



JEWELTREE FOUNDATION CERTIFICATION REQUIREMENTS

Human Rights and Environmental toolkit

Capacity for Development vzw

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This document is based on the diagnostic assessment tool by the Danish Institute for Human Rights. Their tool is designed to help companies detect potential human rights violations caused by the effect of their operations on employees, local residents and all other stakeholders.

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Definition of abbreviations:

PD: Policy Document. The criteria shall be incorporated in the company's policy and related documents.

EA: not to be filled in by the company, but by the External Auditor

Compliance with these criteria is a necessary requirement for the companies products, be it rough diamonds, gems, gold, silver or other commodities to be liable for Jeweltree Certification. The Jeweltree Foundation intends to help and assist the companies wherever possible to ensure compliance with these criteria.

I

Health emergencies and industrial accidents

1. Does the company have emergency procedures in place to effectively prevent and address all health emergencies and industrial accidents affecting the surrounding community?

1	PD	The company policy has detailed emergency procedures, prevention plans, and training programmes to protect against dangers and handle emergencies.	
2	PD	The company has measures in place to contain industrial accidents (e.g., on-site fire crews, airtight self-sealing blast-proof doors, etc.).	
3	PD	The company has a clearly audible/visible alarm system that warns nearby communities of potential emergencies, if necessary.	
4	PD	The company has developed emergency community evacuation plans with the appropriate local, regional, and national authorities, if necessary. Community residents are clearly informed about these plans and familiar with the evacuation procedures contained therein.	
5	EA	The company maintains close contact with nearby communities, the relevant authorities, and external emergency services, and is able to notify them with minimal delays about potential emergencies.	
6	PD	If the site is located far away from a hospital, the company has adequate medical resources and competent staff to provide preliminary relief and treatment to people who might suffer the consequences of an industrial accident.	
7	PD	The company's emergency response procedures comply with the highest level of industry standard, or exceed the standard when necessary.	
8	EA	Local authorities, NGOs and community representatives confirm that they have been informed about the company's emergency community evacuation plans and the procedures contained therein. A good practise is to inform and consult stakeholders prior to making a final decision about the plans and procedures.	
9	EA	Local authorities, NGOs and community representatives confirm that any workplace emergencies or industrial accidents registered have been effectively contained with minimal harm to the health of the local population.	

2. Does the company have mechanisms for hearing, processing, and settling the grievances of the local community?

1	PD	The company has a policy prescribing the requirements of a fair hearing.	
2	PD	Company policy requirements are followed in relation to all grievances.	
3	PD	The company has a neutral mechanism responsible for hearing, processing, and settling disputes. That mechanism has representation from members of both the company and the local community.	
4	EA	Members of the local community are informed about the company grievance process and are able to anonymously submit grievances if they prefer to do so.	
5	EA	Local NGOs or other representatives are allowed to participate and represent community members in any hearing held with respect to a grievance.	
6	PD	Records show that the company systematically and objectively reviews any complaints filed and implements corrective action if necessary.	
	EA	Community members and local NGOs confirm that they have access to a grievance mechanism which addresses any concerns raised in a fair and transparent manner.	



Relocations of affected people and environmental protection

1. Does the company ensure that it does not participate in or benefit from improper forced relocations, and adequately compensates inhabitants in voluntary relocations?

1	PD	The company has a procedure for ensuring that it is not complicit in any forced relocations. If relocation is enforced it should be done in conformity with international law and all alternative solutions have first been explored first. See clarifications 01 in annex.	
2	PD	When purchasing or renting property from governments or large-scale land owners, the company investigates the occupation of the land to ensure that no forced relocations have been performed.	
3	PD	The company explores all alternative measures in consultation with the affected parties in order to mitigate any negative affects of a proper government relocation. A good practise is to provide affected parties prior to consultations the appropriate documents and intellectual resources.	
4	PD	The company ensures that adequate compensation (housing, land, money, etc.) is provided to all affected parties in case of relocation. See clarifications 02 in annex.	
5	EA	Affected parties and relevant NGOs confirm that the company has done all it can to avoid forced relocations and if relocation has taken place, all affected parties have been consulted and received adequate compensation in conformity with international law. See clarifications 03 in annex.	

2. Before purchasing land, does the company consult with all affected parties, including both legal and customary owners, in order to seek their prior informed consent?

1	PD	The company has a method in place to verify all existing claims and titles to land, under state law (including colonial and post-colonial treaties) and the law and customs of indigenous peoples. See clarifications 04 in annex.	
2	PD	The company is committed to clarifying and settling all existing claims and conflicts of land title in compliance with international human rights law or state law, whichever is more protective of the rights of the claimants.	
3	PD	Company guidelines ensure that no coercive measures are taken to affect land use by local people, in order to obtain transfer of their property interests.	
4	PD	Company guidelines include consultations with all affected parties (including women and wives) prior to acquiring their property through a third party, and if indigenous peoples are involved, it requires their free, prior and informed consent.	
5	EA	NGO's and indigenous peoples representatives confirm that the company is respectful of the land rights of local and indigenous people whenever it leases or purchases land.	

3. Does the company honour the land, passage, and usage rights of local or indigenous peoples on company-controlled land?

1	PD	If operating in areas where indigenous peoples have right to access company-controlled land, the company has guidelines concerning the access and usage rights.	
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2	PD	The company investigates the rights of all communities with respect to access and usage rights and dialogues with all affected parties to find mutually acceptable solutions to land usage.	
3	PD	Company security guards are educated about the rights of local or indigenous peoples to enter or use land on company controlled property.	
4	PD	Company employees and security personnel are trained to interact appropriately with indigenous and local rights holders, allowing safe and unimpeded use of the land and its resources without harassment or intimidation.	
5	EA	NGO's and community representatives confirm that the company respects the access and usage rights of indigenous and local people to company-controlled land.	

4. Does the company consult with the local inhabitants and take measures to address and mitigate any disruptive effects that its operations may have on company land, the local community, and the natural resources in the area?

1	PD	The company has a policy on land management covering environmental protection. The policy should encompass re-forestation; use of chemicals (close circuit), if applicable.	
2	PD	The company continually monitors its pollution output and maintains the highest level of environmental safety standards related to its particular industry sector.	
3	PD	The company has an environmental and social impact assessment policy, that meets local, national and international best practices and legislation	
4	PD	Before initiating new operations, or when changing or extending operations, the company discusses its plans and activities with all affected parties and relevant experts to measure the impact and to determine how to avoid or mitigate any harmful effects. A good practise is to provide affected parties and relevant experts prior to consultations the appropriate data, documents and intellectual resources.	
5	PD	If community resources are scarce, the company develops a schedule defining the amount, location and timing of resources needed for its activities, so that the local authorities know when to expect rising demand and have sufficient time to prepare.	
6	PD	The company continually monitors its use of local resources, and if necessary, it arranges for alternative resources from outside to make sure that its activities do not deprive local inhabitants of basic services such as water or electricity.	
7	PD	When leaving land, the company has an action plan in place to ensure that there are no harmful and disruptive effects left on the land.	
8	EA	Relevant NGOs and local inhabitants confirm that the company consults with them concerning all disruptive activities and addresses any concerns raised by them.	



Security Forces

1. Are company security guards trained when to intervene in security-related situations and how to use the minimal authorized force necessary?

1	PD	The company has a policy manual clearly defining the role and responsibility of security guards.	
2	PD	All company security guards are carefully trained to handle different types of security situations to enable them to fully understand their duties and properly exercise their authority.	
3	PD	The company investigates any security related complaints received by the community, remedies the problem, and keeps records of these incidents.	
4	PD	Security guards who use unnecessary or excessive force are reprimanded, disciplined or dismissed for their actions, depending on the severity of the offence, and incidents are reported to the competent state authorities.	
5	EA	Community representatives, local law enforcement officials and other relevant external parties confirm that company security guards only use the minimal force necessary to handle security-related situations.	

IV

Minimum age standards

1. Does the company comply with minimum age standards?

1	PD	The company has a clear policy regarding the minimum age for employment, which complies with national laws, but is no less than 15 years of age.	
2	PD	The company requires candidates to provide copies of birth certificates or other official forms of identification to verify their age before being hired by the company.	
3	PD	Hiring managers are aware of the forms of identification forgery commonly used in the country of operation and they are able to spot such forgeries.	
4	PD	In countries where birth certificates are not common, or are frequently falsified, the company has a procedure for estimating the age of employment for young candidates, such as average height or knowledge of historic events.	
5	PD	The company researches when classes are held in local schools, and ensures that children who have not passed the age of compulsory schooling are not hired by the company.	
6	PD	The company does not hire any person under the age of 18 to perform work that interferes with their education.	
7	PD	Company provided apprenticeship programmes do not constitute the main portion of the workforce, are limited in duration, are performed in conjunction with a school programme (or supervised by Labour Ministers or Labour Organisations), are educational to the student, and do not interfere with the child's compulsory education.	
8	PD	Employee records from the past year confirm that the company does not employ child workers.	
9	EA	Local NGOs and schools confirm that the company is not employing child workers.	

2. If the company becomes aware that it is employing children of school age, does it ensure that the children are enrolled in a remediation/education programme, rather than being summarily terminated from employment?

1	PD	The company offers to hire the parents, guardians, elder siblings or other adult members of the extended family of any child found to be working for the company.	
2	PD	The company establishes apprenticeship programs (or other such measures) that ensure the basic education of the child worker, while concurrently providing practical experience and financial support.	
3	EA	NGOs and local community representatives confirm that the company has not summarily terminated the employment of any children found to be working for the company.	

3. Does the company ensure that it does not hire minors (below 18 years of age) to perform work that is hazardous or harmful to their health, safety, or morals?

1	PD	The company has a policy or guidelines in place defining what tasks at the company are prohibited as hazardous or harmful to the health, safety, or morals of workers under the age of 18, which includes all relevant elements from the following indicators.	
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2	PD	The company does not hire or contract workers under the age of 18 to perform work that exposes them to psychological, emotional or sexual abuse. (II 3(a), International Labour Organisation Recommendation 190).	
3	PD	The company does not hire or contract workers under the age of 18 to work "underground, under water, at dangerous heights or in confined spaces." (II 3(b), International Labour Organisation Recommendation 190).	
4	PD	The company does not hire or contract workers under the age of 18 to work with dangerous machinery, equipment and tools, or to manhandle or transport heavy loads. (II 3(c), International Labour Organisation Recommendation 190).	
5	PD	The company does not hire or contract workers under the age of 18 to perform work in an environment which exposes them to "hazardous substances, agents or processes or to temperatures, noise levels, or vibrations damaging to their health." (II 3(d), International Labour Organisation Recommendation 190).	
6	PD	The company does not hire or contract workers under the age of 18 to work for long hours, during the night, or in a position that requires them to be unreasonably confined to the premises. (II 3(e), International Labour Organisation Recommendation 190).	
7	PD	Young workers are subject to medical examinations to ensure their fitness for the form of employment they are to undertake. (International Labour Organisation Convention 77, Article 2(1) (1946); International Labour Organisation Convention 78, Article 2(1) (1946)).	
8	EA	Managers demonstrate awareness of the above limitations concerning the work tasks of workers below the age of 18.	
9	EA	Worker representatives or NGOs confirm that the company does not hire workers under the age of 18 to perform work that may be hazardous or harmful to their health, safety, educational, or moral development.	

V

Social rights

1. Does the company provide a living wage, which enables workers to meet the basic needs of themselves and their dependents?

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

2. Does the company have mechanisms for hearing, processing, and settling the grievances of employees?

1	PD	The company has agreed with worker's representatives about the requirements of a fair hearing.	
2	PD	The fair hearing requirements are followed in relation to all grievances presented to the company.	
3	PD	The company has established committees responsible for hearing, processing, and settling disputes. Those committees have equal representation of employers and workers. (ILO Tripartite Declaration of Principles Concerning Multinational Enterprises and Social Policy (1977), Article 58)	
4	EA	Company workers are aware of the company grievance process and are able to anonymously submit grievances if they prefer to do so.	
5	PD	Worker representatives are allowed to participate with the employee in any hearing held with respect to a grievance.	
6	PD	Records show that the company systematically and objectively reviews any complaints filed and implements corrective action when necessary.	
7	PD	The grievance procedure is non-discriminatory and is able to respond to gender specific issues, such as sexual harassment.	
8	EA	Company actors do not retaliate against workers who file grievances or complaints.	

9	EA	Employees and worker representatives confirm that they have access to a grievance mechanism which addresses the concerns raised by them in a fair and systematic manner.	
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3. Does the company take measures to protect workers from acts of physical, verbal, sexual, or psychological harassment, abuse, or threats in the workplace, including when determining and implementing disciplinary measures?

1	PD	The company distributes a prevention policy on workplace violence and harassment, which notifies employees of their obligations to refrain from violent, threatening or abusive conduct toward others.	
2	PD	The company has a mechanism to receive reports of workplace violence, harassment and threats, which is specifically designed to competently address all types of workplace misconduct, including sexual harassment.	
3	PD	The company promptly investigates all complaints of workplace violence, harassment, and threats and takes appropriate preventative and disciplinary action.	
4	PD	Managers are trained to use appropriate management techniques, including proper disciplinary measures, and instructed to refrain from harassing, violent, threatening and abusive conduct.	
5	PD	The company promptly addresses stress and tensions (such as racial tensions) in the workplace which can later lead to abusive, violent or harassing conduct.	
6	EA	The company facilitates open communication and problem-solving groups designed to deter, monitor, prevent and report workplace violence.	
7	PD	The company takes special measures to protect workers from the harassing, violent and threatening conduct of outsiders, such as customers, vendors and clients.	
8	EA	When there is sufficient evidence that an employee has engaged in an act of violence, the company reports the individual to the appropriate government authority.	
9	EA	Worker's representatives and employees confirm that the company has appropriate measures in place to protect employees from harassing, abusive and threatening behaviour.	
10	EA	Worker's representatives and employees confirm that the company refrains from using corporal punishment, physical or mental coercion, and verbal abuse when implementing disciplinary decisions. customers, vendors and clients.	

4. Does the company grant employees paid holiday and sick leave each year, as well as parental leave to employees who must care for a newborn or newly adopted child?

1	PD	Company employees are granted at least three weeks of paid holiday leave per year, in accordance with International Labour Organisation standards. ILO C132, Article 4(2).	
2	PD	Company policy provides paid sick leave in accordance with national law requirements. If national law provides no guidance or only limited protection, the company consults with union representatives during the collective bargaining process, workers, and/or local NGOs to establish a sufficient amount of sick time.	
3	PD	The company does not force employees to use vacation time as a substitute for sick leave.	
4	PD	The company policy allows female employees no less than fourteen weeks of maternity leave per child in accordance with International Labour Organisation standards. ILO C183, 2000, Article 4. (The ILO Maternity Protection Recommendation of 2000 even suggests that this leave be extended to 18 weeks.) .	

5	PD	The company grants parental leave to employees who have recently adopted a child/children or have taken on the responsibility to care for foster and/or other dependent children.	
6	PD	Part-time and short-term employees are provided with holiday leave on a pro rata basis.	
7	EA	Workers representatives and trade unions confirm that all employees are granted paid holiday and sick leave each year, as well as parental leave to care for newborns or adopted children, and this is confirmed by relevant company records.	

5. Does the company ensure that the work-week is limited to 48 hours, overtime is voluntary, infrequent, and does not exceed 12 hours per week, and that employees are given reasonable breaks while working, and sufficient rest periods between shifts?

1	PD	Company work hours are limited to 48 per week by both company policy and in practice (or fewer hours if provided by national law or industry standards). (International Labour Organisation Hours of Work (Industry) Convention (C1, 1919); International Labour Organisation Hours of Work (Commerce) Convention, Articles 3 and 4 (C 30, 1930)).	
2	PD	The company ensures that overtime is voluntary, infrequent, remunerated at premium rate, and does not exceed 12 hours per week.	
3	PD	Company employees are allowed at least 24 consecutive hours of rest in every seven day period (or more rest if provided by national laws or industry standards). (International Labour Organisation Weekly Rest (Commerce) Convention, Article 6 (C106, 1957); International Labour Organisation Weekly Rest (Industry) Convention, (C14, 1921).	
4	PD	Company employees are given no less than a 30-minute break for every 4 hours of work, or more if the nature of the work or national laws or industry standards so require.	
5	PD	The company strives to employ the number of workers necessary to meet production expectations, so that employees can complete their work tasks within the weekly and daily time limits defined in international standards, national and industry standards (whichever is most protective).	
6	PD	Breaks are strategically scheduled to ensure that no employee is required to work for extended lengths of time during a shift without a rest period.	
7	PD	The company is moving toward the development of a 40 hour work week. International Labour Organisation Forty-Hour Week Convention (C47 1935).	
8	EA	Managers are aware that employees are allowed to use toilet facilities whenever necessary and not just during designated breaks.	
9	PD	If the company is located far away from any food supply, or if the employees have to take special measures, such as undressing from protective lab coats before they can eat, the break is extended to allow extra time for such activities.	
10	PD	The number of fatigue related accidents at the company is not excessive for the type of industry.	
11	PD	The company does not encourage employees to avoid taking breaks by rewarding those who do not use their break time.	
12	EA	Employees confirm that they are provided with periodic breaks during the day to eat, stretch and use toilet facilities and that work hours are limited to 48 per week.	

6. Does the company respect the privacy rights of its employees whenever it gathers private information or implements employee -monitoring practices?

1	PD	The company has a clear privacy policy, outlining its data collection and monitoring practices.	
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2	PD	Company policy or guidelines state what kind of personal information is retained on employees, where it is stored, who has access, and why the information is necessary.	
3	PD	The company discloses to employees the specific purpose of collecting any information it retains.	
4	PD	The company does not attempt to gain information from an individual with whom the employee has a privileged relationship, including a spouse, pastor, doctor, or lawyer, without the employee's prior written consent.	
5	PD	The company informs a person if he/she is being specifically targeted for special monitoring.	
6	PD	Employees are made aware of all workplace monitoring.	
7	PD	Employees have access to all personal data collected about them, including data obtained through monitoring.	
8	PD	The company does not reveal, retain or misuse any personal data about an employee that has inadvertently been collected during the monitoring process.	
9	PD	The collection of data and the use of monitoring is accomplished in a non-discriminatory manner.	
10	PD	There are no video cameras or monitoring mechanisms in toilet facilities or changing rooms.	
11	EA	Worker's organisations and employees confirm that the company's monitoring practices are respectful of the right to privacy, and that employees are kept informed of the monitoring practices of the company.	
12	EA	Employees confirm that the company requests only reasonable information from them, and that the purposes for requesting the information are clearly explained.	

7. Does the company take all necessary measures to ensure that it does not participate in, or benefit from any form of forced labour, (this can include bonded labour, debt bondage, prison labour, slavery, servitude, or human trafficking)?

1	PD	The company ensures that employment contracts are fair, transparent, and understood by the workers.	
2	PD	All workers are allowed to leave the employ of the company after reasonable notice.	
3	PD	All workers are allowed to leave company premises at the end of their shifts.	
4	PD	The company ensures, by proper investigation, that it does not use labour from agencies or firms involved in trafficking, debt bondage, or kidnapping.	
5	PD	The company (or its recruiting agencies) does not charge workers recruiting or hiring fees that require the worker to be indebted to the company (or recruiting agency), or to work for the company (or recruiting agency) to pay off the debt.	
6	PD	The company pays a living wage and does not compel workers to engage in a cycle of salary advancements in order to meet living expenses.	
7	PD	The company does not withhold wages or threaten to withhold wages to compel overtime (or work itself), but makes payments on a regular basis, and in a timely manner.	
8	PD	The company does not coerce or compel employees to work involuntary (overtime) hours (or work itself) by the use of threat or force.	
9	PD	The company does not use prison labour, unless the prisoner has been convicted by a court of law, and labour voluntarily under the supervision and control of a public authority.	
10	PD	The company does not require workers to lodge money deposits with the company.	
11	EA	Workers and labour organisations confirm that the company respects the right to freedom from forced labour.	

8. Does the company refrain from retaining the identity cards, travel documents, and other important personal papers of its employees?

1	PD	Those in the company responsible for collecting personal data from employees are instructed not to retain travel documents and identity cards.	
2	PD	Company managers do not possess worker's personal travel or identity documents.	
3	PD	To safeguard documents against loss, damage or misplacement, the company photocopies (or hand copies) the information from employee ID cards and travel documents and doesn't retain the originals for even a short amount of time.	
4	PD	Company records demonstrate that the company immediately grants letters of release whenever the letter is needed for an employee to retain a job elsewhere.	

9. Does the company recognise the freedom association rights of its workers, including the right to bargain collectively?

1	PD	The company has a policy recognising the freedom of association rights of its workers.	
2	PD	The company recognises worker's organisations for collective bargaining purposes.	
3	PD	The company does not discriminate or take adverse actions against employees in retaliation for exercising employee rights, participating in union activities, or reporting suspected legal violations.	
4	PD	The company engages in collective bargaining and holds regular consultations with authorised worker's representatives concerning working conditions, remuneration, dispute resolution, internal relations and matters of mutual concern.	
5	PD	The company makes copies of the current collective bargaining agreements available to worker's representatives so that the terms to be negotiated are easily accessible.	
6	PD	The company allows worker representatives reasonable access to the company documentation needed to fulfil their duties; negotiate with the company, and ascertain the performance of the company regarding relevant matters.	
7	PD	The company allows worker's representatives reasonable access to the employees and the company facilities necessary to carry out their responsibilities.	
8	PD	The company provides reasonable notice of impending changes in operations that will affect employment at the company, such as anticipated mergers and layoffs.	
9	PD	The company does not use undue influence, employee transfers, or other coercive tactics to improperly interfere with the ability of worker's representatives to effectively negotiate on behalf of its members during the bargaining process.	
10	PD	The company does not use military actors to discourage strikes, intimidate workers, or interfere with the exercise of employee rights.	
11	PD	The company takes efforts to protect employees from union-related harassment by other workers.	
12	EA	Worker's organisations confirm that the company recognises their position, allows them access to employees and facilities, and engages with them in good faith during the collective bargaining process.	

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

1	PD	The company allows employees to engage in regular employee meetings, where employees can freely discuss concerns regarding working conditions.	
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2	PD	Meeting rooms are made available for employee-only meetings to discuss wages and working conditions.	
3	PD	Management meets regularly with employee representatives to discuss work-related problems and any grievances employees may wish to raise.	
4	PD	Workers are able to detail the last workers meeting and there are meeting minutes or other documentation from the meeting.	
5	EA	Employees confirm that they are given the opportunity to attend meetings regarding their work conditions, and staff representatives meet regularly with management to discuss these issues.	

11. Does the company ensure that its compensation, benefit plans, and employment-related decisions are based on relevant and objective criteria?

1	PD	The company has policies in place to ensure that hiring, placement, remuneration, advancement, training, discipline, retirement and termination decisions within the company are based only on objective factors, and are not connected to the gender, age, nationality, ethnicity, race, colour, creed, caste, language, mental or physical disability, organisational membership, opinion, health status (including HIV/AIDS), marital status, sexual orientation, birth, or civic, social, or political characteristics of the worker.	
2	PD	The company has a method for ensuring that company benefits and services, such as sick leave, holiday, housing, health care, transportation etc. are provided in a non-discriminatory manner.	
3	PD	Job descriptions are clearly defined, utilised by all hiring managers, and frequently updated to ensure that employees are hired and granted promotions by the company only on the basis of the skills, qualifications and experience required for the position.	
4	PD	Employment advertisements do not reference irrelevant characteristics, such as race, unless listed as part of an equal opportunities promotion.	
5	PD	The company does not ask applicants questions regarding their marital status, intent to have children, or number of dependents, which is sometimes used as a method to avoid hiring women because of fear that their duties at home will interfere with their dedication to work.	
6	PD	The company does not require applicants or employees to take pregnancy tests, get abortions, or sign agreements not to become pregnant.	
7	PD	The company has a method for ensuring that pay is based on objective factors and is implemented in a non-discriminatory way.	
8	PD	Wage records do not show pay discrepancies for work of equal value.	
9	PD	The company makes reasonable accommodations to allow disabled workers job opportunities with the company.	
10	PD	The company has a training programme in place, where instruction is made available, without discrimination, to help workers achieve the qualifications necessary to acquire positions at all levels within the company.	
11	PD	Hiring managers receive training regarding the company's non-discrimination policies.	
12	PD	Workers have access to a complaints mechanism where they can report complaints of discrimination, and they are familiar with the mechanism.	
13	PD	An individual or department in the company is responsible for monitoring company compliance with non-discrimination standards and policies.	
14	EA	Worker's representatives confirm that the company's employment practices are non-discriminatory.	

12. Does the company seek to maintain a work environment that is culturally respectful and sensitive to the needs of all workers?

1	PD	Company benefit and vacation policies allow for the observance of different cultural/religious holidays.	
2	PD	Company training programmes are culturally appropriate, gender neutral, and respectful of diversity.	
3	PD	Training manuals and company literature do not use examples or illustrations that stereotype or categorise any groups of people.	
4	PD	The company allows employees to dress in traditional cultural garments if the clothing is appropriate for business and does not increase the risk of accidents in the workplace.	
5	EA	Worker's representatives and employees confirm that the work environment is culturally sensitive and non-discriminatory.	

13. Does the company ensure that its workers are afforded safe, suitable and sanitary work facilities?

1	PD	The company has effective health and safety prevention and remediation policies and procedures in place which comply with industry, national and international standards.	
2	PD	The company's health and safety standards are made available to employees in a language they understand.	
3	PD	The company has a disciplinary plan which applies to all violations of the company's health and safety standards.	
4	PD	The company documents accidents and adjusts its processes to prevent recurring problems.	
5	PD	The company routinely monitors its production processes, machinery and equipment to ensure that they are safe and in good working order.	
6	PD	The company has a procedure or process for receiving and responding to health and safety complaints, such as designating a health and safety representative or committee.	
7	PD	Responsibilities for health and safety tasks are clearly outlined at all levels of the company and there is a system for monitoring the accountability of the tasks.	
8	PD	Workers and managers are trained to respond to workplace emergencies and first aid kits are readily available.	
9	PD	Escape exits are free from obstruction.	
10	PD	There are fully functional fire extinguishers and first escapes on all workplace premises.	
11	PD	Work premises and equipment are maintained and kept clean (International Labour Organisation Convention 120, Article 7).	
12	PD	The workplace has sufficient and suitable ventilation, with fresh or purified air, appropriate for the climate and industry of operation (International Labour Organisation Convention 120, Article 8).	
13	PD	Workplace temperature is comfortable and steady (International Labour Organisation Convention 120, Article 10).	
14	PD	The workplace has sufficient and suitable lighting (International Labour Organisation Convention 120, Article 18).	
15	PD	Potable water is available for all workers (International Labour Organisation Convention 120, Article 12).	
16	PD	Sufficient and suitable washing facilities and sanitary conveniences are provided and properly maintained (International Labour Organisation Convention 120, Article 13).	
17	PD	Sufficient, suitable and comfortable seats/chairs are supplied to the workers (International Labour Organisation Convention 120, Article 14).	

18	PD	If employees use uniforms or other work-specific clothing, the company provides suitable facilities for changing, storing, and drying their clothing (International Labour Organisation Convention 120, Article 15).	
19	PD	Clean and sanitary food storage facilities and designated eating areas are available for all employees (International Labour Organisation Convention 161, Article 5 (b)).	
20	PD	Residential or overnight facilities are clean and sanitary and meet the basic needs of the workers (International Labour Organisation Convention 161, Article 5 (b)).	
21	PD	The company provides clean and sanitary toilet facilities appropriate for both genders (International Labour Organisation Convention 161, Article 13).	
22	PD	Special attention is paid to the health and safety of pregnant women, disabled employees and other vulnerable workers.	
23	PD	Employees are given access to health and safety information about the company.	
24	EA	Health and safety inspections confirm that the workplace is safe, clean, comfortable and hygienic.	

14. Does the company supply its employees with the protective equipment and training necessary to perform their tasks safely?

1	PD	Company policy and procedure dictate that all employees are provided with the protective equipment and training necessary to safely perform the functions of their position.	
2	PD	The company keeps itself informed of scientific developments with respect to harmful materials and safety equipment in its sector to ensure that its processes provide appropriate protection for the industry dangers present in its operations.	
3	PD	All workers are protected against processes, substances and techniques, which are obnoxious, unhealthy, toxic or harmful (International Labour Organisation Convention 120, Article 17) including the following: A. exposure to harmful chemicals or biological agents B. exposure which can cause undesired physical, physiological or psychological changes C. exposure to loud noise D. exposure to toxic fumes, emissions, smoke, gases, smells, or other forms of air pollution E. exposure to vibration F. exposure to radiation G. exposure to electrical shocks and currents H. exposure to flames I. exposure to incendiary or explosive agents J. exposure to snow, ice, or other slippery surfaces K. exposure to extreme temperatures L. exposure to falling objects (e.g. on construction sites or oil platforms) M. exposure to asbestos, coal, and other substances that cause respiratory ailments if inhaled or ingested N. exposure to bright light or sun O. exposure to dangerous machinery (e.g. saws, presses) P. exposure to lead and benzene Q. exposure to cigarette or cigar smoke (e.g. bars and restaurants) R. exposure to flying debris, particles or sparks exposure to any other harmful, chemical, agent, or threats.	
4	PD	Company-provided safety gear takes into account gender differences and the special needs of pregnant women.	
5	PD	Company employees have the right to access information about company health and safety risks and the need for protective equipment.	

6	PD	Knowledgeable experts provide hands-on demonstrations in a language that is understandable to the employees on how to use each new machine, equipment piece, substance, or work technique that will be introduced to the working environment before they become incorporated into the work routine.	
7	PD	Workers receive periodic updates on their training to refresh their knowledge and update their skills.	
8	PD	All individuals who are reassigned to different work tasks receive hands-on training from a knowledgeable expert in a language they understand before commencing their new tasks.	
9	PD	An accurate record is kept by the employer detailing who has been trained, for what tasks the employee has been trained, how he/she has been trained (duration, method), and by whom (name of instructor).	
10	PD	If an accident occurs, the company evaluates the incident, implements appropriate corrective measures, and provides an internal educational campaign on the risks associated with the injury causing activity.	
11	EA	Workers do not show injuries or illnesses that are a result of improper exposure and lack of protective gear.	
12	EA	Employees, worker's unions and safety inspectors confirm that company employees are adequately trained and provided with the necessary protective equipment to carry out all their work-related tasks.	

VI

Supply chain

1. Does the company screen and monitor all major suppliers, contractors, sub-suppliers, joint-venture partners, and other major business associates for commitment on human rights/social issues?

1	PD	The company has a procedure to evaluate and select suppliers/associates based on human rights/social commitment and performance.	
2	PD	The company inserts a clause in all contractual agreements indicating that suppliers and other associates are expected to respect human rights in all areas of operation.	
3	PD	The company maintains records of the commitments made by suppliers/associates to human rights/social issues.	
4	PD	The company requires a written agreement from each supplier/associate stating that it will inform the company of all relevant business with other supplier/subcontractors/associates.	
5	PD	The company requires a written agreement from each supplier/associate stating it will promptly address issues of non-conformance if they arise.	
6	PD	The company requires a written agreement from each supplier/associate stating that it will participate in any human rights/social compliance monitoring activities organised by the company.	
7	PD	The company monitors the human rights/social compliance of its suppliers and business partners through regular questionnaires and spot checks in the form of on-site visits/audits.	
8	EA	NGO's confirm that the company screens and monitors all major suppliers, contractors, sub-suppliers, joint-venture partners, and other major business associates for commitment on human rights/social	

2. Does the company screen and monitor their production input and output in order to enable track and trace of their production?

1	PD	The company has a procedure to screen and monitor their productions in- and output in order to enable track and trace of their production.	
2	PD	In case of a cooperative; the company also has a procedure to assure that each part of the production can be traced back to the actual producing member.	

Annex

Clarifications 01

Displacement of people

Project operations can cause displacement of people. Examples are pollutant emissions, flooding of land and disrupting people's livelihood. Recognizing problems related to displacements, the Commission on Human Rights, by its resolution 2000/9 of 17 April 2000, appointed a Special Rapporteur on adequate housing, whose mandate is to focus on adequate housing as a component of the right to an adequate standard of living. The Special Rapporteur on adequate housing developed "Basic principles and guidelines on development-based evictions and displacement" and urges the governments and the international community to incorporate the provisions. While the principles and guidelines are not legally binding, "they are based on international human rights law" and "focus on providing guidance to States on measures and procedures to be adopted in order to ensure that development-based evictions – for example under the pretext of serving the "public good", such as those linked to development and infrastructure projects (including, for example, the construction of large dams, large-scale industrial or energy projects, or mining and other extractive industries) – are not undertaken in contravention of existing international human rights standards and do not thus constitute "forced evictions"." Displacement of people can also be carried out in connection with conflict over land rights or with land acquisition measures associated private profits (city beautification programmes, unbridled speculation in land etc).

The guidelines apply to "acts and/or omissions involving the coerced or involuntary displacement of individuals, groups and communities from homes and/or lands and common property resources that were occupied or depended upon, thus eliminating or limiting the ability of an individual, group or community to reside or work in a particular dwelling, residence or location, without the provision of, and access to, appropriate forms of legal or other protection" (emphasis added). The guidelines states furthermore that "particular attention must be paid to ensuring that indigenous peoples, minorities, the landless, women and children are represented and included in this process."

At a minimum, the guidelines require that, "regardless of the circumstances and without discrimination, evicted persons or groups, especially those who are unable to provide for themselves, need to have safe and secure access to: (a) essential food, potable drinking water and sanitation; (b) basic shelter and housing; (c) appropriate clothing; (d) essential medical services; (e) livelihood sources; (f) fodder for livestock and access to common property resources previously depended upon; and (g) education for children and childcare facilities. They also need to ensure that members of the same extended family or community are not separated as a result of evictions."

The guidelines further state that "identified relocation sites need to include: (a) security of tenure; (b) services, materials, facilities and infrastructure such as potable drinking water, energy for cooking, heating and lighting, sanitation and washing facilities, means of food storage, refuse disposal, site drainage and emergency services, and to natural and common resources, where appropriate; (c) affordable housing; (d) habitable housing providing inhabitants with adequate space, protecting them from cold, damp, heat, rain, wind or other threats to health, structural hazards, and disease vectors, and ensuring physical safety of occupants; (e) accessibility for disadvantaged groups; (f) access to employment options, health-care services, schools, childcare centres and other social facilities, whether in urban or rural areas and (g) culturally appropriate housing. In order to ensure security of the home, adequate housing should also include the following essential elements: privacy and security; participation in decision-making; freedom from violence, and access to remedies for any violations suffered."

To ensure these rights, "individuals and communities must have prior to displacement access to appropriate data, documents and intellectual resources that impact upon their rights. Having access to appropriate data means being informed about potential industrial and natural hazards, infrastructure, planning design, availability of services and natural resources and other factors that affect the rights."

Clarifications 02

An adequate standard of living – right to adequate food and right to drinking water

The ICESCR consists of the “right of everyone to an adequate standard of living for himself and his family, including adequate food and to be free from hunger.” This includes the right to water. The right to food is the right to have regular, permanent and unrestricted access, either directly or by means of financial purchases, to quantitatively and qualitatively adequate and sufficient food corresponding to the cultural traditions of the people to which the consumer belongs, and which ensure a physical and mental, individual and collective, fulfilling and dignified life free of fear. The right to water contains both freedoms and entitlements. The freedoms include the right to maintain access to existing water supplies necessary for the right to water, and the right to be free from interference, such as the right to be free from arbitrary disconnections or contamination of water supplies. By contrast, the entitlements include the right to a system of water supply and management that provides equality of opportunity for people to enjoy the right to water. In interpretation on the content of human rights provisions, the UN Committee on Economic, Social and Cultural Rights has issued the following comments, in relation to the right to adequate food and the right to water: (1) The Committee considers that the core content of the right to adequate food implies: (a) the availability of food in a quantity and quality sufficient to satisfy the dietary needs of individuals, free from adverse substances, and acceptable within a given culture. (b) The accessibility of such food in ways that are sustainable and that do not interfere with the enjoyment of other human rights. (2) While the adequacy of water required for the right to water may vary according to different conditions, the following factors apply in all circumstances: Availability, Quality and Accessibility.

Right to housing

This issue has been addressed in the principles “right to work” when housing is provided by farms. The ILO Recommendation No. 115 on Worker’s Housing contains a number of clauses that recognize the central importance of housing, and which augment other legal foundations of housing rights. Recommendation No. 115 states that: “it should be an objective of national housing policy to . . . [ensure] that adequate and decent housing accommodation and a suitable living environment are made available to all workers and their families. A degree of priority should be accorded to those whose needs are most urgent.”

The issue has also been addressed in the principle “project-related displacement”. Displaced people need to have access to basic shelter and housing.

Clarifications 03

Compensation in conformity with international law

The right to effective (judicial and other effective) remedies is guaranteed by the core human rights conventions. The particular type of remedy required in a specific situation is not always specified by the convention or the UN Committees. It is more common to see broad recognition that protection of rights requires effective access to (judicial, administrative or other) remedies.

Theo van Boven, a Special Rapporteur for the United Nations Commission on Human Rights, issued a final report in 1993 on international law remedies arising from the violation of human rights norms. He stated that: “the principal right that these victims are entitled to under international law is the right to effective remedies and just reparations.” He formulated a set of principles and guidelines that give content to the right to reparation for victims of gross violations of human rights. The forms of reparation could usefully serve for further discussion.

Clarifications 04

The law and customs of indigenous people

Indigenous peoples have a distinctive and profound spiritual and material relationship with their lands and with the air, waters, coastal sea, ice, flora, fauna and other resources. This relationship has various social, cultural, spiritual, economic and political dimensions and responsibilities. In summary, each of these examples underscores a number of elements that are unique to indigenous peoples: (i) a profound relationship exists between indigenous peoples and their lands, territories and resources; (ii) this relationship has various social, cultural, spiritual, economic and political dimensions and responsibilities; (iii) the collective dimension of this relationship is significant; and (iv) the intergenerational aspect of such a relationship is also crucial to indigenous peoples' identity, survival and cultural viability. However, one of the most widespread contemporary problems is the failure of States to recognize the existence of indigenous land use, occupancy and ownership, and the failure to accord appropriate legal status and legal rights to protect that use, occupancy or ownership.

Notes

¹ Para 3 of the Basic principles and guidelines on development-based evictions and displacement. The basic principles and guidelines can be found on the website of the Office of the United Nations Human Commissioner for Human Rights (annex of the document E/CN.4/2006/41):

<http://daccessdds.un.org/doc/UNDOC/GEN/G06/118/59/PDF/G0611859.pdf?OpenElement>.

² *Ibid*, Para 10: Adequate legal instruments are the Universal Declaration of Human Rights (article 17), the International Covenant on Economic, Social and Cultural Rights (art. 11, para. 1), the Convention on the Rights of the Child (art. 27, para. 3), the non-discrimination provisions found in article 14, paragraph 2 (h), of the Convention on the Elimination of All Forms of Discrimination against Women, and article 5 (e) of the International Convention on the Elimination of All Forms of Racial Discrimination. In addition, and consistent with the indivisibility of a human rights approach, article 17 of the International Covenant on Civil and Political Rights states that "(n)o one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence", and further that "everyone has the right to the protection of the law against such interference or attacks". Article 16, paragraph 1, of the Convention on the Rights of the Child contains a similar provision. Other references in international law include article 21 of the 1951 International Convention regarding the Status of Refugees; article 16 of International Labour Organization (ILO) Convention No. 169 concerning indigenous and tribal peoples in independent countries (1989); and article 49 of the Fourth Geneva Convention relative to the protection of civilian persons in time of war of 12 August 1949.

³ Para 4 of the Basic principles and guidelines on development-based evictions and displacement.

⁴ Para 56(h) of the Basic principles and guidelines on development-based evictions and displacement.

⁵ The term "discrimination" is not further explained and In General Comment 7, the Un Committee states that the non-discrimination provisions in articles 2.2 and 3 "impose an additional obligation upon Governments to ensure that, where evictions do occur, appropriate measures are taken to ensure that no form of discrimination is involved." General Comment 7 (General Comments), The right to adequate housing (Art.11.1): forced evictions : . 20/05/97. The right to adequate housing (art. 11.1 of the Covenant): forced evictions.

⁶ Adequate housing must be in a place that enables access to employment, primary health-care, education and other social services and civic amenities. Housing configuration, spatial design and site/community organization should be determined locally and in harmony with a community's cultural preferences and attributes.

⁷ Para 52 of the Basic principles and guidelines on development-based evictions and displacement.

⁸ *Ibid*, Para 55.

⁹ *Ibid*, Para 32 and 33.

¹⁰ Definition by the Special Rapporteur on the right to food. See <http://www.ohchr.org/english/issues/food/index.htm>. This definition is in line with the core elements of the right to food as defined by General Comment No. 12 of the United Nations Committee on Economic, Social and Cultural Rights. The Committee declared that " the right to adequate food is realized when every man, woman and child, alone or in community with others, has physical and economic access at all times to adequate food or means for its procurement. The right to adequate food shall therefore not be interpreted in a narrow or restrictive sense which equates it with a minimum package of calories, proteins and other specific nutrients. The right to adequate food will have to be realized progressively. However, States have a core obligation to take the necessary action to mitigate and alleviate hunger even in times of natural or other disasters.

¹¹ Article 2 of the R115 Workers' Housing Recommendation, 1961.

¹² The following international human rights instruments precise the human rights obligations: Article 12, paragraph 2 (a), (c) and (d) of the International Covenant on Economic, Social and Cultural Rights, Article 24, paragraph 2 (a), (d) and (f) of the Convention on the Rights of the Child, , Article 5 (e) (iv) of the International Convention on the Elimination of All Forms of Racial Discrimination, and Article 12 of the Convention on the Elimination of All Forms of Discrimination Against Women.

¹³ Report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, Paul Hunt: E/CN.4/2006/48, para 4.

¹⁴ *Ibid*, para 25.

¹⁵ This includes adequate numbers of mental health-related facilities and support services and adequate numbers of medical and other professionals trained to provide these services.

¹⁶ Accessibility means: accessible physically, geographically and economically, accessible without discrimination on any of the prohibited grounds and accessibility of information.

¹⁷ For example, mental health care and support services for indigenous peoples must be respectful of their cultures and traditions.

¹⁸ Health-care facilities, goods and services must be of good quality, including scientifically and medically appropriate. This requires, inter alia, skilled medical and other personnel, evidence-based psychosocial interventions, scientifically approved and unexpired drugs, appropriate hospital equipment, safe and potable water, and adequate sanitation.

¹⁹ The right to remedies is explicitly provided in article 6 of the ICERD, article 2.1 of ICESCR, article 14 of CAT, article 2.3 of ICCPR and article 83 of ICRMW. The right to remedies is implicitly provided in the other core human rights conventions: See CEDAW, General Recommendation 19, supra note 23 at para 24(t), and ICRC, General Comment 5, supra note 21 at para 24. See also article 8 of the Universal Declaration of Human Rights. It states that every individual is entitled to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

²⁰ Study concerning the right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms. E/CN.4/Sub.2/1993/8 of 2 July 1993, para 45.

²¹ He defines gross violations of human rights and fundamental freedoms as - at least - the following: genocide; slavery and slavery-like practices; summary or arbitrary executions; torture and cruel, inhuman or degrading treatment or punishment; enforced disappearance; arbitrary and prolonged detention; deportation or forcible transfer of population; and systematic discrimination, in particular based on race or gender.

²² Prevention of Discrimination and Protection of Indigenous Peoples and Minorities, Indigenous peoples and their relationship to land, Final working paper prepared by the Special Rapporteur, Mrs. Erica-Irene A. Daes, E/CN.4/Sub.2/2001/21, 11 June 2001 at para 121.

²³ *Ibid*, at para 20.

²⁴ *Ibid*, at para 124.