medical/genetic information about themselves or others, except for a purpose reasonably related to the industry and position held or applied for.

True	False	F/A	N/A

- 4 The company does not retain or disclose personal medical/genetic information about its employees.

True	False	F/A	N/A

- 
- 5 The company does not facilitate or allow genetic testing of its employees for insurance purposes.

True	False	F/A	N/A

- 
- 6 If genetic testing is conducted, (i) it is voluntary; (ii) each employee tested gives informed consent; (iii) the testing is conducted by qualified medical personnel; (iv) the testing is conducted outside the workplace and (v) the test results are kept strictly confidential by the health care provider.

True	False	F/A	N/A

---

**Comments:**

---

**Basis for assessment:**

---

**Question references:** Universal Declaration of Human Rights (1948), Article 12; International Covenant on Civil and Political Rights (1966), Article 17; Convention on the Protection of All Migrant Workers and Members of Their Families (1990), Article 14; ILO Code of Practice: Protection of Workers Personal Data (1997), Section 6 (5) & (12)

---

<b>No. 2.8.3</b>	<b>Area</b> Human Resources	<b>Section</b> Workplace privacy
------------------	-----------------------------	----------------------------------

### Question

Does the company ensure that any identity cards used do not contain personal information that is not necessary for legitimate company purposes?

Yes	No	F/A	N/A

### Description

Company identity cards must not contain irrelevant personal/private information about the bearer. Many states use national identity cards for the purpose of keeping track of information on citizens and permanent residents in their territory of jurisdiction. Sometimes, however, the identity cards contain information which could be misused, particularly by managers working in an environment in which there is hostility between various regional groups. In such cases, the company should ensure that identification cards used within the company do not contain irrelevant personal/private information about the bearer. The company may have to develop a separate identity card system, which is not based on the state-assigned identity cards. Information on state identity cards which is particularly susceptible to misuse is religious and political affiliation and ethnicity.

### Suggested Indicators

- 1 In states where the national identity cards show information about the bearer's political, religious or ethnic affiliations, the company issues and uses separate employee identity cards for use within the company.

True	False	F/A	N/A

- 2 The identity cards used at or by the company contain no unnecessary personal information about the bearer, such as ethnicity, culture, religious or political affiliations.

True	False	F/A	N/A

**Comments:**

**Basis for assessment:**

---

**Question references:** 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), Section 6 (5), UN Guidelines for the Regulation of Computerized Personal Data Files (1990), Article 5

---

<b>No. 2.8.4</b>	<b>Area</b> Human Resources	<b>Section</b> Workplace privacy
------------------	-----------------------------	----------------------------------

### Question

Is all personal/private information that is held about employees safeguarded against theft or misuse, and properly disposed of when it is no longer needed?

Yes	No	F/A	N/A

### Human rights implicated

*Right to privacy; right to freedom from discrimination*

### Description

It would be an abuse of an employees' right to privacy if the company failed to properly safeguard employee information and the information was stolen or misused. The company must also ensure that the information is disposed of responsibly so that it doesn't fall into the wrong hands when it leaves the possession of the company

### Suggested Indicators

1

The company has a clear guideline against file theft and inappropriate use of employee information.

True	False	F/A	N/A

2

Personnel data and company files are locked and secured, accessible only by authorized personnel with a legitimate need for the information.

True	False	F/A	N/A

- 
- 3 Authorized personnel keep employee information confidential and use it only for the purposes for which it was given.

True	False	F/A	N/A

- 
- 4 The company deletes all information from its computers before disposing of computer equipment.

True	False	F/A	N/A

- 
- 5 Authorized personnel shred documents containing private employee information when the information is no longer needed, or before disposing of it.

True	False	F/A	N/A

---

**Comments:**

---

**Basis for assessment:**

---

**Question references:** 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), Section 8; UN Guidelines for the regulation of Computerized personal Data Files (1990), Articles 1 and 7; OECD Guidelines: On the Protection of Privacy and Transborder Flows of Personal Data (1980), Article 11

---

<b>No. 2.8.5</b>	<b>Area</b> Human Resources	<b>Section</b> Workplace privacy
------------------	-----------------------------	----------------------------------

### Question

Does the company ensure that employee information is updated and correct?

Yes	No	F/A	N/A

### Description

An employee has the right to make sure that the information obtained about him/her by the company is accurate.

### Suggested Indicators

- 1 Employees are permitted or required to periodically review information about them in company files, particularly their personnel file.

True	False	F/A	N/A

- 2 The company deletes or corrects information the employee identifies as inaccurate.

True	False	F/A	N/A

### Comments:

### Basis for assessment:

**Question references:** Universal Declaration of Human Rights (1948), Article 12; ILO Code of Practice: Protection of Workers Personal Data (1997), Section 11 (9); UN Guidelines for the regulation of Computerized personal Data Files (1990), Article 4

<b>No. 2.8.6</b>	<b>Area</b> Labour Practices	<b>Section</b> Workplace privacy
------------------	------------------------------	----------------------------------

### Question

Does the company prohibit the use of body searches on employees, customers or guests?

Yes	No	F/A	N/A

### Description

The company must not subject people to body searches (including, among other things, pat downs and strip searches). The least invasive measures possible should be implemented to protect legitimate security interests. For example, a designer of precious metals and jewellery may use a highly sensitive metal detector to protect against employee theft.

### Suggested Indicators

- 1 Company security guidelines state that company security guards may not conduct body searches without the authorities present.

True	False	F/A	N/A

- 2 Employees, customers or guests are not subjected to body searches by company security guards.

True	False	F/A	N/A

- 3 Body searches that are conducted for a legitimate security interest, such as on persons reasonably suspected to be carrying a weapon, comply with national criminal law provisions.

True	False	F/A	N/A



---

**Comments:**

---

**Basis for assessment:**

---

**Question references:** Universal Declaration of Human Rights (1948), Article 12; International Covenant on Civil and Political Rights (1966), Article 17

---

<b>No. 2.8.7</b>	<b>Area</b> Human Resources	<b>Section</b> Workplace privacy
------------------	-----------------------------	----------------------------------

**Question**

Does the company minimize and mitigate its engagement in governmental monitoring of employees?

Yes	No	F/A	N/A

**Description**

Under national law, companies are required to pass on information to the state, such as wage and tax information. Sometimes this information is legitimate and necessary for civic purposes, but in other cases, the government may try to obtain information from the company about the private activities of its employees, such as their political or religious affiliations or sexual preferences. The company must not gather such private non-work related information or pass on the information to the government. If, however, national law requires the collection of such personal information by companies, the company must warn the employees in advance of collecting the information and take all efforts to minimise the amount of information collected. The company should also engage the government in a dialogue regarding the personal privacy rights of its employees and object to the legal requirements.

**Suggested Indicators**

- 1 The company informs employees in advance if there is any information it is required to collect or share with government.

True	False	F/A	N/A

- 2 If the company is required to obtain personal information regarding its employees by national law, the company engages in a dialogue with the government regarding the personal privacy rights of its employees.

True	False	F/A	N/A

- 
- 3 The company collects the minimum amount of information it is required to collect by government.

True	False	F/A	N/A

---

**Comments:**

---

**Basis for assessment:**

---

**Question references:** 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), Section 6 (5b and 6)

---

<b>No. 2.8.8</b>	<b>Area</b> Human Resources	<b>Section</b> Workplace privacy
------------------	-----------------------------	----------------------------------

**Question** Does the company respect the right to privacy of employees and visitors in its monitoring practices?

Yes	No	F/A	N/A

### Description

Almost all businesses monitor the workplace conduct of employee, including means such as using cameras for security reasons, periodic performance appraisals, to electronic monitoring of output production and computer usage. All methods used 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 be periodic or random checks, or whether monitoring will occur only if there is a reasonable suspicion of inappropriate activity. The scope of the policy must also be defined. For example, the company should outline whether its 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. The use of security cameras is legitimate provided that adequate measures are taken to ensure the right to privacy of employees and other individuals who are filmed. The permissible and prohibited use of the Internet and email by workers must also be defined. Overly broad restrictions may result in an unreasonable restriction on appropriate work research. For instance, it is difficult for an employee who is conducting internet research to determine if a site is helpful to his or her work assignment before viewing it, and search engines can bring up unexpected results at no fault of the employee. Instead of holding the employee responsible for the inappropriate search results, the company should consider imposing a due diligence standard, which requires employees to exit a website once they realise the content is not work-related. For email usage, the company should consider restricting more specific activities, such as the use of e-mail which harasses, abuses, defames, transmits inappropriate images, or communicates confidential information.

### Suggested Indicators

- 1 Company guidelines prohibits employee monitoring to collect information that is unrelated to their work performance.

True	False	F/A	N/A

- 2 The company informs employees and visitors if they are being monitored by security cameras, or on the telephone, by email, internet or any other means.

True	False	F/A	N/A

- 
- 3 Security cameras in private facilities are monitored by individuals of the same sex as users of the facilities, and users are notified that they are being monitored.

True	False	F/A	N/A

- 
- 4 Clearly written guidelines define appropriate and inappropriate use of the Internet and e-mail, and the monitoring mechanisms that are in place at the company.

True	False	F/A	N/A

- 
- 5 No security cameras are placed in private areas, such as toilet cubicles or changing rooms.

True	False	F/A	N/A

---

- 6 If employees may make personal calls, the phone monitors stop monitoring when they realize the call is personal in nature.

True	False	F/A	N/A

- 
- 7 Mail marked 'personal' may not be opened by anyone other than the intended recipient.

True	False	F/A	N/A

- 
- 8 Employees have access to the records concerning themselves and their work station, and are informed of who else has access.

True	False	F/A	N/A

- 
- 9 Employees have access to all personal data collected about them through monitoring.

True	False	F/A	N/A

- 
- 10 Security tapes are kept secured and confidential and only accessible to authorized persons.

True	False	F/A	N/A

- 
- 11** Personal data about employees that has been collected during the monitoring process is kept confidential.

True	False	F/A	N/A

---

**Comments:**

---

**Basis for assessment:**

---

**Question references:** 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 6 (14) and 12 (2b)]

---

## 2.9 PROVISION OF FACILITIES TO WORKERS

<b>No.</b> 2.9.1	<b>Area</b> Human Resources	<b>Section</b> Provision of facilities to workers
------------------	-----------------------------	---

### Question

Do company facilities, including residential housing comply with all applicable law and standards for the construction of buildings, including housing?

Yes	No	F/A	N/A

### Description

As local conditions vary from country to country, different national housing standards exist as well. To ensure that all basic requirements are met when constructing employee and community housing, the company should be aware of both national and international standards regarding adequate housing and comply with these requirements explicitly. At the international level, the following criteria must be considered: Legal security of tenure, availability of adequate housing, affordability, habitability, accessibility, adequate location, and cultural adequacy.

### Suggested Indicators

- 1 Company guidelines state that the company complies with all applicable national and international standards on construction of housing and other facilities.

True	False	F/A	N/A

- 2 Guidelines establish the maximum number of persons per room, and that families are provided with their own rooms.

True	False	F/A	N/A

- 3 All company housing offers basic services in accordance with national standards.

True	False	F/A	N/A

- 
- 4 The housing is easily accessible to the elderly and the disabled.

True	False	F/A	N/A

---

**Comments:**

---

**Basis for assessment:**

---

**Question references:** Universal Declaration of Human Rights (1948), Article 25; International Covenant on Economic, Social and Cultural Rights (1966), Article 11 (1), ILO Occupational Health and Services Convention (C161, 1985), Article 5 (b); ILO Workers' Housing Recommendation (R115, 1961, Articles 3, 7 and 19

---



<b>No. 2.9.2</b>	<b>Area</b> Human Resources	<b>Section</b> Provision of facilities to workers
------------------	-----------------------------	---

### Question

Is company housing designed to withstand the natural hazards and diseases in the local area?

Yes	No	F/A	N/A

### Description

When local housing is not constructed of proper materials or designed to withstand local hazards, then recurring natural disasters are more likely to result in widespread homelessness. And while it is impossible to avoid natural hazards, the company should be aware of the types of natural catastrophes typical of the area, ensuring that appropriate and durable building materials are used when constructing employee housing

### Suggested Indicator

1

The company is familiar with the natural hazards and endemic diseases typical of the local environment, and builds its housing to withstand those threats.

True	False	F/A	N/A

---

**Comments:**

---

**Basis for assessment:**

---

**Question references:** Universal Declaration of Human Rights (1948), Article 25; International Covenant on Economic, Social and Cultural Rights (1966), Article 11 (1); ILO Workers Housing Recommendation (R115, 1961, Articles 10 and 11

---

<b>No. 2.9.3</b>	<b>Area</b> Human Resources	<b>Section</b> Provision of facilities to workers
------------------	-----------------------------	---

### Question

Is company housing safe and suitable for protecting employees and their families from break-ins and physical attacks?

Yes	No	F/A	N/A

### Description

In some countries, migrant workers encounter hostile attitudes from local inhabitants or even from co-workers, and are blamed for local unemployment rates or other social problems in the community. This type of hostility sometimes escalates and erupts into physical violence against the company's migrant workers, who are often easily identified by their residence in company provided housing. In order to avoid such attacks, the company should take all necessary precautions to ensure that employee provided housing is safe and secure for the inhabitants living in those facilities. In some cases, the company may also have to protect its own employees or their families from domestic violence. If incidents of domestic violence are reported, the company will follow up on this to demonstrate that it does not tolerate this kind of behaviour in company housing.

### Suggested Indicators

- 1 An security assessment is local conditions is undertaken to feed into the design and construction of company housing.

True	False	F/A	N/A

- 2 Company housing is provided with basic safety measures, including outside lighting and a lock on each door for the occupant's use, and designed so that the occupant can not be locked in against his or her will.

True	False	F/A	N/A

- 3 Appropriate security measures are taken such as fences, burglar bars, guards and security cameras, if there is a security risk of outside attacks.

True	False	F/A	N/A

---

**Comments:**

---

**Basis for assessment:**

---

**Question references:** Universal Declaration of Human Rights (1948), Article 25; International Covenant on Economic, Social and Cultural Rights (1966), Article 11 (1), Convention on the Protection of All Migrant Workers and Members of Their Families (1990), Articles 9, 10 and 16 (1,2); ILO Workers' Housing Recommendation (R115, 1961, Article 5

---

<b>No. 2.9.4</b>	<b>Area</b> Human Resources	<b>Section</b> Provision of facilities to workers
------------------	-----------------------------	---

**Question**

Are conditions under which employees may be evicted or provided with notice to vacate the premises reasonable and clearly communicated to residents?

Yes	No	F/A	N/A

**Description**

All people are entitled to security in housing tenure. In cases where an employee's contract with the company comes to an unexpected end (through death or dismissal), the company must ensure that the employee and his or her family are given sufficient time to make other housing arrangements, before the company terminates his or her tenancy agreement. This does not imply that a dismissed employee can expect to remain in company housing indefinitely, but such an employee must be given sufficient time to find adequate accommodation elsewhere after the termination. More liberal time allowances should be made for the family members of deceased employees who were living in company housing at the time of the death.

## Suggested Indicators

- 1 Housing contracts specify the conditions under which employees can be evicted, in a language they understand.

True	False	F/A	N/A

- 2 Written notice is supplied to employees and their families about when they are expected to leave company housing.

True	False	F/A	N/A

## Comments:

## Basis for assessment:

**Question references:** Universal Declaration of Human Rights (1948), Article 25; International Covenant on Economic, Social and Cultural Rights (1966), Article 11 (1); ILO Workers' Housing Recommendation (R115, 1961, Articles 12 (b) and 15 (a and b))

<b>No. 2.9.5</b>	<b>Area</b> Human Resources	<b>Section</b> Provision of facilities to workers
------------------	-----------------------------	---

## Question

Do former residents of company housing receive appropriate compensation for agreed improvements made to and for crops grown on the property?

Yes	No	F/A	N/A

## Description

Employees are generally expected to keep company housing in good order, based on the condition of the property upon receipt. However, if a dismissed or evicted employee is asked to find new accommodation, he or she must be fairly compensated for permanent (and agreed upon) investments and improvements that he or she made to the property during his or her tenancy. The same applies to an employee who, with

the employer's permission, has grown crops on the land (i.e. he or she should be adequately compensated for the crops lost by moving).

### Suggested Indicators

- 1 Former residents receive a specified amount of compensation for agreed improvements and crops that the employee made before leaving company housing.

True	False	F/A	N/A

- 
- 2 Company guidelines detail the rights and duties of employees and their families living in company housing, including policy for improvements and gardens.

True	False	F/A	N/A

---

**Comments:**

---

**Basis for assessment:**

---

**Question references:** Universal Declaration of Human Rights (1948), Article 25; International Covenant on Economic, Social and Cultural Rights (1966), Article 11 (1); ILO Workers' Housing Recommendation (R115, 1961), Articles 12 (3b) and General Considerations, Article 15

---

<b>No.</b> 2.9.6	<b>Area</b> Human Resources	<b>Section</b> Provision of facilities to workers
------------------	-----------------------------	---

### Question

Does the company allow employees to chose their place of residence, and ensure that it does not directly or indirectly force employees living in company housing to live an unreasonable distance from their workplace?

Yes	No	F/A	N/A

### Description

The right to housing also provides people with the right to freely choose their place of residence. The company must not require that their employees live in a certain city or within a defined range around the working place, unless the job as such requires this (e.g. if the employee works on an oil rig). Since adequate location is an important aspect of the right to housing, particularly in locations where public transportation is unavailable, difficult, or costly, the company must ensure that adequate housing options are available for its employees. If employees are forced to spend long hours and a significant amount of their wage on transportation, it may not only violate their right to adequate housing, but may also affect their standard of living and their family life. The company may work with local authorities to ensure that employees have options for living close to the company, or that effective and affordable transportation is made available for their commute.

### Suggested Indicators

- 1 Local housing conditions and transportation options are researched and communicated to company managers.

True	False	F/A	N/A

- 2 If no housing is available close to the workplace (within 90 minutes travel time), the company constructs or otherwise provides adequate housing for its employees.

True	False	F/A	N/A

- 3 If the company is located in an area with inadequate public transportation, the company provides free or inexpensive transport for its employees.

True	False	F/A	N/A

---

**Comments:**

---

**Basis for assessment:**

---

**Question references:** Universal Declaration of Human Rights (1948), Article 25; International Covenant on Economic, Social and Cultural Rights (1966), Article 11 (1); ILO Welfare Facilities Recommendation (R102, 1956), Articles 30, 32, 33 and 34; ILO Workers' Housing Recommendation (R115, 1961), Articles 2, 12 (2), 41 and 45)

---

<b>No. 2.9.7</b>	<b>Area</b> Human Resources	<b>Section</b> Provision of facilities to workers
------------------	-----------------------------	---

**Question**

Is company housing equally accessible to all employees on a non-discriminatory basis?

Yes	No	F/A	N/A

**Description**

Company housing decisions must be made on objective and neutral criteria with no reference to the employee's race, colour, caste, sex, language, political or other opinion, national or social origin, property, birth, marital status, sexual orientation, etc. Company housing may be dependent on the employee's distance to the workplace, job function, seniority, etc., but the terms and conditions must be available to all employees in writing. It is important to note that the selection criteria should be neutral and not based on particular family structures. Housing should not only be offered to married couples but also to non-traditional families, such as declared life-partners and single mothers, and the prices should be kept at or below market costs.

## Suggested Indicators

- 1 Company guidelines apply non-discriminatory criteria to specify how to qualify for company housing, in language understood by all employees.

True	False	F/A	N/A

- 
- 2 All employees are informed about company housing opportunities at their initial job interview or upon being offered the position.

True	False	F/A	N/A

- 
- 3 The rent for company housing is set at or below market prices, and the company adjusts them down according to employee income levels.

True	False	F/A	N/A

- 
- 4 Company housing makes reasonable accommodation for local social and cultural practices, while not endorsing any discriminatory practices based on race, religion, gender, family status or any other subjective criteria.

True	False	F/A	N/A

---



- 5 Migrant workers are allowed to be visited or joined by their family.

True	False	F/A	N/A

---

**Comments:**

---

**Basis for assessment:**

---

**Question references:** Universal Declaration of Human Rights (1948), Article 25; International Covenant on Economic, Social and Cultural Rights (1966), Article 11; Convention on the Elimination of All Forms of Racial Discrimination (1965), Article 5 (e) (iii); Convention on the Elimination of All Forms of Discrimination against Women (1979), Article 14 (2 h); Convention on the Protection of All Migrant Workers and Members of their Families (1990), Article 43 (1 d); ILO Workers' Housing Recommendation (R115, 1961, Article 12 (1))

---

<b>No.</b> 2.9.8	<b>Area</b> Human Resources	<b>Section</b> Provision of facilities to workers
------------------	-----------------------------	---

**Question**

When relocating an employee, does the company take into consideration the interests and needs of the employee's family?

Yes	No	F/A	N/A

**Description**

As much advanced warning as possible should be given to employees prior to a relocation by the company so as to allow sufficient time to make educational arrangements for children, job arrangements for spouse/partner, and find medical services for elderly parents. Company assistance should be provided to employees to move family members and obtain necessary services in their new community when possible.

## Suggested Indicators

- 1 Company guidelines provide that employees are given a minimum of 3 months notice when relocated over 100 miles/160 km away, and not less than 5 months notice before relocation to another country.

True	False	F/A	N/A

- 
- 2 The company covers the cost of relocation and visas for the employee and family members, and provides information and assistance related to important issues related to the moving of the family.

True	False	F/A	N/A

- 
- 3 The company covers the expenses of special arrangements for education when an employee with young children is relocated to an area where educational services are substandard or unsuitable.

True	False	F/A	N/A

---

**Comments:**

---

**Basis for assessment:**

---

**Question references:** Universal Declaration of Human Rights (1948), Article 16; International Covenant on Civil and Political Rights (1966), Article 23 (1); International Covenant on Economic, Social and Cultural Rights (1966), Article 10 (1); Convention on the Rights of the Child, Article 5; Convention on the Protection of All Migrant Workers and Members of Their Families (1997), Article 44 and 45; ILO Workers with Family Responsibilities Recommendation (R165, 1981), Article 30 (2)

---

<b>No. 2.9.9</b>	<b>Area</b> Human Resources	<b>Section</b> Provision of facilities to workers
------------------	-----------------------------	---

### Question

When employees work in areas with limited access to food, water, housing and basic essential public services, does the company provide access to these goods and services at cost or below market costs?

Yes	No	F/A	N/A

### Description

Some jobs require employees to work in remote areas where access to food, water, electricity, sanitation, transportation and other basic goods and services is limited. In such cases, the company should provide employees and their families with basic goods and services, either at no charge, or for a price which is at or below market value.

### Suggested Indicators

- 1 The workplace has a canteen or a food store where culturally appropriate, hygienic and nutritious food is available at or below market costs.

True	False	F/A	N/A

- 
- 2 If no adequate housing options are available in the area, the company provides housing to its employees and their families at a price which is at or below market costs.

True	False	F/A	N/A

- 
- 3 Employees and their families have access to adequate sanitation facilities in the company provided housing.

True	False	F/A	N/A

- 
- 4 Emergency medical facilities are available on site in remote areas, and if accidents occur which require medical attention by a doctor or in a hospital, the company provides necessary transport.

True	False	F/A	N/A

- 
- 5 All employees have access to food and potable water at the workplace, or are no further than 30 minutes travelling time (on whatever mode of transport available) from such basic necessities.

True	False	F/A	N/A

---

**Comments:**

---

**Basis for assessment:**

---

**Question references:** Universal Declaration of Human Rights (1948), Article 25; International Covenant on Economic, Social and Cultural Rights (1966), Article 11; Convention on the Rights of the Child (1989), Article 27 (3); ILO Social Policy (Basic Aims and Standards) Convention (C117, 1962), Articles 1, 2, 5 (2) and 9; ILO Welfare Facilities Recommendation (R102, 1956), Articles 14 and 27 (1)

---

<b>No.</b> 2.9.10	<b>Area</b> Human Resources	<b>Section</b> Provision of facilities to workers
-------------------	-----------------------------	---

### Question

Do employees have access to clean drinking water, sanitary food storage facilities, and sanitary areas away from their work stations where they can eat?

Yes	No	F/A	N/A

### Description

The company must provide separate eating facilities, where employees can eat meals away from their workstation. This is particularly important when employees are working with dangerous chemicals or other hazardous materials. In addition, employees must have access to clean drinking water and sanitary food storage facilities to use during the workday. Proper storage facilities are particularly important in warm weather regions where the food is likely to spoil easily, or in places where bugs or other pests are prevalent. When designing storage facilities, companies should consider the cultural and religious requirements of employees. For example, individuals with kosher dietary practices might require that their foods and utensils are stored separately from other non-kosher foods.

### Suggested Indicators

- 1 The workplace has a canteen facility where nutritious and culturally appropriate food is offered at a reasonable price, or a sanitary area where employees can bring their own food and eat during breaks.

True	False	F/A	N/A

- 2 Clean potable water and a refrigerator or cool box is available to employees.

True	False	F/A	N/A

- 3 Water, food storage, and eating and sanitary facilities are physically accessible to disabled employees.

True	False	F/A	N/A

- 4 Local cultural or religious requirements pertaining to food storage and eating habits are met (e.g. kosher food is stored separately from non-kosher food).

True	False	F/A	N/A

**Comments:**

**Basis for assessment:**

**Question references:** Universal Declaration of Human Rights (1948), Article 25; International Covenant on Economic, Social and Cultural Rights (1966), Articles 7 (b), 11 and 12(b); ILO Occupational Health Service Convention (C161, 1985), Article 5 (b); ILO Welfare Facilities Recommendation (R102, 1956), Articles 10, 11, 25 (a and i) and 27

<b>No.</b> 2.9.11	<b>Area</b> Human Resources	<b>Section</b> Provision of facilities to workers
-------------------	-----------------------------	---

**Question**

Are the prices at the employee shop or canteen fair, and are all employees free to shop or not shop there?

Yes	No	F/A	N/A

**Description**

Employees often eat at company provided canteens or shop in company provided stores. If the company's operation is located in a remote location with limited access to other shops, or employees have limited access to other food facilities during their breaks, the company has an advantage over the employees when setting prices. It is the responsibility of the company to ensure that the advantage it has is not used unfairly and that prices are set at or below market price.

## Suggested Indicators

- 1** Workers are not compelled to shop at the company store/canteen, buy its products, or use its services.

True	False	F/A	N/A

- 
- 2** Employee wages are not paid in vouchers to be spent in company stores or facilities without the informed consent of the employee.

True	False	F/A	N/A

- 
- 3** The company charges prices that are at or below market value.

True	False	F/A	N/A

- 
- 4** Workers' representatives participate in the administration of the employee work shop/store.

True	False	F/A	N/A

---

- 5 Deductions are not taken out of employees' pay checks without their consent.

True	False	F/A	N/A

---

**Comments:**

---

**Basis for assessment:**

---

**Question references:** Universal Declaration of Human Rights (1948), Articles 23 and 25; International Covenant on Economic, Social and Cultural Rights (1966), Article 7; ILO Protection of Wages Convention (C95, 1949), Article 7

---

<b>No. 2.9.12</b>	<b>Area</b> Human Resources	<b>Section</b> Provision of facilities to workers
-------------------	-----------------------------	---

**Question**

Do company-operated schools comply with international minimum educational standards?

Yes	No	F/A	N/A

**Description**

It is the state's duty to ensure that educational facilities of a certain quality are available within its jurisdiction. However, it is a frequent practice of companies to offer educational facilities for employees' children, and sometimes these are also extended to the local community. When offering such educational opportunities, the company should ensure that its services are well integrated in the national educational system and comply with the international standards incumbent on the state. To meet these requirements, the school must be: i) presented with appropriate staff and facilities necessary to fulfil their function, ii) accessible on a non-discriminatory basis, iii) culturally sensitive in curricula and teaching methods, iv) responsive to the educational needs of the students, e.g. the school is recognised so that students attending the school will be accepted for higher education. The school and its staff should be respectful of the students' right to freedom of opinion, conscience and expression. Teaching staff should also be aware of cultural, ethnic and religious differences among the students, and curricula and teaching methods should reflect the needs of the students in relation to their diverse social and cultural settings. The education provided by the company should be flexible so that it can adapt to the needs of changing societies and communities, but stereotyping and the promotion of cultural and social practices that violate international



human rights law should be avoided. Unless the school is formed on the basis of a particular religion, the general history of religions and ethics should be presented in a neutral and objective way.

Suggested Indicators

1	The company school is accessible to all employees free from discrimination on any grounds.	True	False	F/A	N/A

---

2	Primary schools operated by the company are available for free or at an affordable price for all.	True	False	F/A	N/A

---

3	School facilities meet the physical needs of the students, including disabled students.	True	False	F/A	N/A

---

4	The curriculum is compliant with current national educational standards.	True	False	F/A	N/A

- 
- 5 Teachers and staff are provided with additional training on a regular basis.

True	False	F/A	N/A

- 
- 6 Teachers are knowledgeable about cultures and social practices relevant to the student body, and are trained in accommodating and promoting tolerance of different culture and religions in class.

True	False	F/A	N/A

- 
- 7 The education is made available in a language that the student body can understand and which is relevant to their culture.

True	False	F/A	N/A

---

**Comments:**

---

**Basis for assessment:**

---

**Question references:** Universal Declaration of Human Rights (1948), Article 26; International Covenant on Economic, Social and Cultural Rights (1966), Article 13 (2a) & (1); Convention of the Rights of the Child (1990), Articles 28 and 29; Convention on the Elimination of All Forms of Racial Discrimination (1956, Article 5 (e); ILO Indigenous and Tribal Peoples Convention (C169, 1989), Articles 3, 27 (1) 28, 30 and 31; Convention on the Rights of Persons with Disabilities (2006) Article 9, 24

---

<b>No. 2.9.13</b>	<b>Area</b> Human Resources	<b>Section</b> Provision of facilities to workers
-------------------	-----------------------------	---

### Question

Are the educational services and activities of the company available on a non-discriminatory basis?

Yes	No	F/A	N/A

### Description

Companies directly involved in the provision of primary educational services, either at the community level, or within the company, must ensure that the education is made available, accessible and affordable to all relevant participants. The principle of non-discrimination extends to all persons of school age residing in the company or area of concern. A distinction can be made between 'differentiation', which is legitimate, and 'discrimination' which is not. Differentiation between persons is permitted on the basis of intellectual ability, past performance and experience, and other reasonable and relevant criteria for educational services. Discrimination, in contrast, is based on characteristics such as gender, disability, political opinion, race, sexual orientation, age and other criteria which are irrelevant for the individual's ability to take part in education/training, and which are not in accordance with international human rights standards.

### Suggested Indicators

- 1 The company has a policy of non-discrimination relating to all its educational services.

True	False	F/A	N/A

- 
- 2 A school council is established with participation of the school management, parents, and other relevant stakeholders, including minority groups to discuss school related issues.
- 

True	False	F/A	N/A

- 3 Educational services are not marketed in ways that exclude certain groups from participation.

True	False	F/A	N/A

- 
- 4 If the company operates in areas where male and female students are taught separately, the company offers courses of equal quality and content to both groups and allows female students to be taught by a female.

True	False	F/A	N/A

- 
- 5 School materials do not contain discriminatory, racist or revisionist attitudes or viewpoints that marginalize groups in society.

True	False	F/A	N/A

- 
- 6 Teachers create a classroom environment that in which discriminatory cultural and societal practices are minimized and worked against as much as possible.

True	False	F/A	N/A

---

- 7 The composition of the student body approximately reflects the ethnic/racial composition of the local community.

True	False	F/A	N/A

---

**Comments:**

---

**Basis for assessment:**

---

**Question references:** Universal Declaration of Human Rights (1948), Article 26; International Covenant on Economic, Social and Cultural Rights (1966), Article 13 (1); Convention on the Elimination of All Forms of Racial Discrimination (1956, Article 5 (e); Convention on the Elimination of All Forms of Discrimination against Women (1979), Article 10; Convention on the Rights of the Child (1990), Articles 28 and 29; Convention on the Protection of All Migrant Workers and Members of their Families (1990), Articles 30, 43(1a) and 45(1a); ILO Indigenous and Tribal Peoples Convention (C169, 1989), Article 3; ILO Paid Educational Leave Convention (C140, 1974), Article 8; UNESCO Convention against Discrimination in Education (1960); Convention on the Rights of Persons with Disabilities (2006) Articles 7, 9, 24

---

<b>No.</b> 2.9.14	<b>Area</b> Human Resources	<b>Section</b> Provision of facilities to workers
-------------------	-----------------------------	---

**Question**

Are any company-offered child or elder care services accessible to all without discrimination as to family type?

Yes	No	F/A	N/A

**Description**

It is the company's choice to decide whether to provide day-care and other child or elder care services to employees, and whether to extend those to the broader community as well. However, if the company has decided to provide such services, then it is obligated to ensure that such services are offered on objective and neutral grounds. The extent or type of services should not vary depending on whether the employee/customer is married or in a life-partnership, has disabled family members, has children out of wedlock, etc. Legitimate distinctions can be made between services offered to employees with different job functions, seniority, etc. Additionally, distinctions can be made on a needs basis, for example, giving priority to single parents with no relatives in the local vicinity to assist with child-care. However, any differences in

the terms and conditions of services must be made available to all employees in writing, and must not be based on arbitrary grounds such as family life style arrangements.

### Suggested Indicators

- 1 Company policy states that its child or elder care services are available to all on a non-discriminatory basis.

True	False	F/A	N/A

- 
- 2 The allocation of places in the company child or elder care facilities are made on a needs basis, or seniority basis, and decisions regarding the allocation are transparent.

True	False	F/A	N/A

---

**Comments:**

---

**Basis for assessment:**

---

**Question references:** Universal Declaration of Human Rights (1948), Article 16; International Covenant on Civil and Political Rights (1966), Articles 24 (1) and 26, International Covenant on Economic, Social and Cultural Rights (1966), Articles 2 (2) and 10 (3), Convention on the Elimination of All Forms of Discrimination against Women (1979), Article 13 (1b); Convention on the Rights of the Child (1990), Articles 5 and 18; ILO Equality of Treatment (Social Security) Convention (C118, 1962), Article 4 (1); Convention on the Rights of Persons with Disabilities (2006) Article 25

---

<b>No. 2.9.15</b>	<b>Area</b> Human Resources	<b>Section</b> Provision of facilities to workers
-------------------	-----------------------------	---

### Question

Are company-provided general health, family planning and reproductive health care services available without discrimination and only on a voluntary basis?

Yes	No	F/A	N/A

### Description

Companies that provide health care services to their employees must ensure that the services provided are equally accessible to all persons, irrespective of gender, age, nationality, race, disability, opinion, sexual orientation, or any other social delineation or characteristic. In all situations, the failure to provide general services to particular people based on distinguishing social characteristics (e.g. race, gender) constitutes improper discrimination and should be eliminated from company policies and procedures. For example, the routine refusal of plan doctors to recommend needed treatments for minority patients violates the right to health of those patients. Sometimes healthcare plans attempt to minimise costs by electing to exclude certain medical procedures from coverage. Such an approach could be discriminatory, if the elimination of medical procedures adversely impacts a particular group of people, or is based on discriminatory notions. For example, the refusal of the healthcare plan to cover prostate cancer treatment, while concurrently covering breast cancer treatment could arguably result in health care discrimination against men. Equally discriminatory, is the refusal to cover the costs of care for AIDS patients simply because it is a disease associated with the homosexual community. The company may choose to offer family planning or reproductive health care services to employees and/or the wider public, particularly in areas with high rates of sexually transmitted diseases or in areas where basic health care services are not publicly available. Services should be provided on a non-discriminatory basis, and include respect for the rights of individuals to determine whether and when to have children, and respect for the rights of individuals for privacy and control over decisions concerning the health and welfare of their own bodies.

### Suggested Indicators

- 1 Company health, family planning or reproductive health care services are available to all members of the company user group without discrimination on the basis of sex, ethnic origin, disability, religion, age, and other distinctions.

True	False	F/A	N/A

- 2 The company does not require female users of the services to get the consent of a male family member before health, family planning or reproductive services are provided.

True	False	F/A	N/A

- 
- 3 Employees and the public are not required or pressured to use the company family planning or reproductive health care service.

True	False	F/A	N/A

---

**Comments:**

---

**Basis for assessment:**

---

**Question references:** Universal Declaration of Human Rights (1948), Article 16; International Covenant on Civil and Political Rights (1966), Articles 17 and 23 (1); International Covenant on Economic, Social and Cultural Rights (1966), Article 10 (1); Convention on the Rights of the Child, Article 5, Convention on the Rights of Persons with Disabilities (2006) Article 9, 24

---