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A **GUIDE** FOR **ENTERPRISE** **DIAGNOSTICS** ▶



Get to Know and Improve
your Labour Standards Performance



A **GUIDE** FOR
ENTERPRISE
DIAGNOSTICS 

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Labour Standards Performance

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BUSINESS ORGANIZATIONS OF CENTRAL AMERICA, PANAMA AND THE DOMINICAN REPUBLIC

The “Guide for Enterprise Diagnostics: Get to Know and Improve your Labour Standards Performance” is born with the objective of promoting a culture of compliance in the business sector.

Today more than ever, our societies require committed and innovating entrepreneurial leaders to promote economic development whilst preserving environmental capital and improving people’s living conditions. For this reason, we applaud their interest in measuring and improving the labour practices in their firm and we hope that this Guide will be a practical and flexible tool as they move towards good labour practices.

In the business organizations of the region we aim at promoting and strengthening the activities of private enterprise with social responsibility. Because of this, we have collaborated with ILO in this important effort to develop A Guide that helps to measure and improve the labour standards performance of the firms associated with our member chambers and any enterprise in the region. The benefits of better practices go beyond business profits, since they impact the improvement of the quality of life of the workers, the competitiveness of the region, and a greater social cohesion, among others.

Recognising that the Entrepreneurial Social Responsibility strategy must begin at home, we have prioritised the development and promotion of this Guide. Our commitment is to become a continuous ally of the enterprises of the region that are in the process of improving their practices.

Today’s world and today’s challenges open opportunities for the region to be competitive in labour terms. I invite you to engage in a region that is responsible in labour matters and that is growing competitively and sustainably.

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THE ILO BUREAU FOR EMPLOYERS' ACTIVITIES

In the face of market trends, the role and responsibility of ILO in promoting labour rights, encouraging decent work opportunities, the improvement of social protection and strengthening dialogue when addressing work related issues, are greater every day.

Several leader firms in the region recognize in ILO an ally that plays a crucial role in enforcing these principles within their firms.

To respond to these new demands, the Office of Activities with Employers – ACTEMP – of the ILO has identified the need to design a tool that allows a larger number of enterprises to perform labour standards diagnostics that help them comply with the labour laws and standards, of their respective countries.

For ILO and its service of activities with employers, we consider that it results of particular relevance to continue working jointly with the organisations of business representation in each one of the countries of this region. This with the purpose of promoting synergies that generate trust among the employers, so that they may see the benefits of complying with labour standards and in this way contribute to position labour compliance as a topic associated with improvement of productivity and business competitiveness.

We are grateful to the Federation of Private Entities of Central America, Panama and the Dominican Republic FEDEPRICAP for the opportunity of making available this "Guide for Enterprise Diagnostics: "Get to know and improve your labour standards performance."

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1. INTRODUCTION

The purpose of this document is to serve as a supporting tool for enterprises in Central America, the Dominican Republic and Panama that seek to improve their labour practices.

The Guide offers an ample perspective of how to measure and improve business development in a more responsible, competitive and sustainable manner. This Guide aims at introducing the international labour standards and the Conventions and Recommendations of the International Labour Organisation (ILO) in labour matters, practically and simply.

The following pages identify the relevant issues in a context of responsible enterprises and details for the entrepreneurs on how they can measure and monitor their business performance with the purpose of improving it.

The Guide addresses both the issues of labour compliance as well as the adoption of policies and the implementation of programs that transcend the legal requirements for the treatment of the workers. Additionally, it offers guidelines on how to create a measurement and labour standards improvement system in the firm to ensure its orientation towards continuous improvement.

Additionally, the Guide offers a labour self-assessment tool so that enterprises may use a consensual and common instrument to measure their labour standards performance and ensure that they improve in this performance.

Finally, the Guide addresses other issues such as environment, civic security and suppliers in accordance with the international standards for enterprises that export to developed markets.

The Introduction offers instructions on how to use this Guide to obtain the greatest benefit. This initial section presents a map of the contents of the complete document.

The Conceptual Framework identifies the trends in labour matters. It includes the topics necessary to achieve good performance, which are: forced labour, child labour, discrimination, freedom of association and collective bargaining, contracts and labour conditions, salaries, workday, social security, health and safety, environment, security, and finally suppliers.

For each one of these topics, a principle for the firm is detailed, a brief description of the topic and the sub-topic is offered, the common non-conformities are described and the supporting resources that the firm should have, in order to show it complies with that suggested, are detailed. Understanding the labour topics offers important prior knowledge to the reader before using the self-assessment tool.

The different chapters of the Guide may be used as tools to be consulted independently. However, we recommend reading the conceptual framework before initiating the self-assessment. Reading this chapter will allow the enterprise to understand the complete range of topics addressed through self-assessment.

The Self-assessment Tool is a support resource for firms in order to review the current status of their labour standards compliance. Firms may resort to this tool when they are initiating the assessment of the current labour standards compliance level. This section includes a description of the development of the tool, a description of how it should be used in the firm and then the subsections of the tool itself. The latter include the profile of the firm, the list of recommended documentation, the worker interview format, the self-assessment that addresses topics of labour standards compliance and includes elements of good labour practices, or of issues that surpass the legal requirements and finally the proposal to develop a labour standards improvement plan.

Glossary of Terms is the reference section to ensure that the reader understands the terminology used in the Guide correctly.

Other Tools and References offers additional information about other tools and labour certifications that may further the reader's knowledge on labour issues and existing certifications.

Bibliography offers information on the documents and tools that were used to develop this Guide.

2. CONCEPTUAL FRAMEWORK

A. Business case for good labour standards performance

The business case of good labour practices grows day by day driven by globalisation, internationalisation of productive chains and the growing awareness of the customers and consumers of the production practices of the goods and services they purchase. More and more, enterprises do business incorporating good labour practices because they expect to receive multiple benefits associated with these business behaviours. Good labour practices offer business benefits allowing enterprises to improve their productivity in the short term and to improve their competitiveness as they reduce the long term risks and they capitalise the opportunities.

In order to integrate the vision of better labour practices into the business management in an enterprise, good labour standards performance must arise as an integral strategy of continuous improvement that contributes to its competitiveness and not as an obligation that must be fulfilled. Each enterprise must pause to study its business strategy and identify where and how to acquire better labour practices and why these can contribute value to it.

The business case is different for each firm, but there are several general benefits that can be enumerated. We detail below the main benefits, according to their internal and external impact on the enterprise.

Benefits of good labour practices for collaborators:

- Better work conditions.
- Higher living standards.
- Greater motivation.
- Greater identification with the work.
- Professional development.
- Greater labour stability.

INTERNAL BENEFITS:

Reduces labour risks and legal violation. Complying with the labour legislation is an obligation of every citizen and prevents possible fines enforced by the State.

Reduces the risk of "a bad reputation". At a time when reputation and the value of intangibles of a firm acquire greater importance, this benefit becomes something indispensable. The reputation of the firm can be hurt by internal breach and/or of one of its suppliers in labour matters.

Creates loyalty. Having good labour practices creates an environment of labour security that promotes the loyalty of the workers towards the best and most noble interests of the firm.

Motivates workers. When they are respected and taken into account, the workers have higher levels of motivation and tend to participate more actively in the fulfilment of the vision and the mission of the firm.

Improves profitability. A firm with a lower risk level generates greater profitability for the shareholders.

Protects the economic interests. Compliance with the labour legislation reduces the need to safeguard the tangible and intangible assets of the firm.

Access to multinational productive chains. Multinational firms seek suppliers that comply with the international legal standards because they can ensure that their products and services are developed responsibly and can reduce the risks of a bad reputation of their clients, among others.

Access to preferential financing rates. Various multinational banks grant funding only to firms that comply with the labour legislation. Other banks have preferential interest rates for firms that have better labour, social and environmental practices.

Strengthens the CSR strategy. All the CSR definitions and strategies initiate inside the firm, therefore, it is indispensable to improve the labour practices when initiating the CSR strategy.

EXTERNAL BENEFITS:

Generates consensus. Compliance with the labour legislation is not about opinion or debate, it is about fulfilment.

Anticipates conflicts. Compliance with the labour legislation facilitates the identification of labour conflicts or of any other kind with worker organisations, with clients, with the Government, among others. Identifying conflicts before they occur can mitigate or minimise them.

Generates confidence for the investors. Investors have a higher level of confidence and certainty in those firms that comply with the labour legislation, since they do not only guarantee greater profitability and risk reduction, but it is a clear indicator that they fulfil their minimum commitments.

Improves the competitive position. Countries where enterprises operate with greater labour compliance have the best competitiveness levels since they insert into world productive chains and easily attract foreign investment. Compliance with the labour legislation has an impact on indexes and rankings that can later position the country better.

Improves the image. Compliance with the labour legislation offers legitimacy and allows gaining the respect and loyalty of the customers, suppliers, the Government and other interested audiences. This image improvement may impact on creating greater acceptance from these groups.

Further information at www.oit.org

The tripartite structure of the ILO has served as the basis for creating several multi-sector initiatives.

Review the updated list of international labour standards at www.ilo.org/global/publications/wcms_108409/lang-es/index.htm

The ILO and the governments also work together with the business chambers and business leaders so that they may operate as soundboards for the fundamental conventions ratified on a national level. The proactive work of the organized private sector towards promoting better practices is invaluable.

Fundamental Conventions of the ILO:

- Convention 87 concerning freedom of association and protection of the right to organise.
- Convention 98 concerning the right to organise and collective bargaining.
- Convention 29 concerning forced or compulsory labour.
- Convention 105 concerning the abolition of forced labour.
- Convention 138 on the minimum Age for admission to employment and work.
- Convention 182 concerning the prohibition and immediate action for the elimination of the worst forms of child labour.
- Convention 100 concerning equal remuneration for men and women workers for work of equal value.
- Convention 111 concerning discrimination in matters of employment and occupation.

Millennium Development Goals:

1. Eradicate extreme poverty and hunger.
2. Achieve universal primary education.
3. Promote gender equality and empower women's autonomy.
4. Reduce child mortality.
5. Improve maternal health
6. Combat HIV/AIDS, malaria and other diseases.
7. Ensure environmental sustainability.
8. Develop a Global Partnership for development.

B. The legal elements and references for good labour performance

When we speak of labour standards in a firm, we refer to human rights and labour rights in the firm.

There are two levels of labour standards performance: the first one refers to the compliance or adherence to the national laws and regulations and to the labour standards adopted by the ILO. The countries that have ratified the international conventions should integrate them into their national labour legislation.

The second rung of labour standards performance is the good labour practices and the implementation of programmes that transcend the legal requirements for the workers. Whilst ensuring legal compliance reduces operation risks, surpassing the legal demands leads to the search of opportunities and to greater competitiveness.

The ILO is the oldest specialised United Nations agency and its main purpose is to foster social justice and human and labour rights recognised internationally. It was created in 1919 and has a unique structure among the multilateral agencies since it brings together representatives from the governments, from the employers and from the workers. This tripartism allows the governments and social partners from the 185 member states to freely confront their ideas and compare national policies and experiences and participate in all the negotiations, deliberations and decisions on an equal plane.

The ILO issues international labour standards which are legal instruments that establish the basic labour principles and rights. These standards are prepared between the governments, the employers and the workers in consultation with experts from all over the world. The standards represent the way in which they can address all the matters related with the labour world and they can be Conventions or recommendations. As well, there are other instruments of a general character in the ILO, such as the ILO Constitution, the declarations, resolutions and many repertoires of practical guides.

Since 1919 up to June of 2011, the ILO has adopted 189 conventions and 201 recommendations on the following matters:

- Freedom of association and collective bargaining
- Equality of opportunities and treatment
- Abolition of forced labour
- Abolition of child labour
- Promotion of employment and professional training
- Social security
- Labour conditions
- Administration and labour inspection,
- Prevention of labour accidents, maternity protection
- Protection of migrants and
- Protection of other categories of workers such as people of the sea, nursing staff or plantation workers.

Once adopted by the ILO, it is the decision of each country to ratify the conventions. These instruments can be implemented adapting the existing legislation of each country, through new laws and regulations, developing policies for that effect, bargaining collective conventions, creating adequate institutions or through those measures that the Government agrees with the enterprises and the workers after consultation. Once a State ratifies a convention, it is bound by it and it engages to comply with the provisions established in the text, both in law as well as in practice.

The Governing Body of the ILO has identified eight conventions classified as fundamental to guarantee the labour rights of human beings and which are a prior condition for the development of the other conventions. The recommendations on the other hand are not compulsory legal instruments nor can they be ratified, but rather, they are guidelines for practical application.

All the standards apply to all the workers, men and women, national and non-national, those that work under arrangements of formal labour agreements and workers from the informal economy. Some standards address specific groups like for example migrant workers, domestic workers, fishermen, etc.

In the region, the most important ILO conventions have been ratified and therefore the various States have the legal tools on a national level to implement these conventions locally. It must be highlighted that all the fundamental conventions have been ratified by the countries of the region.

To identify the priorities of the Organisation and include them in the agenda, the ILO developed the concept of Decent Work. Decent work seeks to achieve productive work for men and women, performed under conditions of freedom, equity, security and human dignity. Beyond simply being a term, it has become a global programme that seeks to provoke positive changes in the life of the people, locally and nationally.

The ILO estimates that decent work is fundamental in order to achieve the Millennium Development Goals (MDG's) and eradicate poverty. Decent work contributes to the achievement of these goals through decent and productive employment, social protection, labour rights and social dialogue.

The MDG's are based on the United Nations Millennium Declaration, subscribed in September of 2000 during the Millennium Summit of the United Nations. They include a series of eight ambitious goals that seek to reduce poverty in half and achieve another series of goals by the year 2015.

The commitment with the MDG's is an example of how firms can decide to go beyond labour compliance towards the best labour practices. These practices transcend the legal requirements when they include policies, programmes or initiatives that improve labour conditions or the labour climate. Although the best labour practices are not a legal requirement, they have become, in several industries, market requirements. For example, in the clothing and textile industry, many purchasers demand from their suppliers compliance with their business ethics codes that go beyond what the law demands and include additional issues other than the labour ones such as good environmental practices, good security management practices and the adequate handling of suppliers.

When the **IFC** or the International Development Association finance projects, they demand a series of standards that include an important section of the international labour standards. These are entitled Environmental, social and corporate governance standards.

C.A.F.E. is an indicator developed by Starbucks for coffee suppliers and covers:

- Labour issues such as child labour, freedom of association, among others.
- Community development issues such as access to education.
- Environmental issues such as water management, soil protection and maintenance of biodiversity.

For further information on the definitions of the topics, you may review the text "ABC of women worker's rights and gender equality", ILO, 2008.

EXAMPLES OF GOOD PRACTICES THAT GO BEYOND THE LAW

LABOUR PRACTICES	IMPACT ON PRODUCTIVITY
Formal communication channels with the workers so that the latter may collectively bargain salaries, hours, and other labour conditions.	(+) Benefits margin. (-) Absenteeism, turn-over and labour accidents.
Formal mechanisms for the workers to submit complaints and suggestions to the management.	(+) Improvements recommendations for workers, workers' productivity and satisfaction. (-) Labour accidents and production costs.
Health and security measures (personal protection equipment, hygiene, ventilation, lighting and risk prevention assessment) and crossed training.	(+) Workers motivation. (-) Absenteeism, turn-over and labour accidents, illnesses and related costs.
Over-time work regulation.	(-) Number of accidents related with fatigue, production costs associated with health injuries and with the costs for hiring and training workers to cover the injuries.
Salary and benefits (salary savings plans, free transportation, housing for permanent employees, personal loans and variable pay).	(+) Motivation, retention, productivity. (-) Absenteeism, costs related with recruitment and training, shutdowns and delivery schedules.

Study DR-CAFTA, BSR 2011

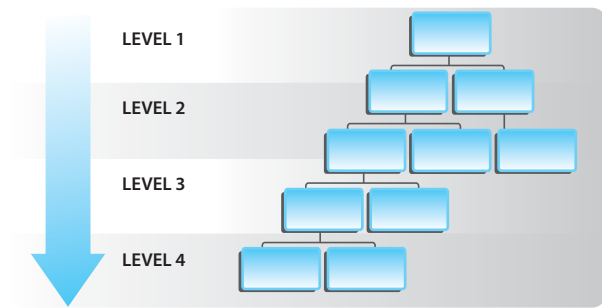
Every day, the labour standards in the international productive chains receive more attention. Addressing labour issues in the productive chain is a responsibility of the formal enterprises and also a market requirement demanded by several international customers and even some regional enterprises. The consumers are more and more aware of the conditions under which the goods and services they acquire were produced; they no longer only expect good products at a good price.

In the same way, the socially responsible investors are making more questions about the operation practices of the enterprises in which they invest, and these inquiries extend to the productive chains. The enterprises that already export to the United States or to Europe, have experience with customers with high demands throughout the productive chain; some will even have experience complying with ethics codes of particular industries or enterprises. Therefore, it is a mistake to assess labour practices of the firm in an isolated manner; it is important to consider the productive chain even if this transcends the legal requirements.

Going beyond legal compliance in several enterprises could extend the scope of the labour standards performance measurement and improvement system towards the productive chain and assessing the labour compliance of the suppliers. For this, it is recommended to make a map of the chain, identify potential risks with regard to suppliers, communicate the new standards to them, measure the labour performance of the suppliers and attempt to have them improve their practices.

When the effort to develop the productive chain map begins, consider dividing the scheme into four rungs, according to the graphic below. The first rung is the firm itself.

Level 2 refers to the salesmen and direct suppliers of the firm. Level 3 refers to the suppliers of the first rung firm or the sub-suppliers of the firm. Level 4 refers to the firms that offer services or products to the second rung firms.



Once the productive chain map has been developed, it is important to identify the risks and to do so, it is necessary to contemplate competitiveness factors and also labour risks.

ELEMENTS OF THE LABOUR RISKS ASSESSMENT IN THE PRODUCTIVE CHAIN

Region, country or sub-region in a country.	Certification or adherence to industry standards.
Industry or category of the product.	Estimated number of sub-suppliers.
Production process.	Business percentage they represent.
Attention level received by activists and communication media.	Difficulty to replace the supplier.
Nationality or ethnic background of managers or employees.	Others.

When the firm begins to inform about the labour standards and to measure the labour standards performance of its productive chain, it is important to prioritise its most important suppliers. Depending on the total number of suppliers it may have, it probably may not be feasible to address them all. However, each firm should prioritise the suppliers with greater risks and address them, using the same principles it used internally.

In the case of its suppliers, it could contemplate that someone administers internally the assessment tool to avoid subjective criteria when the supplier performs the self-assessment.

C. Twelve topics that need to be addressed in order to achieve a good labour performance

In the next pages, we will examine each one of the labour issues included in the standards and some that go beyond what the law demands; all of which are found in the self-assessment. Of the twelve topics, the first nine respond to the international labour standards and the last three respond to the best international practices.

Each one of the topics includes an introduction, a list of references to the international ILO standards, a description, the common non-conformities, and finally, a list of references is offered which can be used to document the good practices of the firm during the implementation of self-assessment. Said topics are:

- A. Forced labour
- B. Child labour
- C. Discrimination
- D. Freedom of association
- E. Work conditions
- F. Minimum salary
- G. Ordinary working day
- H. Health and safety management systems
- I. Social security
- K. Environment
- L. Security
- M. Suppliers

FORCED LABOUR



Forced labour can be defined as all work or service performed under threat of punishment (including non payment of salary, dismissal and declared violence or the threat of violence) and which is performed against one's will. It constitutes a serious violation of human rights and a restriction of the person's freedom.

Work under conditions of servitude (or in servitude due to debts) is a specific form of forced labour according to which the workers, and on occasion the entire family, are forced to work for an employer in order to pay back loans, advances or other obligations, and for which they receive minimum pay or none at all and they lose their freedom of movement or the possibility of changing employer.

Among the causes of forced labour, the following may be included:

- Be born under slavery or servitude conditions, or inherit such a condition.
- Be a kidnapping victim.
- Find oneself in a situation of physical confinement in the place where the work is performed.
- Become the victim of debt induced through account forgery, unpayable debts with illegal hiring or illegal immigration agents, insufficient pay or non payment of salary, charging an excessive price for food and lodging, among others.
- Become the victim of deception about the nature and the working conditions promised as an immigrant worker.
- Be the object of threats of violence (including sexual violence) or of other penalties against oneself or against one's family, whether it is at the place where the work is performed or in the country or zone of origin.
- Having being deprived of the identification document and be threatened with denunciation to the authorities, situation that particularly exposes the immigrant workers in irregular situation to coercion.
- Be detained in a penitentiary centre and be forced to work.

The firm rejects any form of forced labour.

Key References:

- Convention 29 about forced labour.
- Convention 105 about the abolition of forced labour.

Coercion:

Both the vulnerability of the workers and the actions of the enterprise are essential or fundamental factors to understand the coercive practices that can lead to forced labour.

The vulnerable worker can be an immigrant, a pregnant woman, or people from minority ethnic groups who are often more susceptible to forced labour. These workers can be subjected to minimum pressures so that they perform work against their will. Extreme poverty is another condition that places a worker in a highly vulnerable situation, since he/she lacks the alternatives to opt for other jobs.

The coercion from the employer is a conscious decision to manipulate or overcome the will of a person, it implies that the worker has not given his/her consent to perform a specific job or action, but rather he/she is forced to do it.

Examples of coercion are restrictions of movement, threats of violence or deportation, delays in payment and restriction of identification documents.

Common non conformities:

- Limit the mobility of the workers from their area of employment to their dormitories, in case the enterprise provides these.
- Threaten the workers with violence to make them work.
- Threaten to deport the workers or denounce them to the authorities so that they continue to work after their contract has concluded, particularly relevant in the case of immigrant workers.
- Retention of salaries or retention of identification documents so that the workers cannot leave a job.
- Hiring agency retains payments.
- Pay too many salaries in advance and/or salaries in kind to the point that the worker is so indebted that he/she cannot leave the job.

Supporting resources to accredit good practices:

- Contracts with workers in the worker's language.
- Contracts with recruitment agencies.
- Records of payments and salary deductions.
- List of permanent and sub-contracted workers.
- Interviews with workers, particularly with immigrants and/or penitentiary, in case they exist.
- Interviews with guards or security agents.

CHILD LABOUR



The firm does not employ children and respects the law with regard to hiring minors.

Key References:

- Convention 138 minimum age.
- Recommendation 146 minimum age.
- Convention 182 worst forms of child labour.
- Recommendation 190 worst forms of child labour.

Young worker:

People between the minimum age for work in the country and 18 years old. Any worker over the age of a child, according to that defined earlier, and under the age of 18 years old.

Alluding to child labour as a form of work that should be eliminated refers to work that is harmful to health, education, welfare and the development of children and not to some activities children carry out like for example, a child can help at home or in the family business in a constructive way.

The general criteria that determine the exploitation of child labour are the age of the child and the nature of the work. A guiding principle is that work should not interfere with education and the full mental and physical development of the child. Age is a decisive factor because, up to a certain age, the basic occupation of children should be to receive an education and occupy themselves in activities appropriate to their healthy development, including play.

Also, children are harmed by work in a different and more intense way than adults and the younger they are, the greater is their vulnerability. The danger of work and the conditions in which it is performed are also important criteria.

Dangerous work:

In section d) of Article 3 of the ILO Convention concerning the prohibition and immediate action for the elimination of the worst forms of child labour, 1999 (number 182), child labour is defined as follows: d) the work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children. Each country has details about what is considered or not dangerous work.

Worst forms of child labour:

Worst forms of child labour: The eradication of the worst forms of child labour is a commitment acquired in the Convention 182. The worst forms of child labour are not allowed under any circumstance and include work that is likely to harm the health, safety or morals of children or that exposes them to physical, psychological or sexual abuse. In the Convention 182 and the Recommendation 190, the need to take into account the particular situation of girls is specifically emphasized.

Documentation and protection of young workers:

The appropriate documentation of age certifications of the workers under 18 years-old is indispensable in all the countries. Each country has different requirements about which the appropriate documents are. However, each firm should have the appropriate procedures to request, review and analyze this documentation.

Common non-conformities:

- Hiring workers who do not have the required minimum age.
- Assigning dangerous tasks to youngsters older than 15 (1) and under 18 years-old and who do not have the appropriate training.
- Allowing young workers to work overtime or work at night.
- Not verifying the age of the worker when hiring them with the required documentation.
- Having incomplete documentation that does not allow one to verify the age of the workers.
- No policy that refers to child labour is communicated effectively.

Supporting resources to accredit good practices:

- Establish policies and processes to verify people's age during contracting.
- Staff files, to ensure they include the documentation that verifies the age of the worker.
- Interviews with workers, especially workers older than 15 and under 18 years-old, should there be any.
- Payment records, identification documents, among others.
- System to identify work stations that are not dangerous for minors.

1. The age indicated in this paragraph is for reference, every country must check the minimum age required for work of youngsters.

DISCRIMINATION



The firm treats equally its collaborators with distinction of race, origin, religion, political opinion, sex, sexual orientation, age, disability or other.

Key References:

- Convention 100 concerning equality of remuneration.
- Convention 111 concerning discrimination.
- Recommendation 200 concerning HIV and Aids in the labour world.

Discrimination threatens the right of equality under which human beings are equal in dignity and rights, regardless of race, origin, religion, opinion politics, sex, etc.

Convention 169:

Convention 169 is a binding international legal instrument that is open to ratification and deals specifically with the rights of indigenous and tribal peoples. The Convention does not define who are indigenous and tribal peoples, but adopts a practical approach and only provides criteria for describing the peoples it aims to protect.

In recognition of the fact that indigenous are likely to be discriminated against in many areas, the first general fundamental principle of Convention is non-discrimination.

The spirit of consultation and participation constitutes the cornerstone of Convention 169 on which all its provisions are based. The Convention requires that the indigenous and tribal peoples are consulted by the Government on issues that affect them. It also requires that these peoples are able to engage in free, prior and informed participation in policy and development processes that affect them.

Discrimination is defined in Convention 111 as: any distinction, exclusion, or preference on the basis of race, colour, sex, religion, political opinion, national extraction or social origin, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation.

Discrimination is not a new phenomenon, and certain forms of discrimination, particularly those based on race, ethnics or sex, have long existed. More recently, the changes that have occurred in the structure and dynamics of the labour markets, which respond to more extensive political, economic and socio-cultural processes, have resulted in new forms of discrimination for reasons such as the positive HIV condition, sexual orientation, labour record or religion.

The firms should treat their workers equally with regard to their rights and obligations. Each worker should have equality of opportunity and of treatment with regard to the fulfilment of his/her responsibilities, as well as having a fair and equivalent retribution for his/her effort, abilities, knowledge and skills.

Discrimination can be direct or indirect and not does necessarily have to be intentional; practices that appear to be neutral may result in discriminatory practices.

Harassment:

Harassment and pressure (also known as intimidation or persecution) at the work place may take place in the form of various offensive behaviours. These are characterised by physical or psychological persistent harmful attacks, usually unpredictable, irrational and unfair, to a person or a group of workers. Sexual harassment is a form of persecution.

No worker should be submitted to harassment or pressure under any circumstance or employment category, nor to psychological mistreatment, persecution or unfair treatment at work. The labour tasks will be assigned equitably and in accordance with objective criteria, and the actions of the entire staff will be assessed in the same way. The most common forms of harassment are labour harassment and sexual harassment.

Sexual harassment may occur in both sexes and refers to any sexual insinuation or any non desired verbal or physical behaviour of a sexual kind, the acceptance of which is an implicit or explicit condition to obtain favourable decisions regarding employment, the purpose or consequence of which is to interfere without any reason in the labour performance of a person, or to crate an intimidating, hostile or humiliating work environment. Sexual harassment is considered a violation of human rights, a form of discrimination and a matter of safety and health at work.

Workplace harassment is frequently known by the English term, mobbing, and refers to the action of a harasser that produces fear, terror, contempt or discouragement towards work in the worker affected.

The most common bases for discrimination are:

Race: Discrimination due to race refers to the ethnic group that people inherit from their parents, due to their place of origin.

Origin: Refers to the social origin of people, or caste to which they belong.

Religion: Discrimination due to religious matters implies rejection of the religious beliefs and practices such as praying customs, particular diets, dress requirements and observation of religious holidays of people.

Political opinion: Political opinion refers to the political affiliation or participation in political party events.

Sex: This type of discrimination is based on the worker's gender, women being those most affected. The performance of pregnancy tests during the selection process or in order to opt for a promotion is considered another form of discrimination for reasons of gender or sex.

Sexual orientation: Discrimination based on sexual orientation (lesbians, gays, bisexual or transsexual) constitutes discrimination due to gender identity.

Age: Discrimination due to matters of age is manifested by the preference of employers for certain ages or the rejection of others.

Disablement: That condition under which certain people present physical, mental, intellectual or sensory impairments evident in the long term which, when interacting with various barriers, may hinder their full and effective participation in society, and under equality of conditions with others.

It is necessary that equality of opportunity and treatment for workers with disablement is respected and promoted. As well, the special positive measures oriented to achieving equality of opportunity and of treatment for these persons should not be seen as discriminatory against the other workers.

These people should have access to adequate employment (including professional orientation and training) and enjoy the possibility of social integration under conditions of full participation and equality. Their disablement should not be cause for dismissal.

Other bases: Civil status, that of health (for example HIV/AIDS, HIV/AIDS tests when hired, etc.), penitentiary workers also known as jail workers (volunteer workers from the penitentiary system), among others, are also considered common bases for discrimination.

Common non-conformities:

- Women and minority groups are not treated the same way.
- Demanding pregnancy tests before hiring women or before promoting women at work.
- HIV/AIDS tests before hiring a worker or during the work relationship.
- Workers older than a certain age are not hired or promoted.
- Workers of certain races, religions or characteristics are not hired or promoted.
- Employment offer ads that specify age, race, gender or country of origin of the person to be hired.
- No hiring of workers with disablements.
- Dismissal of pregnant workers or during the breast-feeding period.
- Salary reduction of workers who return from their maternity leave.
- In case of having penitentiary employees, offer a treatment different from the rest of the workers.
- Payment of different salaries to workers for carrying out similar tasks under the same conditions.

Supporting resources to accredit good practices

- Knowledge of the national and international standards in discrimination issues.
- Policies and procedures to address discrimination when it is expressed.
- Interviews with workers and with managers.
- Records of contracting, promotion or termination of the relationship with the workers.
- Employment ads used in the past.
- Training programme and material on discrimination.

FREEDOM OF ASSOCIATION



Freedom of association is a fundamental principle oriented towards the free exercise of the right of the workers and employers, without any distinction, to organise with the purpose of extending and defending their interests.

Both the workers as well as the employers have the right to create organisations of their own choice and join these. The workers may join labour unions or other worker organisations and the employers have the right to form chambers, trade unions or other business organisations.

Such organisations will have the right to:

- Draft their own statutes and regulations.
- Elect their representatives with total freedom.
- Organise their management and their activities and formulate their programmes.
- Not be dissolved or suspended by the administrative authority in case it applies.
- Constitute federations and confederations and affiliate to these.

Discrimination for associating:

Workers should enjoy adequate protection against all acts of discrimination tending to undermine the freedom of association with regard to their employment. They should be protected against the possibility of being denied an employment because they belong to or participate in trade unions or other worker organisations.

Discrimination occurs when an affiliated worker is treated differently through dismissal, transfer, overtime reduction, or other changes in work conditions.

Collective bargaining:

The condition prior to collective bargaining is freedom of association.

Collective bargaining constitutes a key means to agree on the terms and conditions of employment, for example, working hours, salaries, benefits, among others. The issues that will have to be bargained depend on the social, economic and legal context and of what the workers and employers themselves consider priorities.

The collective bargaining agreements also cover the rights and responsibilities of trade unions and employer and worker organisations.

Both rights: freedom of association and collective bargaining, imply that the workers should have freedom to decide how they wish to be represented without the interference of the firms.

The firm respects the right of the collaborator to form or associate in the organisation of collaborators of his/her choice. As well, it respects the right to not do so, if he/she so wishes.

Key References:

- Convention 87 concerning freedom of association and protection of the right to organise.
- Convention 98 concerning the right to organise and collective bargaining.

Trade Union:

Is an association of collaborators or employers constituted for the defence and promotion of professional, economic or social interests of their members.

Common non-conformities:

- Forbid worker leaders or union representatives access to the work area.
- Forbid workers to form a trade union or join the organisation of their choice.
- Take into consideration the trade union membership or “black lists” when hiring.
- Offer privileges or promotions to trade union leaders in exchange for favours or for leaving the trade union.
- Favour a worker organisation over another one.
- Penalise, restrict or discriminate against the workers who participate in associations or groups.
- Refuse to implement the collective convention or the existing agreements between workers and employers.

Supporting resources to accredit good practices

- Knowledge of national and international legislation about this matter.
- Minutes or aide memoires of collective bargaining sessions, meetings or others.
- Collective bargaining agreement in case it exists.
- Interviews with workers and union members or other worker organisations in case they exist.

WORKING CONDITIONS



The improvement of working conditions is one of the main goals of the ILO. Directly with the development of human resources work, the management of working conditions includes the management of selecting, contracting, training, employing, retaining and concluding the relationship with the workers of a firm, overseeing the conditions and terms of employment. Every firm is responsible for complying with the laws on contracting and working conditions, and those firms that have a collective convention should respect the agreements established therein.

The national legislation may require that the firm adopt internal work regulations.

Work Contract:

Agreement of wills between two people with the purpose that one of them works subordinately in favour of the other. The contract should be in a language that the worker understands and the latter should receive a copy of the document. The contracts define the relationship between workers and employers considering the conditions and the terms of employment.

Casual or temporary workers:

The firm may contract possible and temporary workers in order to achieve goals during production peaks or to respond to unforeseen situations. The casual work is that one that is performed without a fixed period of duration and that is executed by workers who the firm summons only when it needs them. It can be about a full time or a partial time activity during a varied period of time. Casual work depends closely on the level and fluctuation of the work flow, and those who practise it may work for a few days or during several consecutive weeks.

The firm defines contracts and offers working conditions in accordance with that established by the law.

Key References:

- Convention 158 concerning termination of employment.
- Recommendation 166 concerning termination of employment.

Many temporary workers can be considered casual. The firm must oversee that the use of casual or temporary workers takes place to respond to sporadic situations and is not a systematic practice that seeks to avoid the payment of benefits to a permanent worker.

Also, the firm may require contractors directly in order to complete the requirements of the necessary staff.

Contractual Procedures:

The firm must comply with the legal terms that the contracting procedures establish, specifically the procedures established for workers in terms of training or trial period. A trial period is a time of training or employment destined to assess the aptitude of a person for a particular work position. It should be applied uniformly to all the workers recently hired.

Disciplinary regime:

It is the system through which the firm or employer exercises a disciplinary action using a process regulated by labour standards. This system may include verbal and/or written admonitions, suspension with or without pay and dismissal without employer liability (or justified dismissal). In any disciplinary action bound to the regime, there should be a link cause-effect between the fault committed and the sanction should respect the principles of proportionality and reasonableness.

In several enterprises, the disciplinary regime may be tied to the ethics code allowing the firm to make admonitions for non compliance with the code.

Termination of the work relationship:

The termination of the contractual relationship or dismissal by initiative of the firm must be executed as established in the national laws. When reducing the labour force for economic, technological or structural reasons, the firm must comply with the legal demands.

The workers may not be dismissed for participating in trade union activities nor for their race, skin colour, sex, age (subject to what the national legislation or practice establish with regard to retirement), civil status, family responsibilities, pregnancy, religion, political ideas, country of origin or their social origin, neither for absence during maternity leave or due to illness or injury of short duration, fulfilment of military service or other civic obligations as established in the national legislation and practices.

Common non-conformities:

- Not all workers have a work contract or a work certification in a language he/she understands.
- Workers are hired through several temporary contracts to avoid paying the benefits of permanent employment.

Supporting resources to accredit good practices:

- Work contracts.
- Policies and procedures related with human resources.
- Records of contracting and termination of the labour relationship.
- Disciplinary regime.
- Documentation on work suspensions.
- Policies and procedures for casual and temporary staff hiring.
- Collective bargaining agreement in case there is one.

MINIMUM SALARY



"The firm remunerates its collaborators according to the minimum salary in force and pays the additional benefits the law establishes."

Key References:

- Convention 95 concerning salary protection.
- Recommendation 85 concerning salary protection.
- Convention 183 concerning maternity protection.

Salary:

Payment made by the employer or by the enterprise for work performed. It is also called remuneration or retribution. Salary is a part of the compensation.

The minimum salary is established in accordance with the law of the country or the region; it can vary according to sectors or geographical location where the worker performs.

The fundamental purpose of the adoption of a minimum salary policy is to establish the bases of the national salary structure in order to protect those who perceive the minimum salary. It aims to defend the real income acquisitive capacity of those found in this condition.

Salary for overtime:

It refers to the compensation received by the workers for working more than the working day hours, at night, during free days or holidays. There can be different rates for overtime hours worked at night, on a free day or on other occasions.

Form of payment:

The form of payment refers to how, when and where payment of the salary take place. How the payment is made refers to the entire compensation which includes the total remuneration, in cash or kind, payable by the firm to the worker in exchange for work performed by the latter during a specific period. The compensation of workers has two main components:

1. Wages and salaries payable in cash.
2. Supplementary benefits or social contributions payable by the firms: these may be social contributions to social security schemes or to privately funded insurance to procure social benefits for its workers.

One must oversee that constant payment dates are established and complied with and that payment is made at a convenient site.

In some countries, the national legislation allows making part of the payment in kind, which may include meals, housing, and schooling, among others. When this occurs, it should be taken into consideration for the calculation of the indemnity.

Payment piecework system:

System that assigns a quota or predetermined sum paid by unit produced to a worker under the regime of a piecework incentive plan.

Information about salaries, use and deduction:

The workers receive information about the calculation of their pay in their language and should have the autonomy to decide how to use their salaries. Any deduction from the salaries must be authorized previously and in writing by the worker in a language that the latter masters.

Salary advances:

Salary advances are salary payments prior to the due date at the request of the worker. The advances are a voluntary practice of the firms which decide to anticipate the compensation to the worker to facilitate his/her cash flow. Every advance should be previously authorized by the worker in writing in a language that he/she masters.

Remunerated breaks:

Breaks should be remunerated in any economic activity, this means, that the worker will continue to enjoy his/her normal salary during his/her daily, weekly breaks or vacations.

Common non-conformities:

- Workers do not receive the minimum salary.
- Workers on piecework rates do not receive the payment in accordance with the law.
- Workers are hired through a series of short term contracts to avoid paying them benefits.
- Incorrect payment of overtime hours worked.
- Incorrect payment of bonuses and/or benefits demanded by law.
- Workers are not paid in the timeframe established.
- Workers are not informed on how their salaries are calculated in a language that they understand.
- Workers are not previously informed in writing about all the salary deductions.
- Discounts from the salary as a disciplinary measure.
- Discounts from the salary without having the prior authorization in writing from the worker.
- Deny the workers a break for lunch or a weekly break.
- Deny the workers the annual break or vacation.
- Records of incomplete payments.
- Absence of systems or methods to register the total number of hours worked daily by the workers.

Supporting resources to accredit good practices:

- Records of salary calculations for workers in training, contractors, casual or temporary, among others.
- Workers payment records.
- Written policy on remuneration for piecework employment.
- Records of advances to workers.
- Interviews with workers.
- Records of vacation schedules and/or proof of vacations taken and paid for.

WORKING SCHEDULE



A fundamental right of the workers is the limitation of hours they work. The working day is the number of hours that the employee works per day, per week or per month, under the guidance of an employer, in exchange for a salary. The law defines the maximum limits of the working day as the right of the workers to be guaranteed breaks. These limits are weekly, daily and annual and depend on whether the working day takes place during the day, at night or both in day as well as night hours (mixed working day).

Extra-ordinary working schedule:

The additional hours to the ordinary working day and the conditions under which they may be performed. Extra hours allow the firm to comply with productions that surpass the flow of normal work which is beyond control such as natural disasters, an urgent order, etcetera. National legislation may place specific limitations or regulations for overtime at night, on holidays, among others that the worker may perform.

Pregnant women and breast-feeding mothers should not be asked to work overtime hours, and this should not suppose any prejudice for the evolution of their career.

Weekly rest break and vacations:

Weekly rest break and vacations: All the workers have the right to a weekly break (except for authorized exceptions) of at least 24 consecutive hours during the days already established by tradition or use in the country, and a period per year of paid vacations (after a minimum period of service). In most countries, these vacations consist of at least two weeks without counting the national or traditional holidays (with the corresponding proportional pay or indemnity in case of dismissal).

Contract suspension:

It is the temporary ceasing of the main effects of the work contract, without this being understood as the dissolution of the labour ties. This suspension may occur in exceptional cases due to natural disasters, national crises, among others, allowing the firm flexibility to respond in the face of such incidentals.

“The firm respects the limitation of working days in accordance with that established by law.”

Key References:

- Convention 1 concerning working hours.
- Convention 132 concerning vacations.
- Convention 183 concerning maternity protection.

Common non-conformities:

- Allowing the workers to work too many extra hours violating the legal limitations that exist with regard to overtime.
- Incorrect recording of working hours.
- Preventing workers from taking their break time, as specified in the national legislation.
- Not granting the vacations that correspond to the workers, in accordance with their time of working for the firm.
- Suspending the contract without any justification.

Supporting resources to accredit good practices:

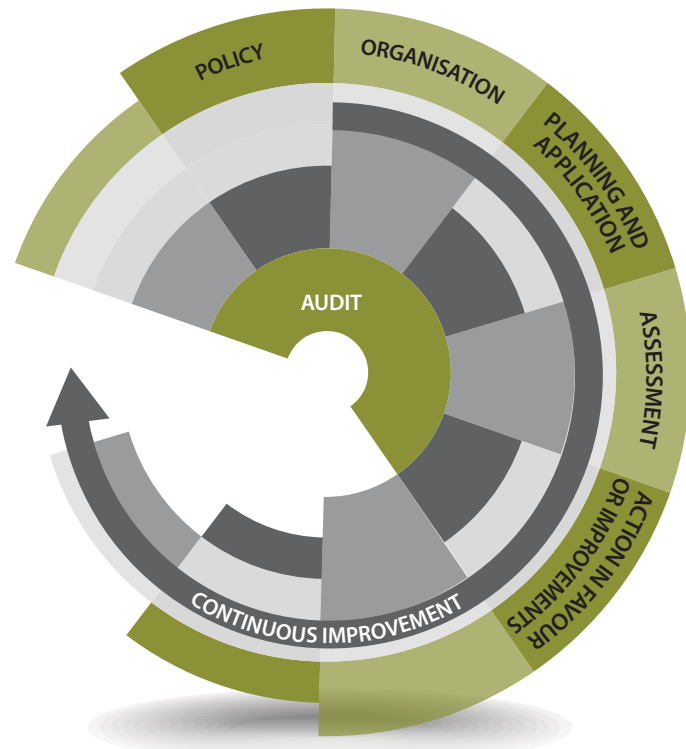
- Policies and processes related with working day schedules.
- Interviews with workers.
- Records of work hours, records of payments.
- Record of overtime (extra ordinary hours).
- Planning and records of vacations.
- Records of maternity leave.
- Work schedules.

HEALTH AND SAFETY MANAGEMENT SYSTEMS



The firm must comply with all the obligations imposed by law with regard to safety and health, making the corresponding arrangements to implement a system of health and safety management at the workplace, ensuring thus compliance with the laws and regulations on the matter. The system could include the policy, organisation, planning and application, assessment and actions in favour of improvements.

Main elements of the safety and health management system at the workplace



"The firm offers clean and safe facilities and complies with the law in matters of health and safety at the workplace."

Key References:

- Convention 148 concerning the work environment.
- Convention 155 concerning the safety and health of the workers.
- Convention 170 concerning chemical products.
- Convention 187 concerning the promotional framework of health and safety at the workplace.
- Recommendation 115 concerning housing for the workers.
- Recommendation 156 concerning the work environment.
- Recommendation 164 concerning the safety and health of the workers.
- Recommendation 177 concerning chemical products.

The main goal of health and safety at the workplace is to protect the workers from dangers and eliminate the risks of injuries, illnesses, ailments, incidents and deaths related with the work. Every firm should design the system in such a way that it reflects the conditions and specific needs of its operation taking into account its size (big, medium or small) and infrastructure. Additionally, it should consider the type of dangers and the risk level it faces.

The workers should have a safe and hygienic work environment that complies with the standards that apply in matters of safety and health at the workplace. The improvement in health and safety potentiates productivity reducing the number of work interruptions. Both the firm as well as the workers have responsibilities related with the matter.

Hygiene:

Hygiene: There is a series of standards regarding hygiene that should be observed and demanded at all the commercial and administrative workplaces (public and private) according to the country involved and that will be analyzed in the self-assessment section.

SOCIAL SECURITY



A conventional definition of social security could be the protection that society provides to its members against misfortunes that would derive in an interruption or substantial reduction of income caused by illness, maternity, labour accidents, disablement, old age and death; for the provision of medical assistance; and for the provision of benefits to families with young children.

Each country establishes minimum standards for the workers in the following segments of social security:

- Medical assistance.
- Insurance against illness.
- Unemployment benefits.
- Retirement pensions.
- Benefits in case of labour accident.
- Family benefits.
- Maternity benefits.
- Disablement benefits.
- Survivors' benefits.

The insurance benefits for illness, maternity and pensions cover all the categories of workers registered with the social security. The social security benefits can be proportional to the beneficiary's income and can be uniform or depend on the economic situation of the beneficiary.

Each national law requires contributions to the social security from the enterprises, the workers and in some cases the State. Typically the firm retains the payments of the workers and transfers them to the State.

Maternity benefits: When a women is absent from work due to maternity leave, she will have the right to perceive cash benefits to guarantee her living expenses and those of her child, with an adequate standard of living. She will also have the right to medical, prenatal, during childbirth and postpartum benefits, as well as hospitalisation when necessary.

In those cases where the benefits originate from a mandatory social security system, these are established depending on their income. In case the benefits originate from a voluntary security system, these may be established according to what the firm chooses.

Health Insurance: The health insurance system is a public plan to obtain benefits by way of medical assistance or hospitalisation, or to perceive a subsidy for temporary disablement as a result of income loss due to an injury, illness or accident of non labour origin.

"The firm respects and complies with offering social security benefits to its collaborators."

Supporting Resources:

- Convention 102 concerning social security.

Disablement, old-age and death insurance: This insurance protects the worker and his/her family against the possible loss of income should the breadwinner suffer permanent disablement (due to a non labour origin), reaches an advanced age, or passes away. The benefits offered by the social security institutions almost always consist of a monthly income which in the case of disablement and old age are for life (until the passing of the pensioner) and, in case of death, whether as an active worker or as a pensioner, the benefit is also an income for the children until they become of age (for example 18 years-old) or, up to a certain age (21 or up to 25 years-old) if they are studying. In the case of the widow, she receives a monthly income that is frequently for life or the duration of which depends on her age and if she has children that depend directly on her.

Frequently, the social security laws establish the amount and the magnitude of the adjustments of the pensions so as to guarantee that they do not lose their purchase power, as a result of inflation. Said adjustments can be conditioned to the performance of actuarial studies.

Labour risks insurance: This insurance protects the worker in case of an accident or an illness of occupational origin. The accident may occur at the workplace or due to the work, that is, it covers, as well as the accidents occurred in the workplace and within the working day schedule, those occurred outside of this context, as long as the worker is fulfilling higher orders, for example, carrying out a purchase for the firm, or is travelling from home to the workplace or vice versa observing the same routine of route and times.

The protection offered to the worker consists in offering him/her medical service and medications until his/her recovery, and if such is the case, prosthesis and orthopaedic apparatus, payment of subsidies for temporary disablement, a pension for life in case of permanent disablement and widow and orphan pensions, in case of death, for his wife and children.

When this insurance is managed adequately and is well designed, it creates incentives for the entrepreneurs to invest in improving the workplace conditions, acquire more modern and safer production equipment, offer training and provide protection equipment to their workers, with the purpose of increasing safety and productivity.

Common non-conformities:

- Workers are not registered with the social security institutions.
- A lower salary is declared by the firm, which results in lesser benefits than those that would correspond to the worker.
- The firm discounts the social security quota from the worker and does not transfer it to the corresponding institutions.
- Women on maternity leave do not receive the adequate benefits.
- Workers who suffer an accident at the workplace do not receive the benefits of the labour risks insurance.

Supporting resources to accredit good practices:

- Records of registration with and payments to the social security.
- Payroll compared with the payments to the social security.
- Documentation on the handling of a worker who suffered an occupational accident.
- Documentation on the handling of workers who enjoy their maternity leave.

Three topics related with a much more extended responsible business management are included in the guide below.

ENVIRONMENT



The firm respects and complies with the laws that refer to the discharge and issuance of pollutants to comply with the environmental legislation.

There are no agreements at ILO related with the environment. However, its management is a market condition in multiple sectors.

The respect and care of the environment and the natural context of the firm is important to achieve a sustainable use of its inputs, reduce emissions and residues and generate greater efficiency. When the use of the products and the disposal of residues are improved, this generates an impact on the environment that results at the same time in improvements in the productivity of the enterprise.

Common non conformities:

- Absence of a person assigned to handle environmental management.
- Absence of a waste management plan.
- Absence of emissions control.
- Absence of environmental training for the staff.
- Keep substances that are harmful to health or the use of which is forbidden at the workplace.

Supporting resources to accredit good practices:

- Policy and processes related with environment.
- Interview with the workers.
- Waste management plan.
- Records of emissions.
- Communication or staff training material about the environment.
- Observation.

CITIZEN SECURITY



There are no agreements at ILO related with security. However, the management of this could affect the competitiveness of the firms.

The citizen security standards have been increasing more and more in order to prevent contraband and reduce the risks of transporting improper material in the operations of the enterprise. Citizen security becomes a critical element to be considered when one exports to international markets, particularly the United States and Europe.

Common non conformities:

- Absence of a delegate to review the security issues.
- Not having the background of the employees who work in security in shipment or loading areas.
- Absence of procedures to verify the physical integrity of the facilities.
- Employees are not issued badges (with their respective photograph) and neither are visitors, as part of a control system.
- Visitors are not escorted in shipment areas.

Supporting resources to accredit good practices:

- Policy to prevent contraband.
- Background record of the workers who work in security in shipment or loading areas.
- Badges with photograph for the workers.
- Badges available for visitors.
- Visual observation.
- Interviews with workers.

SUPPLIERS



All firms have a productive chain where they purchase products and services from other firms. The labour practices of these suppliers are becoming more important every day for customers and consumers worldwide. The integral systems for the management of labour practices with suppliers are critical for ensuring their compliance with these.

Said systems can integrate the forwarding of labour requirements or ethics codes or good practices manuals for suppliers of the firm and could include an assessment phase in the firm by the purchaser's staff, external audits or certifications by third parties. Each firm should assess the risk level their suppliers present in order to create an integral system which is adequate for their needs.

Common non conformities:

- Absence of a policy and procedures to approach suppliers.
- Absence of a map of suppliers with a risk assessment.
- Lack of communication in writing with the suppliers to inform them about the standards of the firm.
- Absence of a monitoring process of the practices of the suppliers.

Supporting resources to accredit good practices:

- Policy and procedures to promote labour and environmental practices with the suppliers.
- Map of suppliers.
- Commitment letters from the suppliers to respect the practices of the firm.
- Reports of visits or audits to the suppliers.
- Interviews with suppliers.
- Visual observation.
- Interviews with workers.

"The firm ensures the improvement of environmental and labour practices of their suppliers."

There are no agreements at the ILO related with suppliers. However, the management of these is a market condition in almost all sectors.

"In the last decade it has been made clear and is commonly accepted that the management systems are the key to improving labour performance."

SIMAPRO: The Integral System of Measurement and Progress of Productivity is the social dialogue in action in the organisation and that promotes the dialogue of knowledge between the management, representatives of the employees such as the trade union, middle managers and operational staff to improve productivity, working conditions and equity in the organisations. This system has been implemented by ILO in several enterprises of the sugar industry in Mexico and the region. The system carries a cycle of implementation similar to the one that is proposed in this text.

Benefits of involving workers in the committee:

- Improves communication in the firm.
- Identifies labour or productivity issues.
- Opens space for proposals from the bottom up.
- Mitigates problems before they escalate.
- Helps attract and retain the best workers.
- Empowers workers.
- Generates consensus.

D. Implementing a system to measure and improve your labour standards performance

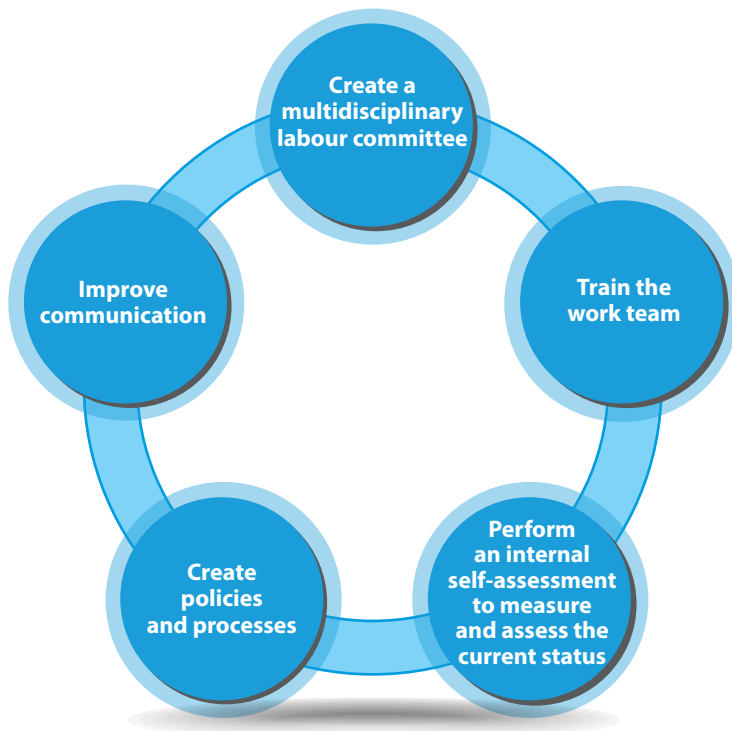
When a firm makes the strategic decision of improving labour standards, it should know that this implies assuming a systemic approach to ensure the sustainability of the improvements implemented and respond to the changes in the conditions around the strategy.

There are continuous changes inside and outside of the firm that force it to be continuously reviewing and improving labour performance. These changes demand having policies and processes to review compliance. Consider the main changes around the firm and the rhythm in which these occur to identify the importance of creating an integral system to measure and improve labour performance.

TABLE OF FACTORS THAT CAUSE CHANGES IN THE LABOUR STRATEGY

INTERNAL	EXTERNAL
New managers	New laws.
New supervisors	New regulation.
New workers	New customers with different labour demands.
Restructuring in the firm	Sudden changes in the economy.
New procedures	New competence of countries, firms or emerging technologies.
Creation of new products	Loss of customers.
Financial difficulties.	Substantial changes in production volumes.
Growth or reduction of the labour force.	Expansion.
	Merging of the firm with another.
	External economic situation.
	Reduction of demand.

When putting the strategy to improve labour standards into practice, there are recommendations that the firm may follow to begin improving its labour standards performance. To illustrate the order in which the labour improvement strategy should be approached, the following diagram that shows not only the necessary steps but also the cyclic nature of the system is used, ensuring that continuous improvement is maintained towards the future.



Below, we detail each one of these steps to help you understand the necessary initiatives when you develop your strategy.

1. Create a multidisciplinary labour committee

The improvement of labour practices should be a participative initiative. This means that a multidisciplinary team appointed by the firm should be established, who will be responsible for designing the continuous labour improvement strategy.

The committee should involve those in charge of the areas of operations, production, security, finances, general management, legal counsel, purchase management, leader workers, among others, to gather all the elements that allow them to have a shared vision of the opportunities and needs in labour matters.

The integration of this committee will depend on the size of the firm and the availability of human resource one has. However, before beginning the strategy of labour improvement, it is necessary to have the representation or the commitment of certain key people inside the firm. We are speaking for example of the general manager, although he may not participate in the committee, it is indispensable to have his commitment with the strategy so that he may support the entire process. It is important that a representative of the workers participates, so be sure to inform the workers' representatives about the actions that are about to initiate in the enterprise.

This committee will be in charge of the process of improving the labour standards of the firm. Therefore, it is indispensable that the members of this committee have the time and other resources available, the basic knowledge and the disposition to participate in the initiative.

Roles and responsibilities of the committee:

- Develop and implement policies and procedures based on the Guide and best practices.
- Performs internal self-assessments.
- Accompanies verification, certification processes or labour inspections at the firm.
- Develops and implements labour trainings.
- Establishes communication channels with the collaborators.
- Manages the labour standards required from suppliers.
- Interacts with various audiences interested in labour standards performance of the firm such as the State, NGOs, labour organisations, among others.
- Coordinates with clients interested in learning labour practices.
- Coordinates the work between departments.
- Coordinates labour improvement plans.

2. Train the labour committee

Before beginning to work in the improvement of the labour standards of a firm, it is necessary that the committee know the international labour standards and the labour requirements of the firm. This will allow the team to cohere and establish a common language and expectations.

To train the work team, this Guide may be used and the documents referred to in section **"V. Other tools and references."** You may even request support from your legal counsel and/or other local organisations with legal knowledge about labour matters. It will be important that during the training process, the committee identifies the main benefits of improving the labour standards of the firm.

3. Perform an internal self-assessment to measure the current situation

Once the committee is persuaded of the benefits of improving the labour standards and they are committed to the systemic approach of continuous improvement, they are ready to perform a diagnosis of the labour practices of the firm.

Using the self-assessment tool in section IV of this Guide, develop a diagnosis of the current situation of labour practices in the firm. The key to developing this process successfully is to be honest. There are no incorrect answers since the ultimate purpose is to identify the areas of opportunity of the firm.

This tool will help the firm to develop a diagnosis of the current situation for internal use that allows it to improve. If one answers the self-assessment without being honest, the opportunity for improvement of the firm is reduced.

4. Create policies and processes

Self-assessment will identify the labour non conformities in the firm. Based on these non conformities, the committee should develop a labour improvement plan of corrective actions or preventive actions to approach the identified areas for improvement. Typically these actions focus on creating business policies and procedures to improve the approach of certain labour issues by the firms.

EXAMPLE OF A LABOUR IMPROVEMENT PLAN

Self-assessment topic	Finding Proposal	Corrective Action	Beginning date:
			Finishing date:
			Possible cost:
			Person responsible:

The labour improvement plan should include all the non conformities and all the corrective actions that will be carried out to attend to these situations.

Additionally, this plan should indicate the priorities of the firm to approach these actions recognizing the limitations of the resources it may have. Each firm will identify different priorities when designing their improvement plan. The important challenge is to devote time and effort to making an analysis of priorities.

Focusing on creating policies or adjusting them is indispensable in the face of a trend that only seeks to change the practices, since the policies and processes are part of the management systems that strengthen the firms and do not depend on the individual people.

Ensure that the committee understands that improving the labour standards performance is a continuous and gradual process. In order to comply with all the issues it is necessary to ensure the description, adoption, implementation and supervision of labour improvement. The questions included in the self-assessment tend to measure the level of description of each topic in the firm. However, when complying with that required in the self-assessment, the firm may review if it is really adopting, implementing and supervising appropriately the issue, answering the questions below.

SCOPE OF THE IMPLEMENTATION

QUESTIONS TO BE ANSWERED

Description	<ul style="list-style-type: none"> • Has the firm defined a policy or procedure regarding the issue? • Does the policy include all the necessary elements related with the issue
Adoption	<ul style="list-style-type: none"> • Has the policy or procedure been adopted? • Have roles and responsibilities been defined with regard to communicating, implementing and supervising the policy or procedure?
Implementation	<ul style="list-style-type: none"> • Is the policy or procedure being implemented? • Has the policy or procedure been communicated in the workers' language?
Supervision	<ul style="list-style-type: none"> • Does the firm perform assessments of the implementation of the policy or procedure? • Does the firm correct the violations in a timely manner?

Tips for the communication strategy:

- The message must be memorable.
- The message must be simple.
- It needs to be consistent over time for the collaborators.
- The message must be concrete and not abstract.
- The message should build on what the collaborators already know.
- The message should be honest, credible, transparent and proactive.

5. Improve communication

Regardless of the size of the firm: small, medium or big, the committee should design a communication strategy both inside as well as outside the firm. This strategy is necessary to generate the commitment from the interested audiences who are not directly involved in the process of improving labour standards.

Internally, it is important that the firm communicates to the workers the goals of improving labour standards and involves them in the self-assessment and in the identification of improvement opportunities. The firms that have human resources or marketing staff should find support from their respective managers to design an appropriate communication strategy. The firm should seek a two way communication strategy in order to receive and respond to comments and not only send out messages. For this, it may use suggestion boxes, surveys, dialogues, open door policies, among others.

Externally, it is indispensable to send messages of the efforts for continuous improvement that are taking place to the various interested audiences of the firm. This communication strategy may begin with the suppliers who are directly influenced by the purchase policies of the firm. Another option may be to begin with the shareholders who are maybe not involved in the day to day activity of the firm. Additionally, consider involving other firms of the same trade that could be interested in making similar efforts; representatives of the workers interested in the firm improving its labour standards; the communities where the workers' families reside and which have been influenced by the changes, among others.

The effort to communicate the labour changes and improvements is not superfluous. It is an indispensable step on the road towards the improvement of labour practices, ensuring the alignment of all the actors to reduce resistance and capitalise on initiatives or parallel ideas.

3. LABOUR SELF-ASSESSMENT

Some of the certifications used to build the Guide are:

- Social Accountability International
- Fair Labor Association
- Better Work
- Worldwide Responsible Accredited Production
- International Finance Corporation
- Among others

Some examples of questions that may not apply are related to housing in case of companies that provide no housing to their workers.

A. Methodology for self-assessment development

With the purpose of developing the labour self-assessment tool clearly and consistently, a systematized analysis methodology was developed. This methodology included the following elements and premises:

- **The focus of the Guide from the standpoint of the firm.** The self-assessment was developed to be implemented from the perspective of the firm. The direct beneficiaries of this Guide are the enterprises and therefore the approach must reflect this.
- **Labour compliance generates productivity and competitiveness.** The questions and the approach of the self-assessment are based on the premise that enterprises that improve their labour compliance, improve their productivity and competitiveness.
- **Guide developed so as to be self-administered.** The instrument has been developed so that a representative of the firm administers it internally. Self-assessment serves as a diagnosis or a mirror of the current conditions of the firm.
- **It is based on the existing certifications and labour tools.** ILO has developed labour standards since 1918 and this self-assessment takes into consideration the existing ILO labour instruments, as well as the labour certifications developed to support enterprises of particular industries and regions in order to comply with the labour legislation.
- **Focus on world labour standards.** The topics included in the Guide address all the labour topics identified by the ILO.

The approach of the tool is the promotion of a culture of compliance. The tool is not a control list to carry out an assessment of compliance on a specific day. On the contrary, self-assessment seeks to determine if there are policies and procedures to ensure compliance in a systematic way in the firm. For this, the firm must check “yes” only when it has the documentation to support the statement. This documentation may be the one specified in the list or it may be alternate compliance evidence.

The self-assessment presented below has been developed in Central America, the Dominican Republic and Panama. However, since it abides by the International Labour Standards, it may be used by enterprises of any kind in any region of the world.

B. Methodology for implementing self-assessment

In order to implement the self-assessment, it is important that the same exercise is performed for each business unit. That is, each division of the firm that performs commercial transactions, in different geographic locations or that handles product categories clearly differentiated between them, must complete the self-assessment. In order to answer all the blanks in the instrument, the participation of the different areas of the firm is needed so it is important to follow the previous step of creating a multidisciplinary group as recommended above.

The questions have been designed on a scale of Yes – No – Does not Apply. After reading each question carefully, look at the columns on the right-hand side and clearly check the description that relates more closely to your enterprise.

- **Check “Yes”** only if the question stated adjusts 100% to your firm or business unit, without exceptions. The firm must show compliance with documentation.
- **Check “No”** if your firm does not comply with the question and for the time being is not taking concrete measures to comply with it.
- There are some questions that may **NOT APPLY** to the firm so you should check “Does not apply”. These questions may be obviated when calculating the results.

A Guide for Enterprise Diagnostics: Get to Know and Improve your Labour Standards Performance ILO

Enterprise Profile

Please complete the following spaces with the data from your company

Date:

Company name:

Country:

Company's current address:

Year of creation of the company:

Name of the company's general manager:

Telephone:

Products or services provided

Total number of the company employees:

Number of full-time employees:

Number of part-time employees::

Languages spoken by the Management and employees:

Employees' home address, if applicable:

Filled-out by:

Signature:

List of Required Documentation

As part of the preparation for the self-assessment, we recommend that the firm's labour committee collects those laws and by-laws relative to each topic and some of the following documents, if available. Such documentation will be a support during the evaluation. In case of not having all the documents listed, identify any other alternative information and/or evidence which could be useful. It must be pointed out that some of the documents are required for two or more topics of the self-evaluation. In those cases, only one set of the materials is needed. Documents may be collected either in hard copy or electronically. The second is a more environment-friendly option.

Forced labour



- Written contracts in the workers' native language
- Contracts with recruitment agencies
- Records of wage payments and deductions
- List of permanent and outsourced workers
- Interviews with workers, especially migrant and/or prison ones, if any
- Interviews with guards or security agents
- Employment climate survey
- Scheduling of working times

Child labour



- Policies and processes to verify people's ages during the contract process
- Workers' files to make sure there is documentation needed to confirm worker's age
- Interviews with workers, especially under 18 years, if any
- Payment records, identification documents, among others
- System to identify workstations which do not pose a risk for minors

Discrimination



- Policy against discrimination and employment procedures
- Policies and procedures to deal with discrimination if given
- Documents evidencing how discrimination-related issues were handled in the past
- Interviews with workers and the management
- Records of workers' hiring, promotions and termination of employment
- Job advertisements used in the past
- Training program and material on discrimination
- Evidence of mechanisms used in discrimination complaints

Freedom of association and collective bargaining



- Policies and procedures relative to freedom of association and collective bargaining
- Records or aides memoires of collective bargaining sessions
- Procedures to select workers' representatives, without the firm's interference
- Collective bargaining agreements or other bargaining instruments
- Interviews with workers, union members, other trade organizations, if any

Employment agreement and working conditions



- Collective bargaining agreement
- Employment agreements
- Human resource-related policies and procedures
- Records of workers' hiring, promotions, and termination of employment
- Disciplinary actions
- Documentation related to suspension from work
- Documentation of evidence regarding termination of employment
- Policies and procedures to contract temporary workers
- File of a worker suspended from work, without payment due to disciplinary actions

Wages



- Records of salary calculations
- Records of payments to workers
- Interviews with workers
- Policy in writing regarding payment of piecework
- Records of advance payment to workers
- Records of vacation scheduling and/or evidence of vacation taken and paid
- Salary table
- Records of work related disabilities
- Additional salary payments as per the law
- Records of paid time off benefits

Working hours



- Policies and procedures regarding working hours
- Interviews with workers
- Records of working hours, payment records
- Records of overtime work.
- Vacation planning and records
- Records of maternity leaves
- Work schedules

Health and safety



- Visual inspection
- Monitoring formats to evaluate equipment maintenance
- Documentation regarding training on the appropriate use of the equipment
- Formats and evidentiary records of medical assessments
- Health and security analysis
- Formats for registering workers at the Social Security
- Interviews with workers and managers
- Records of fire drills and others
- Statistical records of work-related accidents and diseases
- Records of training on occupational health and safety
- Emergency plan
- Private health insurance, if given by the firm

Social Security



- Records of registration at and payments to the Social Security
- List of occupational hazard policy
- Comparative list of social security payments
- Documentation regarding how to handle a worker who suffered a work-related accident
- Documentation regarding how to handle a female worker under maternity leave

Environment



- Policy and procedures relative to the environment
- Interview with workers
- Waste management plan
- Records of emissions
- Communication or training material for workers regarding environmental protection
- Observation
- Records of certifications
- Certification improvement program

Citizen security



- Anti-contraband policy
- Backgrounds of security workers deployed at shipping or loading areas
- Workers' identification badge with a photo
- Interviews with workers

Suppliers



- Policy and procedures of production chains
- Map of suppliers
- Suppliers' Commitment letter to respect policies of the firm
- Reports of visits or audits to suppliers
- Interviews with suppliers

Guidelines for Interviewing Workers

An important part of self-assessment is interviewing firm workers in order to make sure they are implementing policies, processes and labour initiatives in the firm. It is recommended to select several workers which represent the different area and demographic groups within the firm in order to hold this interview.

Note: Questions listed below are a guideline that each firm may modify as necessary.

Date:	
Interview administrator name:	
Respondent name:	
Respondent position:	
Firm tenure:	

Forced Labour



How often are you paid?	<input type="radio"/> Weekly <input type="radio"/> Monthly with a fortnightly advance payment
What is the payment method?	<input type="radio"/> Cash <input type="radio"/> Transfer <input type="radio"/> Check
Does the firm withhold any portion of your payment? <small>For example, payment of the social security, fees for cooperatives, trade unions, and other associations</small>	<input type="radio"/> Yes <input type="radio"/> No <small>If yes, in the case of trade unions, did you authorize it? Amount? Why?</small>
Have you ever been prohibited from leaving the firm once you have ended your working hours or have you been forced to work overtime?	<input type="radio"/> Yes <input type="radio"/> No <small>If Yes, explain:</small>
Have you suffered from any threats of violence by the firm or security guards?	<input type="radio"/> Yes <input type="radio"/> No <small>If Yes, explain:</small>

Child Labour



How old are you?
(Verify with documentation)

How long have you been working for the firm?

Have you seen any minor children working for this firm?

Yes No

If Yes, in which department or area?

Discrimination



Have you ever been a victim of harassment, discrimination, psychological or physical abuse by the firm or any of your co-workers?

Yes No

If Yes, explain:

Have you ever been treated differently in the firm because of your sex, age, marital status, religious beliefs, political opinion, or for any other reason?

Yes No

If Yes, explain:

Freedom of Association and Collective Bargaining



Are you a member of any trade union or worker organization of the firm?

Yes No

If No, explain:

Has the firm or your co-workers ever treated you differently because you are a member of any trade union or worker organization?

Yes No

If Yes, explain:

Have you ever been denied the opportunity to participate in a trade union or to propose worker organizations?

Yes No

If Yes, explain:

Employment Agreement and Working Conditions



Do you have a copy of your employment agreement or an employment certification?

Yes

No

Wages



How are you paid?

Per hour

Weekly

Monthly

Piecework payment

Does the firm give you a breakdown of your payment?

Yes

No

If Yes, explain how it is broken down:

If you are a full time worker, does the firm register you at the Social Security?

Yes

No

If Not, explain:

Does the firm pay you overtime according to labour law?

Yes

No

If Not, explain:

Working Hours



Have you been forced to work overtime without payment?

Yes

No

If Not, explain:

Have you taken your vacation as appropriate?

Yes

No

If Not, explain:

Social Security



In case of an emergency, is there a medical clinic and/or first-aid kit at the firm?

Yes

No

If Not, explain:

Does the firm conduct fire drills?

Yes

No

If Not, explain:

Are workers prepared to use fire extinguishers?

Yes

No

If personal protective equipment is necessary, does the firm provide it to perform your duties?

Yes

No

If Not, explain:

Environment



Have you received information about the firm environmental practices regarding water use, waste disposal, etc.?

Yes

No

Security



Do you always use your photo ID within the firm premises?

Yes

No

Have you identified security risks at the firm premises?

Yes

No

Explain:

Suppliers

Not applicable

Self-Evaluation Tool





Forced Labour

TOPIC DESCRIPTION

QUESTION

ILO YES NO NOT APPLICABLE

1	Forced labour policy	Does the firm have a policy to prohibit forced labour?		<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
2	Freedom to leave workplace, even during overtime work	Does the firm allow workers to leave the workplace at the end of the working day?	C29	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
3	Freedom to enter and leave his home or industrial park	Does the firm allow workers to freely enter and leave their home, the area, or industrial park where the workplace is located?	C29	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
4	Violence or threat of violence	Does the firm use violence or threats of violence to intimidate workers?	C29	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
5	Wage payment withholding	Does the firm withhold wage payments so they remain in their positions?	C29	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
6	Forced labour as a disciplinary or punishment action	Does the firm force workers to work as a disciplinary or punishment action?	C29, C105	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
7	Workers have access to their personal documentation (such as birth certificates, passports, work permits, and identification documentation)	Does the firm deny workers access to their personal documentation (such as birth certificates, passports, work permits, and identification documentation) as needed?	C29	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
8	Deportation threats, visa cancelling or betraying before authorities	Does the firm threaten workers with deportation, visa cancelling, or betraying before authorities in order to force them to remain in their positions?	C29	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
9	Indebtedness from non-cash payments	Does the firm offer non-cash payments which make workers become indebted so it is impossible for the worker to leave work?	C29	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
10	Indebtedness from recruitment for the firm	Can workers who owe the firm recruitment expenses or have any other kind of debts freely leave their employment?	C29, C181	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
11	Indebtedness for recruiting a third-party	Can workers who owe a third-party recruitment expenses or have any other kind of debts freely leave their employment?	C29	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
12	Assurance that the employment agency does not use forced labour	Does the firm verify that the employment agency, other intermediaries and/or contractors or subcontractors do not have slave labour?	C29	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>



Child Labour

TOPIC DESCRIPTION

QUESTION

ILO YES NO NOT APPLICABLE

13 The firm has a child labour policy

Does the firm have a policy in writing on child labour?

14 Child workers

Are there children under 15 years of age (or the minimum age established by law) working for the firm?

C138

15 Worst forms of child labour

Does the firm respect legislation with regard to the worst forms of child labour?

C182

16 Conditions of adolescent labour

Are adolescent workers working according to provisions set forth by law?

17 Working contract for adolescent workers

Do adolescent workers have an employment agreement with the firm?

18 There are no adolescent workers performing hazardous labour

Do adolescent workers conduct intrinsically hazardous tasks or are they working in a hazardous environment?

C182, C190

19 Night adolescent labour

Do adolescent workers work night shifts?

C90, C171, C182,

20 Overtime work of adolescent workers

Do adolescent workers work overtime?

C182,

21 The firm has a system to identify workstations and employments which pose a risk for workers

Does the firm have a system to identify workstations and employments which pose a risk for workers?

22 Required documentation for child workers

Does the firm meet documentation requirements for workers under 18 years of age?

23 Age verification system

Does the firm verify the age of all workers before contracting them?



Discrimination

TOPIC DESCRIPTION

QUESTION

ILO YES NO NOT APPLICABLE

24 Policy that prohibits discrimination

Does the firm have a policy in writing that prohibits discrimination?

25 Procedures and practices ensuring compliance with the discrimination policy

Does the firm have procedures to ensure compliance with the discrimination policy?

26 Pertinent program and materials to train people on discrimination practices

Does the firm have a program and materials to train people on the discrimination policy?

27 Mechanism that allows workers to report harassment and to file complaints confidentially

Does the firm have a means that allows workers report harassment and to file complaints confidentially?

28 Follow up to cases reported of harassment, abuse, and physical punishment

Has the firm appropriately followed-up discrimination cases reported?

29 Recruitment material

Does the firm ensure that recruiting materials, such as job advertisements or job application forms, make any reference to:

30

-applicant's race or colour?

31

-applicant's origin?

32

-applicant's religion?

33

-applicant's political views?

34

-applicant's sex?

35

-applicant's sexual orientation?

36

-applicant's age?

37

-applicant's physical appearance?

38

-applicant's marital status?

C100, C111

C100, C111

C100, C111

C100, C111

C100, C111

C100, C111

C100, C111

C100, C111

C100, C111

C100, C111

39	At the time of the contraction	At the time of the contraction, does the firm consider:	C100,C111	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
40		- individuals race or colour?	C100,C111	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
41		- individual's origin?	C100,C111	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
42		- individual's religion?	C100,C111	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
43		- individual's political views?	C100,C111	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
44		- individual's sex?	C100,C111	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
45		- individual's sexual orientation?	C100,C111	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
46		- individual's age?	C100,C111	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
47		- individual's physical appearance?	C100,C111	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
48		- individual's actual or alleged HIV/AIDS infection?	C100,C111	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
49		- individual's marital status?		<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
50	Upon setting working conditions	Upon setting working conditions, does the firm not consider:	C100,C111	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
51		- individual's race or colour?	C100,C111	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
52		- individual's origin?	C100,C111	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
53		- individual's religion?	C100,C111	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
54		- individual's political views?	C100,C111	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
55		- individual's sex?	C100,C111	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
56		- individual's sexual orientation?	C100,C111	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
57		- individual's age?	C100,C111	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
58		- individual's physical appearance?	C100,C111	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
59		- individual's actual or alleged HIV/AIDS infection?	C100,C111	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
60		- individual's marital status?	C100,C111	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

61	Upon setting payment	Upon setting payment, does the firm not consider:	C100, C111	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
62		- individuals race or colour?	C100, C111	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
63		- individuals origin?	C100, C111	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
64		- individuals religion?	C100, C111	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
65		- individuals political views?	C100, C111	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
66		- individuals sex?	C100, C111	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
67		- individuals sexual orientation?	C100, C111	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
68		- individuals age?	C100, C111	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
69		- individuals physical appearance?	C100, C111	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
70		- individuals actual or alleged HIV/AIDS infection?	C100, C111	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
71		- individuals marital status?		<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
72	Upon identifying promotion and information access opportunities	Upon identifying promotion and information access opportunities, does the firm not consider:	C100, C111	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
73		- individuals race or colour?	C100, C111	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
74		- individuals origin?	C100, C111	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
75		- individuals religion?	C100, C111	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
76		- individuals political views?	C100, C111	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
77		- individuals sex?	C100, C111	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
78		- individuals sexual orientation?	C100, C111	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
79		- individuals age?	C100, C111	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
80		- individuals physical appearance?	C100, C111	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

81	Being subject to harassment	Does the firm seek that workers are not subject to harassment due to:	C100, C111	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
82		- individual's race or colour?	C100, C111	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
83		- individual's origin?	C100, C111	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
84		- individual's religion?	C100, C111	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
85		- individual's political views?	C100, C111	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
86		- individual's sex?	C100, C111	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
87		- individual's sexual orientation?	C100, C111	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
88		- individual's age?	C100, C111	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
89		- individual's physical appearance?	C100, C111	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
90		- individual's actual or alleged HIV/AIDS infection?	C100, C111	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
91		- individual's marital status?		<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
92	At the time of deciding termination of the working contract	At the time of deciding the termination of the employment agreement, does the firm not consider as cause for dismissal:	C100, C111	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
93		- individual's race or colour?	C100, C111	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
94		- individual's origin?	C100, C111	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
95		- individual's religion?	C100, C111	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
96		- individual's political views?	C100, C111	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
97		- individual's sex?	C100, C111	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
98		- individual's sexual orientation?	C100, C111	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
99		- individual's age?	C100, C111	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
100		- individual's physical appearance?	C100, C111	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
101		- individual's actual or alleged HIV/AIDS infection?	C100, C111	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
102		- individual's marital status?	C100, C111	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Other forms of discrimination

103	Pregnancy tests, use of contraceptives as an employment condition	Does the firm require female workers to undergo pregnancy tests or suggest the use of contraceptives as a condition for employment?	C100, C111	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
104	Change of employment status, position, worker's balance or benefits the maternity leave	Does the firm change the employment level, position, wage, benefits or seniority during or after the maternity leave?	C100, C111	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
105	Rest break exclusion due to a female worker's pregnancy	Does the firm record the maternity leave as worktime?	C100, C111	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
106	Termination of employment for pregnant women, under maternity leave or forcing them to quit job	Does the firm dismiss pregnant women or under maternity leave?	C100, C111	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
107	Compliance with legislation in the case of pregnant women	Does the firm comply with provisions set forth by national laws and regulations which benefit pregnant women, on their breastfeeding or adoption period?		<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
108	Properly placement of individuals with physical disabilities	Has the firm taken the necessary actions to provide appropriate working conditions for all workers?	C110	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
109	Full compensation for migrant workers, contractors and casual workers, without deducting recruitment fees or other agency-related charges for services such as residence or work permits on behalf of workers	Does the firm ensure that migrant workers, contractors and casual and temporary workers, are directly and fully compensated, with without deducting recruitment fees or other agency-related charges for services such as residence or work permits on behalf of workers?		<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
110	The firm will not discriminate due to marital status	Does the firm discriminate due to marital status?		<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
111	The firm will not discriminate migrants	Does the firm discriminate migrants?		<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
112	When employing prison individuals, they agree to perform the job			<input type="radio"/>	<input type="radio"/>	<input type="radio"/>



Freedom of Association and Collective Bargaining

TOPIC DESCRIPTION

QUESTION

ILO YES NO NOT APPLICABLE

TOPIC DESCRIPTION	QUESTION	ILO	YES	NO	NOT APPLICABLE
113 Access to the workplace by duly registered trade union representatives?		C87, C135	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
114 Freedom to join the social organization of their choice	Are workers free to join the social organization of their choice?	C87, C98	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
115 Freedom to elect their representatives	Are workers free to elect their representatives?		<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
116 Freedom to establish and/or join federations and confederations	Are trade unions free to establish or join the federation and confederation of their choice?	C 87	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
117 Deduction of fees from wages to trade union workers	Does the firm deduct worker's fees from their wages to members of trade unions or other organizations if they voluntarily request so in writing?	C87, C98, C135	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
118 Workers'accession to a trade union	Does the firm not prevent employers from joining a trade union?	C87	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
119 Promotion of talks with workers' representatives	Is the firm open to dialogue with worker's representatives openly and within the terms of local legislation?		<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
120 The firm is accessible so that a group of workers can raise their collective problems before the firm	Is the firm accessible so that a group of workers can raise their collective problems before the firm?		<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
121 Promotion of social organizations	Does the firm encourage the establishment of a trade union or any other worker's organization to fight against other existing trade union(s)?	C98	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
122 Right to meet without the presence of managers or any other firm representative	Do workers have the right to meet without the presence of managers or any other firm representative?	C98	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
123 Treatment to different trade unions	In case there is more than one trade union, does the firm treat them according to provisions set forth in the national legislation?	C98	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
124 Independence of trade unions	Does the firm interfere with trade union actions?	C98 C135	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
125 Being a member or performing trade union activities is a decision-maker during contraction	Does trade union membership interfere in the firm decision making?	C98	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
126 Firm action in view of trade union membership or participation in trade union activities	Does the firm not act against the law in case of a worker's trade union membership?	C98	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
127 Incentives offered to workers in order to prevent their membership or participation in trade union activities	Does the firm offer incentives to workers in order to prevent their membership or participation in trade union activities?	C98	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
128 Threats, intimidation or harassment to workers due to their membership participation in trade union activities	Does the firm threaten, intimidate or harass workers due to their membership or participation in trade union activities?	C98	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
129 Not renewal of an employment agreement due to membership or participation in trade union activities	Does the firm take into account the worker's membership or participation in trade union activities at the time of renewing an employment agreement?	C98	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
130 Termination of an employment agreement due to membership or participation in trade union activities	Has the firm unilaterally decided to terminate an employment agreement before the date agreed, due to a worker's membership or participation in trade union activities?	C98	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
131 Termination of an employment agreement of a trade union leader without complying with legal requirements and procedures	Has the firm dismissed a trade union leader without complying with legal requirements and procedures?	C98	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Collective Bargaining

132	Consultations with the trade union	Does the firm consult with the trade union in those cases set forth under the collective agreement (i.e. schedules, disciplinary actions, among others)?	C98	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
133	Collective bargaining/good faith bargaining	Has the firm refused to collective bargaining or to bargain in good faith with the trade union?	C98	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
134	Direct bargaining with individual workers	Does the firm try to undermine trade unions by directly bargaining with workers on an individual level?	C98	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
135	Collective bargaining with federations and trade union confederations	Has the firm refused to collective bargaining with trade union federations and confederations?	C98	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
136	Limiting of bargaining-related issues	Has the firm limited issues which can be collectively bargained?	C98	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
137	Workers' access to copies of their collective agreements or to knowing the provisions thereunder	Does the firm allow workers to access copies of their collective agreements or to know the provisions thereunder?	C98	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
138	Applying collective bargaining agreements	Has the firm complied with the application of the collective agreement provisions in force?	C98	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
139	Bargaining with other social organizations	Does the firm allow collective bargaining with workers who are not members of trade unions?	C98	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>



Working Conditions

TOPIC DESCRIPTION

QUESTION

ILO YES NO NOT APPLICABLE

140 Human resource policy

Does the firm adopt policies and practices in writing which regulate all issues relative to recruitment, contracting, trial period, among others?

141 Individual assigned to Human Resources and to managing working conditions

Does the firm have qualified staff to lead Human Resource processes and set working conditions?

142 Specifications of working conditions in the contract

Does the individual employment agreement specify the conditions to perform the job in accordance with the Labour Code requirements?

143 Copy of the employment agreement in his native language

Has the firm given each worker a copy of the employment agreement in his native language, in which general terms and conditions for the contract and employment are specified?

144 Foreign workers contracting

Does the firm comply with requirements for employing foreign workers?

Casual or Temporary Workers

145 Written policies and procedures to contract casual and temporary subcontractors

Does the firm have a policy in writing and procedures to contract casual and temporary workers?

146 Contracting casual and temporary workers only in case the firm's permanent staff in insufficient to comply with an unexpected or unusually high workload

Does the firm contract casual and temporary workers only in case the firm's permanent staff in insufficient to comply with an unexpected or unusually high workload?

147 Use of casual and temporary contractors regularly over the long term or several short terms, or under other unexpected circumstances

Does the firm not resort to casual and temporary workers regularly over the long term or several short terms, or under other unexpected circumstances?

148 Definition of work or task responsibilities

Does the firm define work or task responsibilities to be performed by workers and communicate them properly?

149 Employment agreement

Does the firm give each temporary worker an employment agreement which sets their employment terms and conditions?

Contractual Procedures

150 Trial period

Does the firm respect regulations in force regarding trial periods?

151 Respect for the legal nature of fixed-term agreements

Does the firm respect the legal nature of fixed-term agreements?

152 Compliance with temporary workers' agreements

Does the firm comply with contractual requirements for its subcontractors?

153 Verification of obligations with subcontractors

Does the firm verify compliance of subcontractors which serve the firm?

Disciplinary Actions

- 154 Use of fines and monetary penalties in order to maintain labour discipline
- 155 Written regulations, procedures, and disciplinary practices which incorporate an ongoing disciplinary system
- 156 Communication of regulations, procedures, and disciplinary practices to all workers
- 157 Disciplinary actions applied by the firm to workers according to those set forth by law?
- 158 Persecution, harassment, or humiliating treatment to workers
- 159 Resolution of complaints and conflicts

Termination of Work

- 160 Compliance with legislation for termination of contracts
- 161 Legal orders to reinstate or compensate workers?
- 162 Compliance with legal requirements upon dismissing workers?
- 163 Compliance with legal requirements in case a worker quits his job?
- 164 Compliance with requirements when reducing payroll?
- 165 Compliance with legal requirements before suspending workers due to a change of the firm's activities or for any other reason
- 166 Compliance with requirements when paying compensation in case of dismissal



Minimum wages

TOPIC DESCRIPTION

QUESTION

ILO

YES

NO NOT APPLICABLE

167	Payment of minimum wages to permanent workers	Does the firm respect workers' minimum salary for ordinary working hours?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
168	Payment of correct wages for production in the ordinary working hours	Does the firm pay correct wages for production in the ordinary working hours?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
169	Payment of minimum wages to probationary workers	Does the firm at least pay the minimum wage for ordinary working hours to probationary workers?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
170	Payment of minimum wages to casual and temporary contractors	Does the firm at least pay the minimum wage to casual and temporary workers?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
171	Payment of minimum wages to probationary workers	Does the firm at least pay the minimum wage to probationary workers?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Overtime wages

172	Correct payment for overtime work	Does the firm correctly pay overtime work according to national legislation?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
173	Correct payment for overtime work during weekly days off	Does the firm correctly pay overtime work during weekly days off?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
174	Correct payment for overtime work during holidays	Does the firm correctly pay overtime work carried out during holidays?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Payment method

175	Publication of salary scales, policies of benefits, and information of additional payments in the workers' native language	Does the firm publish of salary scales, policies of benefits and information of additional payments in the workers' native language?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
176	Wages are duly paid	Is a worker's ordinary wage paid according to the law and the employment agreement?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
177	Payment is made on time and as agreed	Are workers paid on time and as agreed?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
178	Payment is made on working days	Are wages paid on the days agreed?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
179	Wages are paid at the workplace or in another appropriate place	Are wages paid at the workplace or in another appropriate place?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
180	Wages are directly paid to workers	Are wages directly paid to workers?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
181	Wages are directly and fully paid to workers without deductions for recruiting fees or other charges	Does the firm directly and fully pay to workers without deductions for recruiting fees or other agency charges for services such as, obtaining residence or work permits on behalf of the workers?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
182	Documentation of compensation records	Are all compensation records, including salaries and supplementary benefits, either in cash or workpiece, duly documented?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
183	Estimate of work piece for the thirteen month and severance payment	Does the firm include workpiece salary (in countries required by law) to calculate and determine the amounts to be paid as labour rights, such as thirteen month and severance payments?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Workpiece payment system

- 184 Policy in writing regarding remuneration for workpiece work Does the firm have a policy in writing regarding remuneration for workpiece work according to the law?
- 185 Proper communication about compensation rights within the workpiece payment system Does the firm have a proper communication about compensation rights within the workpiece payment system?

Information about wages, use and deduction

- 186 Workers' freedom to use their wages at their own will Does the firm restrict workers' freedom to use their wages at their own will?
- 187 Authorized wage deductions Does the firm make salary deductions solely upon workers' express written consent?
- 188 Unique payroll record Does the firm have an accurate payroll record?
- 189 Workers are given correct information about their wages and deductions Does the firm correctly inform workers about their salaries and deductions?

Advance payment

- 190 Advance payment should not surpass legal limits Are advance payments regulations according to the law?
- 191 Documentation relative to advance payment Are advance payments correctly documented and accuracy is confirmed in writing by the worker (i.e., signature, fingerprint)?

Paid rest time

- 192 Correct payment for national holidays Does the firm correctly pay workers national holidays?
- 193 Correct payment for paid vacation taken Does the firm correctly pay workers paid vacation taken?
- 194 Correct payment during the maternity leave Does the firm correctly pay workers the salary that complements the maternity leave?
- 195 Correct payment during breastfeeding periods Does the firm correctly comply with rest periods that breastfeeding mothers are legally entitled to?
- 196 Correct payment in case an worker receives legal summons Does the firm correctly pay workers when they receive legal summons to act as a witness or plaintiffs or defendants in legal or administrative actions?
- 197 Correct payment in case workers do not work for firm-related issues Does the firm correctly pay workers their salary in case they do not work for firm-related issues?



Working Hours

TOPIC DESCRIPTION

QUESTION

ILO

YES

NO

NOT APPLICABLE

Ordinary Working Hours

198	Ordinary daily working hours exceed the legal limit	Do the ordinary daily working hours exceed the legal limit?	C1	<input type="radio"/>	<input type="radio"/>
199	Ordinary weekly working hours exceed the legal limit	Do the ordinary weekly working hours exceed the legal limit?		<input type="radio"/>	<input type="radio"/>
200	Requirements with regard to shift work	Does the firm comply with the legal requirements with regard to shift work?		<input type="radio"/>	<input type="radio"/>
201	Ordinary working hours records reflect the hours actually worked	Do the ordinary daily working hour records reflect the hours actually worked?	6,4	<input type="radio"/>	<input type="radio"/>
202	Mandatory rest break established by law or the one agreed upon by the parties	Does the firm grant during the continuous ordinary daily working hours the mandatory rest break established by law or the one agreed to between the parties?		<input type="radio"/>	<input type="radio"/>
203	Mandatory weekly rest period	Does the firm grant the mandatory weekly rest period?		<input type="radio"/>	<input type="radio"/>

Overtime

204	Programming overtime only under the conditions allowed by law	Does the firm schedule overtime only under the conditions allowed by law?		<input type="radio"/>	<input type="radio"/>
205	Limits with regard to overtime worked per day and per week	Does the firm comply with the limits regarding overtime worked per day and per week?		<input type="radio"/>	<input type="radio"/>
206	Overtime is voluntary	Is overtime performed voluntarily?		<input type="radio"/>	<input type="radio"/>
207	Work programming on the weekly rest days only under the conditions allowed by law	Does the firm schedule work on the weekly rest days only under the conditions allowed by law?		<input type="radio"/>	<input type="radio"/>
208	Work programming on holidays only under the conditions allowed by law	Does the firm schedule work on holidays only under the conditions allowed by law?		<input type="radio"/>	<input type="radio"/>
209	Forced overtime (payment less than the minimum salary for ordinary working hours)	Does the firm force workers to perform overtime paying them less than the minimum salary for ordinary working hours?	C29, C1	<input type="radio"/>	<input type="radio"/>
210	Overtime beyond the legal limits (threat of dismissal or other actions that may reduce future income)	Does the firm force workers to perform overtime beyond the legal limits, threatening them with dismissal or other actions that could reduce their future income?	C29, C1	<input type="radio"/>	<input type="radio"/>

Vacations

- 211** Programming of mandatory vacations by law C132
Does the firm comply with the obligation of programming lawful and paid vacations for the workers upon completing the indicated period of continuous work for the firm?
- 212** Subsidies for maternity leave for female workers
Does the firm award and respect the maternity leave period of the female workers?
- 213** Breast-feeding breaks
Does the firm offer female workers breaks for breast-feeding?
- 214** Other type of mandatory permit
Does the firm award other kinds of permits?

Contract suspension

- 215** Suspension of the contract in accordance with the laws
Does the firm suspend the contract only when there are situations in accordance with the national laws, regulations and procedures?
- 216** Full payment during suspension periods
Does the firm pay the full salary during suspension periods, except if the national laws or the workers and representative organisations agree otherwise, or the national authorities authorise an alternate agreement?



Health and Safety

TOPIC DESCRIPTION

QUESTION

ILO

YES

NO

NOT APPLICABLE

Health and Safety Management Systems

217	Occupational Health and Safety Policy	Does the firm have an Occupational Health and Safety policy in writing?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
218	Initial diagnostics for risk assessment	Has the firm performed an initial diagnosis to assess the risks including the industrial hygienic ones showing them on the risk map and does it assess these risks annually to verify their status?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
219	Data records obtained from the industrial hygienic risk assessment	Is a record kept of the data obtained from the industrial hygienic risk assessment?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
220	Mixed commission of occupational hygiene and safety	Has the firm constituted an occupational health and safety mixed commission in case it applies according to the law?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
221	Person assigned or appointed to attend exclusively to Occupational Health and Safety	Has it assigned or appointed a person to attend exclusively to the activities of promotion, prevention and protection of Occupational Health and Safety in case it is demanded by law?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
222	Programme for Occupational Health and Safety training	Has the firm prepared a training programme in Occupational Health and Safety?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
223	Report on accidents and non-occurrence of accidents to the Labour Ministry	Does the firm comply with reporting the labour accidents to the indicated Government entity?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
224	Statistical records of accidents and illnesses related with the employment	Does the firm keep a statistical record of the accidents and illnesses related with the employment?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
225	Occupational Health and Safety demands on the contractors and sub-contractors who render services with their workers	Does the firm demand from the contractors and sub-contractors, who render their services with their workers, compliance with the Occupational Health and Safety provisions?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Hygiene

226	Adequate and accessible hygienic services	Does the workplace have adequate and accessible sanitary services?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
227	Adequate facilities and soap for hand-washing	Does the workplace have facilities and soap for hand washing?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
228	Drinkable water, safe and free	Does the firm provide the workers with sufficient drinkable water, safe and free?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
229	Eating area	Does the workplace have an adequate eating area?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
230	Clean and orderly workplace	Is the workplace clean and orderly?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Protection for the worker

- 231 Sanctions for the workers if they leave work situations where they believe there is a serious and imminent risk to their life or their health
- 232 Validity of operation licences of steam generating equipment have their operation licences in effect?
- 233 Provision of the necessary personal protection clothes and equipment (PPE)
- 234 Supervision plan on the condition of the personal protection equipment
- 235 Training on the personal protection equipment (PPE) available
- 236 The workers have the work materials, switches and controls on hand?
- 237 Availability of adequate chairs
- 238 Adjustment of areas for the workers who work standing up
- 239 Measures to avoid lifting heavy loads
- 240 Training on how to use machinery and equipment safely
- 241 Electronic cables, switches and plugs installed and maintained adequately?
- 242 Adequate warning signals

Medical Assistance

- 243 Workers exposed to employment related risks receive free medical check-ups?
- 244 Compliance with medical check-ups established periodically for the worker
- 245 Occupational Health and Safety Risks for pregnant workers or breast-feeding mothers
- 246 HIV/AIDS prevention
- 247 First aid supplies/boxes easily accessible at the workplace
- 248 Basic list of necessary medications at the infirmary if there is one
- 249 First aid training for the workers

Protection of Workers

- 250 Inventory of chemical products
Does the firm maintain an inventory of all the chemical or dangerous substances used at the workplace?
- 251 Labelled chemical and dangerous products
Are the chemical and dangerous substances correctly labeled?
- 252 Stored chemical and dangerous products
Are the chemical and dangerous substances correctly stored?
- 253 Notification of the list of chemical products which the firm handles and for which it has available the Safety Data Sheets for the products
Has the firm notified the list of chemical products it handles to the corresponding Government entity?
- 254 Measures to assess, control, prevent and limit exposure of the workers to chemical and dangerous products
Has the firm taken measures to assess, control, prevent and limit the workers' exposure to chemical and dangerous substances?
- 255 Training for workers who use chemical and dangerous products
Has the firm facilitated effective training for the workers who use dangerous chemical substances?
- 256 Adequate measures for washing and cleaning in case of exposure to dangerous substances
Does the firm have adequate means for washing and cleaning the equipment used for the exposure to dangerous substances used at the workplace?
- 257 Adequate measures for washing and cleaning in case of an emergency caused by exposure to dangerous chemical substances
Does the firm have adequate means for washing and cleaning in case of an emergency caused by the exposure to dangerous substances?
- 258 Training workers on how to handle an emergency caused by exposure to dangerous chemical substances
Does the firm train workers on how to handle an emergency caused by the exposure to dangerous chemical substances?

Labour Environment

- 259 Temperature at the workplace
Is the temperature at the workplace acceptable?
- 260 Adequate ventilation
Does the workplace have adequate ventilation?
- 261 Adequate noise levels
Are the noise levels acceptable?
- 262 Adequate lighting
Does the workplace have adequate lighting?

Emergency Plan

263	Emergency Plan	Has the firm prepared and implemented its emergency plan?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
264	Communication and publication of the emergency plan	Does the firm communicate and publish visibly the emergency plan in the workers' language?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
265	Fire detection and alarm systems	Does the workplace have fire detection and alarm systems?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
266	Adequate fire equipment	Does the workplace have adequate fire fighting equipment?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
267	Training of enough people in the use of fire fighting equipment	Has the firm trained a sufficient number of workers in the use of fire fighting equipment?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
268	Emergency exits and evacuation routes are clearly marked and indicated with signs	Are the emergency exits and evacuation routes clearly marked and signposted?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
269	Sufficient emergency exits	Are there enough emergency exits?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
270	Accessible emergency exits, free of obstructions and not locked	Are the emergency exits accessible, free of obstructions and not locked during working hours, including during overtime hours?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
271	Emergency assessment drills	Does the firm carry out periodic evacuation drills in case of emergencies?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
272	Implementation of emergency plans	Has the firm complied with the implementation of the emergency plans?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Workers' Housing

273	Workers' housing	Does the firm provide adequate housing for the workers who require it in accordance with the work contract?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
274	Workers' housing complies with the minimum requirements	Does the workers' housing comply with the requirements of necessary minimum spaces?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
275	Workers' housing has safe and sufficient water available	Does the workers' housing have safe and sufficient water available	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
276	Workers' housing has toilets, showers and sewage systems	Does the workers' housing have adequate toilets, showers and sewage and waste disposal systems available?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
277	Workers' housing is protected against fire	Does the workers' housing have the necessary measures against fire?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
278	Workers' housing is protected against heat, cold or humidity	Is the workers' housing adequately protected against heat, cold or humidity?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
279	Workers' housing is adequately protected against disease carrying animals or insects	Is the workers' housing protected against disease carrying animals or insects?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
280	Workers' housing has adequate ventilation	Does the workers' housing have adequate ventilation?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
281	Workers' housing has adequate facilities for cooking and storage	Does the workers' housing have adequate facilities for cooking and storage?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
282	Workers' housing has adequate lighting	Does the workers' housing have adequate lighting?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
283	Workers' housing offers sufficient privacy	Does the workers' housing offer sufficient privacy?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
284	Workers' housing complies with other health and safety standards	Does the workers' housing comply with the minimum health and safety standards?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
285	Emergencies in workers' housing	Has the firm adequately anticipated emergency exits for the workers' housing?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>



Social Security

TOPIC DESCRIPTION

QUESTION

ILO

YES

NO

NOT APPLICABLE

286	Deduction of the contributions for social security from all the workers	Does the firm deduct correctly the contribution to social security of all the workers?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
287	Forwarding of the contributions to the social security fund	Does the firm forward the workers' contributions for the social security fund?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
288	Correct payment of the social security contribution for each worker	Does the firm pay the mandatory contribution or the employers' quota to the social security funds for each worker?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
289	Workers registration	Does the firm register the permanent workers with the Ministry of Labour should the legislation demand it?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
290	Maternity benefits	Do the female workers receive the appropriate benefits during their maternity leave?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
291	Health insurance	Do the workers have a health insurance as part of the labour benefits?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
292	Social security inclusion of casual and temporary workers	Does the firm include the casual and temporary workers in the social security?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>



Environment

TOPIC DESCRIPTION

QUESTION

ILO

YES

NO

NOT APPLICABLE

293	Environmental management system	Does the firm have an environmental management system?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
294	Environmental policy	Does the firm have an Environmental Policy?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
295	The environmental policy commits to reducing the impact caused by the firm's operations	In its Environmental Policy, does the firm commit to minimizing the environmental impact with regard to energy, atmospheric emissions, water, waste, dangerous materials and other significant environmental risks?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
296	Environment conservation system	Does the firm have an environment conservation system?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
297	Waste management	Does the firm have a system for monitoring and controlling waste?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
298	Accidental leaks or discharges management	Does the firm have a detailed plan to handle accidental leaks or discharges of dangerous materials?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
299	Emissions records	Does the firm have an emissions registry?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
300	Recycling programme	Does the firm have a recycling programme?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
301	Environmental impact study or other environmental studies required by law?	Does the firm have an environmental impact study or other environmental studies in case it is should they be required by law?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>



Security

TOPIC DESCRIPTION

QUESTION

ILO

YES

NO

NOT APPLICABLE

302 Established practices to prevent the introduction of non-declared merchandise in the exit shipment manifest

Does the firm have established practices to prevent the introduction of non-declared merchandise in the exit shipment?

303 Policy for combating contraband

Does the firm have a policy to combat contraband?

304 Background of the workers who work in security in shipment or loading areas

Does the firm have a system for verifying the background of workers who work in security, in shipment or loading areas, before they assume the position?

305 The firm is in contact with the authorities in order to coordinate practices in the prevention of drug trafficking

Is the firm in contact with the authorities to coordinate with them practices to prevent the circulation of drugs?

306 Entry interdiction to the facilities for those who are not workers

Does the firm limit the circulation in their facilities to those who are not workers?

307 Badges with photograph for workers

Does the firm provide identification cards or badges with photographs for the workers?

308 Workers and visitors wear their badges at all times

Does the firm make sure that the workers and visitors wear the identification badges whilst they are in the firm's facilities?

309 Escort for visitors in the shipment areas

Does the firm escort visitors whilst they remain in the shipment area?



Suppliers

TOPIC DESCRIPTION

QUESTION

ILO

YES

NO

NOT APPLICABLE

310 Assessment procedure and selection of suppliers

Does the firm have a procedure in writing for the assessment and selection of suppliers and sub-contractors taking into account their performance with regard to the topics of this Guide?

311 Purchasing policy includes compliance with labour issues

Does the firm have a purchasing policy that contemplates the labour practices of the suppliers and contractors?

312 Adequate records of suppliers' commitment

Does the firm keep adequate records of the commitment of the suppliers/contractors (and sub-suppliers, when appropriate) with social responsibility, that includes the topics of this Guide (child labour, discrimination, forced labour, right of association and collective bargaining, etc.)?

313 Delivery of requirements in writing

Does the firm provide in writing (in the contract or other document) the thematic requirements of this Guide to the suppliers and contractors?

314 Identification of critical suppliers in labour issues

Does the firm have a mechanism for identifying the suppliers with greater risk of non-compliance with labour standards?

315 Procedures to ensure compliance with the commitments

Does the firm have a procedure in writing to ensure compliance with the topics of this Guide with regard to its suppliers and subcontractors?

316 Notice of non conformities to the supplier or sub-contractor

Does the firm notify the suppliers and subcontractors in writing of the non conformities identified during the operation related with the practices of this Guide?

317 Follow-up of non conformities

Has the firm followed-up on the non conformities of the suppliers or contractors in order to verify the implementation of corrective actions?

318 Termination of the contractual relationship in case of serious breaches or continuous non conformities

Has the firm terminated the commercial relationship with suppliers or contractors with serious non conformities and/or continuous non conformities?

At the end of the self-assessment, you will be able to identify the findings or breaches of employment contract and should identify the necessary corrective actions to improve current practices. In order to have a strong corrective plan it is recommended to schedule start dates, end dates, estimated cost and the person responsible to execute each corrective action to ensure its accomplishment.

SELF-ASSESSMENT TOPIC	FINDINGS	PROPOSED CORRECTIVE ACTION	START DATE:
			END DATE:
			POSSIBLE COST:
			RESPONSIBLE:
SELF-ASSESSMENT TOPIC	FINDINGS	PROPOSED CORRECTIVE ACTION	START DATE:
			END DATE:
			POSSIBLE COST:
			RESPONSIBLE:
SELF-ASSESSMENT TOPIC	FINDINGS	PROPOSED CORRECTIVE ACTION	START DATE:
			END DATE:
			POSSIBLE COST:
			RESPONSIBLE:

SELF-ASSESSMENT TOPIC	FINDINGS	PROPOSED CORRECTIVE ACTION
		START DATE::
		END DATE:
		POSSIBLE COST:
		RESPONSIBLE:

SELF-ASSESSMENT TOPIC	FINDINGS	PROPOSED CORRECTIVE ACTION
		START DATE::
		END DATE:
		POSSIBLE COST:
		RESPONSIBLE:

SELF-ASSESSMENT TOPIC	FINDINGS	PROPOSED CORRECTIVE ACTION
		START DATE::
		END DATE:
		POSSIBLE COST:
		RESPONSIBLE:

4. GLOSSARY OF TERMS

- **Casual worker:** The casual worker is that one who performs work without an established period of duration and whom the enterprise summons only when it requires it. It can be about a full time or partial time activity during a varied period of time.
- **Child:** Any person under 15 years-old, unless the local legislation stipulates a lower age for working or mandatory attendance to school, in which case this latter age will apply in that location in particular.
- **Child labour:** Every activity performed by people under 15 years-old or the minimum age allowed by law, in an independent or family manner, that hinders access, performance and permanence in school, or is performed in dangerous environments that cause prejudice to his/her intellectual, physical, psychological, moral or social development.
- **Collective bargaining:** It is that one carried out between the workers of a firm and the firm or representatives of the firms of that sector. The purpose of the bargaining is to reach an agreement with regard to the labour conditions that apply to the generality of the workers of the context in which the negotiation is circumscribed and on the topics that the parties define.
- **Collective bargaining agreement:** Agreement negotiated between a firm or group of firms and one or more organisations of workers, with the purpose of regulating the relations between workers and the firms as well as the conditions in which the work must be performed.
- **Compensation:** The total remuneration, in cash or kind, paid by the firm to the worker in exchange for work performed by the latter during a specific period of time. Workers' compensation has two main components:
 1. Wages and salaries paid in cash;
 2. Supplementary benefits or social contributions paid by the enterprises, such as privately funded social security to procure social benefits for its workers; or contributions for the employers providing social benefits without funds.
- **Contractor:** Labour force provided by an independent employment agency. It normally refers to the intermediary figure.
- **Convention:** International treaty, which once ratified by a country, is binding in its national territory.
- **Corrective and preventive action:** Immediate and continuous solution to a non conformity with any labour law.

- **Dangerous work:** The work that, due to its nature or due to the conditions in which it is carried out, is likely to injure the health, safety or morality of the children.
- **Disablement:** That condition under which certain people present physical, mental, intellectual or sensorial deficiencies which, when interacting with various barriers, may hinder his/her full and effective participation in society, and in equality of conditions with others.
- **Disciplinary regime:** The system through which the firm or employer exercises its disciplinary power through a process regulated by the labour standards. This system may include verbal and/or written admonitions, suspension with or without pay and dismissal without employer responsibility (or justified dismissal). In any disciplinary action linked to the regime, there must be a cause-and-effect link between the fault committed and the sanction. The latter must respect the principles of proportionality and contemporaneity.
- **Discrimination:** Any distinction, exclusion or preference based on reasons of race, colour, sex, religion, political opinion, national extraction or social origin that has the effect of nullifying or altering equality of opportunities or treatment in the employment and the occupation.
- **Employer:** Is in a work contract the party that provides a working position to a physical person so that he/she renders a personal service under its control, in exchange for a remuneration or salary. The other party of the contract is denominated "worker" or employee.
- **Employment agency:** A person or entity, independent of public authorities, that provides the service of managing employment offers and applications and other services related with the search for employment, such as providing information, or that employs workers with the purpose of placing them at the disposal of third parties.
- **Enterprise:** The totality of any business organisation or entity responsible for hiring workers and complying with labour legislation. Definition that in this Guide is also used for the firm or employer
- **Forced labour:** Every work or service performed under threat of punishment (including non payment of salary, dismissal or declared violence or the threat of violence) and that is performed against one's will.
- **Freedom of association:** A fundamental principle oriented towards the free exercise of the right of the workers and the employers, without any distinction, to organise with the purpose of extending and defending their interests. Workers may organise in trade-unions and employers in chambers, professional associations or other business organizations.
- **Housing for the workers:** Also known as lodging for the workers, these are houses placed at the disposal of the workers as part of the employment contract. These houses must meet established minimum conditions with regard to character and quality of lodging and facilities.

- **Interested party:** Individual or group interested in, or affected by, the social performance of the enterprise. It is also denominated as interested group or Stakeholder.
- **International labour standards:** The set of conventions and recommendations that establish the principles and basic rights at work, adopted in a tripartite manner by the ILO.
- **Migrant worker:** A person who immigrates or has immigrated from one country to another, or in some cases between regions or provinces of a country, with the specific purpose of practising an economic activity for which he/she will receive a salary.
- **Minimum salary:** The minimum salary is established by the law of the country or region. This may vary according to the sectors or the geographic location where the worker works.
- **Paid rest breaks:** In any economic activity, this means that whilst the worker enjoys his/her period of vacation rest (weekly rest break or annual holidays) he/she will continue to enjoy his/her normal salary.
- **Penitentiary work:** Also known as "jail work" is work performed voluntarily by people in the penitentiary system with the purpose of providing them with work habits and skills that allow them to compete in conditions of equality with the rest of the citizens.
- **Piecework:** Form of payment of salary based on the number of units produced; an established quantity of work or any work for which fees are paid by the piece.
- **Salary:** Payment made by the employer or the firm for work performed. It is also denominated remuneration or retribution.
- **Staff reduction:** The dismissal of one or more workers with the purpose of reducing the labour force.
- **Sub-supplier:** Business entity in the chain of supply that, directly or indirectly, provides the supplier with integral goods and/or services that are used in or for the production of goods and/or services of the firm or of the supplier.
- **Supplementary benefits:** Remuneration in cash, in kind or additional services to payment for work performed such as holidays or permits or leaves with salary, social security benefits, medical assistance, health services, and various differentials and bonuses, housing, educational or recreational facilities.
- **Supplier/sub-contractor:** Organisation that supplies goods and/or services to the firm to be integrated into the production of goods and/or services and used therein.

- **Trade-Union:** Is an association of workers or employers constituted for the defence and promotion of professional, economic and social interests of its members.
- **Weekly rest break:** Every worker has the right to one day, at least 24 hours, of paid rest break after a complete week of work.
- **Work contract:** Agreement of wills between two people with the purpose that one of them works subordinately in favour of the other.
- **Work schedule:** The work schedule is the number of hours per day, per week or per month that the employee works under the direction of a firm, in exchange for a salary. The law defines the maximum limits of the schedule as the right the workers have to be guaranteed rest breaks. These limits are weekly, daily and annual and they depend on the fact if the work schedule takes place during the day, at night or both during the day as well as the night (mixed schedule).
- **Work suspension:** Is the temporary cessation of the main effects of the work contract, without it being understood as the dissolution of the labour bond. This suspension may occur due to natural disasters, national crises, among others.
- **Worker:** Every individual person that renders his/her services to an employer in virtue of a work contract or relation. It is a denomination that is also used to identify the employee in this Guide.
- **Worker organisation:** Voluntary association of workers permanently organised with the purpose of maintaining and improving the terms of employment and the conditions at the workplace.
- **Young worker:** People between the minimum age for work in the country and 18 years-old. It covers any worker over the age of a child, as defined above, and under the age of 18 years-old.

5. OTHER TOOLS AND REFERENCES

- Guide on the International Labour Standards. ILO (2008).
http://www.ilo.org/wcmsp5/groups/public/---ed_norm/--normes/documents/publication/wcms_087344.pdf
- Index on the contents of the ILO conventions and recommendations.
- Rules of the Game: A Brief Introduction to International Labour Standards (Reviewed edition 2009)
http://www.ilo.org/global/publications/WCMS_108409/lang-es/index.htm
- Labour Law **www.leylaboral.com**
Developed by the project Comply and Win in 2005, LabourLaw.com allows one to know the labour legislation of each Central American country, Panama and the Dominican Republic, with the purpose of promoting their enforcement and facilitating access to labour justice.
- NORMLEX **<http://www.ilo.org/dyn/normlex/es>**
Resource developed by ILO where information is found on the international labour standards. Specifically it is a database that offers updated information on ratifications, on labour and social security national legislation, among others.
- "Measure and Improve Your Labour Standards Performance: Performance Standard 2 Handbook for Labour and Working Conditions", Social Accountability International and International Finance Corporation.
http://www1.ifc.org/wps/wcm/connect/topics_ext_content/ifc_external_corporate_site/ifc+sustainability/publications/publications_handbook_laborstandardsperformance_wci_1319577153058
A guide published by the International Financial Corporation as a practical reference for firms that seek to understand and improve their management systems, as well as their internal capability for improving their labour practices and their productive chain.
- SCORE: Sustaining Competitive and Responsible Enterprises, ILO.
<http://www.ilo.org/empent/Projects/score/lang--en/index.htm>
- Training and consultancy programme at the firm to improve productivity, sustainability and employment quality in small and medium size enterprises. The programme shows that improvements in labour practices of manufacture and service help PYMES to access international productive chains.

- UnivesorRH: Development of Labour Abilities and Organisational Strategies, ACT/EMP, ILO.

<http://www.universorh.org/>

A certification on labour abilities and organisational strategies. The certification comes as the answer to the continuous and very marked changes in the conditions of the business world, influenced by political, social, economic aspects that impact importantly on the socio-labour context in the region, making it more complex every day.

- Verification of the Implementation of the Recommendations of the White Book, ILO.

<http://www.ilo.org/san jose/programas-y-proyectos/verificaci%C3%B3n-implementaci%C3%B3n-libro-blanco/lang--es/index.htm>

- Assessment reports and verification of the progress of the countries of the DR-CAFTA region in the implementation of the recommendations of the White Book.

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Manual de Derechos y Obligaciones Laborales , Fundapem, Nicaragua, 2004.

Measure and Improve Your Labour Standards Performance: Performance Standard 2 Handbook for Labour and Working Conditions, Social Accountability International and International Finance Corporation.

Principles of Fair Labour & Responsible Sourcing, Fair Labour Association, www.fairlabor.org

Protocolo de Atención en Salud Integral con Pertinencia Cultural para la Niñez y la Adolescencia en Situación de Trabajo Infantil y sus Peores Formas, Ministry of Public Health and Social Assistance, Guatemala 2012.

Recommendation concerning HIV and Aids and the Labour World, 2010 (num. 200), International Labour Office, Geneva, 2010.

Steger, U. Ed (2004) Pone mayúsculas: The Business of Sustainability: Building Industry Cases for Corporate Sustainability,, Palgrave Macmillan, UK.

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7. ANNEXES

Myths related with the topic of responsible business

There are many myths and erroneous concepts around labour standards compliance. These myths have propagated, creating resistances and challenges to improve the knowledge and implementation of good labour practices. For an enterprise to initiate a strategy for improving its labour practices, it is important that it knows these myths, disproves them and is ready to refute them.

The ten most common myths related with the labour compliance business case are presented below.

1. Labour issues are a matter for unions, they are not relevant for the private sector.

The majority of business strategies and practices are decided unilaterally by the owners or by the administration of the firm. On the contrary, the strategies and improvements of labour practices are typically decided between the administration of the firm and the workers. The workers, unions and other actors have to play an important part when improving labour practices.

However, without the commitment and active leadership of the owners and/or the administration, it is not possible to improve the labour practices in a firm.

2. Freedom of association, collective bargaining, strikes, and others, are delicate topics and should be discussed behind closed doors.

Now, with free access to information, greater knowledge and professionalisation of the workers' organisations, the latter obtain information about their rights, obligations and possibilities continuously.

This means that in many opportunities the sensitive issues are resolved more effectively when they are handled transparently and openly ensuring that everybody has the same information based on the labour legislation.

Even more, it is of greater benefit for the enterprises to have informed workers so that when approaching these issues together they may have better criteria to negotiate within the parameters of the law.

Chapter 16 of DR-CAFTA:

Demands compliance of labour laws by all countries of the region. The countries in turn must ensure their companies comply, regardless of whether or not they export to the USA, their size or line of business.

3. It is impossible to compete in the region complying with the labour legislation in the face of the informal industry.

In the region, the percentage of informal trade and industry represents nearly half of the Gross Domestic Product (GDP). Furthermore, in some countries and in the last few years, the percentage of informality has increased creating firms that have low operation costs since they do not pay taxes, social security for their workers, nor do they comply with the labour obligations towards their workers, among others.

In globalised markets, the profits of informal enterprises are short-term and do not contemplate the risks of non-compliance by the Government nor the social risks they could face due to complaints from the customers, civil society or other interested publics. Also, in national markets, the demands from customers and consumers many times extend beyond the quality and price to question the production conditions.

4. It is impossible to comply with the labour legislation in societies with high levels of poverty and socio-economic limitations.

The challenges and needs of society are so high and urgent that they generate pressures and demands on the firms that go beyond legal compliance. For example, a worker may request taking his/her children to work in order to keep them away from the “maras” (gangs) and other social risks.

These situations present opportunities for the firm to offer social solutions to the communities where they operate that exceed their social obligations. But never do these initiatives represent situations of exception for legal compliance.

5. There are too many labour laws and regulations, but low levels of compliance.

Labour legislation must be respected, without exceptions. Day to day, more experts and better tools crop up so that enterprises may understand and respect labour legislation due to its intrinsic benefits, without needing the regulatory force of Government.

It is important that the enterprises participate in the development and validation of national laws and the democratic dialogue around the new laws or reforms of current laws. However, once they are approved, it is the responsibility of all the enterprises to abide by them and promote compliance with them.

Factors that may impact the adjustment of the benefits of good labour practices:

- Type
- Size
- Sources of competitive advantages
- Number of operations
- Operations structure
- Social and economic context, among others

6. Verify compliance with labour legislation is superfluous; enterprises that pay taxes already comply with the labour law.

Paying taxes is not equivalent to complying with labour law. Although firms pay all their taxes, they may be at fault with the labour legislation. For example, during peak production times they may demand a greater amount of overtime from their workers than what is allowed by law, among others.

Tax payment is a first step concerning compliance with labour legislation. However, there are other issues that must be considered to ensure compliance and improvement of labour practices.

7. Only the large enterprises and the multinational ones should comply with the law.

The labour law has been developed and implemented for all enterprises, regardless of their type, age or size. Therefore, compliance with the labour legislation and the opportunity of improving labour practices is the same for all enterprises. An enterprise may be small or large, but it is obligated to treat its workers with dignity and to comply with the labour legislation.

Furthermore, small and medium enterprises, due to their size, have the advantage of implementing improvements and changes in their operation in a more agile manner than those with very large operations.

8. The enterprises do not need support in order to prepare for a labour inspection, a labour audit or a labour certification.

No matter how long the enterprises have been working in improving their labour practices, they can always benefit from receiving support in order to understand and interpret the international labour standards and how these are implemented in the enterprises. Just as the firms have been receiving support for decades in their performance regarding quality or environment, it is as important to receive orientation and support concerning labour practices.

9. Compliance with the labour law is different in each country.

The international labour standards constitute fundamental tools for the governments. These must consult with the employer and worker organisations before formulating and implementing new labour laws and social policies according to the international labour standards. Therefore, the labour legislations of all the ILO member countries are aligned with the international standards.

There are certain labour conditions that originate from the labour legislation of each country, but these conditions abide by the international labour standards and the legal compliance of these can be supervised in the same way in all the countries. For example, the

minimum working age may vary from country to country according to the local legislation in spite of the fact that all the countries condemn child labour.

10. There are so many labour issues that it is more effective to focus on one issue at a time.

Compliance with the labour law demands complete compliance with the law; the enterprises cannot decide to focus only on certain issues. The firms must know the labour issues that represent greater opportunity and/or greater risk and based on this, they should invest more resources. But, although internally, each firm decides to focus on certain issues, it cannot lose sight of the complete range of labour issues that it is necessary to address.

11. Social security is very expensive and it is better to not register the workers with the Ministry of Labour.

Social security has been designed to offer protection to the workers and also to reduce the risks and costs in which an enterprise may incur in case of pregnancy, accident or death of a worker. When a firm does not register the worker with the Ministry of Labour and does not offer the social security benefits, it violates a legal standard and will be responsible for the expenses of the worker before any eventuality. In the long term, this situation represents greater risk and higher costs than paying the social security.

12. It is an expense to improve working areas and conditions.

Having optimal working areas and conditions is seen as a useless expense of money. When this happens, the direct and indirect savings of health and occupational safety are not contemplated. The firm must calculate the savings of investing in these issues, visualising the expenses due to imminent accident risks at the facilities and then adding-on the secondary expenses it would have to defray such as reputation injuries, absence of the personnel hurt, damages to products, among others. The improvement of the working conditions must be seen as an investment and not as an expense.

The firms that initiate the road to improve their labour practices should pause and review their operations, their industry and their sources of competitive advantages to understand which could be the main benefits of doing business complying with the labour law. In the same way, each firm should reflect on the main labour myths around its industry to be prepared to deny them and face the criticisms that could arise as they align people inside and outside the firm with the labour responsibility strategy.

After the firm commits to begin with the improvement of its labour practices, it is ready to begin to understand the scope of what it means to implement the issues that the international labour standards address and create a labour system that facilitates continuous improvement.

A **GUIDE** FOR **ENTERPRISE** **DIAGNOSTICS** ▶

Get to Know and Improve your Labour Standards Performance



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