

amfori BSCI Code of Conduct

I. Introduction

The amfori BSCI Code of Conduct is a commitment document for amfori members and their business partners to exercise human rights due diligence and environmental protection in their global supply chains in line with internationally recognized principles. This document gives a direction to the amfori members and their business partners in order to conduct responsible business, and to identify, prevent, mitigate, account for and remediate adverse human rights, as well as environmental, impacts in their supply chains. It is supported and supplemented by the amfori BSCI System Manual, amfori Member Commitment Programme, and the amfori Sustainability Platform. This document, and all the supporting and supplementary material, integrates the characteristics of due diligence as listed by the Organisation for Economic Co-operation and Development (OECD).

amfori members and their business partners, including upstream and downstream producers, intermediaries and those involved in worker recruitment processes, can become signatories of the amfori BSCI Code of Conduct. Throughout this document, the term "signatories" will be used synonymously to refer to amfori members and their business partners.

This version of the amfori BSCI Code of Conduct has been approved by amfori, and overrules all previous versions of the amfori BSCI Code of Conduct in all its translations. The English version of this document is the legally binding one.

The amfori BSCI Code of Conduct v.2021 enters into force on 25 September 2023. The responsibility to embed this Code of Conduct into their operations, and implement due diligence, lies with the signatories.

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II. Values

The entire ISO 9000 Code of Conduct (CoC) is based on the following 10 values:

- Customer focus: ISO 9000 is a customer-driven standard.
- Leadership: Leaders establish the vision and strategy for the organization.
- People: People are the organization's most valuable resource.
- Process approach: The organization's processes are managed systematically.
- Improvement: The organization continuously improves its performance.
- Evidence-based decision making: Decisions are based on data and analysis.
- Relationship management: The organization builds mutually beneficial relationships with its stakeholders.

Each of the 10 values is further defined by the following 10 principles:

- 1. **Continuous improvement:** The organization continually improves its performance by using the PDCA cycle (Plan-Do-Check-Act) and other systematic approaches to identify and eliminate causes of nonconformity.
- 2. **Cooperation:** The organization works with its stakeholders to create value for all parties. This includes customers, suppliers, employees, and the community. Cooperation is essential for the organization to achieve its goals and to improve its performance.
- 3. **Empowerment:** The organization empowers its employees to take ownership of their work and to make decisions that affect their work. This is achieved by providing training, resources, and support, and by encouraging employees to take initiative and to contribute their ideas.
- 4. **Code observance:** The organization ensures that its employees understand and follow the ISO 9000 Code of Conduct. This is achieved by providing training and resources, and by monitoring and measuring compliance.
- 5. **Protection of vulnerable persons:** The organization ensures that its employees are protected from harassment, discrimination, and other forms of abuse. This is achieved by providing training and resources, and by establishing a system of reporting and investigation.
- 6. **Transparency:** The organization is open and honest in its dealings with its stakeholders. This is achieved by providing accurate information, and by being accountable for its actions.

Social Management System and Cascade Effect

The signatories commit to:

- Adopt and publicly communicate a written human rights policy statement, in line with the complexity and size of operations, approved at the most senior level.
- Implement a process- and risk-based due diligence management system in their business practices in line with the UNGPs, and adjusted to the business model of the company. The expectations set in this Code of Conduct should be embedded in the system.
- Actively communicate their endorsement of the amfori BSCI Code of Conduct through all the functions in their company, as well as to their business partners and relevant stakeholders.
- Train and incentivize all relevant departments and individuals in a manner that allows them to integrate the principles of responsible and gender-responsive business and purchasing practices in the company culture, and cascade it to their business partners.
- Require their business partners to cascade the information to the relevant business partners and stakeholders in the supply chain.
- Require and follow up with their business partners to work towards full observance of the amfori BSCI Code of Conduct within the sphere of their influence, including intermediaries that are involved in the worker recruitment process, such as brokers, recruiters and recruitment agencies.
- Include all workers in their due diligence, especially the vulnerable parts in their supply chain (e.g. migrant workers, smallholders, as well as temporary and migrant workers), identify the challenges at these levels, and partner with amfori and other relevant stakeholders for improvements.
- Have the strategy, processes, and sufficient resources in place to meet the responsibilities related to the amfori BSCI Code of Conduct and ensure that there is continuous improvement in its implementation.
- Exercise responsible and gender-responsive purchasing practices and avoid putting their business partners in a position that prevents them from adhering to the amfori BSCI Code of Conduct.

Workers Involvement and Protection

The signatories commit to:

- Establish responsible and gender-responsive management practices that involve all workers and their representatives in sound information exchange on the due diligence process.
- Define long-term goals to protect workers in line with the aspirations of the amfori BSCI Code of Conduct, including the rights and responsibilities, with special attention to vulnerable persons. When relevant, intermediaries such as brokers, recruiters, and recruitment agencies should play an active role in achieving these steps.
- Promote the involvement of workers, and worker representatives within their companies, as well as in the supply chain, in order to embed the amfori BSCI Code of Conduct in their company culture and promote continuous education and training at each level of work.
- Establish or participate in effective operational level grievance mechanisms for individuals and communities who may be adversely impacted, and maintain accurate records. The operational level grievance mechanism must be in line with UNGP Article 30. Where relevant (e.g. when a migrant worker population is present), the operational level grievance mechanism should be accessible in the workers' language and should be adapted and remedy the grievance effectively across jurisdictions, the partnership and cooperation.

The Rights of Freedom of Association and Collective Bargaining

The signatories commit to:

- Respect the right of workers to form and join trade unions – or to refrain from doing so – and bargain collectively in a free and democratic way, without distinction whatsoever and irrespective of gender.
- Ensure meaningful representation of all workers, without distinction whatsoever and irrespective of gender.
- Not discriminate against workers because of trade union membership.
- Not prevent workers' representatives and recruiters from having access to workers in the workplace – from interacting with them.
- Respect this principle by allowing workers to freely elect their own representatives with whom the company can enter into dialogue about workplace issues, when operating in countries where trade union activity is unlawful or where free and democratic trade union activity is not allowed.

No Discrimination, Violence or Harassment

The signatories commit to:

- Treat all workers with respect and dignity.
- Ensure that workers are not subject to any form of violence, harassment, and inhuman or degrading treatment in the workplace, as well as threats of violence and abuse, including corporal punishment, verbal, physical, sexual, economic or psychological abuse, mental or physical coercion, or other forms of harassment or intimidation.
- Understand the possible grounds for discrimination in their specific context, and not discriminate or exclude persons based on sex, gender, age, religion, race, caste, birth, social background, disability, ethnic and national origin, nationality, membership in unions or any other legitimated organisations, political affiliation or opinions, sexual orientation, family responsibilities, marital status, pregnancy, diseases, or any other condition that could give rise to discrimination.
- Establish disciplinary procedures in writing and explain them verbally to workers in terms and language which they understand. The disciplinary measures must be in line with national legislation.
- Provide gender-sensitive and equal opportunities and treatment throughout recruitment and employment.
- Verify that workers are not harassed, disciplined, or retaliated upon for reporting issues on any of the grounds listed above.

Fair Remuneration

The signatories commit to:

- Comply, as a minimum, with wages mandated by governments' minimum wage legislation, or industry standards approved based on collective bargaining, whichever is higher. The wages shall refer to standard working hours.
- Pay wages in a regular, timely and stable manner, and fully in legal tender. Partial payment in the form of allowance "in kind" is only accepted in line with ILO specifications.
- Assess the pay gap accurately and work progressively towards the payment of a living wage that is sufficient to afford a decent standard of living for the workers and their families.
- Reflect the skills, responsibility, seniority, and education of workers in their level of wages.
- Where a pay rate for production, quota or piece work is established, allow workers to earn at least a wage which respectively meets or exceeds applicable legal minimum wages, industry standards, or collective bargaining agreement (where applicable) within standard working hours.
- Ensure that workers of all genders and categories, such as migrant and local workers, receive the same remuneration for equal jobs and qualification.
- Implement deductions only under the conditions and to the extent allowed by applicable law.
- Do not discriminate the workers with the application of the above, such as without regard to their gender, level of seniority, position or promotion path.

Decent Working Hours

The signatories commit to:

- Ensure that workers are not required to work more than 48 standard hours per week, without prejudice to the specific expectations set out hereunder. Exceptions specified by the ILO are recognized.
- Interpret applicable national legislation, industry benchmark standards or collective agreements within the international framework set out by the ILO, and promote working hour practices that enable a healthy work-life balance for the workers.
- Only exceed the limit of hours described above in line with exceptional cases defined by the ILO, in which case overtime is permitted.
- Use overtime as an exceptional and voluntary practice, paid at a premium rate of minimum 125% of the standard rate. Overtime shall not represent a significantly higher likelihood of occupational hazards, and in no circumstance go the limits defined under national legislation.
- Grant their workers the right to resting breaks in every working day and the right to at least one day off in every seven days, unless exceptions defined by collective agreements apply.

Occupational Health and Safety

The signatories commit to:

- Respect the right to healthy working and living conditions of workers and local communities, without prejudice to the specific expectations set out hereunder. Vulnerable persons, such as - but not limited to - young workers, new and expecting mothers and persons with disabilities, shall receive special protection.
- Comply with national occupational health and safety legislation, or with international standards where national legislation is weak or poorly enforced.
- Ensure that there are systems in place to assess, identify and control potential and actual threats to the health and safety of workers.
- Train all departments and individuals on occupational health and safety regularly throughout all stages of employment, and provide information on potential occupational health and safety risks to workers and public, including affected communities.
- Take effective measures to prevent workers from having accidents, injuries or illnesses, arising from, with, or occurring during work. These measures aim at minimizing, so far as is reasonable, the causes of hazards inherent within the workplace.
- Seek improving workers' protection in case of accident, including through compulsory insurance schemes.
- Maintain records of all health and safety incidents in the workplace and all other facilities that are provided or mandated.
- Take all appropriate measures - and obtain all relevant licenses and documentation required by national legislation - to see to the stability and safety of the equipment and buildings they use, as well as to protect against and prepare for any foreseeable emergency. This includes residential facilities for workers when these are provided or mandated by the employer or a recruitment partner.
- Establish relevant committees, such as an Occupational Health and Safety Committee, to ensure active co-operation between management and workers, and/or their representatives, for the development and effective implementation of systems that ensure a safe and healthy work environment. These committees aim to represent the diversity of the workers.
- Provide awareness to workers, and respect their right and responsibility to exit the premises and/or stop working, without seeking permission in dangerous situations and uncontrolled hazard.
- Provide adequate occupational medical assistance and related facilities and provide equal access to all workers for these services (health services, including insurance), taking into account the specific needs of all genders and ages.
- Ensure access to safe and clean drinking water, and eating and resting areas free from contaminants, where applicable, provide access to cooling and food storage areas.
- Provide an adequate number of safe, separate toilets with adequate level of privacy and separate levels and cabinetry with hand-wash in all work areas.
- Ensure that residential facilities are provided or mandated, they are clean and safe, and they meet all the basic

- Provide effective and tailored Personal Protective Equipment (PPE) to workers free of charge, taking into account the needs of different worker categories, such as pregnant and nursing women, into consideration.
- Compensate the damages incurred to the worker on the occasion that historical or actual failure of adherence to principles identified.

No Child Labour

The signatory shall commit to:

- Not employ, directly or indirectly, children below the minimum age of completion of compulsory schooling as defined by law, which shall not be less than 15 years unless the exceptions recognised by the ILO apply.
- Protect children from any form of exploitation.
- Establish robust age-verification mechanisms as part of the recruitment process, which may not be in any way degrading or disrespectful to the worker.
- Take special care and identify measures in a proactive manner to prevent identification and removal of children to ensure the protection of affected children.

Special Protection for Young Workers

The signatory shall commit to:

- Ensure that young persons do not work at night and that they are protected against conditions of work which are prejudicial to their health, safety, morals, and development, without prejudice to the specific expectations set out in this principle.
- Remove young workers from any hazardous work or source of hazard immediately when such cases are identified and redefine their scope of work without any loss of income.
- Ensure that (a) the kind of work is not likely to be harmful to young workers' health or development; (b) their working hours allow their attendance in school, their participation in vocational orientation approved by the competent authority or their capacity to benefit from training or instruction programmes.
- Set the necessary mechanisms to prevent, identify and mitigate harm to young workers, with special attention to the provision and access of young workers to effective operational grievance mechanisms and to Occupational Health and Safety (OHS) specific to the needs of young workers.

No Precarious Employment

The signatory shall commit to:

- Ensure that, in recruitment processes and employment relationships do not create or contribute to the economic vulnerability for their workers.
- Ensure that work is performed on the basis of a recognised and documented employment relationship, established in compliance with relevant national legislations, custom or practice, and international labour standards, which provides greater protection.
- Before entering employment, provide workers with understandable information in their own language and ensure that they are aware about their rights, responsibilities, and employment conditions, including working hours, remuneration and terms of payment in their own language.
- Take special care to ensure that workers, including migrant and seasonal workers, whose children may be left in their home towns, are able to fulfil their parental or caregiver responsibilities.
- Provide employment at least on a full-time basis to workers who are dependent on their income for their basic needs.

- This is **not** - but **not limited to** - (a) apprenticeship or traineeship schemes, (b) there is no intent to impart skills or provide regular employment, (c) seasonality or contingency work when necessary to meet demand, (d) minimum wage protection, (e) labour-only contracting, and (f) contract substitution.
- Not use subcontracting in a way that undermines the rights of workers.

No Bonded, Forced Labour or Human Trafficking

The signatories commit to:

- Not engage in, or through business partners, be complicit to, any form of servitude, forced, bonded, indentured, trafficked or non-voluntary labour, including state-imposed forced labour.
- Adhere to international principles of responsible recruitment, including the Employer Pays Principle, and require the same from their recruitment partners, when engaging and recruiting all workers, either directly or indirectly, especially members of vulnerable groups such as temporary and migrant workers.
 - No recruitment fees and costs are charged to workers
 - Clear and transparent employment contracts
 - Workers' freedom from deception and coercion
 - Freedom of movement and no retention of identity documents
 - Access to free, comprehensive, and accurate information
 - Freedom to terminate contract, change employer, and safely return
 - Access to free dispute resolution and effective remedies
- Progressively compensate the damages incurred to the workers within a reasonable timeframe, and within the framework of the same international principles, if historical or actual failure of adherence to principles is identified.

Protection of the Environment

The signatories commit to:

- Implement a process- and outcome-based environmental diligence management system in all business practices, adjusted to the business model of the company. This can also be integrated into the overall due diligence management system.
- Comply with national environmental legislation, or with international standards where national legislation is weak or poorly enforced.
- Identify the environmental impacts of their operations, and implement adequate measures to prevent, mitigate and remediate adverse impacts on soil, air, water, communities, natural resources, climate, and the overall environment.

Ethical Business Behaviour

The signatories commit to:

- Not take part in any form of corruption, extortion or bribery, nor in any form of unfair trading, including but not limited to: the provision, offering, giving or accepting of any improper monetary or other incentive.
- Develop and adopt adequate internal controls, programmes or measures for preventing and detecting corruption, extortion, embezzlement or any form of bribery, developed on the basis of a company-specific risk assessment.
- Keep accurate information regarding their activities, structure and performance, and disclose these in accordance with applicable regulations and industry benchmark practices to enhance transparency of their activities.
- Not falsify, or participate in falsifying, any information or in any act of misrepresentation in the supply chain.
- Provide awareness to the employees on the policies, controls, and procedures to prevent unethical behaviour, promote compliance within the company through training and

- Collect, store and otherwise process personal information (including that from vendors, business partners, customers and consumers in their sphere of influence) with appropriate care. The collection, use and retention of personal information must comply with privacy and information security and regulatory requirements.

III. Terms of Implementation

The signatories of this Code of Conduct agree to implement the values and principles set out in this document throughout the life cycle of their business relationships, and in close liaison with relevant stakeholders:

- **Before starting a business relationship**, to map and understand potential and actual human rights risks.
- **During a business relationship**, to conduct responsible business and to coach and support their business partners in continuous improvement.
- **At the end of a business relationship**, to ensure a responsible transition for the business partner

Information Management

- The signatories shall maintain the amfori BSCI Platform with up-to-date and accurate information and will instruct their employees and representatives to use such information in compliance with the Regulation (EU) 2016/679 (General Data Protection Regulation) which is also referred to as EU GDPR
- The signatories understand that all personal information collected, used, and otherwise processed within the amfori tools and platforms must comply with the EU GDPR, regardless of the geographical location the data is collected
- The signatories agree that the information gathered through a monitoring activity, including a grievance mechanism, can be shared with third parties (i) insofar as this occurs within the framework of amfori; (ii) insofar as such transfer is necessary for the provisions by or on behalf of amfori-related activities, and/or (iii) the third parties to whom information is provided with utmost confidentiality and for the only purpose relevant for the activity.

Monitoring in the Supply Chain

- Business partners shall monitor that the amfori BSCI Code of Conduct is observed internally and by their upstream business partners involved in the production process, based on a continuous improvement approach.
- Business partners acknowledge that amfori members may choose to include them in monitoring activities. They agree to be monitored on-site and off-site, announced or unannounced, by amfori, or third parties qualified by amfori (e.g. auditing companies, quality partners) for this purpose. These activities may be conducted within the scope of amfori monitoring tools, or amfori Audit Quality Programme. Within the course of a monitoring activity, business partners agree to:
 - Give full access to the facilities as requested by the individuals conducting the activity, including parts that may not have been initially included in the activity scope.
 - Give access to personal data on their workers, and let the individuals gather relevant data for reporting purposes, as long as in line with the national legislation and EU GDPR.
 - Allow the individuals to gather the necessary document evidence relevant to the activity, including but not limited to business documents, licenses, certifications, and pictures.
 - Provide the individuals with access to the necessary information, including but not limited to internal communications with workers, in full confidentiality, without any influence or interference from the management.

IV. References



For public consultation purposes, please refer to the separate document in the package.

V. Glossary



For public consultation purposes, please refer to the separate document in the package.

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