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Human Rights Toolbox on Agency Workers & Service Providers

A guide designed to help companies in their exercise of Human Rights Due Diligence in the contracting of agency workers and service providers



Business
for **Inclusive**
Growth

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Purpose

Since 2011, the UN Guiding Principles on Business and Human Rights¹ and the OECD Guidelines for MNEs, have been and continue to stand as the key references for due diligence requirements and guidelines. Over the years, multiple legislative developments and voluntary standards have emerged, setting Human Rights Due Diligence as a core priority. Yet several UN², OECD³ and EU surveys and reports⁴ indicate that **despite notable progress, implementation levels remain relatively low in the case of human rights due diligence (HRDD), and more specifically within supply chains.**

According to these studies, most companies tend to depend on compliance-based methods, audits, to manage human rights concerns, regardless of the limitations of these approaches. This implies outsourcing the management of risk to auditors, suppliers, consultancies, and other external entities to inform them on actions and necessary steps to take, naturally weakening responsibility for potential risks.

Thus, for all companies engaged in ensuring respect for human rights in their own operations and supply chain, **implementing efficient human rights due diligence procedures** is an essential requirement for progress. There **is a strong need to translate corporate commitments on human rights, into actions and go beyond “tick the box” approaches to human rights.**

The questions of **capacity-building, developing tools and allocating and pooling resources** to implement effective human rights due diligence is now central for companies. There is a necessity to individually and collectively implement innovative and tailored tools to ensure respect for human rights.

In line with the B4IG pledge on Inclusive Growth, to advance human rights in direct operations and supply chains by working to combat child labour and forced labour and respect freedom of association, **this toolbox intends to help companies analyse, improve and engage on human rights risks and impacts appropriate to their size, the nature and context of operations.**

Informed by fundamental guidance developed by international institutions, this toolbox **presents a compilation of learnings and tools for businesses to effectively address human rights concerns or work deficits within their global and domestic operations and supply chains** – specifically addressing agency workers and service providers in a sensitive manner.

In essence, the toolbox is composed of diverse tools shared by B4IG member companies within Working Group I on Human Rights. The document stands as a continuous work in progress that will be complemented by additional tools, practices and examples, as relevant.

1. United National Human Rights, *Guiding Principles on Business and Human Rights*, Office of the High Commissioner, 2011

2. UN Working Group on the issue of human rights and transnational corporations and other business enterprises, *Corporate human rights due diligence – emerging practices, challenges and ways forward*, A/73/163, 2018

3. OECD/FAO, *OECD-FAO Pilot project on the implementation of the OECD-FAO Guidance for Responsible Agricultural Supply Chains : Final Report*, OECD Publishing, Paris, 2019

4. European Commission, *Study on Due Diligence Requirements Through The Supply Chain*, Final Report, 2020

Target Groups

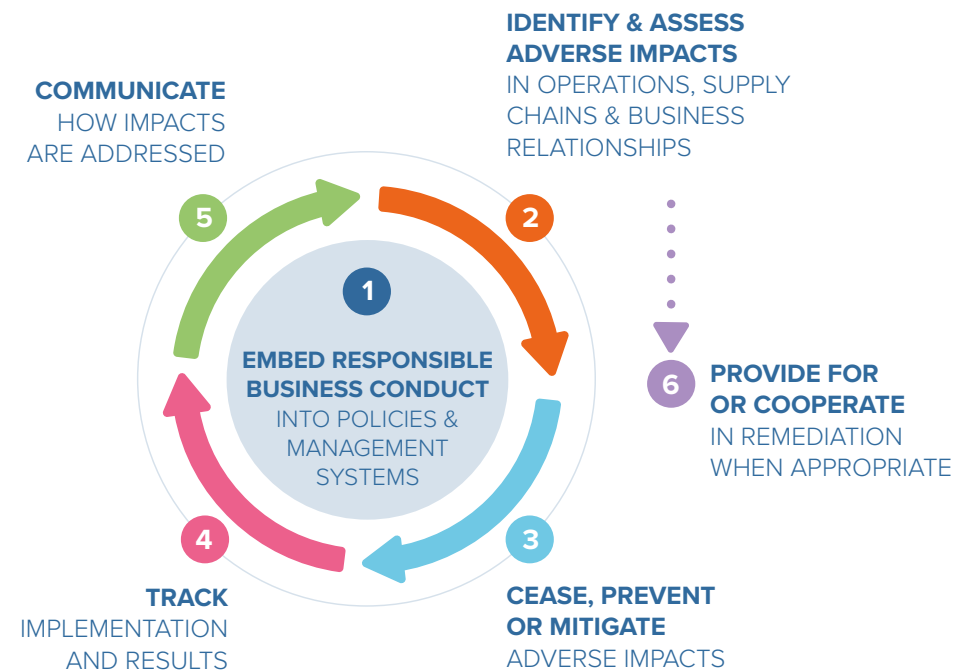
The target audience for this toolbox are **human rights and development practitioners** within Corporate Social Responsibility teams, Human Resources teams, Ethics departments and any other relevant branch(es) managing due diligence implementation procedures of companies. It can be useful for beginners and advanced practitioners to identify new tools and methods to create effective change within the organization and its ecosystem. It is also of relevance to other parties working on due diligence activities.

Approach

The B4IG approach is based on the **OECD Due Diligence Guidance for Responsible Business Conduct**. The guide provides an overview of due diligence actions, key principles, and notions for companies to comprehend. Each OECD due diligence step is presented with an explanation and complemented by illustrative tools from member companies of B4IG.

Throughout the due diligence process, the B4IG approach, as ingrained in the OECD MNE Guidelines and Due diligence for RBC documents, emphasizes the need for steps to be informed by **meaningful engagement with relevant stakeholders (workers, their representatives and local communities, among others) in good faith**, taking into account their views in relation to planning and decision making.

OECD Due Diligence Procedure



Source: OECD Due Diligence Guidance for Responsible Business Conduct

5. OECD, *OECD Due Diligence Guidance for Responsible Business Conduct*, 2018
6. Ibid.



Due Diligence Step 1: Embedding responsible Human Rights conduct into policies & management

For many business sectors and corporate activities, policies and commitments on human rights matters are already in existence. In order to carry out the first step of establishing a concrete framework and activity- plan for due diligence implementation within their own operations, supply chains, and business relationships, companies may either build upon existing work and/or adopt new ones, according to the requirements.

This entails:

- a. Reviewing and updating policies on Human Rights issues to align with universal principles and standards.
- b. Developing specific policies as appropriate to size, nature and context of operations and the severity risks, to communicate them to relevant employees and workers, with updates as risks emerge and evolve through further engagement.
- c. Assigning responsibility for due diligence at board-level, to relevant senior management, and for implementing aspects of the policies across relevant departments, to employees.
- d. Incorporating human rights expectations and policies into engagement with suppliers and other business relationships.
- e. Communicating key aspects of the Human rights policies to suppliers and other relevant business operations; including conditions and expectations on issues in supplier or business relationship contracts or other forms of written agreements.
- f. Developing and implementing pre-qualification processes and contractual provisions before executing contracts with suppliers, subcontractors and other business relations.
- g. Providing adequate resources and training to suppliers and other business relationships for them to understand and apply relevant human rights policies and implement due diligence.

Due Diligence Step 2: Identification & assessment of harmful impacts in operations, supply chains, and business relationships

Scoping relevant areas of the business across company operations and relationships, more specifically supply chains through in-depth assessments and prioritization of actual and potential adverse impacts, will provide companies the necessary support to comprehend risks in the early stages.

In this procedure, companies must overcome common challenges that they frequently encounter:

- **Misconstruction of risk:** Companies' motivations to respect human rights are driven by perceived risks to the business, rather than risks to the rights holders. This is in part due to a reluctance from traditionally oriented legal counsel and a company culture oriented towards managing risks to the business. As a result, risks may be assessed based on materiality of the risks to the company, rather than the severity of the risks to those affected.

- **Lack of meaningful stakeholder engagement** when carrying out human rights impact assessments, which is instead done as a “tick the box” exercise.
- Due to the complex, dynamic and non-transparent nature of global supply chains, **traceability or supply chain mapping** beyond tier 1 can be a challenge.

To efficiently identify and assess harmful impacts, this entails:

- a. Mapping risks, based on company size, nature and context of operations for business relationships beyond contractual obligations.
- b. Assessing nature & extent of impact linked to business relationships and activities not in line with existing frameworks regarding actual and potential adverse impacts to determine appropriate responses.
- c. Prioritizing actions based on severity and probability of threat.
- d. Companies are advised to reference the **UNGP reporting framework**⁷, which provides implementation and assurance guidance, more specifically focusing on how to assess severity (scale, scope, remediation) and probability (nature of business relationship, of operating context and of business activity) in alignment with UN standards.

An assessment tool that may be of support for companies embarking on this step is **VINCI's Human rights performance management (tool 1) which reviews practices in the use of temporary workers and temporary work agencies** to verify that they are in line with expectations defined in VINCI's Guide on Human Rights.

7. United Nations in Association with Shift & Mazars, [UN Guiding Principles Reporting Framework](#), 2015



Tool 1: VINCI's Human rights performance management tool



How does Managing Human Rights work?

This tool is based on the five key areas and 17 issues listed in VINCI's Human Rights Guidelines. For each issue, the tool presents a series of questions and guided responses that reflect the breadth of possible responses to the issue considered (from level 1: no practice; to level 4: best practices).

People responsible for using the tool are expected to respond openly and transparently to all questions. Each question is answered by choosing one of the four options presented in the drop-down list. Please bear in mind that this is a collective process of continuous improvement and that all companies will identify areas of risk relating to the people impacted by their activities and for the company itself. Management of the risks identified will need specific action and vigilance.

Below is an extract of the tool focusing on Temporary workers and Temporary Work agencies.

4. Human Rights Practices in the Value Chain

4.1 Temporary workers

The use of temporary workers allows companies to replace absent employees or respond rapidly to increased demand over a short duration. Temporary workers are more vulnerable to discrimination and other forms of labour violations because of the precarious nature of their employment relationship. This section assesses the level of organization and knowledge of the company on key aspects of the recruitment and working conditions of the temporary workers it mobilises.

4.1.1 Policy, organisation and responsibilities with regards to temporary work

4.1.1.1	The company has a policy in place with regards to the use of temporary work agencies (spending objectives, ratio of permanent direct workforce vs. temporary, framework contracts, strategy to train direct workers, etc.)	1 - No	0%
		2 - Yes, there are informal rules	30%
		3 - Yes, there is a formal policy	70%
		4 - Yes, all of the above and the policy is further explained in the company's rules and processes to ensure its application	100%
4.1.1.2	Please indicate the ratio of temporary workers vs. direct workers in the company's manpower (subcontracting is not included).	1 - There are no direct workers and all workers are employed by temporary work agencies	0%
		2 - It varies but the vast majority of workers are generally employed by temporary work agencies (more than 60%)	30%
		3 - It varies but the ratio is around 50 - 50% at the peak of activities	70%
		4 - The large majority of workers are directly employed (more than 70%) vs less than 30% temporary workers.	100%
4.1.1.3	The company has a policy of social risk management and system to prevent illegal work among temporary workers (undeclared employment, illegal supply of workers, employment of a foreign person who is not in possession of a work permit, illegal multiple jobholding...).	1 - No	0%
		2 - Yes, an informal one	30%
		3 - Yes, the company has a formal policy	70%
		4 - Yes, all of the above and the policy is further explained in the company's rules and processes to ensure its application	100%
4.1.1.4	The topic is covered by the executive committee or top management; there is dedicated staff, training, internal communication and workers are evaluated on the implementation of these policies.	1 - No	0%
		2 - Yes, but on a minority of aspects	30%
		3 - Yes, the majority of aspects	70%
		4 - Yes, all aspects	100%

4.1.2 Regular employment, working and living conditions of temporary workers

4.1.2.1	All temporary workers are in possession of a contract signed by them and their employer. In the case of migrant workers, their presence in the country is regular (valid residency and work permits).	1 – No / Not aware	0%
		2 – At least some of them	30%
		3 – Most of them	70%
		4 – Yes, everyone	100%
4.1.2.2	Temporary work agencies guarantee workers have a clear understanding of their employment conditions prior to their first day of work	1 – No / In an informal way / Not aware	0%
		2 – Yes, a contract is signed with some succinct elements. It is written in the official language of the country in question	30%
		3 – Yes, a detailed contract is signed and a copy is necessarily given to workers	70%
		4 – Yes, the above and adequate explanation is given to workers who may need it (low-literacy, foreign or migrant workers)	100%
4.1.2.3	The temporary workers do not pay recruitment fees (especially in the case of migrant workers)	N/A – Not applicable (justify)	N/A
		1 – No / Not aware / Temporary work agencies charge fees to the workers	0%
		2 – Temporary work agencies do not charge fees, but it is a common practice for workers to pay at some point in the process to secure their job	30%
		3 – Agencies have a clear policy that workers should not pay fees and communicate this rule widely to workers and candidates	70%
		4 – Yes, the above and agencies have a process in place to monitor the application of this policy, including with their sub-agents where appropriate	100%
4.1.2.4	Temporary work agencies respect the local regulations with regards to salary payment, legal minimum wage and payment of overtime	1 – No / Not aware / There are numerous issues around salary payments (example: no payment/late payments of several months, salary under the minimum wage)	0%
		2 – Yes in principle but there are recurring issues related to the settlement of salary and/or overtime (e.g., late payments, part-time payment of overtime)	30%
4.1.2.5	Temporary work agencies pay their compulsory social security contributions providing access for workers to the existing social protection system.	3 – Salary and overtime are paid according to applicable law and rules.	70%
		4 – Yes, the above at fixed deadline and means of recourse are available to workers in case of dispute and are dealt with.	100%
		N/A – Not applicable (justify)	N/A
		1 – No / Not aware	0%
		2 – In principle yes, but there are many problems with the payment of social security contributions	30%
4.1.2.6	Temporary workers have the same working hours and rest as the direct workers.	3 – Yes, compulsory social security contributions are paid in accordance with the number of hours worked and the level of the workers' pay. Workers can access and verify information easily	70%
		4 – Yes, and additional benefits are provided by the employer (e.g., seniority allowances, extended sick leave or social benefits, supplemental health insurance...)	100%
		1 – No / Not aware	0%
		2 – Yes in principle, but it is rarely applied	30%
		3 – Yes, the policy on working hours is the same for all but its application can sometimes vary	70%
		4 – Yes, in every case	100%

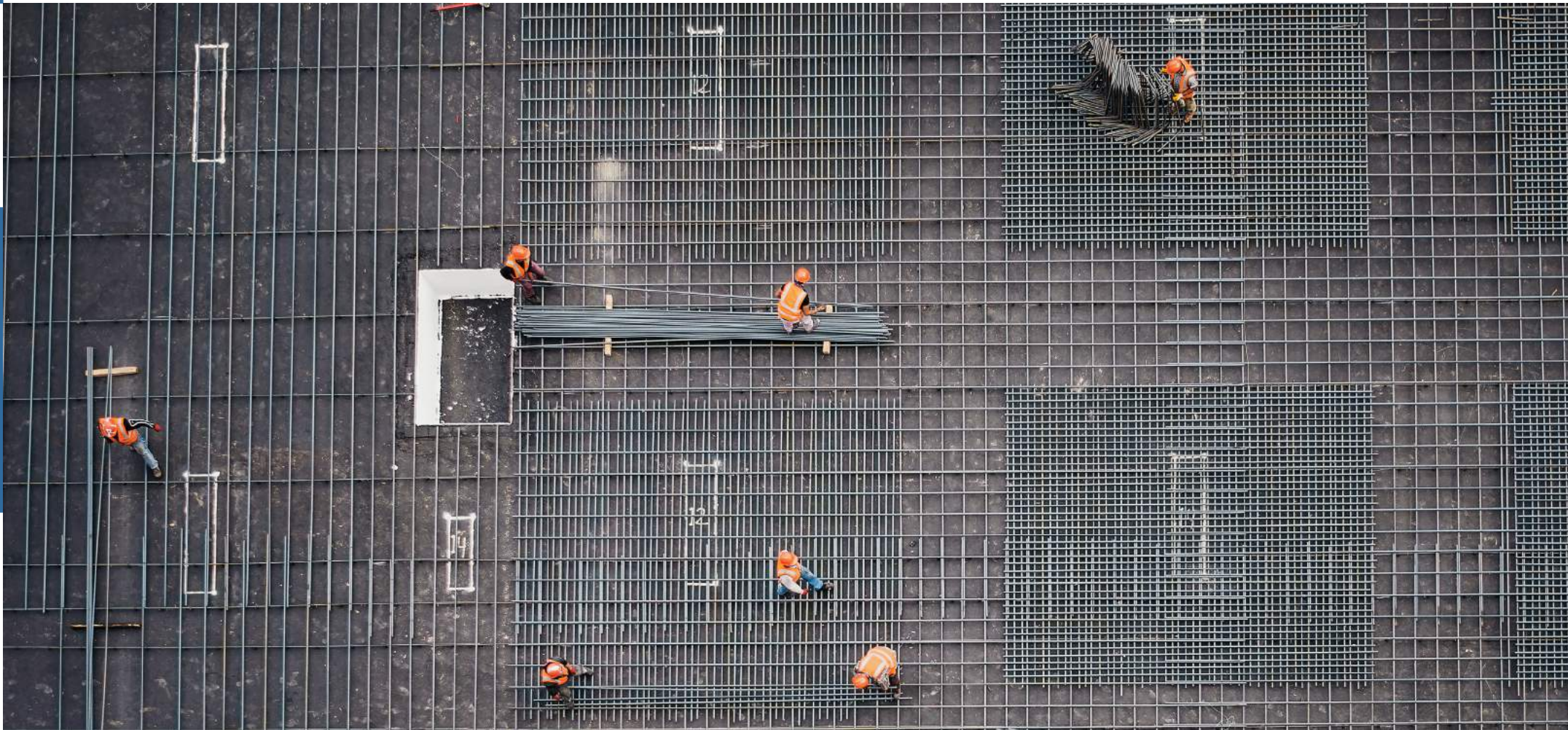
4.1.2.7	Temporary workers benefit from the same working conditions than the direct staff with regards to health & safety: free PPE, appropriate training, access to first aid and medical staff, remediation in the case of incidents or fatality, channels to raise safety or health concerns.	1 - No / Not aware	0%
		2 - Temporary workers have PPE and basic training but are not part of the company's health & safety management policy	30%
		3 - Working conditions and health-safety rules are the same in principle	70%
		4 - No difference is made between direct and manpower providers' workers and they are integrated into every aspect of the health & safety management policy	100%
4.1.2.8	Temporary workers have access to safe and decent accommodation, transport and living facilities.	N/A - Not applicable	N/A
		1 - No / Not aware / Temporary work agencies do not deal or check temporary workers' living conditions	0%
		2 - Temporary work agencies have minimum rules, but no checks are made (and/or rules/conditions are unsatisfactory)	30%
		3 - Temporary work agencies have rules in terms of accommodation to ensure minimum conditions of safety and decency for their workers	70%
4.1.2.9	Temporary employment agencies comply with the law and VINCI's Guide on Human Rights regarding the employment of underage workers (no employment under 15 years and no hazardous work environment and tasks under 18 years)	4 - The rules of the agencies are safe and decent, their application is monitored and means are available to workers to make any reports or make any complaints	100%
		N/A - Not applicable	N/A
		1 - No / Not aware/The law is less demanding than the VINCI's guidelines	0%
		2 - Agencies are in line with the law and VINCI's guidelines but no verification is performed	30%
		3 - Yes, clear rules are aligned with VINCI's guidelines, and they are strictly controlled	70%
		4 - Yes, the above and the employment of underage between 15 and 18 is subject to specific work conditions and monitoring (adapted working hours, organization of work, type of work, equipment, training...)	100%

4.3.1 Selection

4.3.1.1	The company identifies which purchasing categories are the most at risk, and if so, identifies specific measures to prevent these risks (referencing process, etc.)	1 - No	0%
		2 - In an informal way. Some families are known to be more at risk, but the company has not really put in place formal due diligence measures	30%
		3 - Yes, some families are known to be at higher risk and the company has put in place enhanced vigilance measures	70%
		4 - Yes, an exhaustive mapping has been completed with an associated action plan	100%
4.3.1.2	In general, when selecting a service provider, the company includes minimum social requirements in its specification and/or evaluates the service provider on its social performance, for example through an extra-financial questionnaire (e.g., work contracts, compliance with social minima (contributions, wages), health and safety rules, prohibition of illegal work in all its forms, respect for working time, prohibition of the work of minors under 15, prohibition of recruitment fees, etc.)	1 - Never	0%
		2 - Sometimes (or only via a reminder to general non-binding requirements)	30%
		3 - Often or through a binding commitment	70%
		4 - Systematically	100%

4.3.3 Follow-up during contract phase and evaluation at the end of the contract

4.3.3.1	There are control measures in place during the contract phase: document checks, controls at site entrance, site visits, spot-checks, internal audits, third-party audits, surveys or specific studies.	1 – No	0%
		2 – Yes just a desk review / self-assessment	30%
		3 – Yes through on-site visits and audits	70%
		4 – Yes all the above and the company also monitors the workers' complaints through appropriate channels	100%
4.3.3.2	Depending on the results and in cases of non-compliance, graduated measures are planned in the contract and implemented.	1 – No	0%
		2 – Yes but not or hardly applied	30%
		3 – Yes, non-compliance might trigger action as planned in the contract	70%
		4 – Yes and, excluding serious non-compliance, a dialogue is initiated with the service provider, supporting it in the establishment and implementation of a progress plan	100%
4.3.3.3	The company pays their subcontractors on time and to enable them to fulfill their duties (perform their activities and pay their employees' salary).	1- Not always	0%
		2- Always	100%
4.3.3.4	At the end of the service, the company evaluates the social performance of the service providers and integrates this evaluation into its management system to inform its future choices · <i>Positive incentives: inclusion of the service provider in the reference list, framework contract, increase in the volume of orders, renewal of the contract, partnership, etc.</i> · <i>Sanctions: removal from the reference list, gradual reduction in service orders or contracts, formal notice, blacklist, termination of the contract, etc.</i>	1 – No	0%
		2 – Sometimes	30%
		3 – Regularly	70%
		4 – Systematically	100%
4.3.3.5	The company ensures that the first-tier subcontractors are responsible for social requirements and the respect of human rights principles among its lower tier sub-contractors and lower tier manpower providers.	1 – No	0%
		2 – The company puts this obligation into its contracts with subcontractors	30%
		3 – Yes, all of the above and the company actively communicates among its subcontractors of this requirement and examines and controls the process put in place by its subcontractors	70%
		4 – A validation process is in place whereby the subcontractor cannot sub-subcontract or bring outsourced agency workers without the company's approval and controls/verifications are made in regards to labour and human rights issues	100%
4.3.3.6	The company ensures that temporary and subcontractor workers have the means to report grievances on key aspects of recruitment, living and working conditions	1 – No	0%
		2 – Yes, workers have, at least, someone to contact within their company and may raise concerns without fear of retaliation	30%
		3 – Yes, the grievance mechanism of temporary agencies and subcontractors is fair and transparent with timely feedback to those concerned	70%
		4 – Yes, the above, and the workers are informed on how to reach the grievance mechanism of the VINCI company. Workers, in particular the most vulnerable, are granted with an easy access (e.g., if relevant, multiple language...)	100%



Due Diligence Step 3: Ceasing, preventing, or mitigating harmful human rights impacts

By designing and implementing measures to prevent, mitigate and minimize negative impacts, businesses should cease activities that are causing or may potentially contribute to detrimental impacts.

In the process, companies need to prevent common challenges that they tend to fall subject to:

- **Failure to address the most significant risks to human rights first,** focusing on risks that are relatively easy to address or that have gained traction. Two important factors are misconstruction of risk, and many companies' changes to policies and practices happening as a result from external pressure on specific issues, which may lead to adoption of a narrow focus for risk prioritization.

- **Gap between corporate policies and subsidiary-level implementation:** concerning disconnect between HRDD corporate commitments and their translation on the ground. One issue in this regard is that companies tend to prioritize general human rights training, without tailoring training to specific local contexts and/or functions.

- **Poor enforcement of contractual obligations:** contractual provisions are one of the most used tools to implement due diligence, yet they

are not necessarily being monitored or implemented, and in any case, only available when there is a direct contractual relation (e.g. first tier suppliers).

- When companies are operating across different categories and along complex supply chains, challenge identifying **which risk mitigation measures may be appropriate for a particular context or issue.**

To efficiently cease, prevent and mitigate, measures that companies may take are as follows:

- a. Assigning relevant responsibility for ensuring that activities that cause or contribute to adverse impacts cease.
- b. Creating roadmap for how to stop those activities linked to the company's operations, products, or services by business relationships.
- c. Update company guidance and provide training that is fit-for-purpose for relevant workers & management.
- d. Developing and implementing plans in accordance with priorities of the company.

Three prevention tools, notably commitment letters, tendering, and contracting as well as training may be of support for companies embarking on this step of Due Diligence. The following tools from **L'Oréal, Sodexo and VINCI** may be of support for companies embarking on this step.

Tool 2:

L'Oréal's Commitment Letters



> Mutual Ethical Commitment letter

Dear Supplier,

In accordance with our code of [Ethics](#) (*link to company's program if it exists/ create code of Ethics*) and as a supporter of the United [Nations Global Compact](#), */insert company name/* actively seeks out and favours business partners who share our ethical standards with regards to human rights, working conditions, environmental stewardship and business integrity. We are committed to supporting business partners in meeting these standards whilst having the courage, if necessary, to end relationships with those who are unwilling to meet them.

We do realise that ensuring high ethical standards within your supply chain can be challenging. We do not ask from you what we are not willing to do ourselves and we are willing to support you in reaching such standards if this is not yet the case. The ethical standards described below are the same as those applied in our own entities throughout the world.

1. In order for us to work together, please confirm the following:

Respect of Local Laws

- Your company takes necessary measures to ensure it conducts its activities in compliance with all laws and regulations applicable to its operations and to remain abreast of recent and ongoing legal developments.
- If such laws and regulations require a higher standard than those set out in the present letter, they will apply. If the ethical standards set out in this letter provide for a higher standard, then they shall supersede local laws and regulations, unless this results in illegal activity in the countries in which you operate.



Prevention of Child Labour

- Your company's policy prohibits employing workers under the legal minimum hiring age, the compulsory schooling age or the age of 16, whichever is higher, and you have taken necessary measures to ensure this policy is respected including, for example, mandatory age checks upon hiring. If your company's policy allows for the employment of persons under this age, please let us know so we can review this together. You may be eligible for a waiver for apprenticeships or for children carrying out light work if this work does not affect their health and safety or their regular attendance at school.
- Your company does not require persons under the age of 18 to carry out hazardous work or night work.
- In the unlikely case that child labour is identified within your operations despite the measures you have taken to avoid this, your company would take immediate remedial action (e.g., enable the employee to return to school and if possible offer the same job to an adult family member if the return to school causes the employee's family financial hardship).

Prevention of Forced/Bonded Labour (Including Modern Slavery)

- Your company does not coerce or compel employees to work by the use of threat of force
- Your company does not retain employees' passports. Unless legally obliged, your company does not retain employees' personal documents (working papers etc...).
- Your company acknowledges the right of employees to freely leave employment, subject to their notice period. If letters of release or other documents are needed for the employee to leave employment, such letters are issued without delay.
- Your company does not require payment or any monetary deposits from employees as a condition of employment.
- Your company bears the cost of employment eligibility fees, including recruitment fees, and any required work visas, for all employees, including migrant workers.



- If your company uses security personnel, their only responsibility is to ensure the safety of employees and assets and they are namely not involved in disciplining employees. We encourage you to carry out background checks of security personnel to ensure they have not been involved in human rights violations and to ensure they are trained on the proper use of force.
- Employees are free to move about their workplace (except in areas restricted for safety or confidentiality reasons), are able to use the toilet at any time, can take breaks, and have access to safe drinking water and, if necessary, to cooling areas.
- If your company has recourse directly or indirectly to prison labour, you will let us know so we can review this together. In principle, we are not opposed to prison labour, so long as the prisoners carry out such work voluntarily, that they receive compensation, and it is part of an official rehabilitation program.

Health & Safety

- Your company provides employees, including contracted workers working in your premises with a clean, safe, and healthy workplace and takes all necessary steps to prevent accidents and injury. This includes having systems to detect, avoid and respond to potential risks to the safety and health of all persons present in your premises and the surrounding communities due to the following events and risks, as relevant given your activity and location:
 - + Risks related to buildings and the use of equipment including the solidity of buildings, use of Motorized Forked Machines (MFM) and AGV (Automatic Guided Vehicles) and injuries that can be caused by the interface between employees and machines
 - + Risks related to energy sources, materials and raw materials including exposure to sources of energy, fluids, and dangerous emissions such as electricity, pressure, fluids, steam, hot water, high temperature, fires resulting from flammable products and materials or electrical installations, exposure of people to dusts and dangerous chemicals by inhalation, ingestion or skin contact and exposure of people to a high noise level
 - + Risks related to people's activity including entry into confined spaces and / or risks of anoxia, isolation, slips and falls, ergonomics of workstations, construction work and work at height.



- Your company ensures that your employees and contracted workers are informed of and understand emergency evacuation procedures that safe evacuation routes are accessible, that first aid kits are available in all workplaces and that sufficient first aiders are trained in emergency procedures.
- Where relevant, your company puts in place special health and safety precautions for new, expectant, and nursing mothers, employees with disabilities, employees working at night, young employees namely aged between 16 and 18 and other vulnerable groups
- If accommodation and catering facilities are provided for your employees, they are clean, well-lit, healthy, and safe, with access to safe drinking water, changing rooms, food storage, and clean toilet facilities.

Non-Discrimination

- Your company prohibits and takes necessary measures to avoid any discrimination in hiring, remuneration, access to training, promotion, termination or retirement based on skin colour, gender, disability, family situation, gender identity, sexual orientation, age, political or philosophical opinions, religion, union membership, role as a staff representative, or ethnic, social, cultural or national origin (e.g., indigenous people).
- Your company does not carry out any pre-hire pregnancy or HIV tests that are not legally mandatory.



Freedom of Association and Collective Bargaining

- Your company respects employees' freedom of association and right to collective bargaining. In situations or countries where independent trade unions are discouraged or restricted, your company allows employees, if they so wish, to gather independently to discuss work-related problems and/or to voice grievances.
- If employees wish to be represented by authorised staff representatives, such staff representatives are elected without company interference.
- Subject to the company's legitimate confidentiality interests and safety rules, your company allows such staff representatives access to the workplace, employees, collective bargaining agreements as well as to relevant company documentation as needed to fulfil their duties.

Working Conditions

- Your company has put in place and communicated to employees' fair, reasonable and legal disciplinary practices.
- Your company prohibits and takes necessary measures to avoid sexual, verbal, physical and psychological harassment.
- Your company pays employees at least the minimum wage required by local law, compensates employees at overtime hourly rates greater than regular hourly rates when legally applicable, and provides them with legally mandated benefits, including holidays and leave, and severance when employment ends.
- Given that excessive working hours can lead to accidents and other health and safety issues, your company's normal workweek, for employees whose working time is subject to monitoring, is limited to 48 hours (or fewer if provided by national law, collective agreement, or industry standards). Overtime does not exceed the level set by local law and in any case 12 hours per week or 36 hours per month. Employees are allowed at least 24 consecutive hours rest in every seven-day period or 48 consecutive hours of rest in every fourteen-day period.
- Employees are informed of their terms of working, preferably through a contract written in a language they understand.
- Your company does not allow pay deductions or other financial sanctions not allowed by law and avoids deductions for disciplinary reasons.



Environmental Stewardship

- Your company has put into place systems to avoid accidental pollution of the air, soil, surface and underground water in the production and storage processes, including wastewater, as well as pollution during the transport of hazardous materials.
- Your company ensures that they make employees aware of how to behave in case of an environmental incident.

Animal welfare

- Your company does not use any raw materials derived from protected animals or plant species.
- If your company uses products or raw materials derived or obtained from animals, you seek to ensure that the well-being of the animals in question is maintained across your supply chain
- Your company does not use products or raw materials involving animal testing if another scientifically satisfactory method of obtaining the result sought, not entailing the use of an animal, is reasonably and practically available.



Business Integrity

- Your company complies with all applicable laws relating to anti-trust, data privacy and international economic sanctions (embargos...).
- Your company prohibits and takes necessary measures to avoid any bribery or corruption when dealing with public officials or individuals in the private sector.
- Your company does not permit employees to engage in any activities that could serve the purpose of money laundering or embezzlement.
- Your company prohibits giving undue advantages such as a position within your Company to any government officials or their family members, or to any of the company's employees, officers, directors, agents or their family members as "kick-backs".
- Monetary gifts (cash or gift cards) of any amount are forbidden. */Insert company name/* cannot accept any gifts/entertainment during bidding periods. Before offering gifts/entertainment to a */Insert company name/* officer, director, employee or agent, your company will consult its */Insert company name/* contact discuss the conditions of such offer in line with */Insert company name/* Gift and Entertainment policy and will not offer gifts/entertainment exceeding such amount.

- Your company will promptly disclose to */Insert company name/* any situation of which it has knowledge that could be considered as a real or perceived conflict of interest in the provision of services to */Insert company name/*, including any relationship between officers, directors, employees, agents and/or subcontractors of your Company and officers, directors and/or employees of */Insert company name/* who may influence the business relationship between your Company and */Insert company name/*.

Supply Chain

- Your company takes necessary measures to select and work with suppliers and sub-contractors who also respect our shared ethical standards.





2. We exercise reasonable due diligence to ensure that the business partners we work with share and respect our ethical standards

Audits

If your company provides any of the products and/or services (listed according to company), we will need to carry out an audit of your facilities before we begin working together.

We will pay for this initial Audit and you will receive the audit findings. Further information on mandatory Audit process to be shared according to company.

In a spirit of transparency, the full Audit questionnaire can be shared with the respective party.

Equivalence System

If you are subject to an initial Audit or if your previous */Company name/* Audit was rated 'Satisfactory' or 'Need Continuous Improvement', you may be eligible to benefit from our Equivalence System.

The Equivalence System is available for companies that have been audited by an external third party accredited by SAAS, according to the BSCI, SMETA or SA8000 standard in the past 12 months.

Your eligibility is subject to your company sharing your full audit results with */Company name/*.



Responding to allegations

In case you discover any issues with regards to the compliance with our shared ethical standards in the course of our commercial relationships that could negatively impact your or our reputation as an ethical company you will inform us as rapidly as possible.

We will also inform you promptly should we discover any issues or be informed of any allegations with regards to our shared ethical standards within your own operations or your supply chain that could negatively impact your or our reputation as an ethical company.

In such case, you undertake to respond promptly and transparently to any requests we may have for information with regards such allegations.

We may also ask you to allow us to organise an on-site audit. We will inform you within a reasonable time frame, and you will be fully associated to the audit process.

We will pay for this Ad Hoc audit and you will receive the audit finding.

3. You are also entitled to have high expectations of */Company name/*

We are proud of our reputation for dealing with suppliers in a mutually supportive and open manner. Our supplier relationships are based on our 4 Ethical Principles - Integrity, Respect, Courage and Transparency.

All */company name/* employees receive a personal copy of */ insert code of ethics/* and all employees in contact with suppliers also receive a detailed guidebook (if available) on how to live up to these commitments.

In particular, */insert company name/* suppliers are selected based on our global scorecard that includes quality, CSR, innovation, supply chain and competitiveness. All supplier offers are compared fairly and without favouritism. We are transparent about our bidding process and give honest, sensitive feedback to failed bids based on objective elements and respecting the confidentiality of the offers we receive.

The legitimate invoices of our Suppliers shall be paid in accordance with the agreed terms. The respect of these terms implies that our suppliers send their invoices in a timely manner and if possible electronically.

We protect our suppliers' confidential information according to the same standards that we use for our own.



If you feel that we are not living up to our own high ethical standards, we encourage you to raise any concerns you may have. We offer you a choice of different avenues to raise your concerns. Your */insert company name/* contact is, of course, one option but if you consider it more appropriate, you can raise your concern with the Group Chief Direct Purchasing Officer, Name (email) or the Group Chief Indirect Purchasing Officer, Name (email). Ultimately, you can make a whistleblowing report to Company's Chief Ethics Officer. We are committed to responding in a timely and professional manner. No supplier will suffer retaliation from a */insert company name/* employee for having made a Speak Up report or participated in its handling.

We are looking forward to a successful and mutually rewarding relationship.

Yours Sincerely

> *Temporary Work Agency Letter Template*¹¹

Dear [...¹²],

At /company name/ , we wish employment to be freely chosen. We therefore will not tolerate slavery, human trafficking, forced labour in our operations. We also wish to help end the use of child labour.

/company name/ actively seeks out and favours business partners who share its ethical commitments with regards business practices.

The purpose of this letter is to inform you of /company name/ expectations.

In particular, we expect XYZ¹³ to take necessary measures to ensure that any of its employees, agents, subcontractors or suppliers involved in the provision of services to /company name/ are made aware of such expectations and take necessary measures to ensure they are respected.

We would be grateful if you could return a signed copy of this letter for our files.



11. Please review this template with your local legal counsel before use and adapt it to be coherent with existing contract with the Temporary Work Agency

12. Name of contact at Temporary Work Agency

13. Name of Temporary Work Agency

1. Respect of human rights

XYZ will support /company name/ in helping to end the exploitation of children in the workplace by:

- not hiring any staff aged under 16 years of age without the company's prior approval
- not presenting to /company name/ any temporary worker aged under 16 years of age
- training its staff on the detection of fake identity papers

XYZ will support /company name/ in promoting diversity by:

- not setting any recruitment limitations and/or engaging in or supporting any discrimination in hiring, remuneration, access to training, promotion, termination or retirement based on gender, state of health, family situation, sexual orientation, age, political and philosophical opinion, religious beliefs, union activity, racial, social, cultural or national origins
- hiring and/or presenting temporary workers selected solely on the basis of their professional skills and experience



1.3 XYZ will support /company name/ in promoting freedom of association and collective bargaining by respecting the right of all employees to form and join trade unions of their choice and to bargain collectively.

1.4 XYZ will not have recourse to undeclared labour and will comply with all local laws namely on health & safety, working hours, wages, disciplinary procedures and harassment.

1.5 XYZ will support /company name/ in helping to end the use of forced labour and in particular modern slavery and human trafficking by:

> not having recourse to prison labour without /company name/ prior approval

> not requesting temporary workers to:

- pay any fees
- reimburse expenses incurred by XYZ
- lodge money deposits
- use other services for which XYZ charges a fee
- hire or purchase goods whether provided by XYZ or any person
- not requiring temporary workers to hand over any official documents (identity cards, passports, work permits ...)
- providing the temporary worker with a written document in a language they understand setting out :
 - that XYZ will act as an Employment Business
 - the type of contract the temporary worker will be engaged under

- the type of work the temporary worker will be supplied to do
- the actual rate of pay or the minimum rate of pay XYZ reasonably expects to achieve for the temporary worker
- that the temporary worker will be paid for hours worked regardless of performance or disciplinary issue and/or whether XYZ is paid by their client
- the length of notice that the temporary worker is required to give and is entitled to receive
- the intervals in which payment will be made
- details of annual entitlement and holiday pay
- the notice required for XYZ to make changes to the above terms and whether the temporary worker's agreement is required
- providing the above written document to temporary workers before they leave their country of origin should XYZ source workers directly from abroad.





2. Recruitment methods

2.1 XYZ will not:

- incite a temporary worker not to respect their contractual obligations towards their previous employer (notice period, non-competition clause, confidential information...)
- ask a temporary worker for information that is not directly related to their professional skills and competencies, or which is strictly necessary to fulfil hiring formalities
- ask temporary workers to attach a photo to their CV
- carry out tests which are not directly related to the professional recruitment needs and which are not directly based on objective and transparent criteria
- use handwriting, numerological, astrological or morphological analysis tests
- carry out pre-hire HIV or pregnancy tests

3. Business ethics

3.1 XYZ expressly agrees not to offer any “kick-backs” or facilitation fees to a /company name/ director, employee or agent. This includes offering any position as employee, officer, consultant, agent or representative or any directorship or shareholding in XYZ to any of /company name/’s employees, agents or their family members without first informing /company name/.

3.2 XYZ may give gifts and/or provide entertainment to /company name/ directors and/or employees or agents subject to them being of a maximum value of [...]. XYZ must ensure that it can make available to /company name/, upon request, a detailed list of all gifts and entertainment, irrespective of value, offered by XYZ to /company name/ directors, employees or agents.

3.3 XYZ will immediately disclose to /company name/ any situation of which it has knowledge which could be considered as a real or perceived conflict of interest in the provision of services to /company name/, including :

- any relationship between directors, employees, agents and/or subcontractors of XYZ and directors and/or employees of /company name/ who may influence the business relationship between XYZ and /company name/
- any relationship between directors, employees, agents and/or subcontractors of XYZ and a temporary worker.

3.4 XYZ further undertakes not to tolerate, permit or engage in bribery or corruption when dealing with public officials or individuals in the private sector or permit or engage in any activity which could serve the purpose of money-laundering.

3.5 If XYZ becomes aware of any breach of /company name/ Code of Ethics by a /company name/ director, employee or agent, XYZ should immediately report this to:

- > /company name/ Country Purchasing Director Officer : [Name]+ [email]
- > /company name/ Country HR Director : [Name]+ [email]
- > Copy /company name/ Ethics Correspondant: [Name]+ [email]

Signed by and on behalf of
[Name of /company name/ and Entity]

Name: _____

Title: _____

Date: _____

Signed by and on behalf of
[XYZ - Name of Temporary Work Agency]



It is to be noted that these commitment letters need to be supported by enforcing mechanisms, audits and required resources to ensure that once signed and followed through, the respective company is carrying out necessary steps to fulfil the commitments declared in the documents.

Tool 3: Sodexo Online Training on Human Rights at Work



E-learning module: Human Rights at Work 2.0

Created by Sodexo Ethics Department Online Training, this tool helps companies raise awareness and train employees on Human Rights at Work. Human Rights Education is key to the promotion of universal respect for all human rights and freedoms. This tool provides a clear mandate to educate workers and employees of a company with practical knowledge and hands-on exercises to understand the basics of human rights at work. It has been created in the hope to contribute to the global efforts to build and promote universal knowledge and appropriation regarding human rights. The content has been generalized for usage across different companies.

It consists of videos, interactions, and questions to ensure that the individual that is carrying out the training is informed on Fundamental Principles and Rights at Work and can retain the learnings that have been shared.

- Actions
- Formats

Welcome to the e-learning module on Human Rights at Work.

[Start the module](#)

INTRODUCTION



Click on the video:

Hello everyone, I'm Laura! I am here to guide you through this module on Human Rights at Work which will help you:

- Identify what are Human Rights at Work,
- Understand why Human Rights at Work are important,
- Apply your knowledge of Human Rights at Work in day-to-day operations.

Human Rights at Work are universal principles for employees. They correspond to the core principles of the International Labour Organization, adopted in 1998, under the ILO Declaration on Fundamental Principles and Rights at work :

- Freedom of association and effective recognition of the right to collective bargaining,**
- Elimination of forced labour and human trafficking,**
- Effective abolition of child labour,**
- Non-discrimination and inclusion.**

As a global employer, /insert company name/, has a direct impact on the respect of these rights among all our employees in all geographic regions. Particularly, for migrant workers and employees with special needs.

These policies recognize the need to respect fundamental rights at the work, regardless of the individual and branch/entity that one works in.

Respect for Human Rights at Work is not a new concept. Given that our company / insert name/ stands in accordance with global commitments, notably as a signatory of the United Nations Global Compact of 10 universally accepted principles for businesses, these principles correspond to our values. The four Human Rights at Work are an important component of our commitment to meet fundamental responsibilities in human rights and labour. Lastly, but certainly not least, respect for Human Rights at Work is important for our business because it:

- responds to expectations from clients and other stakeholders.
- corresponds to the respect of our values concerning our employees and builds engagement and motivation.
- contributes to our company reputation.

Are you ready to understand the core Human Rights principles at Work more in detail? Let's get started!

20. ILO, ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up, 2010, <https://www.ilo.org/declaration/thedeclaration/textdeclaration/lang-en/index.htm>

21. United Nations Global Compact, The Ten Principles of the UN Global Compact, 2004, <https://www.unglobalcompact.org/what-is-gc/mission/principles>

1ST PRINCIPLE: FREEDOM OF ASSOCIATION AND THE EFFECTIVE RECOGNITION OF THE RIGHT TO COLLECTIVE BARGAINING



Click on the video:

«When it is allowed by national laws, collective bargaining is the process that labour unions, which represent employees, and employers use to reach agreement about terms and conditions of employment.

In accordance with local laws, our company is committed to respecting the right of employees to join the trade union of their choice or not, and to bargain collectively free from any form of retaliation.

Thus, discrimination against someone belonging to a trade union is prohibited.

When freedom of association is not allowed by national laws, we should facilitate open communication channels concerning all work-related matters (meetings, coffee breaks, engagement surveys).

Let's now scroll down and focus on some good practices related to this principle. »



Click on each part (interactions):

DETECTION & PREVENTION

- Inform managers to interact with employees' association in accordance with national laws and Group engagements
- Forbid client and employee contracts that require the Company to interfere with lawful union activity or to remove recognition from an existing, lawfully recognized unions

- Forbid discrimination, harassment, intimidation, retaliation or other adverse actions against workers' representatives or against workers who seek to organize
- Recognize the elected workers representatives and their trade unions and engage in collective bargaining in good faith with a view to reaching an agreement where possible covering employment or workplace concerns.

RESOLUTION

- Engage recognized unions in collective bargaining concerning issues of working conditions, remuneration, dispute resolution, internal relations and other matter of mutual concern.
- Allowed recognized representatives of workers (where allowed by local law and consistent with the terms of any applicable collective bargaining agreement) the means to perform their duties efficiently, including reasonable access to employees, relevant documentation, etc.
- If needed, refer to Business Integrity Guide (Code of Ethics) when making employment decisions.

COLLECTIVE ACTION & ADVOCACY

- Where the right to freedom of association and collective bargaining is restricted under law, we should facilitate open communication channels concerning all work-related matters (meetings, coffee breaks, engagement surveys).

2ND PRINCIPLE: ELIMINATION OF FORCED LABOUR AND HUMAN TRAFFICKING (VIDEO 1)



Click on the video:

“Forced labour refers to situations in which people are coerced to work through the use of violence or intimidation, or by more subtle and insidious means such as manipulated debt. Human trafficking is broader than forced labour and requires the recruitment, transport, transfer, or receipt of a person through coercion or deception (but also abduction and fraud), for exploitation.

Although some people are more vulnerable to coercion than others due to poverty, the lack of education, corruption, etc., forced labour and human trafficking can happen everywhere, at any time, to anyone. So one must be extra careful and attentive to every situation.

Our company is a signatory to the UN Global Compact and respects human rights, including the right of people to be free from involuntary or forced labour as set forth in the International Bill of Human Rights and the International Labour Organization Declaration on Fundamental Principles and Rights at Work. The Company believes in the elimination of all forms of compulsory labour and has zero tolerance for slavery or human trafficking in any part of our business.

But what does it mean concretely for us? To fully understand what every employee is protected from, let's see some principles!

- **FORCED Labour AND VIOLENCE:** our company has a zero-tolerance approach to acts of workplace violence of any kind. Everyone should be free from forced labour, threats, serious harm or physical restraint and commercial sex. Any of these acts will be taken seriously and investigated .

- **IDENTITY AND PERSONAL DOCUMENTS:** everyone has to keep their identity and personal documents. The retention of documents such as passports, work permits, visas and exit permits, has been identified as a common practice in order to restrict workers' freedom of movement. It represents an infringement of international human rights and is a violation of national law in many countries.

ELIMINATION OF FORCED Labour AND HUMAN TRAFFICKING (VIDEO 1)

- **RECRUITMENT FEES:** our company prohibits recruitment fees: neither employees nor contractors should pay to work for us. Recruitment fees refer to any fees, paid by job candidates, associated with the recruitment process regardless of when, how and by whom they are collected. They can include payments for services such as recruiting, training, security deposits or bonds and many more. So, managers must be particularly vigilant when selecting recruitment agencies.

- **RESIGNATION:** anyone should be able to resign, at any time, for any kind of job. No one can force someone else to keep working against their will.

Let's now scroll down to have a look at the 3 phases of forced labour. »



INTERACTION

Forced labour manifests over 3 phases and migrant workers are particularly vulnerable to it; but our company is committed to ensuring that fair positions are implemented for everyone.

Click on each card below:

(Flip cards)

RECRUITMENT PHASE

Deception and contract substitutions might lead to involuntary consent. These deceptions are characterized by false or inaccurate information about workers' terms and conditions at the time of hiring. In addition, workers' capacity to end the employment relationship can be limited by high recruitment fees and debts that burden workers'

(Flip cards)

EMPLOYMENT PHASE

Workers, and particularly migrant workers and refugees, who have limited knowledge of the local rules and judicial systems and are far from their family and community have limited access to judicial remedies and are more vulnerable to passport retention, restriction on their freedom of movement, and the threat of deportation.

(Flip cards)

EXIT PHASE

In some circumstances, workers' ability to end the employment relationship is limited or can be restricted by their employers, in particular, for example, when they are also responsible for the overall migration status.

2ND PRINCIPLE: ELIMINATION OF FORCED LABOUR AND HUMAN TRAFFICKING (VIDEO 2)



Click on the video:

“We are now going to focus on the employment phase and see some principles regarding working and living conditions.

- **WORKING CONDITIONS:** We always must be loyal and keep our promise when it comes to working conditions. They need to correspond to the job offer and to the employment contract. For instance, we must ensure to pay agreed upon wages. Withholding wages for work that has been completed or threatening to do so is forbidden.
- **LIVING CONDITIONS:** When we makes accommodation available to workers working on their sites, it must guarantee the physical security and safety and satisfy the workers' basic needs. We should then:
 - > provide safe, clean and hygienic accommodations, with potable and running water and adequate sanitary facilities;
 - > provide personal space and ensure an adequate level of privacy;
 - > provide a locker for every worker living in the community;
 - > respect all relevant building regulations.
 - > implement adequate management systems to ensure that facilities remain clean and safe at all times;
 - > provide services in labour community such as laundry or groceries at a reasonable price, without making profit on these sales.

- **HOUSING:** When we provide housing, we must check that it is safe and meets local housing standards.

Let's now scroll down to discover some good practices on which you can rely on to eliminate forced labour.”



Click on the video:

Detection and Prevention

- Identify and assess where forced labour is likely to occur in our business.
- Make sure that everyone is familiar with the Ethics Line, a reporting line for employees to make good faith reports of suspected violation(s) of a Company policy, unethical and/or illegal conduct free from retaliation.
- Inform suppliers of the Company's commitment to eliminate forced labour through the Group Supplier Code of Conduct.
- Communicate with people in a language they understand.
- Include a “no fees” policy in all contracts with recruitment agencies and ensure that candidates are made aware that no fees should be charged at any stage of the recruitment process, even at the very early stage.
- Make sure that candidates understand the general terms of employment, prior to start working, including wages and other relevant employment policies.
- Respect minimum wage national legislations where they exist: the level of wages should correspond to the number of hours worked, particularly when overtime is performed.
- Respect national legislations on working hours and overtime, where they exist. The limitations on overtime shall be respected, even if an employee requests to work additional hours.
- Employees should have access to restrooms and should be allowed breaks during their workday.

Resolution

- Talk to your manager, HR, compliance or audit department about any concerns. Alternatively, you can utilize the Speak Up Ethics Line if you are more comfortable.
- Take comprehensive corrective actions.
- Engage in dialogue with the business partner associated with a wrongdoing to identify long-term solutions. If resolution is not possible, terminating the business relationship, though undesirable, may be considered as the final option.
- If an employee reports to have paid recruitment fees, contact the HR department in order to investigate the case and make sure the employee is fully refund.
- If needed, refer to the Business Integrity Guide (Code of Ethics) when making employment decisions.

Collective Action & Advocacy

- Cooperate with and support multi-stakeholder responses to address forced labour and human trafficking and promote ethical practices.
- Support advocacy efforts to encourage governments and international organizations to promote better regulation of labour, employers and private employment agencies, and strengthen legal protections for workers.

READY TO SHOW WHAT YOU KNOW? ½



Respond to the statements below:

1) *A new employee has provided you with his/her identification for administrative purposes. You should make a photocopy and return the original TRUE/FALSE*

• **Answer:** TRUE

In most cases, it is the right thing to do. company's policy avoids requiring retention of original ID documents. If retention of documents is deemed necessary and in line with local laws, a clear policy and procedure for the recuperation of documents must be communicated to employees.

2) *A union representative asks to speak with company employees on-site. You should consult with client; follow local laws and company procedures concerning access. TRUE/FALSE*

• **Answer:** TRUE

Where allowed by law, company employees have the right to join the trade union of their choice, or not, and are therefore allowed to speak with legally designated union representatives. However, given the fact that we operate on our clients' sites, it is important that our clients are aware of any visitors that may come on site and that we comply with the client's rules regarding visitor access to its property. In addition, local laws may regulate access to employees by duly designated representatives. The best course of action is to check with your human resources department to properly respond to any such requests

Submit



Respond to the statements below:

3) *An employee who has just started at company has some questions about the terms of her employment. You should avoid responding to every issue that may arise about the general terms of employment (wages, working hours, etc). Candidates are supposed to become fully operative as quickly as possible. TRUE/FALSE*

• **Answer: FALSE**

Candidates should have the means, prior to starting work, to understand the general terms of their employment including wages and other relevant employment policies. This information should be communicated to them in a language they understand. This principle should be applied to hiring agencies as appropriate.

4) *The time has come for you to pay your employees' wages. You may withhold wages when necessary, depending on your project budget. TRUE/FALSE*

• **Answer: FALSE**

Company policy forbids managers from withholding wages for work that has been completed, or even threaten to do so.

Submit

CASE STUDY 1

Mr. McGarett is a big client and he has requested that a clause be included in his contract forbidding Company employees to organize into trade unions.

• *What should you do?*



Choose the right statement:

- a) Agree to the terms and sign the contract including the anti-union clause.
- b) Inform the client that such a clause is against our policy and cannot be included in the contract.
- c) Modify the clause so that only certain trade unions are forbidden.
- d) Take out the clause but agree to the terms verbally.

Submit

CORRECT ANSWER: b)

Company respects the right of our employees to join the trade union of their choice, or not, in accordance with local laws. Neither our company nor its clients can interfere with legal union activity or remove recognition from an existing, lawfully recognized union except in accordance with lawful procedures. Therefore, you should inform the client that such a clause is against our policy and cannot be included in the contract.

CASE STUDY 2

An employee reports you to have paid recruitment fees during the recruitment process. Indeed, while you said to the recruitment agency that you forbid recruitment fees, another stakeholder provided the employee's resume to the recruitment agency and made the employee pay for that.

- What should you do?

 Choose the right statement:

- a) You should contact the HR department in order to investigate the situation, make sure it does not happen again and that the fees are fully refunded to the employee.
- b) You should not do anything. It is not your problem as you told to the recruitment agencies that you forbid recruitment fees.
- c) You should refund the fees paid to the employee but not look for the root of the problem.

Submit

CORRECT ANSWER: a)

Our company forbids any forms of recruitment fees. Neither employee nor contractor should pay to work for us. Therefore, if someone informs you that he/she paid recruitment fees, you should contact the HR department in order to fully understand the situation and investigate properly, make sure it does not happen again and that the fees are fully refund to the employee



3RD PRINCIPLE: EFFECTIVE ABOLITION OF CHILD LABOUR



Click on the video:

« Child labour is often defined as work that deprives children of their childhood, their potential and their dignity, and that is harmful to physical and mental development. Child labour also interferes with their schooling by depriving them of the opportunity to attend school; obliging them to leave school prematurely; or requiring them to attempt to combine school attendance with excessively long and heavy work.»

Our company is committed to employing individuals exclusively at least 15 years of age, except in the case of apprenticeships or internships as part of a professional training program. In countries where the legal age is above 15 years of age, we will respect local laws.

Be aware that some key contributors are the root of child labour and facilitate its occurrence.

These key contributors are:

- The absence of birth certificate makes it difficult to verify the child's age
- In that case, we can rely on other means to determine the date of birth, including medical examinations, written documents, culturally adjusted interviews with applicants that appear to be too young, school enrolment certificates, local indicators such as historical events, and common sense!
- The poverty that forces the families also to rely on their children's work to earn more money in order to satisfy the family's basic needs
- The difficult access to education for children
- Parental attitudes
- The employers' attitude as children are cheap labour that can meet specific requirements for specific tasks

The work of an employee aged between 15 and 18 is particularly regulated by the law. For example, hazardous tasks, such as using the meat slicer in a kitchen, cannot be performed by them.

So always be vigilant when it comes to young employees.

In addition, eliminating child labour requires a thought-out strategy, notably to ensure the welfare of children and the families they help to support.

First, we need to analyze the situation for the company and wonder what the law and the sector require and where child labour is likely to occur in our business and supply chain to take the best measures possible.

Let's now scroll down and focus on how to mitigate child labour risk. »

Click on each part below:

Detection & Prevention

- Identify and assess where child labour is likely to occur in our business.
- Make sure that everyone is familiar with the Speak Up Ethics Line, a reporting line for employees to make good faith reports of suspected violation(s) of the Company policy, unethical and/or illegal conduct free from retaliation.
- Inform suppliers of the Company's commitment regarding the effective abolition of child labour through the Group Supplier Code of Conduct.
- Require ID documents from candidates under the age of 18 prior to being hired, with copies kept on files.
- Forbid casual and occasional work by children or children of employees, except in the case of organized apprenticeship or internships.
- Establish a list of hazardous work and ensure that such jobs are not carried out by individual younger than 18 years of age.
- Be vigilant when selecting recruitment agencies.

Resolution

- Talk to your manager, HR, compliance or audit department about any concerns. Alternatively, you can utilize the Speak Up Ethics Line if you are more comfortable.
- Take comprehensive corrective actions.
- Engage in dialogue with the business partner associated with a wrong doing to identify long-term solutions. If resolution is not possible, terminating the business relationship, though undesirable, may be considered as the final option.
- Stop to under-age hiring in order not to add to the problem (the main concern is verifying the age of job applicants).
- Remove young workers from tasks where the risks from hazards are high. These tasks can include, for instance, exposure to dangerous machinery, equipment or tools or working under difficult conditions (for long hours, at night etc.).
- Reduce hours to the legal level. In some cases, reducing the hours may be enough to allow the children the time to go to school and do homework.
- If needed, refer to the Business Integrity Guide (Code of Ethics) when making employment decisions.

Collective Action & Advocacy

- Be proactive, rather than reactive, in finding solutions that reduce child labour, through internal efforts or work with organizations that can help.
- Cooperate with others : Many local and international organizations or coalitions have been formed to fight child labour. Employers' organizations or sectoral bodies might also have active programs on the issue. All of these groups may be able to help us design a responsible program.



4TH PRINCIPLE: NON-DISCRIMINATION AND INCLUSION



Click on the video:

« As you may already know, discrimination in the workplace is based on certain prejudices. It occurs when employees are treated unfavorably because of certain characteristics such as, their gender identity, sexual orientation, age, ethnicity, citizenship, religion, marital status, pregnancy, genetic information or disability, and any other basis protected by the law. The company is committed to hiring employees based on the criteria of qualifications, competence, experience and other job-related criteria. Therefore, the Company prohibits discrimination of any kind with regard to employment and promote diversity and inclusion in compliance with local laws.

However, understanding discrimination is not as simple as it may seem. Discrimination can be direct -for example, refusing to hire a qualified applicant because of his/her religion – or indirect, for instance, scheduling meetings at the end of the day will discriminate against employees who have family's obligations.

Indirect discrimination can be related to stereotypes and conscious or unconscious bias. Always be vigilant not to reduce people to some characteristics. Stereotypes and bias can be positive or negative and can impact any groups.

In addition, discrimination can take place everywhere, at any time, in many situations at work. Let's see a few examples of discrimination to fully understand!

- **RECRUITMENT:** Candidates can be eliminated because it is written on their resume that they live in an unfavorable perceive neighborhood or because the location is too far from the workplace.

- **WITH A CLIENT:** Clients require only the company employees who belong to a specific ethnic group.

- **PROJECT ASSIGNMENT:** A discrimination happens when a manager refuses that someone who is 50 years old to work on a project because one needs young people with “hip energy” for this project.

- **PROMOTION:** An Asian manager gives to an Asian employee on his team more challenging and higher profile work assignments than to the others because he would like to give him a promotion as a fellow Asian. Work assignments – whether more or less desirable – may not be given on the basis of ethnicity or other protected characteristic.

- **TERMINATION:** Terminating a woman because she does not look and act “feminine” enough.

All these behaviors and practices are unacceptable and would not be tolerated by the company.

Finally, let's notice that fighting against discrimination is a first step, but the company goes beyond that and is an inclusive employer. We indeed, a diverse workforce but also tries to make sure that everyone feels good and well-included at work. To achieve this purpose, the management plays a key role in developing inclusive behaviors.

To understand what fighting against discrimination and being inclusive means at the company, let's now scroll down. »

INTERACTION

Forced labour manifests over 3 phases and migrant workers are particularly vulnerable to it; but our company is committed to ensuring that fair positions are implemented for everyone.

Click on each part below:

Detection & prevention

- Identify and assess where discrimination is likely to occur in our business.
- Make sure that everyone is familiar with the Speak Up Ethics Line, a reporting line for employees to make good faith reports of suspected violation(s) of a Company policy, unethical and/or illegal conduct free from retaliation.
- Inform suppliers of the Company's commitment to eliminate discrimination through the Group Supplier Code of Conduct.
- For all stages of the Company Employee Value Proposition, ensure that no distinction, exclusion or preference is made, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation.

Example: Develop methods to ensure that remuneration is established without discrimination thanks to a competence-based or position-based salary scale

- Welcome employees individually, acknowledging differences and showing respect for what they bring to the table.
- Take an interest in the different cultures and backgrounds of the individuals who work with you.
- Develop an awareness of your own biases. By understanding how biases influence our behavior, we can create strategies to mitigate them and take action to create an inclusive culture.

Resolution

- Speak-up/act when you witness or suffer from unwelcome behaviors and biases or notice unfair stereotyping. Talk to your manager, HR, compliance or audit department about any concerns. Alternatively, you can utilize the Speak Up Ethics Line if you are more comfortable.
- Have recruitment teams that are diverse to ensure different points of view and provide them training.
- Have diverse teams.
- Facilitate appropriate working conditions and consider reasonable accommodations where appropriate and on an individual basis.
- If needed, refer to the Business Integrity Guide (Code of Ethics) when making employment decisions.

Collective action & Advocacy

- Be aware of the existence of biases, preferences and 'truths', and how they may affect decisions and behavior.
- Challenge yourself to think outside of the 'boxes' and don't hesitate to ask managers in case of uncertainty
- Act and react as a Diversity & Inclusion ambassador, fostering inclusive behaviors amongst everyone

People with disabilities (flip)

Recruit, engage, develop and provide accommodations for employees with special needs.

Culture and origins (flip)

The goals are numerous:

- Raising awareness, fostering respect and understanding of differences
- Providing tools and resources that help to create an inclusive culture
- Encouraging an inclusive culture

People with disabilities (flip)

- Increase the number of women in talent pipeline
- Increase the gender balance in management teams
- Increase the number of women in operations
- Create a culture of inclusion

Sexual orientation and gender identity (flip)

Foster an inclusive environment in which Lesbian, Gay, Bisexual and Transgender employees can « bring their whole selves to work ».

Generations (flip)

Build awareness and identify new opportunities to increase generational representation and a culture of effective working relationships across generations.

Migrant workers and citizenships (flip)

Give special attention when employing migrant workers and refugees.

Migrant workers and refugees are often stigmatized as being different and “foreign”. It is not unusual to see labour legislation and workplace rules that provide for preferential treatment for workers of the national country than for migrant workers. Migrant workers and refugees may not be given proper contracts, may receive inferior benefit entitlements etc.



Respond to the statements below:

1) *One of your employees is 17 years old. This person may be assigned jobs established as « hazardous » with his/her parents' consent. TRUE/FALSE*

• **Answer:** FALSE

The company respects the international labour standards which forbid young workers from performing 'hazardous' tasks. Local legislation should define what tasks fall into this category. If applicable, a list of such jobs should be made available to Managers, and any young workers should not be permitted to perform these tasks.

2) *The child of one of your colleagues happens to be on-site one day. He cannot lend a hand by taking on small tasks. TRUE/FALSE*

• **Answer:** TRUE

The company forbids casual or occasional work by children or children of employees, except in the cases of organized apprenticeships or internships.

Submit

READY TO SHOW WHAT YOU KNOW ½



Respond to the statements below:

3) *You are interviewing a young woman for a new position. You may not ask any questions on her marital status, intent to have children or number of dependents. TRUE/FALSE*

• **Answer:** TRUE

Recruiters or managers should avoid asking applicants questions regarding their marital status, intent to have children, or number of dependents.

4) *You are determining the level of remuneration for a new hire. You should take advantage of the fact that a candidate could experience difficulties in finding another job and propose a lower remuneration. TRUE/FALSE*

• **Answer:** FALSE

The company commits to non-discrimination for all stages of the Employee Value Proposition – Recruiting, Welcoming, Living, Rewarding and Growing. The company aims to ensure that no distinction, exclusion or preference be made which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation.

Submit

CASE STUDY 1

One of your employees is 17 years old and plans to buy his first motorcycle. To gather quickly the money he needs he tells you that he would like to work extra hours.

• *What should you do?*

- a) Agree to provide him as many extra hours as he requests so that he can quickly buy his motorcycle.
- b) Refuse him to work extra hours because other employees, who have a family, may need to work extra hours and they have the priority in the schedule.
- c) Refer to what the law says about employment of young workers and adjust the right number of working hours depending on that law and on his school schedule.

Submit

CORRECT ANSWER: c)

When it comes to employing young workers, the law puts limits on the number of hours they can work, depending on their age. Work closely with the HR department to ensure you are following all applicable laws, regulations and the company's policy.

CASE STUDY 2

Aziza denies a promotion to Carol who has young children because it would require regular business trips. Aziza knows from her personal experience that these trips could be "hard for her and her family."

• *Did Aziza take her decision the right way?*



Choose the right statements:

- a) Yes, she did. Aziza experienced a similar situation herself in the past. The decision she took is the one she would have wanted her own boss to take for her.
- b) No, she did not. Aziza should have asked her employee what she wanted instead of deciding for her.
- c) Yes, she did. Aziza is the one taking all the decisions; she does not need to ask Carol's opinion, even though Carol is directly impacted by the decision.

Submit

CORRECT ANSWER: b)

Never assume what is the best for employees. What is the best for you may not be what is the best according to them, even though you think you are doing them a favor. In this case, Aziza should have asked Carol her point of view and not have taken the decision she would have taken for herself.

END OF THE MODULE

Thank you for participating!

We hope that this module has been useful to you and has clarified:

- What human rights at work are
- Why they are so important for the company,
- What you should do in your day-to-day operations.

If you have further questions or would like to learn more on the subject, feel free to get in touch with your country's HR department.

CLOSE COURSE

Tool 4: VINCI ESG Questionnaire for temporary labour agencies

This ESG questionnaire helps to screen temporary labour agencies before awarding contracts in France assessing their action on 5 pillars.

**Temporary labour agencies – VINCI
extra-financial questionnaire**
Translated version (by B4IG)



IDENTITY OF YOUR TEMPORARY LABOUR AGENCY

What is the perimeter of activity
of your temporary labour agency?

- Local (less than 5 branches)
- Regional (from 5 to 39 branches)
- National (more than 40 branches)

Please detail the category
of your temporary labour agency:

- Generalist
- Specialist (please detail the specialization of your temporary labour agency in the box below)

1. HEALTH AND SAFETY OF TEMPORARY WORKERS

1_Do you have an internal policy for health and safety at work?

Documents to enclose

1 – I do not have a clearly defined health and safety policy.

2 – I do not have a clearly defined health and safety policy, but I have internal rules on these topics that are not formalized.

3 – I have a clearly defined health and safety policy, formalized in a written document and made available to temporary workers.

Supporting document.

4 – I have a clearly defined health and safety policy, formalized in a written document and made available to temporary workers. It is displayed and known of all in the company, and I systematically communicate the policy to my clients.

Supporting document.

2_Do you regularly monitor safety indicators?

Documents to enclose

1 – I do not regularly monitor safety indicators.

2 – I do not regularly monitor safety indicators, but I am able to analyze them occasionally, if needed.

3 – I regularly monitor safety indicators and I carry out a quarterly internal analysis of my accident frequency rates²² with and without days of absence from work. I can communicate them to my clients.

Quarterly analysis of frequency rate and severity rate²³ with and without days of absence from work + percentage of the agency's branches without lost-time incident (LTI) in the previous year

4 – I regularly monitor safety indicators and I carry out a quarterly internal analysis of my frequency rates with and without days of absence from work. I communicate them to my clients, and I work with my clients to improve them.

22. The frequency rate corresponds to: (number of accidents with absence from work x 1 000 000)/total number of hours worked.

23. The severity rate measures the severity of accidents for a group of workers. It corresponds to: (total number of days of worker absence from work x 1000) / total number of hours worked

3_Do you provide health and safety training to your temporary workers?

	Documents to enclose
1 – I do not provide health and safety trainings to my temporary workers.	
	Internal training supporting documents and monitoring tool.
3 – I provide specific health and safety trainings to my temporary workers.	

4_Do you have an internal anti-discrimination policy?

	Documents to enclose
1 – I do not have an internal anti-discrimination policy.	
2 – I do not have an internal anti-discrimination policy but I have internal rules on this issue which are not formalized.	
3 – I have a clearly defined anti-discrimination policy, written processes made available to permanent employees. Employees in direct contact with clients and temporary workers have been made aware of the issue.	Supporting documents + Processes + Description of the awareness-raising campaign.
4 – I have a clearly defined anti-discrimination policy, written processes made available to permanent employees. Employees in direct contact with clients and temporary workers are systematically trained about the issue. Awareness-raising campaigns are regularly carried out among temporary workers and clients. I implement measures to diversify the pool of job candidates.	Supporting documents + Processes + Description of the awareness-raising campaign + Description of the training module + Supporting training documents + Action plan.

2. PROMOTION OF DIVERSITY AND ANTI-DISCRIMINATION

5_Do you have an internal anti-discrimination policy?

	Documents to enclose
1 – I do not have a policy to promote diversity.	
2 – I do not have a policy to promote diversity but I have internal rules on this issue which are not formalized.	
3 – I have a clearly defined anti-discrimination policy, written processes made available to permanent employees. Employees in direct contact with clients and temporary workers	Supporting documents + Processes + Description of the awareness-raising campaign.
4 – I have a clearly defined anti-discrimination policy, written processes made available to permanent employees. Employees in direct contact with clients and temporary workers are systematically trained about the issue. Awareness-raising campaigns are regularly carried out among temporary workers and clients. I implement measures to diversify the pool of job candidates.	Supporting documents + Processes + Description of the awareness-raising campaign + Description of the training module + Supporting training documents + Action plan.

6_Do you have internal rules facilitating access of workers from all origins (social, ethnic, geographic) to your company?

	Documents to enclose
1 – I do not have a policy to facilitate access of workers from all origins to my company.	
2 – I do not have a policy to facilitate access of workers from all origins to my company, but I have internal rules on this issue which are not formalized.	
3 – I have a clearly defined policy to facilitate access of workers from all origins to my company, written processes made available to permanent employees. Employees in direct contact with clients and temporary workers have been made aware of the issue.	Supporting documents + Processes + Description of the awareness-raising campaign.
4 – I have a clearly defined policy to facilitate access of workers from all origins to my company, written processes made available to permanent employees. Employees who are in direct contact with clients and temporary workers are systematically trained about the issue. Awareness-raising campaigns are regularly carried out among temporary workers and clients. I implement measures to diversify the pool of job candidates.	Supporting documents + Processes + Description of the awareness-raising campaign + Description of the training module + Supporting training documents + Action plan.

7_Have you implemented specific actions to develop female employability in historically masculine-dominated jobs?

	Documents to enclose
1 – No.	
2 – Yes.	Description of actions / action plan.

8_Do you carry out a regular follow-up of disabled temporary workers working at your clients' premises?

	Documents to enclose
1 – I do not carry out regular follow-ups of disabled temporary workers working at my clients' premises.	
2 – I do not carry out regular follow-ups of disabled temporary workers working at my clients' premises, but I am able to communicate indicators if needed.	Full-time equivalent delegated in the past year + Monitoring table
3 – I carry out regular follow-ups of disabled temporary workers working es. I know the number of FTEs (full-time equivalent) working for my clients, per branch and per client, and I communicate these data points to my clients.	Full-time equivalent delegated in the past year + Monitoring table



8_Do you carry out a regular follow-up of disabled temporary workers working at your clients' premises?

	Documents to enclose
1 – I do not carry out regular follow-ups of disabled temporary workers working at my clients' premises.	
2 – I do not carry out regular follow-ups of disabled temporary workers working at my clients' premises, but I am able to communicate indicators if needed.	Full-time equivalent delegated in the past year + Monitoring table
3 – I carry out regular follow-ups of disabled temporary workers working at my clients' premises. I know the number of FTEs (full-time equivalent) working for my clients, per branch and per client, and I communicate these data points to my clients.	Full-time equivalent delegated in the past year + Monitoring table

9_Do you have processes and managerial practices enabling inclusion* of all workers in your company, regardless of their personal traits?

	Documents to enclose
1 – I do not have a formalized inclusive management policy.	
2 – I do not have a formalized inclusive management policy, but I have internal rules on this issue which are not formalized.	
3 – I have a formalized inclusive management policy, written processes made available to permanent employees. Employees in direct contact with clients and temporary workers have been made aware of the issue.	Supporting documents + Processes + Description of the awareness-raising campaign.
4 – I have a formalized inclusive management policy, written processes made available to permanent employees. Employees who are in direct contact with clients and temporary workers are systematically trained about the issue. Awareness-raising campaigns are regularly carried out among temporary workers and clients. I implement measures to diversify the pool of job candidates.	Supporting documents + Processes + Description of the awareness-raising campaign. + Description of the training module + Supporting training documents + Action plan.

*Inclusive management is a type of management which has processes and practices which enable inclusion of all workers. It is founded upon a consideration that all individualities and differences between individuals are added values for the performance of the company.

3. TRAINING AND DEVELOPMENT OF TEMPORARY WORKER CAPABILITIES

10_What is the total percentage of temporary workers having followed from a training module in the past year?

	Documents to enclose
1 – Less than 40%.	HR monitoring table + HR report
2 – Between 40% and 60%.	HR monitoring table + HR report
3 – Over 60%.	HR monitoring table + HR report

11_What is the average number of training days per temporary worker in the past year?

Total number of training days of temporary workers/number of temporary worker FTEs.

	Documents to enclose
1 – Ratio inferior to 1.	HR monitoring table + HR report
2 – Ratio between 1 and 2.	HR monitoring table + HR report
3 – Ratio superior to 2.	HR monitoring table + HR report

Do you follow the capabilities and employability of each of your temporary workers?

	Documents to enclose
1 – I do not carry out this type of tracking in my company.	
2 – I am conscious of the importance of these issues. I sometimes discuss them with my company’s temporary workers but I do not have a formalized process.	Process + Tracking report + Interview sheet + Supporting data
3 – I have a process to track the capabilities of temporary workers, of their professional development and their employability according to their profile. I regularly conduct career development reviews with them.	Process + Tracking report + Interview sheet + Supporting data
4 – I have a process to track the capabilities of temporary workers, of their professional development and their employability according to their profile. I regularly conduct career development reviews with them. I work in close collaboration with education and training institutions, and with my clients on this issue.	Process + Tracking report + Interview sheet + Supporting data

12_Have you implemented measures to facilitate the professional integration of vulnerable workers²⁴ difficulty?

	Documents to enclose
1 – My company does not have specific action for professional integration.	
2 – I sometimes participate in employment forums and I know local actors, but I do not have any formalized processes.	Number or percentage of workers concerned in the past year
3 – I regularly participate to employment forums and I am known among public employment officials so that they can send temporary worker candidates to my company.	Number or percentage of workers concerned in the past year + Description of actions
4 – I regularly participate to employment forum. I work in close collaboration with public employment officials and companies specialized in the professional integration of vulnerable workers. I have internal monitoring indicators per client and per branch.	Number or percentage of workers concerned in the past year + Description of actions + Indicators

4. ACTION AGAINST ILLEGAL EMPLOYMENT

13_Do you systematically check that the workers have valid residence permit or work permit, such as:

- A residence card,
- A temporary residence card (with the mention of ‘employee’, ‘temporary work’, ‘personal and family life’, or ‘European community’),
- A certificate of residence authorizing employment
- Or a temporary work permit?

	Documents to enclose
1 – No.	
2 – Yes.	Declaration of honor

14_ Have you implemented a process to monitor the validity / the renewal of residence permits / work permit?

	Documents to enclose
1 – No specific process has been implemented in the company.	
2 – A monitoring Excel table tracks all expiry dates of residence permits/work permits.	Description of the considered training program
3 – A complete process has been integrated with a system of alerts and reminders to employees so they can take the necessary steps to renew their permits within the prescribed timeframe.	Training program + Percentage of trained workers

15_ Have you implemented training on prevention and alertness to illegal work for your permanent employees?

	Documents to enclose
1 – No specific training on prevention and alertness to illegal work is proposed to my company's permanent employees.	
2 – No specific training on prevention and alertness to illegal work is proposed to my company's permanent employees, but I am considering setting up a training program within the next two years.	Description of the considered training program
3 – A specific training on prevention and alertness to illegal work is proposed to my company's permanent employees.	Training program + Percentage of trained workers

16_Have you implemented measures / mechanisms to protect yourself against identity theft?

	Documents to enclose
1 – I have yet to work on this topic in my company.	
2 – I am attentive to this issue and my permanent staff have been trained.	Training program + Percentage of trained workers
3 – I have internal rules, all permanent staff have been trained. We systematically ask candidates for additional control documents (e.g. A6 passport photo, etc.), which we send to the site managers along with all the other necessary documents before the start of each project.	Training program + Percentage of trained workers + List of requested control documents

17_When you terminate the contracts of your temporary workers, do you systematically draw up a balance of accounts* and an employment certificate?

	Documents to enclose
1 – No specific training on prevention and alertness to illegal work is proposed to my company's permanent employees.	
2 – No specific training on prevention and alertness to illegal work is proposed to my company's permanent employees, but I am considering setting up a training program within the next two years.	Description of the considered training program
3 – A specific training on prevention and alertness to illegal work is proposed to my company's permanent employees.	Training program + Percentage of trained workers

* (salary, compensation allowance, risk premium, ...)

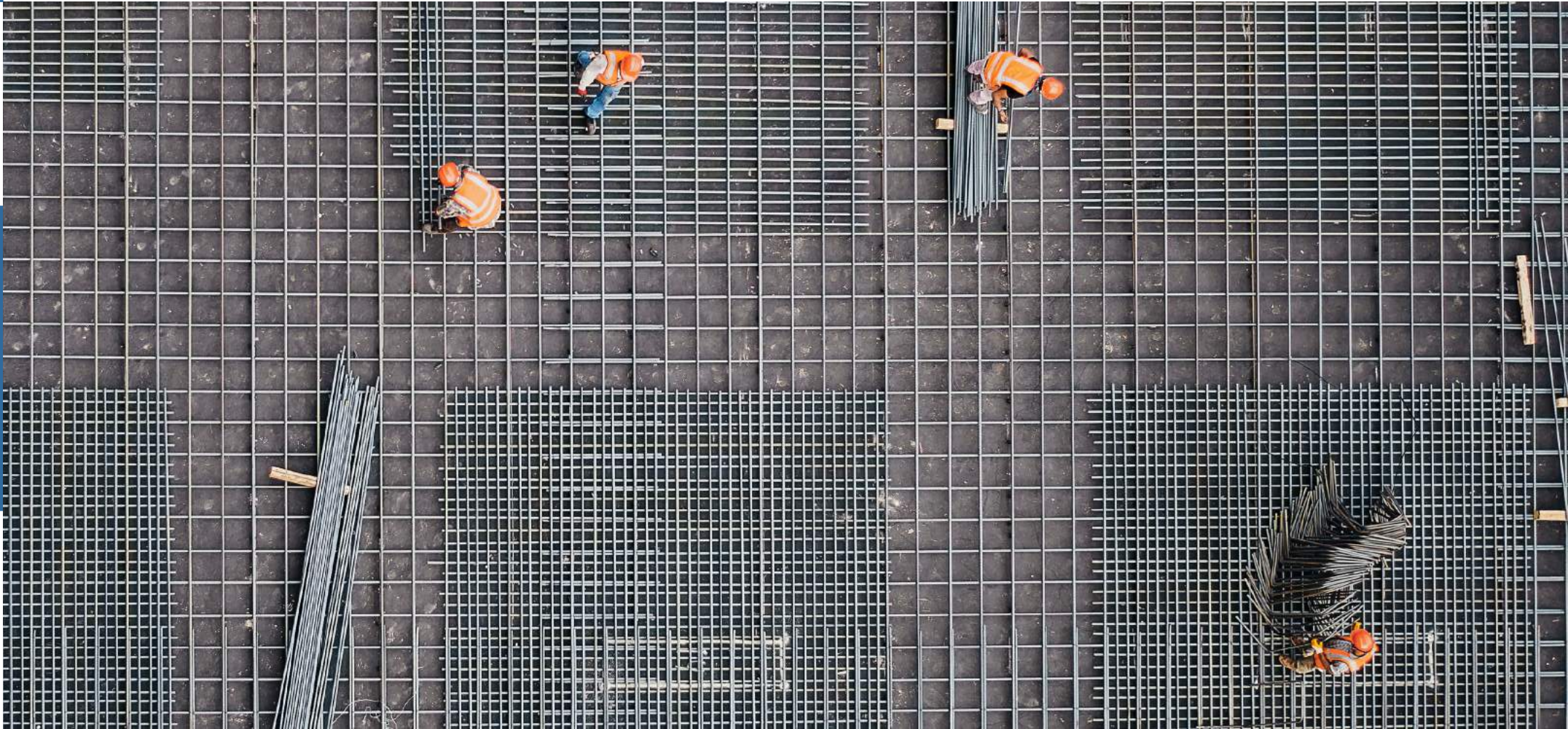
5. PROTECTION OF THE ENVIRONMENT

18_Do you raise awareness among our temporary workers about environmental issues?

	Documents to enclose
1 – No.	
2 – Yes but informally.	
3 – Yes and in a documented manner.	Training program + Supporting training documents

19_Do you raise awareness among your temporary workers about waste sorting on construction sites?

	Documents to enclose
1 – No.	
2 – Yes.	Supporting training documents



Due Diligence Step 4: Monitoring implementation process and results

Companies need to track the implementation and proficiency of their human rights due diligence activities through indicators and/or measures to ensure that the objectives are appropriately being met and if not, adjusted accordingly.

In this stage, the following challenges need to be taken into consideration:

- **Reliance solely on audits for monitoring**, which results in often incomplete pictures because, amongst others, they foster a **'checklist' audit-compliance mentality** amongst suppliers, are a relatively weak tool to detect non-compliance (if they are pre-announced, if auditors can only inspect areas that suppliers choose to show them and are unable to speak to workers, etc.) and are not always designed to address the range of risks.

- **Inconsistent or underdeveloped use of indicators to monitor the impact of due diligence** of human rights risks in certain sectors.

To efficiently track the implementation process and results, measures that companies may take are as follows:

- a) Identifying relevant monitoring and tracking methods and selecting adequate internal commitments and third-party reviews and audits.
- b) Ensuring periodic assessments to verify risk mitigation measures are being efficiently implemented and prevent harmful impact.
- c) For existing human rights impacts or potential causes, consultation and engagement with workers, their representatives and trade unions could be helpful to make changes.
- d) Collect and integrate feedback of raised concerns to improve the due diligence process and future outcomes.

Due Diligence Step 5: Communication on how impacts are addressed

External communication on human rights due diligence policies, procedures from the stage of identification to the stages of prevention and remediation, including relevant findings on outcomes provide increased transparency on activities. Naturally, it serves as an essential step for companies.

At present, there is **little publicly available information on companies' risks assessments and HRDD processes and activities**, as evidenced by the Corporate Human Rights Benchmark (which assess the human rights disclosures of 229 global companies, including 5 from B4IG). There is a clear need to improve transparency.

In accordance, to improve transparency and communicate addressed impacts, companies may adopt the following actions:

- a. Publishing public reports on relevant human rights due diligence processes in line with appropriate forms of disclosure.
 - b. Ensuring reports are communicated in an appropriate manner, using local languages and precise terminology, that provides easy access to the public.
 - c. Communicate relevant information related to procedures with impacted rightsholders in a socially sensitive manner.
-

Due Diligence Step 6: Provision of remediation where appropriate

In situations where the company has identified harmful impacts, related to individual rights within their value chains, these impacts should be addressed through appropriate remediation steps.

The [OECD National Contact Points](#), established by governments to promote Responsible Business conduct in line with the OECD Guidelines, and to handle cases against companies, act as a non-judicial implementation mechanism and built-in State-based grievance mechanism. Companies are encouraged to utilise this existing dialogue platform to foster solutions to human rights issues for effective, accountable, impartial, and functional support.

In the current context, relatively few companies have grievance mechanisms **available to external stakeholders** to raise complaints or concerns regarding human rights issues related to the company (*companies assessed by CHRB in 2020*). When they are available to external stakeholders, they are **not always accessible or inclusive** (e.g. to populations with high illiteracy levels).

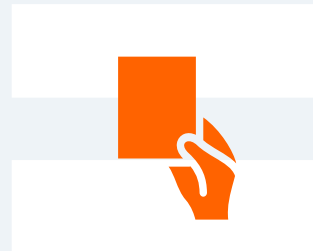
To ensure remediation is provided for affected individuals within value chains, measures that companies can take are as follows:

- a. Seek guidance through international guidelines on remediations, and existing platforms such as the OECD NCPS, complying with the law to consider effective methods of remedy for the affected person(s).
- b. Involve impacted rightsholders, representatives, and relevant parties to consult and engage in the determination of the remedy.
- c. Ensure to assess the satisfaction level of the affected person(s) regarding the procedure and outcome of the complaint.
- d. When appropriate, provide access to legitimate remediation mechanisms through which affected persons may raise complaints and have concerns addressed within the company.
- e. Provide operational-level grievance mechanisms, built through engagements with trade unions and workers' representatives, for individuals within your supply chain to raise complaints.

It is to be noted that grievance mechanisms, in the form of websites, hotlines and other technological advancements while useful, have their respective challenges and limitations.

Companies embarking on this journey must take into consideration access, legitimacy, credibility and trust to create local level grievance mechanisms with different departments, employees and external stakeholders acknowledging these factors and concerns. While these tools are possible measures, their feasibility and suitability depends on context and operations.

Two grievance mechanism tools created by B4IG member companies - Schneider Electric and BASF may be of support for companies embarking on this step of Due Diligence.



Tool 5: Schneider Electric: Red Line & Green Line Grievance Mechanism

This tool is a whistleblowing system for stakeholders who may be a victim of a violation of SE Principles of Responsibility, a witness of potential misconduct, and/or stakeholders who think that a violation of SE Principles of Responsibility is about to occur or has already occurred.

Red Line & Green Line: Schneider Electric's Alert Systems

Red Line & Green Line - Processes
How to manage concerns?

Ethics & Compliance Program

Schneider Electric's Ethics & Compliance program, under the leadership of the Group Executive Committee, is composed of:

- **Principles of Responsibility:** they represent our corporate values, which governs our actions and decisions. They reflect the ethical way we must do business, interact with each other within the company, and manage relationships with our stakeholders.

- The Ethics & Compliance program, which is the set of policies and processes that ensure respect of laws and regulations the company must comply with, and international or regional standards the company chooses to comply with, in the following areas:
 - > Anti-corruption and bribery;
 - > Competition law;
 - > **Human Rights and labour rights, including prevention of discrimination and prevention of harassment, sexual harassment and bullying;**
 - > Anti-money laundering and terrorist financing risks.
 - > Etc.

Governance of the Ethics & Compliance Program



What is required to raise a concern?

Precision

If “you” are aware of a misconduct, present the most facts possible: dates, places, figures, verbatims, witnesses.

Evidence

If “you” dispose of evidence, attach it when you fill in concern form: documents, e-mails, photos.

Collabouration

If “you” raised the concern, help us to manage it efficiently, check regularly your concern on the platform you can be asked for additional information.

Red Line and Green Line* as part of the Speak Up Culture

*Red and Green Lines are whistleblowing systems for the companies' employees hosted by third party organization



*Red and Green Lines are not the Speak Up Culture, but it is an essential element of the Speak-up Culture, in addition to:



Who can use alert systems? No one should stay alone

- The Red Line** can be used by:
- All employees
 - All temporary workers (like trainee, temp)

of Schneider Electric.



- The Green Line** can be used by:
- All external stakeholders:
 - Customers, suppliers, subcontractors, commercial agents

of Schneider Electric.

Everyone is protected if they call the Red or Green Line?

Schneider Electric **strictly forbids retaliation** against any stakeholder for submitting a concern **with good faith** to the Company.

As such, employees who knowingly provide false or misleading information to the Company may be subject to disciplinary actions.

If complaints are made in good faith, they will **NOT** expose the whistleblower to any sanctions, **regardless** of whether the underlying facts prove to be correct or result in any corrective action.

What does good faith mean?

Under the law, good faith encompasses a **sincere belief or motive** without any malice or the desire to defraud others.



What, When, Why of the Red Line & Green Line



What should be reported?



- ✓ Antitrust, Bribery and Corruption
- ✓ Conflict of Interests
- ✓ Discrimination or Harassment or Unfair Treatment
- ✓ Falsification of Documents; Manipulation of Accounting or Auditing
- ✓ Human Rights issues
- ✓ Safety and Environment
- ✓ Securities, Theft, Fraud or Embezzlement



When to report an alert?



If you think you have been:

- a victim of a violation of our Principles of Responsibility (PoR)
- a witness of a potential misconduct
- If you think a violation of our Principles of Responsibility (PoR) is about to occur or has already occurred.



Why report an alert?



- ✓ It is a way to protect you and the company.
- ✓ It's a way to contribute to fixing a potential problem.
- ✓ It must be done in good faith without the intention to harm someone's reputation.
- ✓ It is the right thing to do in front of a misconduct!

What can stakeholders report?



Whenever stakeholders concern relates to

- Human rights and people development
- Ethical Business Conduct
- Digitally Trusted and Secure
- Act for the Environment
- Responsible Corporate Citizenship

Where can stakeholders find them?
They are available in 26 languages here:



All questions relating to:

- Not getting a promotion
- Not having a good relationship with a colleague/with your manager
- Any HR matter

... does not fall under the Green or Red Line

Alert systems are NOT an Emergency Service.

Call your local authority if you or others are in a threatening or critical situation.

Human Rights and People Development

Respect, Fairness and Dignity / Diversity, Inclusion and Individual Development / Safety at work / Health, Well-being, And The Way We Work / Protecting the Vulnerable Against Labour Abuses / No Tolerance for Harassment



WE DO

- Treat vulnerable workers of manufacturers, suppliers and subsidiaries with the same dignity and respect as our own employees
- Follow safety rules, and use our individual judgment to implement them
- Believe in dignity, respect and fairness, everywhere and for everyone
- Uphold a value chain free from labour abuses of any kind

WE SUPPORT

- Equal opportunities for all employees with fair policies, placements and continuous learning
- Ensuring that our employees, worldwide, have access to health coverage and a benefits program

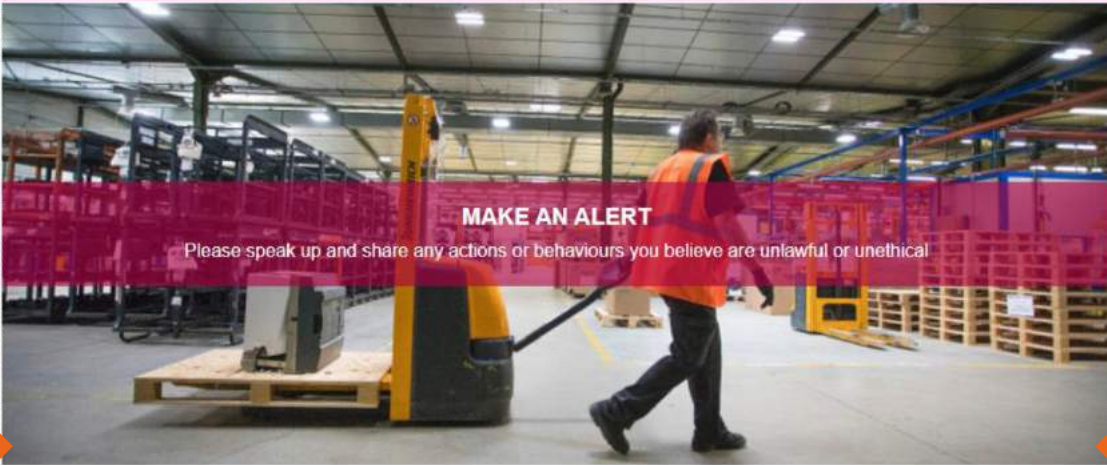


WE DON'T

- Act out of ill-intent or malice
- Compromise on safety measures
- Tolerate infringements of fundamental human rights
- Delay in responding to any potential labour abuses or violations

Illustration of the Red Line

ATTENTION! This webpage is hosted on EthicsPoint's secure servers and is not part of the Schneider Electric website or intranet.



MAKE AN ALERT
Please speak up and share any actions or behaviours you believe are unlawful or unethical!

Report Online

Select the country in which you are located.
France

Online

Select the country in which the violation took place.
France

Click the "Continue" button to proceed with filing your report.

Continue

Report by Phone

Select the country in which you are located.
United States

Direct Dial

From an outside line dial direct for your location:
United States 1-866-594-6814

Reporters can raise an alert online or...

... use one of the hotline available (for all countries).

Illustration of the Red Line



Illustration of the Red Line

Select the issue which best describes your concern:

**HR ISSUES
(involving an employee)**

- [Bullying](#)
- [Discrimination](#)
- [Favoritism](#)
- [Harasment](#)
- [Labour Practices](#)
- [Safety](#)
- [Sexual Harassment](#)
- [Violation of human rights](#)

Behavior that endangers the basic rights and freedoms that belong to every person in the world, from birth until death. The Universal Declaration of Human Rights, adopted by the United Nations on 10 December 1948, sets out the basic rights and freedoms that apply to all people.

Compliance issues or issues related to ethical business conduct

- [Antitrust and non competitive behavior](#)
- [Bridery and corruption](#)
- [Conflict of interest](#)
- [Insider trading and violation of securities laws and regulations](#)
- [Money laundering](#)
- [Violation of environmental laws and regulations](#)
- [Violation of sanctions and export control/customs regulations](#)

Fraud

- [Accounting fraud](#)
- [Embezzlement](#)
- [Falsification of document](#)
- [Financial statement fraud](#)
- [Fraudulent disbursements](#)
- [Theft of company's assets](#)
- [Theft of company's cash](#)
- [Other](#)

Reporters can better report their concerns by selecting a type of concern and checking the definition of it.

How are alerts managed?

The same process for Red and Green Line



5 steps to manage a concern?



Confidentiality and impartiality
at each step of the process!

Red Line & Green Line – Deployment and measurement

How we raise awareness and measure the performance of our alert systems?

It is essential to raise awareness around Red and Green Line through external communication assets through:

- Compliance reports
- Supplier Guides
- Yearly Universal Registration Documents
- Principles of Responsibility
- Ethics & Sustainability related content.

In parallel, it is important to do so internally through the following internal communication assets through:

- Ethics & Compliance Intranet site / global Intranet of the company
- Dedicated webinars/events/training on the culture of speaking up
- Videos from top leaders and,
- Dedicated posters, among other means.

Growing agility: tools put in place to manage cases

What exists today

Content:

1. Introduction
2. How to alert?
3. Anonymity and Confidentiality
4. Reporting in good faith
5. Protection against Retaliation
6. Sanction Review Committee
7. Additional information



What will be implemented in H2: Group Whistleblowing Policy



Same purpose,
different content

We grow agility in case management:

- ✓ Assessment of the concern when received will be performed by Regional Compliance Officers
- ✓ Weekly meetings are organized to discuss about new cases, risk assessment and investigation strategy

> This policy provides how cases reported through Schneider Electric Whistleblowing system or internal reporting channels are managed, investigated internally and closed.



- Helps to create a global common practice of investigation of Alerts and to promote fair treatment of all Schneider Electric employees.
- Defines a standard procedure and explain the specifics of investigations on Alerts related to HR issues.
- Defines best practices in investigation of Alerts at Schneider and its subsidiaries.

New Investigation training

- Based on:



&



Global – General

To date, **243 people** assigned to:

75-minute elearning on
“How to Conduct an Internal Investigation?”

15-minute elearning on
“How to speak up in Schneider Electric?”

+

Objectives:

- ✓ Train people identified in each region as occasional investigators, including HR related ones.
- ✓ Each actor plays a big role to grow TRUST by ensuring and supporting Ethics & Compliance in all the things we do.
- ✓ Harmonize internal investigation practices, with same level of professionalism.
- ✓ Give a first level of knowledge to be reinforced by appropriate coaching.

Global – General

Case study HR Investigation webinars
 « Learn by doing »

Be in the shoes of an internal HR investigator, going through each step, from allegation analysis until report writing, taking into account local legal requirements

How we measure effectiveness of our alert systems

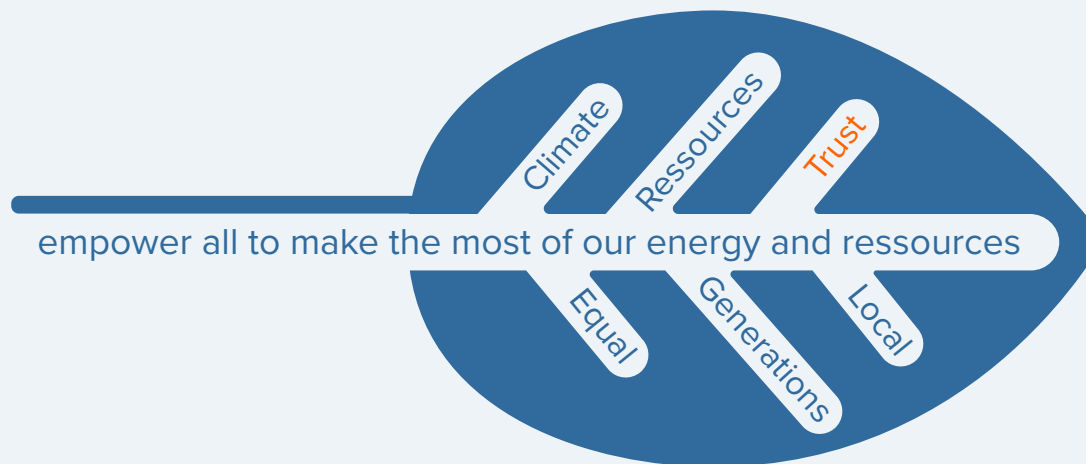
Key Internal Control and integration into the Schneider Sustainability Impact (SSI)

We measure our alert system performance through different manners:

1. Internal Control

- One Key Internal Control dedicated to whistleblowing systems (annual review)
- Each year, a detailed report on the effectiveness of the systems is presented to the Audit & Risks Committee (board level), which reviews effectiveness of the alert systems.

2. KPI into the 2021-2025 Schneider Sustainability Impact

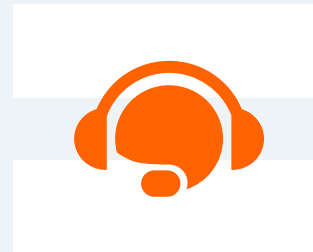


Indicator #6: In 2025, 100% of our employees are confident to report unethical conduct

- The SSI regroupes 11 indicators at global level and 1 at local level. This barometer is recognized internally and externally ;
- Results are communicated every quarter and each year by the CEO, in the same way as financial results ;
- This barometer impacts the benefits of all Schneider managers (~60,000+ employees) ;
- The program for this indicator is still under development.

The final step of the grievance mechanism procedure is to provide public disclosure on alert systems: concerns received, breakdown by type of issue, breakdown by geography and number of actions taken after investigation (termination, written warnings).

Tool 6:
**BASF: Global Grievance
and Complaint Mechanism
(website, hotline, mobile
solution)**



Provides communication channels for all individuals affected by BASF's operations or its value chain through more than 50 external hotlines globally, and more recently in 2021, a globally unified hotline & reporting system.

Human Rights: Grievance Mechanism Website

BASF offers worldwide operational-level complaint mechanisms, taking on critical questions and listening to all grievances. By ensuring that all concerns that are brought forward are addressed, BASF strives for appropriate remediation by the responsible party.

BASF encourages and fosters open dialogue with all stakeholders to develop a mutual understanding of relevant topics, to allow for meaningful consultation and create value in societies. In a collaborative way, the objective is to reduce negative and optimize positive effects. Therefore, one element of BASF's grievance and complaints mechanism is the Community Advisory Panels installed near several of BASF's production sites for open and honest dialogue between citizens and site management.

Human Rights: Grievance Mechanism Hotline

BASF offers communication channels for all affected individuals, own employees, business partners and their employees, and the public affected by their operations. The grievance hotline via email or phone is another element of the global grievance and complaints mechanism.

If one would like to direct BASF's attention to Human Rights violations in the value chain, related Human Rights complaints, or concerns related to operations, this hotline helps to reach them.


A speak-up culture is encouraged within the organization. If misconduct is noticed, employees are requested to raise concerns in a timely manner by talking to a relevant compliance team or reaching out via the Compliance Hotline for confidential reporting of concerns, if preferred anonymously.

Any kind of retaliation against anyone who wants to do the right thing, by raising a concern in good faith is not tolerated.

Global Hotline and Case Management System Web Intake Site – Mock-up

In 2021, BASF created a Global Hotline and Case Management System, accessible in different languages and geographies to share common questions related to human rights and ethics, Code of Conduct, and the Hotline. The tool allows individuals to report a concern, ask a question, or request for a follow-up regarding a complaint.

Structure of the Management System:


Report a Concern

Make a Report Online

Select the country in which you are located

Germany

Select the country in which the incident occurred

Germany

Select the city in which the incident occurred

Ludwigshafen (Rhein)

Select the location in which the incident occurred


Not listed / Do not want to disclose

Click the "Continue" button to proceed with filing your report.

Continue

Make a Report by Mobile

Navigate to basfmobile.ethicspoint.com or use the camera to read the QR code.



Make a Report by Phone

If you would like to call in to the hotline by **phone**, please [Click Here](#) for dialing instructions.

After you complete your report you will be assigned a unique code called a "report key". Write down your report key and password and keep them in a safe place. After 5-6 business days, use your report key and password to check your report for feedback or questions.

Non-Retaliation

BASF does not tolerate retaliation against anyone who reports in good faith any observed, or suspected, illegal or unethical behavior, or Code-related policy violations.

Conclusion

Cross-cutting gaps and challenges persist on the topic of human rights due diligence and its implementation, more specifically in contracting agency workers and service providers. We are aware that managing human rights risks in complex supply chains involving numerous suppliers and based on size, nature and context of operations is challenging in nature. However, the main concern is **incoherent purchasing practices**: when contractual clauses or codes of conduct mandate human rights standards, the price paid to suppliers does not include the costs of adhering to these standards (e.g. training costs). Implementing these due diligence steps and practices within a company's value chain may incur additional costs. However, **failing to effectively address this may turn out costlier, increasing actual and potential risks for business operations, products or services.**

In consideration of these elements, **B4IG recommends that human rights due diligence practices, notably within supply chains, within and beyond tier-one companies, be adopted as they will decrease exposure to systemic risks, but equally help create value for the organisation, strengthen supply chains and positively contribute to respective stakeholders.**

This Human Rights Due Diligence toolbox comes at a time when it is highly necessary for companies to advance efforts within their supply chains for sustainable and ethical business practices. It provides a way to advance on actions within this challenging landscape for both B4IG members companies and other interested parties, by providing exemplary tools and sharing the importance of identifying, developing, and monitoring relevant methods that tackle human rights risks within supply chains.

Additional links to other instruments and support

General Guidance

- Fundamental ILO conventions
- ILO Declaration on Fundamental Principles and Rights at Work

Human Rights Fundamentals

- Universal Declaration of Human Rights, 1948
- International Covenant on Economic, Social and Cultural Rights, 1966
- International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, 1990

Multinational Enterprises & Business conduct

- ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy
- OECD Due Diligence Guidance for Responsible Business Conduct
- Organisation for Economic Co-operation and Development (OECD) Guidelines for Multinational Enterprises (MNE)
- United Nations Guiding Principles on Business and Human Rights

Forced labour specific guidance

- Forced Labour Convention, 1930
- Abolition of Forced Labour Convention, 1957
- Protocol to the Forced Labour Convention, 2014
- Forced Labour (Supplementary Measures) Recommendation, 2014
- ILO Helpdesk for Business and International Labour Standards
- ILO Handbook for Employers & Business on Combating Forced Labour
- OECD National Contact Points for Responsible business conduct

Business networks focused on human rights concerns in global supply chains :

- Ethical Trading Initiative
- ILO Global Business Network on Forced Labour

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