

Global Standard Ethical Trade and Responsible Sourcing, Issue 2

ET218 Position Statements

Document Scope

Where clarification of interpretation of a requirement of the Global Standard Ethical Trade and Responsible Sourcing, Issue 2 or its protocol is necessary this will be published on the BRCGS website (www.brcgs.com) as a Position Statement. Such statements are mandatory in their use, forming part of the Standards normative documents, from the date specified for implementation or the date of publication on the BRCGS website, where no date is specified.

Change log

Version no.	Date	Description
1	21/10/2021	Position Statement 1: Update to certificate template following accreditation feedback (highlighted in yellow below)
2	25/11/2021	Position Statement 2: Action for critical non-conformities Position Statement 3: Guidance on restricted ventilation and lighting on sites and minimising harm to workers Position Statement 4: Guidance on working hours and exceedance in exceptional circumstances Formatting updated so in line with other Standards Position Statements and contents table added.
2.1	26/11/2021	Flow chart in Position Statement 2 corrected, boxes expanded to show full text.

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1 Update to certificate template following accreditation feedback

Auditor number(s) CERTIFICATION BODY NAME OR LOGO

Certification Body name (accredited Certification Body No. x) certifies that, having conducted an audit

At the COMPANY NAME

SITE CODE

AUDIT SITE ADDRESS

has implemented an ethical trading and responsible sourcing management system meeting the requirements set out in

GLOBAL STANDARD for ETHICAL TRADE AND RESPONSIBLE SOURCING ISSUE 2: OCTOBER 2020

For the scope of activities

Date(s) of initial certification:

Certificate issue date:

Certificate expiry date: (for example, 3 years after the issue date):

Re-issue Date:

Accreditation body logo

BRCGS Logo

Authorised by

Name and full address of Certification Body
Certificate traceability reference
Unique certificate traceability number

This certificate remains the property of (name of Certification Body)

If you would like to feedback comments on the BRCGS Standard or the audit process directly to BRCGS, please contact tell.brcgs.com

Visit brcdirectory.com to validate certificate authenticity

2 Guidance on handling critical non-conformities identified during audit

2.1 Introduction

During an audit against the BRCGS Global Standard for Ethical Trade & Responsible Sourcing – whether it is an Initial Certification, Surveillance or Recertification audit - it is possible that an auditor may identify a critical non-conformity. The Standard defines a critical non-conformity as a serious failure in a site’s ethical trade and responsible sourcing management system, including

- breach of legislation constituting an illegal activity, such as human trafficking, fraud or bribery
- harmful activity that presents an immediate risk to the well-being, health, employment or human rights of workers

Guidance is provided for auditors on how to deal with critical non-conformities, however in the first instance they should contact their certification body for advice on the actions they should take as soon as possible after identifying a critical non-conformity, particularly in relation to advice on safeguarding vulnerable individuals.

As stated in the Audit Protocol of the Global Standard, if a critical non-conformity is identified, the site will be required to undergo a new Initial Certification Audit to achieve or reinstate certification, once the non-conformity has been satisfactorily resolved.

2.2 Examples of critical non-conformity areas

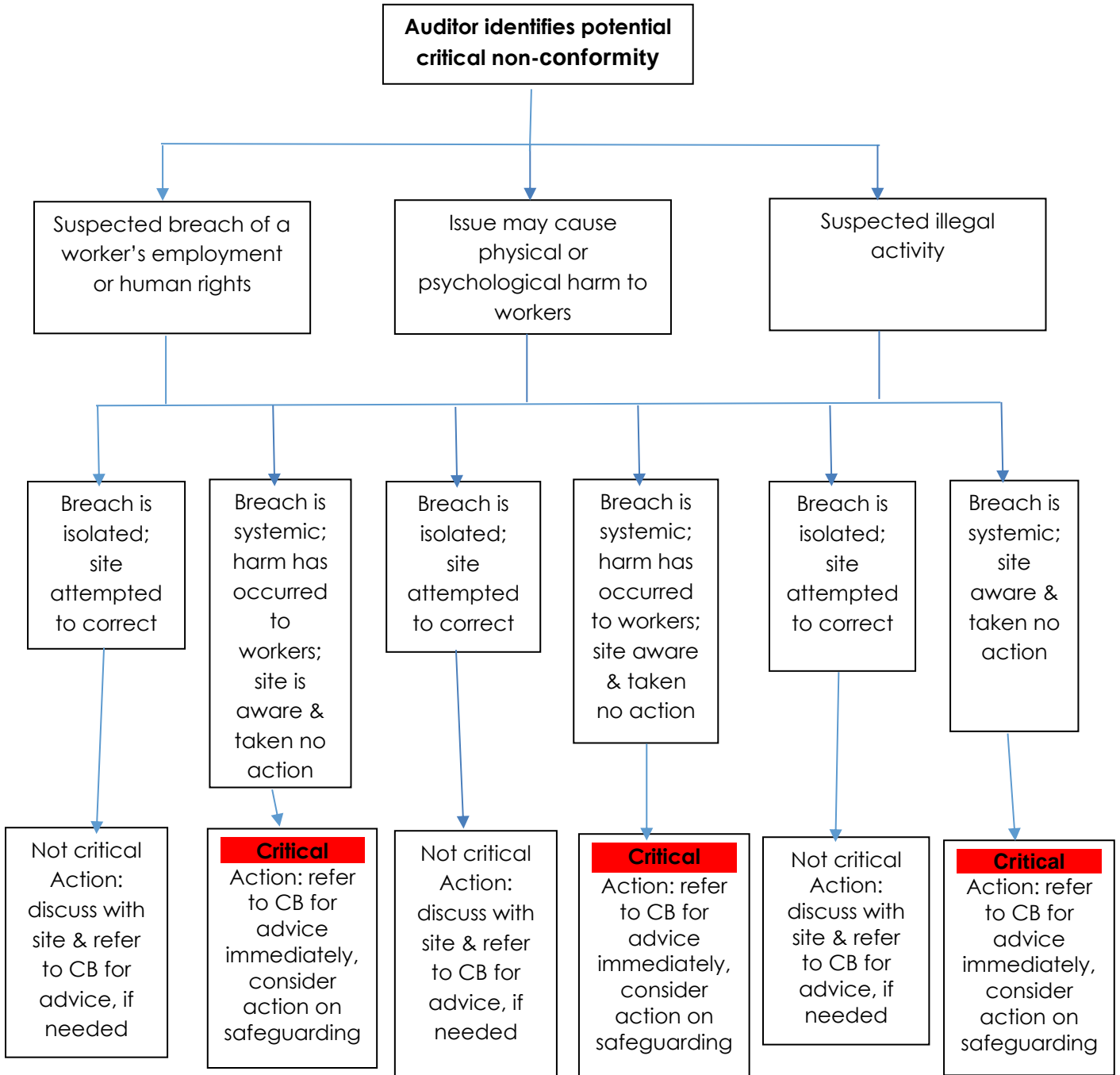
As a guide, these are examples of critical non-conformities, although it is not an exhaustive list:

- Children working onsite under the age of 15
- Young workers found working in unsafe conditions and/or working at night
- Workers being paid significantly less than the national minimum wage
- Instances where there are working hours in excess of 60 hours per week
- Health & Safety conditions that pose an immediate threat to workers’ safety or life
- Bonded labour where workers have paid pre-employment deposits
- Forced labour or human trafficking
- Bribery, corruption or fraud or poor information security
- Sexual harassment and/or bullying

However, as with all non-conformities, a critical is largely defined and dependent on the context and evidence that the auditor finds onsite.

2.3 Decision tree for evaluating possible critical non-conformities

It is important that the auditor evaluates any suspected critical non-conformity effectively and considers the context in which the issue has occurred. As support the following decision tree approach is outlined as follows:



2.4 Actions if a critical non-conformity is confirmed

Once the auditor is satisfied that a critical non-conformity exists, they shall contact their certification body immediately to discuss the nature of the non-conformity, their assessment of the potential risk to the safety of any individuals involved, possible safeguarding actions required and whether there is any threat to the auditor's safety. The auditor maybe required by their Certification Body to complete a supplementary report on the circumstances.

3 Guidance on restricted ventilation and lighting on sites and minimising harm to workers

3.1 Introduction

The working environment of a site can be affected by many factors, some of which may cause physical or psychological harm to workers, such as inadequate ventilation and lighting which can damage workers' health and well-being. However, there may be circumstances where a product safety issue requires a site to limit the ventilation and lighting inside a production area. If so, the site will still have a legal responsibility to ensure that workers' physical and psychological health is protected, despite the restricted conditions.

3.2 Risk Assessment

In such circumstances the site shall ensure protection of workers by undertaking a risk assessment related to workers who perform tasks in areas with restricted ventilation and/or lighting. By understanding the risks and the potential negative impacts on workers, the site shall define an action plan to control, minimise or eliminate any potential harm to workers. The site shall:

- Identify the potential harm to workers using a risk assessment approach.
- Once the risks have been identified and prioritised, the site shall identify precautionary actions that shall be taken to protect workers in these areas, such as regular breaks away from the production area, the provision of appropriate Personal Protective Equipment or clothing etc.
- Ensure that all precautionary measures are clearly explained to those involved with managing, supervising or advising workers in restricted areas, including supervisors, managers and the senior manager with overall responsibility for health and safety management.
- Provide regular training and information to all those working in a restricted area, including temporary or agency workers, so that they understand how to do their jobs safely.
- Ensure that any accidents, injuries or dangerous incidents that occur in the restricted area are documented and investigated. If changes are made as a result, procedures shall also be updated and retraining carried out.
- The risk assessment and related action plan shall be reviewed when any significant changes are made to the environment and at a minimum annually. This review shall include consultation with those staff working in the restricted area to consider suggestions for improvement.
- Consider whether medical screening is required to be provided for those staff working in restricted areas to ensure that their health and well-being is not being adversely affected.

3.3 What should an auditor look for during an audit?

An auditor shall look for evidence of the risk assessment relating to restricted ventilation and lighting, together with the detailed action plan. The auditor shall check for evidence of review, in consultation with those affected. Site accident records shall be reviewed and challenged to ensure an effective root cause and preventative action has been completed to ensure potential reoccurrence is prevented.

The auditor shall interview the senior manager to assess their understanding of the related risks. Interviews shall also include the Health and Safety worker representative to establish if there have been any work-related incidents where a worker's health has been physically or psychologically harmed as a result of working in a restricted area and to find out if they have been approached by any workers who have concerns about their own or other's health. Interviews with workers shall include workers who work in restricted areas to ensure they understand the health and safety risks and what they should do to keep themselves safe.

3.4 Local Legislation

The auditor shall consider local legislation and may seek additional advise on requirements from local health and safety executive where necessary.

4 Guidance on working hours and exceedance in exceptional circumstances

4.1 Introduction

Clause 3.8.6 of the Standard states that working hours may only be exceeded under exceptional circumstances, including:

- It is allowed by national law and collective agreement freely negotiated with worker representatives;
- Appropriate safeguards are taken to protect workers' health and safety, and
- The employer can demonstrate that exceptional circumstances apply, such as unexpected production peaks, accidents and emergencies.

In any event, legal limits shall always be complied with.

The purpose of this guidance is to clarify the expectation of the clause regarding exceptional circumstances and the conditions that should be in place to protect workers' health, safety and well-being.

4.2 Expectations relating to exceptional circumstances

An exceptional circumstance is defined as something that cannot be predicted and in the Interpretation Guideline of the Standard, it states that excessive overtime is not permitted unless the site has a "strong and justifiable reason". However, it should be noted that a site's reason should also address all of the three conditions of exceptional circumstances and if an auditor is concerned that one or more have not been properly considered, then a non-conformity shall be raised.

4.3 What a site should do to protect its staff?

To ensure that a site manages the issue of working hours, ensuring that overtime does not become habitual and that the threshold of 60 hours (48 ordinary hours and 12 hours overtime) is only exceeded in exceptional circumstances, the following actions may be considered:

- Provide regular training for existing managers, supervisors and workers on the issue, to remind them what is considered exceptional circumstances under the Standard, including that overtime is voluntary as stated in the site's policies and procedures on working hours.
- Include the issue in induction training for new staff, including managers, supervisors, employees, temporary and agency workers on the site's policies and procedures on working hours, time off and overtime to ensure that they are aware of acceptable practice.
- Perform regular reviews of training and communication, ensuring it is available in the languages spoken by those onsite and that it is suitable for all types of workers onsite, irrespective of their gender or employment status.
- Ensure that the sites working hours policies and procedures are available to all workers on site, for example via noticeboards and/or included in reference materials such as the staff handbook.
- Ensure that consultation and dialogue with the trade union or worker representatives on working hours is included for discussion at meetings, particularly if there are collective bargaining agreements in place, to ensure that worker expectations are being considered and addressed, alongside legal obligations and health and safety safeguards.

4.4 What a site should do if exceptional circumstances are unavoidable

If exceptional circumstances are unavoidable because they could not be predicted and the maximum working hours outlined in the Standard is exceeded, they shall investigate in consultation with staff, the trade union or worker representatives, to establish the root cause of the issue and take actions to minimise any recurrence or minimise its impact on staff. The investigation shall be documented and if there are changes to working hours policies and procedures, they shall be updated. Similarly, if there is a need to review and amend any collective bargaining agreements in consultation with the trade union or worker representatives, they shall also be updated.

4.5 What should a site do to protect the staff of its suppliers and labour providers?

A site shall also consider how it will communicate its policies and procedures on working hours to its direct suppliers, outsourced processors and labour providers, ensuring that they understand and consider the issue of exceptional circumstances. Actions they may take may include the provision of written versions of the policies and procedures in the language of the supplier and the monitoring of their compliance with the requirements shall be included during regular contract / performance reviews.

4.6 What should an auditor look for during an audit?

An auditor shall investigate whether there have been any exceptional circumstances that may have caused working hours to exceed the requirements outlined in the Standard. If so, the auditor will review the reason to establish if it qualifies as an exceptional circumstance, together with the documented investigation and may discuss the issue during worker interviews or those with trade union or worker representatives. They may also discuss the exceptional circumstance with senior management and Human Resources, as well as reviewing any changes to documentation such as policies, procedures or collective bargaining agreements relating to working hours.