

UNLEASH

OPPORTUNITY

**amfori Zero Tolerance Protocol:
Effective remedy of human rights violations**

UNLEASH

OPPORTUNITY



MONIQUE GERSON

Project Development Expert (Sustainability)
amfori – Trade with purpose



YAKUT OKTAY

Social Programmes Lead
amfori – Trade with purpose



STEPHANIE MENENDEZ

Membership Account Coordinator
amfori – Trade with purpose

Agenda

11:30 – 11:45 Introduction

11:45 – 12:30 Discussion of practical case studies

12:30 – 12:45 Wrap-up

The amfori Zero Tolerance Protocol

What types of violations fall under the Zero Tolerance Protocol?



Inhuman treatment



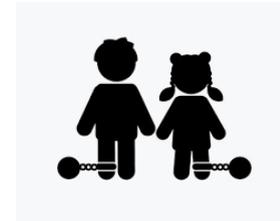
Bonded labour



Unethical behaviour



Occupational health and safety (OHS)

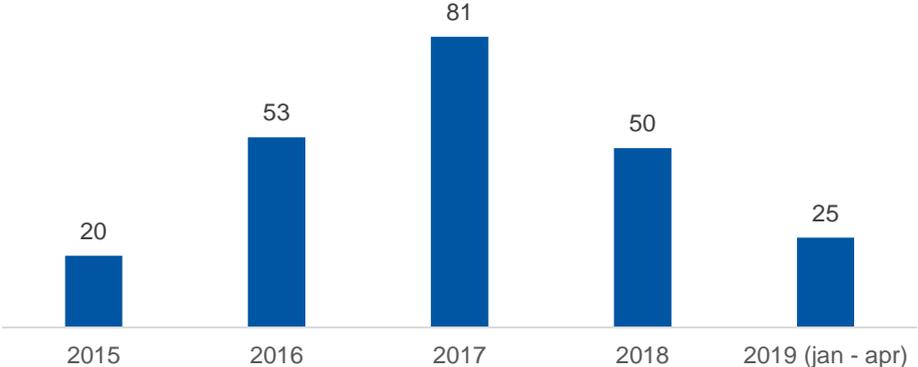


Child labour

The amfori Zero Tolerance Protocol

How many Zero Tolerance cases do you think are triggered on a yearly basis?

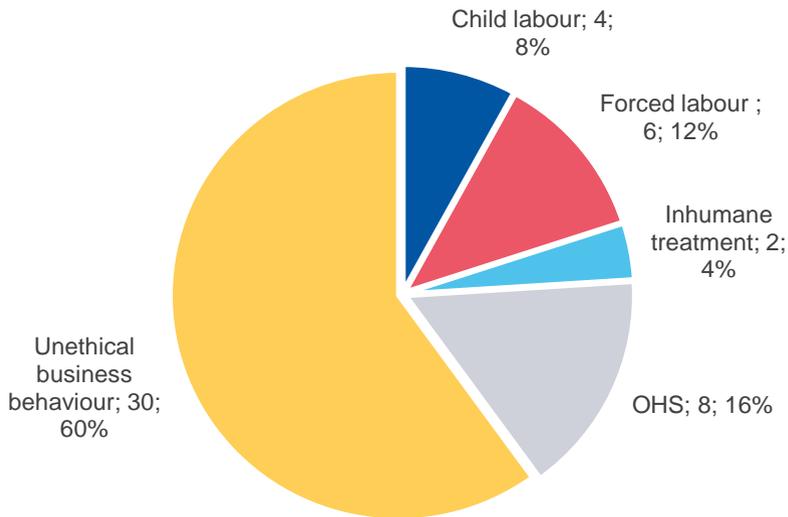
ZT cases 2015 – 2019 (Jan-Apr)



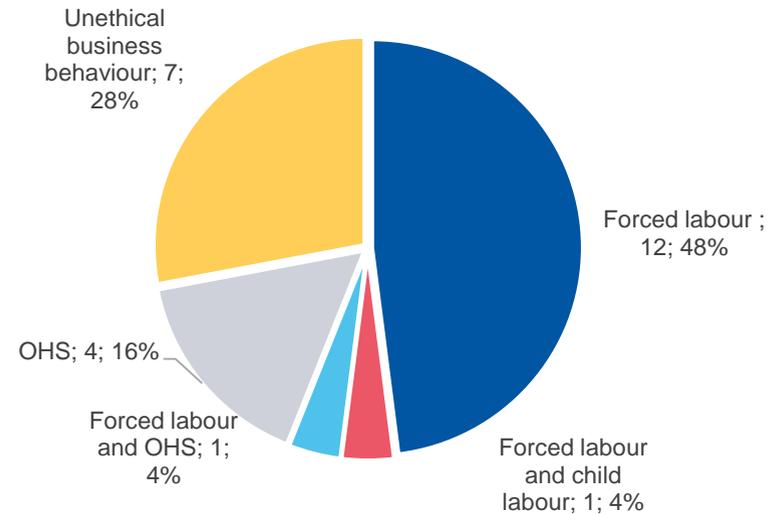
The amfori Zero Tolerance Protocol

Which Zero Tolerance type do you expect to be triggered most often?

Type of ZT cases 2018



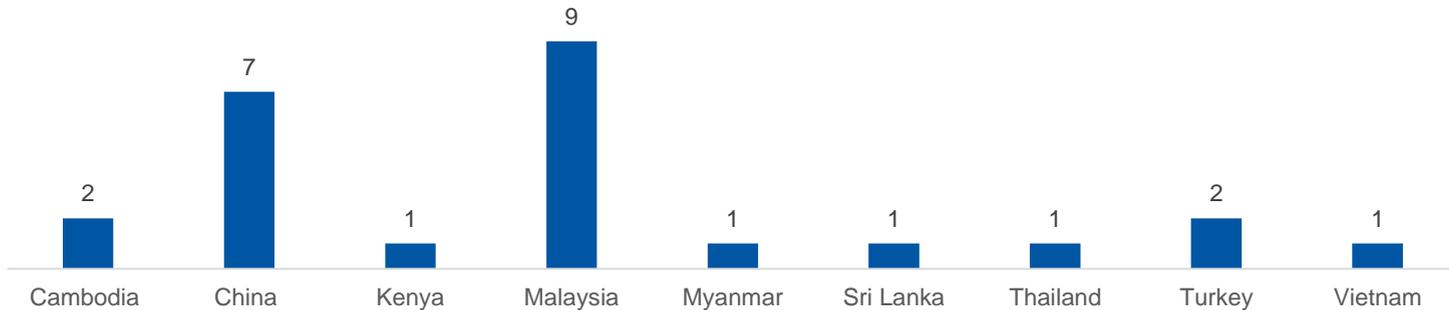
Type of ZT cases 2019



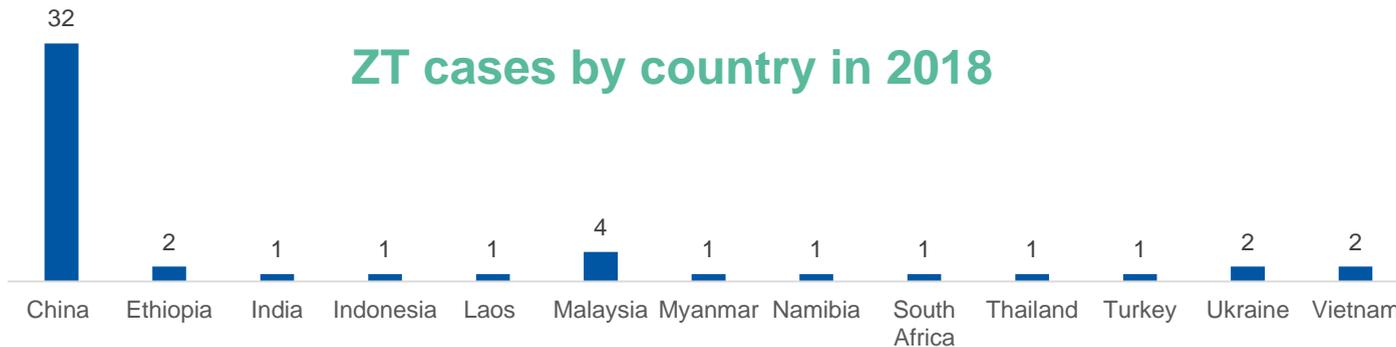
The amfori Zero Tolerance Protocol

In which country do you think most of the Zero Tolerance cases occur?

ZT cases by country in 2019 (Jan-Apr)



ZT cases by country in 2018



The amfori Zero Tolerance Protocol

Audit process: The Zero Tolerance Protocol is a methodology by which severe human rights violations are identified and supersedes the regular audit process.

The identification of a Zero Tolerance issue requires practical wisdom and judgement from the auditor to:

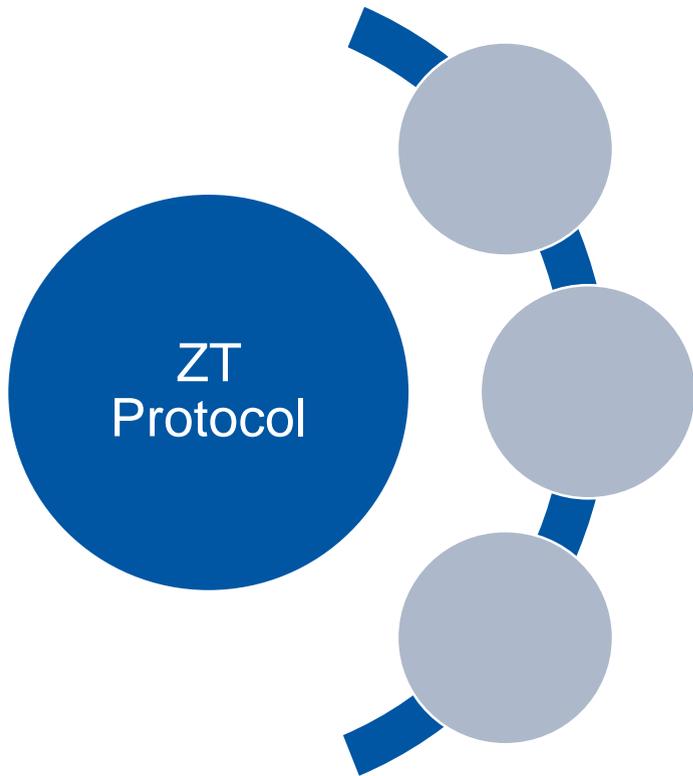
- I. Decide if the course of the audit needs to be adjusted
- II. Evaluate the level of severity of the finding and likelihood of the episode
- III. Decide to trigger a process towards immediate remediation (Zero Tolerance Protocol) or report the finding under the specific social performance area
- IV. Elaborate an alert message with as many proofs and context as possible
- V. Decide on the necessary actions to protect possible victims

Assessment of the severity: The situation must be:

- I. **Flagrant:** It is obvious and serious regardless if it is one-time or a recurrent violation.
- II. **Factual and proven at the time of the audit:** The breach is tangible, not hypothetical, and as proven as possible with documentary evidence.

The amfori Zero Tolerance Protocol

How does the Zero Tolerance Protocol work?



Detection – within 24 hours

- collects as much evidence as possible
- ensures the wellbeing of the victim(s)
- alert triggered, secretariat, linked participants and AC scheme manager informed
- producer is labelled as Zero Tolerance in the platform (link frozen for 10 days)
- amfori organizes conference call with linked participants
- identities of companies are disclosed

Knowledge gathering – within 48

- auditor provides additional information and evidence
- amfori to cross-verify audit information, check background information, audit history, local legislations etc.
- amfori to check media outlets for any direct or indirect links

Remediation – within 72 hours

- amfori holds a conference call with the ad-hoc remediation group
- define concrete next short- and medium term steps including whether to maintain the label and the need for a special investigation

Zero Tolerance Protocol: What is new?

To better respond to the urgency and severity of Zero Tolerance cases, a few changes have been made to the protocol:

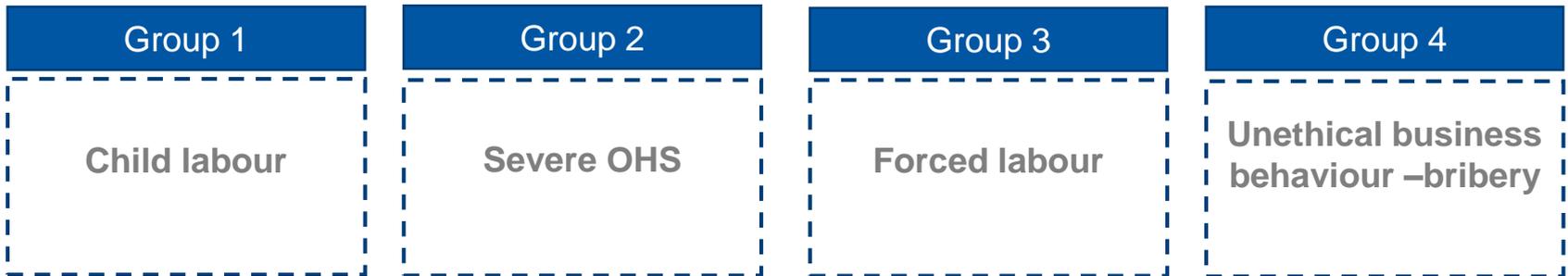
- **Precautionary principle:** a zero tolerance alert can be triggered based on serious suspicions of a severe violation, although at the time of the audit there is not sufficient evidence to prove the violation.
- **Reporting:** the audit report needs to be made available in the amfori BSCI Platform within 5 working days from the alert to facilitate a comprehensive assessment of the case by linked participants.
- **Follow-up:** linked participants remain vigilant after the alert and verify in due course the implementation of remedial actions. A follow-up call can be scheduled by the amfori secretariat three months after the alert to assess the success of remediation, identify potential further steps and decide whether to maintain or lift label and timeframe for follow-up audit and share learnings.

Zero Tolerance: Guiding principles

Guiding principles to address severe human rights violations

- **Protection of victims:** Ensuring the protection of victim(s) is paramount
- **Collection of further information:** Contribute to the collection of further information to build a solid case (e.g. auditor, member, supplier, producer, special investigation)
- **Remediation:**
 - Immediate response and timely availability
 - Perform root-cause analysis
 - Define short-, medium- and long-term remediation, incl. reflection in RP
 - Assess and correct own contribution, e.g. purchasing practices
 - Strive for long-term engagement
- **Collaboration:**
 - Seek collective remediation with linked participants to leverage efforts and effectively remediate problem(s) identified
 - Utilize business relationship with producer and strive for long-term relationships
- **Continuous improvement:**
 - amfori encourages to maintain business relationship to foster continuous improvement
 - Set-up internal policies and procedures on how to approach severe violations
 - Follow-up on business partners' progress and provide ongoing support after removal of label, including capacity building

Group discussion



Time duration: 11:45 – 12:05

Zero Tolerance: Lessons learned

Lessons learned since the introduction of the Zero Tolerance Protocol in 2015

- **The importance of communication and transparency:** clear, timely, transparent communication between the participant, producer and potentially intermediary.
- **The importance of sensitivity:** cultural sensitivity, sensitivity in the way violations and the request for their remediation are communicated to the producer as well as sensitivity with regard to the protection of the victim and consequently how to case is approached.
- **The importance of collaboration:** working effectively as a team to send a common message to the producer, leverage efforts and utilise the business relations with the producer to set the tone for remediation.
- **The importance of internal clarity:** establish and adjust internal policies and procedures to be prepared for steps that have to be taken when a ZT case occurs.
- **The importance of a tailored approach:** each case is different and requires a unique approach based on circumstances of the case, producer and linked participants.
- **On-going support after remediation:** continuation of monitoring and follow-up of producer's performance and providing guidance in making use of relevant resources to maintain safe working conditions.

Zero Tolerance: What can you do on behalf of your business?

To promote immediate remediation of zero tolerance cases amfori members can:

- **Communicate** and explain the Zero Tolerance Protocol to producers, intermediaries and internally to the relevant parties
- Establish **internal procedures** on how to respond to a zero tolerance case
- In the event of an alert **react timely** and **collaborate** with other linked members in the process facilitated by the amfori secretariat
- **Never share zero tolerance alert information** with the concerned producer, unless otherwise agreed upon by the ad-hoc remediation group after the 72 hours conference call to **protect victims** and collectively **define a strategy** first
- **Identify own contribution** to violation and correct, if applicable (e.g. purchasing practices)
- Maintain the **engagement** with the producer during and after the alert, so that the employment of workers is not jeopardized, and remedial actions are **sustainably implemented**

amfori BSCI activities + support



Audit monitoring methodology + guidelines



Continuous improvement of ZT procedure (internal + external)



Quarterly internal analytics & statistics



Capacity building & quality control:
Maintenance of Proficiency (MoP) Programme training for auditors
Member due diligence trainings + topic specific trainings
Producer trainings: Ethical business behaviour – reacting to TZs
Producer trainings on ZT (FL + CL) – *pipeline*



Guidance:
[Annex 5: How to Follow the Zero Tolerance Protocol](#)
Responsible Recruitment to End Workers Exploitation
Responsible Recruitment Guidelines for amfori BSCI Participants
Child labour remediation and young worker guidance China -
pipeline



Facilitation, guidance & follow-up support provided to linked participants by amfori secretariat



Best practice sharing:
[Zero Tolerance success stories](#)

Thank you!

