

adidas

Guidelines on Employment Standards





... whereas conditions of labor exist involving such injustice, hardship and privation
to large numbers of people as to produce unrest so great...
and an improvement of those conditions is urgently required;
as for example, by the regulation of the hours of work...
the provision of an adequate living wage, the protection of workers against sickness,
disease and injury...
the protection of children, young persons and women...
protection of the interests of workers when employed in countries other than their
own, recognition of the principle of equal remuneration for work of equal value,
recognition of the principle of freedom of association...

Preamble of the Constitution of the International Labour Organization

OUR WORKPLACE STANDARDS

BEST SPORTS COMPANY IN THE WORLD

Our mission is to be the best sports company in the world. Best means that we design, build and sell the best sports products in the world, with the best service and experience and in a sustainable way.

In fulfilment of this mission, we expect our partners – contractors, subcontractors, suppliers, and others – to operate sustainably and to conduct themselves with the utmost fairness, honesty and responsibility in all aspects of their business.

We use the adidas *Workplace Standards* as a tool to assist us in selecting and retaining business partners who follow business practices consistent with our policies and values. As a set of guiding principles, the *Workplace Standards* also help identify potential problems so that we can work with our business partners to address issues of concern as they arise. Business partners will develop and implement action plans for continuous improvement in factory working conditions. Progress against these plans will be monitored by the business partners themselves, our internal monitoring team and external independent monitors.

Specifically, we expect our business partners to operate workplaces where the following standards and practices are implemented:

General Principle

Business partners must comply fully with all legal requirements relevant to the conduct of their businesses and must adopt and follow practices which safeguard human rights, workers' employment rights, safety and the environment.

Human Rights

adidas is committed to respecting human rights and will refrain from any activity, or entering into relations with any entity, which supports, solicits or encourages others to abuse human rights. adidas expects our business partners to do the same, and where there is any perceived risk of a violation of human rights to duly notify us of this and of the steps being taken to avoid or mitigate such a breach and, where this is not possible, for the business partner to provide for the remediation of the adverse human rights impact where they have caused or contributed to this. For the purposes of these Workplace Standards, human rights are a set of rights which recognize the inherent dignity, freedom and equality of all human beings, as expressed in the United Nation's International Bill of Human Rights and in the International Labor Organization's Declaration on Fundamental Principles and Rights at Work.

Employment Standards

FORCED LABOR

Business partners must not use forced labor, whether in the form of prison labor, indentured labor, bonded labor or otherwise or permit the trafficking in persons for the purposes of forced labor. No employee may be compelled to work through force or intimidation of any form, or as a means of political coercion or as punishment for holding or expressing political views.

CHILD LABOR

Business partners must not employ children who are less than fifteen (15) years old, or less than the age for completing compulsory education in the country of manufacture where such age is higher than fifteen (15).

DISCRIMINATION

Business partners must not discriminate in recruitment and employment practices. Decisions about hiring, salary, benefits, training opportunities, work assignments, advancement, discipline and termination must be based solely on ability to perform the job, rather than on the basis of personal characteristics or beliefs, such as race, national origin, gender, religion, age, disability, marital status, parental status, association membership, sexual orientation or political opinion. Additionally, business partners must implement effective measures to protect migrant employees against any form of discrimination and to provide appropriate support services that reflect their special status.

WAGES, BENEFITS & COMPENSATION

All legal requirements relating to wages and benefits must be met. Wages must equal or exceed the minimum wage required by law or the prevailing industry wage, whichever is higher. In addition to compensation for regular working hours, employees must be compensated for overtime hours at the rate legally required in the country of manufacture or, in those countries where such laws do not exist, at a rate exceeding the regular hourly compensation rate.

Workers have the right to compensation for a regular work week that is sufficient to meet workers' basic needs and provide some discretionary income. Where compensation does not meet workers' basic needs and provide some discretionary income, business partners must take appropriate actions to progressively raise employee compensation and living standards through improved wage systems, benefits, welfare programs and other services.

WORKING HOURS

Employees must not be required, except in extraordinary circumstances, to work more than sixty (60) hours per week including overtime or the local legal requirement, whichever is less. A regular work week must not exceed 48 hours, all overtime work must be consensual and not requested on a regular basis. Employees must be allowed at least twenty-four (24) consecutive hours rest within every seven-day period and must receive paid annual leave.

FREEDOM OF ASSOCIATION & COLLECTIVE BARGAINING

Business partners must recognize and respect the right of employees to join and organize associations of their own choosing and to bargain collectively. Business partners must develop and fully implement mechanisms for resolving industrial disputes, including employee grievances, and ensure effective communication with employees and their representatives.

DISCIPLINARY PRACTICES

Employees must be treated with respect and dignity. No employee may be subjected to any physical, sexual, psychological or verbal harassment or abuse, or to fines or penalties as a disciplinary measure. Business partners must publicize and enforce a non-retaliation policy that permits factory employees to

express their concerns about workplace conditions directly to factory management or to us without fear of retribution or losing their jobs.

HEALTH & SAFETY

A safe and hygienic working environment must be provided, and occupational health and safety practices which prevent accidents and injury must be promoted. This includes protection from fire, accidents and toxic substances. Lighting, heating and ventilation systems must be adequate. Employees must have access at all times to sanitary facilities which should be adequate and clean. Business partners must have health and safety policies which are clearly communicated to employees. Where residential facilities are provided to employees, the same standards apply.

ENVIRONMENTAL REQUIREMENTS

Business partners must make progressive improvement in environmental performance in their own operations and require the same of their partners, suppliers and subcontractors. This includes: integrating principles of sustainability into business decisions; responsible use of natural resources; adoption of cleaner production and pollution prevention measures; and designing and developing products, materials and technologies according to the principles of sustainability.

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Section 1 - Introduction

Welcome to the 4th edition of the adidas Guidelines on Employment Standards.

adidas first published its Workplace Standards in 2000, followed shortly thereafter by a set of employment guidelines for our supplier partners. Since then, we have seen many of our key suppliers develop and mature their human resources management systems and build internal compliance programs and teams to address working conditions.

Yet there are suppliers who sometimes struggle to meet our standards when it comes to providing a fair and safe work environment. While compliance with local laws and the adidas Workplace Standards is our primary goal, we also expect our business partners to manage emerging issues and trends. These include human rights due diligence obligations, privacy rights in the workplace, addressing foreign migrant worker rights, and following responsible production and purchasing practices. In short, the world of compliance continues to evolve and become more complex.

The values of adidas

At adidas, our core belief is that “Through sport, we have the Power to Change Lives”. By adhering to our Workplace Standards, our supplier partners give practical meaning to this belief. They show that they uphold our values.

Beyond a question of values, we also see strong evidence throughout the supply chain that improved compliance, coupled with strong and healthy management-worker relations, results in improved business performance. Those factories that have internalised our Standards by recruiting the right people to develop management systems and improve compliance performance have been rewarded by better Key Performance Indicator (KPI) ratings, which ultimately impact decisions made by adidas Sourcing and Operations teams. In short, compliance with the Workplace Standards is good for our business partners, good for workers, and good for our business.

What is the purpose of these Guidelines?

While the Workplace Standards are based on international law, they do not say anything practical about how they should be made real in a factory. Through these Guidelines we provide business partners with practical tips for managing compliance concerning labor issues and solutions to some of the more complex employment problems.

These Guidelines will aid managers in **improving** factories' conditions
by helping managers understand and take action on each of the Standards.
In all cases, the higher Standard should be applied—be that adidas' Standard or the local law.

These Guidelines on Employment Standards, together with the Guidelines on Health & Safety and Environment, remain our essential guidance for business partners. It brings together decades of learnings from our Business Partners and other stakeholders around the world.

adidas' mission is to be the best sports company in the world. Best means that we design, build and sell the best sports and fitness products in the world, with the best service and experience. Best is what our consumers, athletes, teams, partners and media will say about us. This can only be made possible if, together, we rise to the challenge of managing, supporting and developing the labor force that makes our products, thereby ensuring a sustainable business for us all.

What has changed in this version of the Guidelines?

We have continued our approach of highlighting best practice in relation to our Employment Standards. In addition, reflecting the 2016 update of the Workplace Standards, we have added a chapter on Human Rights Due Diligence (HRDD), including a seven-step guide for our business partners to fulfill their responsibility to respect human rights. We have also taken steps to simplify the current Guidelines and ensure they continue to offer a valuable resource for our Business Partners.

Furthermore, we have added additional language when it pertains to the topics of Responsible Recruitment, Migrant Workers, and Forced Labor.

Finally, given that the majority of our supply chain's workers are women, it is important that our business partners are sensitive to, and consistently apply, a "gender lens" to their daily operations. See: [Women's Rights in the Workplace](#).

How should these guidelines be used?

The Guidelines on Employment Standards have been written for you, our business partners. This is designed to help facilitate a better understanding of:

- Why these employment standards are important.
- The ways in which these employment standards can be violated.
- adidas' policy and perspective on these employment standards.
- Recommended solutions, including case studies, to address non-compliances related to these employment standards.
- Additional resources to help factory managers for further support and guidance.

These guidelines are structured in a way that allows you to access the right level of detail that meets your needs most effectively. This includes a tiered approach of high-level topic summaries, coupled with links to detailed examples, case studies and, where applicable, further external resources.

Section 2 – Human Rights Due Diligence

Why does Human Rights Due Diligence matter?

Human Rights are basic rights and freedoms for everyone based on dignity, fairness, equality and respect. A business enterprise may affect people's human rights through its own activities or through its business relationships. The impact can be positive, such as by providing decent and safe working conditions and fair wages, benefits & compensation. However, it may also include negative impacts.

Enterprises have a **responsibility to respect** human rights: that is, to avoid people's human rights being harmed through their activities or business relationships, and to address harms that do occur.

The responsibility extends to all internationally recognized human rights, encompassing the International Bill of Human Rights (the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights), and the International Labor Organization Declaration on Fundamental Principles and Rights at Work.

What are the ways in which enterprises may cause, contribute or be linked to negative human rights impacts?

- ✓ They may **cause** negative impacts, for example if employees are injured due to unsafe working conditions, or if they displace communities from their lands and livelihoods without due process and adequate compensation;
- ✓ They may **contribute** to negative impacts, for example if their purchasing practices incentivize factories to force workers into unpaid overtime to meet contractual requirements, or if multiple companies drain or pollute the water resources essential for local communities' drinking supply;
- ✓ They may be **linked** to negative impacts, for example if forced labor or child labor is used to make their products, or if customer privacy is breached by a service provider or government, despite the company's efforts to avoid these outcomes.

What actions are expected of enterprises where they are at risk of being involved with negative human rights impacts?

- ✓ Where they may **cause** harm, enterprises should take steps to avoid doing so, and should provide for or cooperate in remedy if harm occurs;
- ✓ Where they may **contribute** to harm, enterprises should take steps to avoid doing so, use their influence to reduce the risk of other parties contributing to the harm, and help provide for or cooperate in remedy if harm occurs;
- ✓ Where harm may be **linked** to their operations, products or services through business relationships, but without cause or contribution on their part, enterprises must still use their influence to seek to reduce the risks that the harm occurs.

How do you prevent, mitigate and remedy negative impacts?

Human rights due diligence is the ongoing process through which an enterprise demonstrates to “**know and show**” that they respect human rights. This includes assessing risks to human rights, integrating the findings into its decision-making and actions to mitigate the risks, tracking the effectiveness of these measures, and communicating its efforts internally and externally.

When assessing which human rights issues are relevant to an enterprise, it should:

- ✓ focus on risks to people as distinct from risks to the business.
- ✓ draw on any information on human rights risks that has been produced for the applicable industry.
- ✓ look at both actual human rights impacts, where people’s human rights have been harmed (past or current) and risks which are potential impacts (in the future).
- ✗ consider all aspects of enterprise operations and the impact of business partners, such as clients, factories, recruitment agencies and subcontractors.

This guideline suggests seven steps¹ to ensure that a business enterprise is fulfilling its responsibility to respect human rights:

Step 1: Adopt a Clear and Coherent Human Rights Policy

The first step for any organization on the path to respecting human rights is to develop and adopt a human rights policy. This is important because it communicates internally and externally what the enterprise expects regarding the conduct of its own leadership and staff, as well as that of partners and others it works with.

Step 2: Embed Respect for Human Rights

Even the best human rights policy is no more than words on paper without the necessary actions and incentives to make it part of everyday practice. Embedding the organization’s commitment to respect human rights requires proactive engagement by the top management and at all levels where critical decisions are made.

Step 3: Identify and Evaluate Human Rights Risks

Traditional enterprise risk management systems focus on risks to the enterprise itself. When it comes to considering human rights risks, the essential starting point is risk to people.

Step 4: Address Human Rights Risks

The purpose of identifying human rights risks is to do something about them. An enterprise will need to build leverage to deal with any such risks. Leverage enables an organization to influence the behavior of those best placed to prevent human rights harm.

¹ adidas would also like to extend its appreciation to the United Kingdom Equality & Human Rights Commission (EHRC) for granting permission to use & adapt content from the ‘Business and human rights: A seven-step guide for managers’ publication. The copyright in the document this guideline has been adapted from and all other intellectual property rights in that material are owned by, or licensed to, the Commission for Equality and Human Rights, known as the Equality and Human Rights Commission (“the EHRC”).

Step 5: Engage with Stakeholders

As part of an enterprise's human rights due diligence, it should talk to a wide range of stakeholders. Engaging with different types of stakeholders can help to identify human rights risks and impacts as well to understand different perspectives that can be integrated into decisions making processes.

Step 6: Track and Report on Implementation

An enterprise may have a significant human rights footprint. Tracking and communicating about human rights risks with which it is involved are essential to ensure accountability and learn from mistakes.

Step 7: Provide an effective remedy for human rights harms

Enterprises have a responsibility to put in place an effective procedure that can respond to human rights complaints from workers, customers and communities. This complaints system should be:

- ✓ Legitimate: in that it is fair and trustworthy
- ✓ Accessible: in that it is known to all the stakeholders it is meant for, and that it provides adequate assistance to those who may face barriers to accessing the complaints procedure and process, for example due to language or disability
- ✓ Predictable: in terms of process and available outcomes
- ✓ Equitable: providing fair access to information, advice and expertise
- ✓ Transparent: by keeping those involved in a complaint informed about its progress, and by providing sufficient information about the process to build confidence in its effectiveness
- ✓ Rights-compatible: ensuring that outcomes and remedies are aligned with internationally recognized human rights;
- ✓ Source of continuous learning: identify way to continually improve the mechanism over time to prevent future grievances.

Additional Guidance

For a summary of relevant international standards see:

§ [United Nations Guiding Principles on Business & Human Rights](#)

§ [UK Equality & Human Rights Commission – Business and Human Rights: A seven-step guide for managers](#)

§ [OECD Due Diligence Guidance for Responsible Supply Chains in the Garment and Footwear Sector](#)

United Nations

§ [Universal Declaration of Human Rights 1948](#)

§ [International Covenant on Economic Social and Cultural Rights 1966](#)

§ [International Covenant on Civil and Political Rights 1966](#)

ILO

§ [Declaration on Fundamental Principles and Rights at Work](#)

Section 3 – Employment Relationship

What is meant by Employment Relationship?

Any reputable business has a dedicated person or team whose primary responsibility is to ensure: that the company's rules and policies are being implemented, that workers are adequately trained on those policies, and that the workers' legal rights under national and international law are being respected and adhered to.

While these topics are reviewed in other sections of this Guideline, especially when it comes to the importance of training, non-discrimination, etc., The purpose of this section is to cover additional aspects of the *employment relationship* that should also be considered—since failure to do so would be in violation of adidas' Standards.

Employment Management Systems

Human Resources

- ✓ Employers shall assign responsibility for the administration of human resources to a clearly defined and adequately qualified staff member or staff members and ensure workers at all levels receive communication and training about existing policies and procedures or any revisions.

New Employee Orientation

- ✓ Employers shall provide an orientation to new employees at the time of hiring, which includes: explanations of the employers' rules, compensation package and policies for human resources, grievance systems, industrial relations, including respect of the right to freedom of association, workers' rights and responsibilities, adidas Workplace Standards, health and safety, and environmental protection.
- ✓ Training should be updated on a regular basis, and in particular, when any policies and procedures are revised.
- ✓ Workers should be provided with written documentation that covers all the issues discussed in the orientation briefings.

Communication

- ✓ Employers shall inform workers about workplace rules, environmental protection systems, health and safety information, and laws regarding workers' rights with respect to freedom of association, compensation, working hours, and any other legally required information through appropriate means, including posted in local language(s) throughout the workplace's common areas.

Supervisor Training

- ✓ Employers shall ensure that all supervisors are trained in national laws, workplace regulations, adidas Workplace Standards, workplace grievance systems, and the appropriate practices to ensure compliance.
- ✓ Trainings should be updated on a regular basis.

Skills Development Training

- ✓ Employers shall have written policies and procedures and implement practices that encourage ongoing training of all categories of workers with the goal of raising or broadening skills in order to advance in their careers within the workplace or beyond.
- ✓ The policies and procedures should include how workers will be informed of training opportunities, eligibility requirement for participation, if the training will be compulsory or voluntary, if it will take place during or after working hours, and if the training time will be compensated.

Performance Reviews

- ✓ Employers shall have written policies and procedures with regard to performance reviews that outline the review steps and process, demonstrate linkages to job grading, prohibit discrimination, are provided in writing and seek feedback and agreement/disagreement from employees in writing, and that follow all local legal requirements.
- ✓ The performance review process should be communicated to the workforce and reviewed regularly.

Recruitment & Hiring

- ✓ Personnel files and all relevant employment information for contract/ contingent/ migrant/ temporary workers should be always maintained and accessible at the workplace site.

Section 4 – Forced Labor

This section addresses forced labor and human trafficking, which are conceptually part of what today is being called “modern slavery”.

Why does protecting against Modern Slavery matter?

The term “modern slavery” has not been defined by any international legal instrument. In the absence of a universal legal definition for modern slavery, adidas defines it as the risks posed by forced labor, prison labor, indentured labor, bonded labor, debt servitude, state-imposed forced labor and human trafficking, where coercion, threats or deception are used to intimidate, penalize or deceive workers, thereby creating situations of involuntary work and exploitation. Modern Slavery may also be associated with the worst forms of child labor.

Forced Labor includes the use of deception or coercion, either by the state and public agencies, or by private individuals and enterprises, to force people to enter work or service against their will, to work in conditions they did not accept and to prevent them from leaving the job by using any form of punishment or threat of penalty.

Forced Labor is almost universally banned, and two ILO Conventions - the Forced Labor Convention, 1930 (No. 29) and Abolition of Forced Labor Convention, 1957 (No. 105) - are the most widely ratified of all international labor conventions. Specific prohibitions of forced labor have also been incorporated in the labor codes or general employment legislations of many countries.

At adidas, we treat forced labor, human trafficking and slavery as zero-tolerance issues. Business relationships can be impacted if such issues are found and can lead to enforcement action, warning letters and, if timely remedies are not offered, to termination.

What actions may cause or contribute to adverse impacts?

adidas' Workplace Standards state: “Business partners must not use forced labor, whether in the form of prison labor, indentured labor, bonded labor, human trafficking or otherwise. No employee may be compelled to work through force or intimidation of any form, or as a means of political coercion or as punishment for holding or expressing political views”

The eleven ILO forced labor indicators as outlined below are based upon the definition of forced labor specified in the ILO Forced Labor Convention, 1930. The presence of a single indicator in a given situation may in some cases indicate the existence of forced labor. However, in other cases the presence of several indicators which, taken together, warrants the investigation of a potential forced labor case. Overall, the set of eleven indicators include the most common possible elements of a forced labor situation, and hence provides the basis to assess whether an individual worker is in a situation of forced labor.

Abuse of Vulnerability

- × Anyone can be a victim of forced labor. However, workers who lack knowledge of the local language or laws, have few livelihood options, belong to a minority religious or ethnic group, have a disability or have other characteristics that set them apart from the majority population are especially vulnerable to abuse (Source: [ILO: Indicators of Forced Labor](#)) .
- × When a factory takes advantage of a worker's vulnerable position, for example, by providing employment contracts that are not in a language understood by the workers and those that bind or prohibit voluntary resignation can amount to a situation of forced labor.

Abusive Working and Living Conditions

- × When work may be performed under conditions that are degrading (humiliating or dirty) or hazardous (difficult or dangerous without adequate protective gear), and in severe breach of labor law.
- × Workers who are subjected to substandard living conditions, made to live in overcrowded and unhealthy conditions without any privacy.

Deception

- × Deception relates to the failure to deliver what has been promised to the worker, either verbally or in writing, for example through ambiguous and unregulated employment terms and conditions.
- × Deceptive recruitment practices can include false promises regarding working conditions and wages, but also regarding the type of work, housing and living conditions, acquisition of regular migration status, job location or the identity of the employer.
- × Children may also be recruited through false promises, made to them or their parents, concerning school attendance or the frequency of visits by or to their parents.

Debt Bondage

- × Workers subjected to an incurred or sometimes inherited debt, which may arise from wage advances or loans to cover recruitment or transport costs or from daily living or emergency expenses, such as medical costs – this debt, when combined with low wages, can result in reduced “take-home” wages, and/or make it impossible for workers to clear their debt.
- × Providing unpaid labor, in particular child workers, in payment of a debt owed to the factory by another person, usually the worker's parent or relative.
- × Reaching an agreement with the head of a local community to use locals as unpaid workers in return for goods or services which the factory can provide, for example, accommodation, food, protection or weapons.
- × Charging fees or costs incurred in the recruitment process for workers to secure employment or placement, resulting in workers being forced to work to pay off debts incurred to cover recruitment costs.

Excessive Overtime

- × Forcing workers to work hours in excess of the legal maximum limit or standards set by adidas.
- × Forcing workers to work overtime compulsorily against their will.
- × Forcing workers to work overtime at the risk of dismissal.
- × Increasing the production targets during peak season and forcing workers to work overtime without pay in order to reach production quotas.
- × Workers work overtime due to financial hardship because their wages do not meet the legal minimum.

Intimidation and Threats

- × Workers who suffer intimidation and threats when they complain about their conditions or wish to quit their jobs.

- × In addition to threats of physical violence, other common threats used against workers include denunciation to the immigration authorities, loss of wages or access to housing, sacking of family members, further worsening of working conditions or withdrawal of “privileges” such as the right to leave the workplace.

Isolation

- × Isolation can be geographic (remote location of employment, physical isolation), linguistic (workers unable to communicate with those around them), social or cultural.
- × Preventing workers from communicating with family or friends by having their mobile phones or other means of communication confiscated as a means of isolating them in the work situation.
- × Workers may be physically isolated by being kept behind closed doors or otherwise physically separated from the main workforce.

Physical and Sexual Violence

- × As violence is not acceptable as a disciplinary measure under any circumstances, it is a very strong indicator of forced labor.
- × Subjecting workers or their family members to actual physical or sexual violence so as to have greater control over them.
- × Violence can also be used to force a worker to undertake tasks that were not part of the initial agreement, such as to have sex with the employer or a family member or, less extreme, to undertake obligatory domestic work in addition to their “normal” tasks.
- × Refusing to protect workers who make allegations of sexual violence or domestic violence, even if such protection is not provided under local law.

Restriction of Movement

- × Preventing workers from freely exiting production areas or unreasonably restricting movement around and out of the factory grounds.
- × Using any form of threat (to the individual and/or family) to force a worker to remain in a factory against their will.
- × Use of military or other public security forces to guard the factory or the workers’ dormitories.
- × Restricting or unreasonably regulating workers’ access to basic facilities such as bathrooms, drinking water or the factory canteen.
- × Inhibiting or restricting workers ability to move freely in an employer-owned or controlled residence for workers.
- × Requiring workers to support designated enterprises or employer-operated businesses.

Retention of Identity Documents

- × Retaining workers original identity, travel and work permit related documents in a location where workers cannot access them freely and independently
- × Requiring workers to pay the factory to gain access to their original identity, travel and work permit related documents.
- × Refusing workers’ request to provide storage for sensitive documents or their requests to access those documents at any time for any reason.

Withholding of Wages

- × Systematically and deliberately withholding wages – including through irregular and delayed wage payments – to force the worker to remain and deny him or her of the opportunity to change employer.
- × Limiting workers ability to freely use their wages as they choose.
- × Use of apprentices or trainees who work without pay or receive less than the minimum wage under training agreements.

ZERO TOLERANCE

- ✖ Presence of any form of forced labor, whether in the form of prison labor, indentured labor, bonded labor or otherwise; or evidence of the trafficking in persons for the purposes of forced labor. No employee may be compelled to work involuntarily through force or intimidation of any form, or as a means of political coercion or as punishment for holding or expressing political views.
- ✖ Any form of manufacturing, whether 'illegal' or 'unauthorized' or part of a legitimate work program, conducted within the confines of a prison, or by prisoners who have been sent to the manufacturing site, regardless of whether the prisoners are paid for their work.

How do you prevent, mitigate and remedy adverse impacts?

The United Nations Guiding Principles (UNGPs) provide a useful approach for companies to prevent and address the risk of business-related human rights abuses, including forced labor, trafficking and slavery. Drawing on the UNGPs approach, here are six steps for your factory to take when tackling forced labor, human trafficking and modern slavery in your business operations and supply chain.

Step 1 **COMMIT:** Make a public commitment to tackle modern slavery

Step 2 **ASSESS:** Understand modern slavery risks in your business operations and supply chain

Step 3 **IMPLEMENT:** Implement an action plan to tackle modern slavery

Step 4 **REMEDY:** Provide a solution for workers who are victims of modern slavery

Step 5 **MONITOR:** Monitor progress in addressing modern slavery

Step 6 **COMMUNICATE:** Communicate publicly on the steps you have taken

Some Suggested Solutions

Prevent Abuse caused by Vulnerability

- ✓ Pay special attention when employing vulnerable workers such as migrant workers, refugees, ethnic/minority groups, women, unskilled and illiterate young workers.
- ✓ Worker's vulnerability should not be used to offer employment conditions below the legal minimum, and factory should refrain from using any practices that restrict a worker's ability to terminate employment.
- ✓ Ensure regular employment is provided to all workers, including vulnerable workers:
 - with standard labor contracts (supplied by the local labor department) in a language the worker understands;
 - if the person is illiterate, that the contents of the contract has been explained to them in a language that they understand;
 - under a collective bargaining agreement which has been endorsed by the union and the local labor department; or
 - by agreement with the factory where the terms and conditions of employment, such as wage payments and working hours, are in accordance with the local labor laws.

Remove Abusive Working and Living Conditions

- ✓ Ensure workers are provided with safe, adequate and decent living and working conditions.
- ✓ Employers must not require or influence workers to live in employer-owned or controlled residences as a condition of employment, job retention or to receive the same benefits as other workers that live in such housing.

Stop Deception

- ✓ Provide workers with clear employment terms and contracts in advance of the recruitment process.
- ✓ Only make agreements regarding the employment of a worker directly with that worker, and not another party.

Prevent Debt Bondage

- ✓ Ensure there is a clear policy stating that recruitment fees should be paid by employers for finding workers, not by workers for finding jobs.
- ✓ Ensure that systems are in place to identify, understand and stop illegal third-party recruitment fees paid by workers to third party agents.
- ✓ For detailed guidance, see chapter on Responsible Recruitment.

Loans & Savings Programs for Workers

- ✓ Loans should only be provided to workers if there's an established loan program available to all workers, e.g., housing or education loans.
- ✓ Lending and savings programs provided to workers from the factory or any intermediary must comply with all national laws and regulations for such programs
- ✓ Loans must not be dependent on continued employment at the workplace, nor should any penalties be imposed on the loan, if the worker ends their employment.
- ✓ Any interest charged for a loan may not exceed the cost of administering the loan program and any tax liabilities incurred by the loan program, according to legal limits.
- ✓ Legal deductions should not surpass legal limits; when the law is unclear, deductions should be reasonable.

Eliminate Excessive Overtime

- ✓ Ensure that there is a clear policy which states that all overtime must be voluntary. Educate workers and supervisors on the policy.
- ✓ Establish reasonable and clear production targets which can be met within regular work hours.
- ✓ Any overtime work necessary to reach production quotas or meet orders should be paid according to proper overtime rates (i.e. based on legal or government standards) and must be performed on a voluntary basis.

Prevent Intimidation and Threats

- ✓ Have a clear company policy on violence, harassment and intimidation in the workplace.
- ✓ Provide training to all staff, including workers and supervisors on the policy requirements.

Stop Physical and Sexual Violence

- ✓ For detailed guidance, see chapter on Fair Disciplinary Practices.

Address Isolation & Restriction of Movement

- ✓ Allow workers to freely exit the factory at any time. Create a system for tracking workers if they leave without explanation during regular work hours.
- ✓ Use only legitimate restrictions, including those relating to protection of the safety and security of workers in hazardous work sites, or the need to request prior permission of the supervisor to attend a medical appointment
- ✓ Allow workers to communicate with family and friends and do not confiscate mobile phones; an exception being the controlled use of mobile phones in restricted areas of the factory, such as product development.
- ✓ Ensure that there is a policy preventing supervisors and guards from using force against workers or restraining workers to prevent them from leaving production areas or the factory grounds.

- ✓ Provide unrestricted access to bathroom facilities, drinking water and other basic facilities.
- ✓ Ensure that no form of debt or threat is used to force a person to remain in a factory against their will.

Retention of Identity Documents

- ✓ Withholding worker identity documents or other valuable items, including work permits and travel documentation (e.g., passports) where workers cannot access them is strictly prohibited.
- ✓ Keep photocopies of personal ID documents on file and not the original documents.
- ✓ Provide workers with free access to any of their personnel records or files.

Stop Withholding of Wages

- ✓ Provide all wages and other benefits directly to workers and not to any other person.
- ✓ Pay trainees and apprentices at least the legal minimum wage.
- ✓ Provide remuneration to workers by traditional methods, e.g., direct transfer, check or cash and not 'payment in kind', i.e., other goods or services.
- ✓ If payment of wages is by bank transfer, workers should have their own accounts which they may access free of interference from the factory.

Provide Grievance Mechanisms

- ✓ Establish an effective grievance mechanism to ensure that any worker, acting individually or with other workers, can submit a grievance without suffering any prejudice or retaliation of any kind.

Never use Prison Labor

- ✓ Subcontract work only to suppliers whose facilities you have visited, and which guarantee that no prison labor in any form is being used.
- ✓ Look closely at the terms of any local community work programs that the factory or your subcontractors become involved in.

Employment Must be Freely Chosen

- ✓ Direct or indirect contracting of workers against their will is never permitted, including for government managed schemes.
- ✓ Workers shall not be subject to any form of forced, compulsory, bonded, indentured or prison labor.
- ✓ All work must be voluntary, and workers shall have the freedom to terminate their employment at any time without penalty, given a reasonable period of notice, in accordance with national law or collective agreement.

ILO 10 Principles for Business to Combat Forced Labor and Trafficking

1. Have a clear and transparent company policy (enterprises + supply chains);
2. Train staff (auditors, HR, buyers, compliance officers) to identify forced labor in practice and seek appropriate remedies;
3. Provide regular information to shareholders and potential investors, attracting them to ethical business practices;
4. Promote agreements and codes of conduct by sector and take appropriate remedial measures;
5. Treat migrant workers fairly. Monitor carefully the recruitment agencies, especially across border;
6. Ensure that all workers have written contracts, in language that they can easily understand, specifying their rights (wages, overtime, identity documents, etc.);
7. Encourage dissemination of good practices and the identification of at-risk sectors;
8. Contribute to prevention and rehabilitation programs for victims (e.g., vocational training, job placements) either directly or through NGO partners;
9. Build bridges between governments, workers, law enforcement agencies and labor inspectorates, promoting cooperation against forced labor and trafficking;
10. Find innovative means to reward good practice, in conjunction with the media.

Documentation, Procedures and Systems – Evidence of Good Management

Factory Document Checklist

Employment Advertising

Recruitment Agent management system (e.g., List of Reliable Recruitment Agents, Standard Agreement with Recruitment Agent, policy on recruitment fee)

Worker Employment Contract or Collective Bargaining Agreement

Forced Labor Policy and policy regarding freedom of movement in and out of the factory

Overtime management system (e.g., policy, procedure, records such as voluntary overtime form)

Payroll Records

Personnel Files

HR/Personnel forms such as annual leave applications and disciplinary measures/warning letter

Training records related to Forced Labor Standards

Local laws/regulations related to Forced Labor Standards

Loan Agreements

Definitions

Debt bondage

A situation in which workers are bound in debt to a person or institution resulting from inherited debt, wage advances or loans to cover recruitment or transport costs or from daily living or emergency expenses, such as medical costs.

Forced Labor

“forced or compulsory labor” is defined by the International Labor Organization (ILO) Forced Labor Convention, 1930 (No. 29), Article 2.1, as “all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily”.

Political Coercion

To compel a person by force, intimidation or authority to act or think in a certain way, for political purposes. For example, placing individuals in state labor camps in order to silence them or as punishment for their political opinions is a form of political coercion.

Prison Labor

Work which one is compelled to perform due to lack of options, by choice while in prison, or outright against one's will, while in a condition confinement or slavery.

Trafficking in Persons

The Palermo Protocol defines “trafficking in persons shall mean the recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.”

Worst Forms of Child Labor

ILO Convention No. 182 defines the worst forms of child labor as slavery, debt bondage, prostitution, pornography, forced recruitment of children for use in armed conflict, use of children in drug trafficking and other illicit activities, and all other work harmful or hazardous to the health, safety or morals of girls and boys under 18 years of age.

Additional Guidance

For adidas policies and guidance see:

- § [Policy on Modern Slavery](#)
- § [Policy on Responsible Recruitment](#)
- § [Policy on Responsible Sourcing & Purchasing](#)
- § [Human Rights & Responsible Business Practices](#)

For a summary of relevant international standards see:

United Nations

- § [Universal Declaration of Human Rights 1948](#)
- § [International Covenant on Civil and Political Rights 1966](#)
- § [Protocol to Prevent, Suppress and Punish Trafficking in Persons especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime 2004](#)
- § [United Nations \(UN\) Code of Conduct for Law Enforcement Officials 1979](#)
- § [Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, 1957](#)
- § [UN Guiding Principles on Business and Human Rights](#)

ILO

- § [Forced Labour Convention 1930](#)
- § [Abolition of Forced Labour Convention 1957](#)
- § [Protocol of 2014 to the Forced Labour Convention, 1930](#)
- § [Forced Labour \(Supplementary Measures\) Recommendation, 2014](#)
- § [ILO Topic page: Forced Labour, modern slavery and human trafficking](#)

Section 5 – Child Labor

Why does protecting against child labor matter for the workplace?

Children are a vulnerable group in society and must be protected from all forms of exploitation and harm. This is reflected in international labor standards and human rights law.

There are two fundamental ILO conventions dealing with child labor. The ILO *Minimum Age Convention* 1973 prohibits child labor and provides a minimum age for work which corresponds with the age for completing compulsory schooling. The *Convention on the Worst Forms of Child Labor* 1999 addressing the worst forms of child labor, including slavery and modern forms of slavery.

The *UN Convention on the Rights of the Child* 1989 seeks to protect the rights and interests of children in respect of their education and health. It states that in all actions concerning children, the best interests of the child must be a primary consideration. It requires that children are protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.

adidas' Workplace Standards requires that factories not employ children who are younger than fifteen (15) years old; or less than the required age for completing compulsory education in the country of manufacture, if it's more than fifteen years old.

Based on [international standards](#) there are five major approaches to prevent and address child labor:

1. Setting a minimum age for work – 15 years old, or older as defined by the specific country's laws
2. Suppression of the worst forms of abuse of children by employers: slavery, armed conflict, creation, or dissemination, of child pornography, production of illegal drugs and any work likely to harm the health, safety or morals of children
3. Prohibiting evening/night and overtime work for juvenile workers
4. Providing proper/routine health examinations for juvenile workers
5. Protection from hazardous work conditions or circumstances for juvenile employees.

What actions may cause or contribute to adverse impacts?

Child Labor

- × Hiring workers less than 15 years old, or less than the age for completing compulsory education in the country of manufacture where such age is higher than fifteen (15), for **any** job in the factory.
- × Factory lacks systems/procedures for identifying underage workers during the recruitment process (for example, not requiring proof of age documentation from job applicants; lacking an age verification process to confirm an applicant's age).
- × Use of home workers or allowing factory workers to work out of their home on a part-time basis. Home workers may receive help from their children to make products at home. Regardless, the use of homeworkers is prohibited by adidas, and irrespective of the fact if homework is allowed and regulated by local labor laws. Similarly, if a factory uses a subcontractor or outsources services without any effective monitoring of the ages of their workforce.
- × Engaging with vocational school internship programs involving students, under the minimum age, to perform work in factory.

Childcare Facilities

- × Failure to observe local laws requiring the establishment and/or proper management of an on-site childcare facility.
- × No clear separation/delineation between a factory's childcare facilities and production areas (i.e., childcare facilities are located in, or are easily accessible to, the factory's production areas, placing children at serious risk of injury, illness or chronic disease and death).
- × No children under the minimum working age should be allowed in the workplace at any time unless as a part of a unique activity, e.g., school tour.

Juvenile Workers

- × Using juvenile workers outside the parameters established by legal protections and restrictions for those workers. For example, local laws may require specific legal benefits, permits, permission from the juvenile's guardian or parents along with protection and regular monitoring for juvenile workers such as periodic health checks.
- × Employing juvenile workers in conditions that are hazardous to, or jeopardizes, their physical and mental development. For example, assigning juvenile workers to a factory's chemical mixing rooms, footwear assembly lines or apparel press/steam sections.
- × Employing juvenile workers in a way that prevents or hinders them from completing their education. For example, assigning juvenile workers to shift or weekend work, or not allowing them to leave work to complete their schoolwork/exams.
- × Employing juvenile workers in a manner that denies them access to additional educational opportunities, such as vocational training or multi-skills training provided to older workers.
- × Factory does not provide the same level of pay and benefits to juvenile workers that it provides to its adult workers.

ZERO TOLERANCE

Employment of children who are less than 15 years old, or less than the age for completing compulsory education in the country of manufacture where such age is higher than 15.

Presence of child labor in a current and approved factory, where there is evidence that the issue is so embedded or prevalent that it cannot be remedied to secure the long-term future and education of the child laborer.

How do you prevent, mitigate and remedy adverse impacts?

Systems & Documentation

It is not possible for a factory to comply with the standard for Child Labor unless the factory implements an appropriate management system in its daily operations. This approach should extend to the factory's Human Resources (HR) and Personnel' policies and procedures, in particular: recruitment, organization of employee files, assignment of juvenile workers to certain production areas, limitations on total hours of work and health checks for juvenile workers, and training of supervisors regarding local laws on juvenile workers.

Child Labor

- ✓ **Verify the minimum age** requirements for the country/province/etc. where the factory is located. If the minimum age is higher than 15, this is the minimum age standard. In all other cases, the minimum age is 15 years old, per adidas policy.
- ✓ Establish a **policy on the minimum age** and effectively communicate and train the factory's employees on the policy.

- ✓ Establish a system for assessing the age of new recruits/job applicants and implement a procedure for cross-checking this information against legal documentation verifying a person's age (e.g. ID Card, Driver's License, Passport, etc.).
- ✓ As required, develop procedures for identifying false IDs or forged age documentation. If ID or age documentation appears false and cannot be sufficiently cross-referenced to establish the correct age of the job applicant, do not hire the applicant.
- ✓ In the event that child labor is discovered in the factory, consult the child and the child's parents or guardians regarding:
 - the circumstances of the child and his or her family (for example, what led the child to seeking a job at the factory, initially, and who influenced that decision);
 - identify educational opportunities that exist both within and outside the factory; or
 - whether a parent or adult relative might be hired in place of the child while the child completes their education.
- ✓ Communicate the "no child labor" requirement to all subcontractors and outsourcing companies engaged with the factory's operation. Conduct risk assessment and periodic monitoring on their systems and implementation to comply with the policy.
- ✓ Carefully review any vocational school internship program that the factory engages in and conduct an age verification process for all students involved in the program. Additionally, students should not be allowed to be involved in factory's production processes.

Childcare Facilities

- ✓ Identify all legal requirements related to the operation of a childcare facility at a factory, including any legal permits and supporting documentation that needs to be provided on behalf of the factory or the childcare facility, if it's separate from the factory's premises.
- ✓ Clearly separate the childcare facility, both by distance and physical barriers (e.g. walls), from the factory's production areas, ensure the childcare facility is fully supervised by qualified individuals during its operation.

Juvenile Workers

- ✓ Follow all legal requirements for employing juvenile workers.
- ✓ Many manufacturing companies with active compliance programs have raised the minimum age for admission to employment, under their own internal standards, to 18 years old. However, refusing juvenile employment, where the local law allows it, may constitute unlawful discrimination.
- ✓ Prohibit overtime or night shift work for juvenile workers, and ensure they have regular working hours that accommodate their educational needs/requirements.
- ✓ Assign juvenile workers to non-hazardous work. Develop regular risk assessments and monitor the working conditions in their workplace to ensure it causes the juvenile workers no harm be it physical or mental and follows all applicable laws and regulations regarding juvenile work.
- ✓ Conduct regular health check-ups to ensure the health condition of juvenile workers.
- ✓ Provide the same pay levels and access to benefits to juvenile workers that are provided to adult workers doing the same job.
- ✓ Provide the same training and education opportunities to juvenile workers that are provided to adult workers.

Definitions

Child Labor

Any worker less than 15 years old, or less than the age for completing compulsory education in the country where such age is higher than fifteen (15).

Juvenile Workers

Any worker between the ages of 15-18 years old.

Childcare Facility

Any on-site facility provided for the care of workers' children from post-maternity leave onwards, where maternity leave is defined and provided under the local law, until the child reaches legal school age.

(Note: Where local law does not provide maternity leave, children may attend the childcare facility from the time the mother returns to work after giving birth.)

Homeworkers

Work process being done at a worker's home, either as a result of the factory mandating homework, or the worker doing it by their choosing.

Additional Guidance

For additional guidance see adidas' [Guideline for Preventing Child Labor, Managing Employment of Juvenile Workers and Third-Party Relationship](#)

Section 6 - Discrimination

Why does the fair recruitment and employment of workers matter?

In all aspects of the employment cycle, from recruitment, to the conditions they work under, to the end of their employment, workers must be treated equally and fairly, and cannot be discriminated against due to their race, national origin, gender, religion, age, disability, marital status, parental status, association membership, sexual orientation or political opinion.

adidas has a firm anti-discrimination policy that it enforces within its own operations and facilities, and similarly expects the factories that it works with to mirror those practices.

What actions may cause or contribute to adverse impacts?

During Recruitment

- ✓ References in recruitment notices or advertisements to: age, marital or parental status, military service, gender or other personal characteristics which are not related to the job specifications.
- ✓ Requests for information on application forms or during interviews which is not related to a person's ability to perform the job or to satisfy the job's requirements including but not limited to: gender and gender expression, race, religion, disability, sexual orientation, nationality, political opinion, social group, ethnic origin or marital status.
- ✓ Decision not to recruit based on a candidate's trade union affiliations or other characteristics, i.e., 'blacklisting'.

Post-Hiring

- ✓ Not protecting workers who allege discrimination in any form, including recruitment and employment practices, compensation, marital or health status.
- ✓ Providing less favorable contract terms or work conditions based on a personal characteristic. For example, not providing equal pay for equal work to women on the basis of their gender.
- ✓ Providing less favorable work terms or conditions to trainees, contract workers or migrants which is a potential form of indirect discrimination based on age ('trainees' are often younger, though not necessarily less skilled) or race/national origin, as in the case of many contract workers and/or migrant workers.
- ✓ Transfer or demotion based on a personal characteristic, such as trade union membership.
- ✓ Sexual, physical or verbal harassment or any other types of activity which create an intimidating, hostile or offensive work environment.
- ✓ Imposing discriminatory restrictions on the dress or appearance of workers
- ✓ When uniforms are required not making accommodations for workers' religious practice or disabilities; or using a dress code to discriminate against workers by setting different standards for workers based on their cultural or ethnic group.
- ✓ Requiring a specific language to be spoken in the workplace and not making reasonable efforts to communicate to workers in their native language.

Pregnancy Testing / Medical Conditions

- × Testing workers for pregnancy during recruitment or post-hiring.
- × Unnecessary medical tests, i.e., carrying out medical tests which are not required by law, asking questions about previous tests that were administered to the worker, any medications they might be taking, etc.

- × Subjecting women to work that constitutes a substantial risk to their reproductive health.
- × Using the results of any medical tests which are required by law to dismiss a worker or otherwise treat the worker unfavorably.
- × Not providing sufficient accommodations to workers suffering from chronic illnesses, which could include: rearrangement of the worker's schedule, providing special equipment, time off for medical appointments, part-time work and facilitating return-to-work arrangements.
- × Using a person's health status to make employment decisions concerning recruitment, termination, promotion or work assignment unless it is absolutely necessary to protect the worker's safety in executing their job responsibilities and tasks.

Migrant Workers

- × Treating migrant workers in a generally less favorable manner than local workers, in relation to employment terms and conditions, such as wage payments or work assignments, or to their living conditions, e.g. segregating migrant workers in dormitories which are more crowded, do not provide proper access to water and power, or to air and light, etc.

Termination

- × Dismissing a worker for anything other than job performance, breach of factory rules or general improper or illegal behavior.
- × Dismissing a worker for becoming pregnant or disabled.
- × Dismissing a worker for attempting to establish a trade union or other worker association in the factory.
- × Dismissing a worker for participating in a legal strike or stoppage.
- × Dismissing a worker because he or she has contracted an illness or disease which either does not present a risk to other employees, or can be reasonably contained so as not to pose any risk or harm to the health of other employees.

THRESHOLD ISSUE

Deliberate discrimination by the factory's management based on a worker's protected class, can have serious consequences for a factory. For adidas, deliberate discrimination against a worker is a Threshold Issue, which will result in the factory receiving an enforcement action. If not remediated, persistent discriminatory practices can ultimately result in the factory's business relationship with adidas being terminated.

How do you prevent, mitigate and remedy adverse impacts?

Recruitment

- ✓ **Policies and procedures should focus on ability to do the job** – Recruitment policies and procedures should focus on a worker's ability to do the job, expected performance levels and employment terms and conditions.

Post-Hiring

- ✓ **Workers of the same experience and job classification should receive similar conditions** – Any differences in pay might relate to seniority, special skills, actual hours worked, degree of job difficulty or exposure to hazards, but not, for example, to gender, age, or nationality.

Pregnancy & Medical Testing

- ✓ **Pregnancy testing should not be conducted unless required by law or by the local authorities** – If employees become pregnant in the course of their employment, they should be provided with all legal protections and benefits. The choice to work during the pregnancy (within the limits of the law), or to return after the birth of the child, is the employee's choice.

- ✓ **Medical testing may be conducted only if it forms part of the health/medical surveillance program at the workplace and is in accordance with the local law, or in the event of factory specific outbreaks of disease or illness** – the type of testing must relate entirely to the health hazard being assessed. Where the employer provides, at its own cost, regular medical examinations or testing as a benefit, employees should be informed of the items that will be examined and consent to the examination.

Migrant Workers

- ✓ **See detailed guidance on Migrant Workers, Section 12: Responsible Recruitment**

Termination

- ✓ **The ultimate decision to dismiss an employee must be based on work-related matters such as job performance or a breach of factory rules** – there should be clear documentation that shows the cause for the dismissal and the procedures followed.

Systems & Documentation

- ✓ **Establish policies and procedures for all recruitment, post-hiring, medical testing and termination processes** – relevant staff should be trained in the policies and procedures.

Definitions

Association Membership

Includes membership with a trade union, worker committee, or any other workplace group or organization.

Discrimination:

Any distinction, exclusion or preference based on a personal characteristic which deprives a person of access to equal opportunity or treatment in any area of employment.

Health Surveillance

A program of periodic medical examinations and relevant tests used to track the health status of an employee and/or the impact of any occupational risks, such as frequent exposure to noise or chemicals.

Migrant Worker

The United Nations define 'migrant worker' as a person who is engaged or has been engaged in a remunerated activity in a state of which he or she is not a national, meaning anyone who moves between countries or locations for work. This definition does not include refugees, displaced persons and other persons who leave their country.

Post-hiring

Includes any procedure, process, activity or terms and conditions in connection with employment after a person has been recruited. For example, training, promotion, transfer or disciplinary action.

Additional Guidance

For more info, please reference adidas':

§ [Guidelines for Reducing the Risk of Discrimination Against Workers](#)

§ [Quick Reference Guide: Women's Rights in the Workplace](#)

§ [Policies & Standards](#)

For a summary of relevant international standards see:

United Nations

- § [Universal Declaration of Human Rights 1948](#)
- § [International Covenant on Civil and Political Rights 1966](#)
- § [International Covenant on Economic Social and Cultural Rights 1966](#)
- § [International Convention on the Elimination of all Forms of Racial Discrimination 1966](#)
- § [Convention on the Elimination of all Forms of Discrimination Against Women 1979](#)
- § [International Convention the Protection of the Rights of Migrant Workers, Members of Their Families 1990](#)

ILO

- § [Maternity Protection Convention 2000](#)
- § [Night Work \(Women\) \(Revised\) Convention 1990](#)
- § [Employment Services Convention 1948](#)
- § [Migration for Employment Convention \(Revised\) 1949](#)
- § [Equal Remuneration Convention 1951](#)
- § [Discrimination \(Employment and Occupation\) Convention 1958](#)
- § [Migrant Workers \(Supplementary Provisions\) Convention 1975](#)
- § [Workers with Family Responsibilities Convention 1981](#)
- § [Termination of Employment Convention 1982](#)
- § [Vocational Rehabilitation and Employment \(Disabled Persons\) Convention 1983](#)
- § [Night Work Convention 1990](#)
- § [Private Employment Agencies Convention 1997](#)
- § [Violence and Harassment Convention 2019](#)

Section 7 - Compensation

Why does fair wages, benefits & compensation matter?

adidas' position on fair compensation practices in the supply chain is to ensure that factories fully comply with all legal requirements for wages, benefits, and compensation.

adidas also consider the "fairness" of the wage that a worker is paid by examining/verifying if wages are:

- paid regularly and on time;
- reflect at least the legal minimum wage for that location;
- allow decent living standards;
- reflect a worker's performance and skills;
- reward overtime;
- incorporate price increases paid for the products they are making;
- linked to the employer's profits and sales;
- reflect changes in work-place technology;
- are negotiated individually or collectively with workers;
- are clearly and formally communicated to workers and are not negatively impacted by our own purchasing and sourcing practices.

What actions may cause or contribute to adverse impacts?

Basic Wage

- ✓ The factory pays workers less than the minimum wage or fails to implement increases in the minimum wage 'on time';
- ✓ The factory does not pay the correct regular or overtime piece-rates;
- ✓ The factory delays payment of wages to workers;
- ✓ The factory does not provide clear and detailed wage statements to workers.

Fair Wage

- ✓ The factory does not develop an improved wage-setting system;
- ✓ The factory does not review its wages and benefits system annually;
- ✓ Employee representatives are not involved in setting production quota and/or piece-rates;
- ✓ Workers are not paid for all hours spent in the factory in production or job-related activities;
- ✓ Any work performed on a rest day, national holiday or outside the usual factory schedule, due to unusual circumstances, is not compensated according to the proper legal overtime rates.

Benefits

- × The factory does not pay into retirement, social security or medical insurance funds, or does not pay such legally required benefits on time;
- × The social security, retirement or medical insurance fund contributions are not calculated correctly;
- × Temporary or probationary workers do not receive the same basic benefits as permanent workers;
- × Workers are dismissed without notice and/or do not receive the legally mandated termination payments;
- × Workers are not provided sufficient breaks, as required by law;
- × Workers do not have rest days on national or public holidays, as required by law;
- × The food that the factory's canteen provides is of a poor or sub-standard quality.

Maternity & Parental Leave

- × Female workers are not provided maternity leave or other maternity benefits as required by law.
- × Workers are not provided with parental leave, following the birth of a child, where it is required by law.

Deductions

- × The factory requires workers to pay for: their uniforms, missing goods, work visas, recruitment fees, deposits on tools and equipment either newly bought or to replace tools that are lost or stolen, or non-specified items from their own wages;
- × The factory lends money to workers, but there are no proper repayment procedures;
- × The factory requires workers to pay a substantial fine if they resign before the end date of the employment contract;
- × Factories deduct penalties from wages if workers are late to work or make mistakes on production items;
- × The factory deducts wages when a worker is absent due to sickness or in the event of an emergency or other necessary leave from work;
- × The factory sets unrealistic production targets for workers and then makes deductions from wages if the targets are not met;
- × Deductions for services provided to workers exceeds the cost of the service to the employer;
- × The factory is not able to demonstrate the accuracy or reasonableness of the deductions to workers.

Training Wages

- × The factory's training wage is below the legal minimum wage.

Homeworkers

- × The use of homeworkers is prohibited by adidas in any circumstance.

When assessing compliance with the Workplace Standard for Compensation, adidas observes three well-established Human Rights principles:

RESPECT: adidas will not infringe on the rights of workers, their employers and governments to set fair compensation.

REMEDY: adidas will conduct due diligence and act when factories are not compliant with the law or adidas' Workplace Standards.

PROMOTE: adidas will facilitate mechanisms that influence wage progression and fair compensation.

How do you prevent, mitigate and remedy adverse impacts?

Basic Wage & Reasonable Savings

- ✓ Pay at least minimum wage or the prevailing industry wage, whichever is higher; similarly, in cases when any conflicts arise between national law and adidas' Workplace Standards the highest standard should be applied;
- ✓ Calculate all regular and overtime hourly rates, and any piece-rates, and detail both within the payroll and wage statement or pay slip which is provided to employees;
- ✓ Employers should make a reasonable effort to ensure that workers understand their compensation including: calculation of wages, incentive systems, benefits and any applicable bonuses. This should be done both verbally and in writing in the language understood by the worker

- ✓ Itemize other amounts, such as efficiency bonuses or special allowances clearly in both the payroll and wage statement/pay slip;
- ✓ Bonuses or other items should be clearly separated out from basic wages in the payroll;
- ✓ Wages must be paid in cash, by cheque or by direct transfer into the employee's account. If special deposit or savings accounts are set up by the factory for migrant or other workers, access to, and control over, the account must be given to the employee;
- ✓ Document wage payments; all payment information must be recorded and provided to workers in a form and language that they understand.
- ✓ Wages must be paid in a timely and reasonable manner, and always within the amount of time specified by local law. A best practice would be to pay within 7-10 days after the end of the month.
- ✓ In the event of wage advances it should not exceed three months' pay or legal limits, whichever is less, and after the clearly established rules have been communicated to the worker, properly documented, and confirmed in writing by the worker.

Wage-Setting Mechanisms

- ✓ Wage-setting mechanisms are transparent and have direct input from the workers, ideally through negotiation or collective bargaining, or through alternative legal means, such as a workers' council or welfare committee;
- ✓ Acknowledge and reward workers for productivity gains and benchmark basic pay at a level that is higher than the local minimum wage and take into account data on general cost of living and workers' needs;
- ✓ All workers should be credited for all their time worked for purposes of calculating length of service and to determine the workers benefits to which they're entitled.
- ✓ Represent part of a broader and improved human resources management system;
- ✓ Meet all legally mandated benefits;
- ✓ Where practical, promote and support the development of worker cooperatives.

In developing a transparent wages and benefits system, the factory should:

- Consider all relevant operating factors, including: business turnover, legal requirements, job responsibilities, overtime, seniority, technical competence and team/individual performance;
- Consider and develop an internal performance management system and link performance evaluation results with incentive schemes.

Overtime

- ✓ Workers must be informed about overtime rates, both verbally and in writing, before any overtime is undertaken.
- ✓ For all workers without a legally fixed wage, pay for all overtime hours worked regardless whether the factory pays on hourly rate or piece-rate.
- ✓ Any work performed on public holidays or Sundays should be paid at the premium legal rates (e.g. usually 200% or 300% of the worker's regular wage).
- ✓ Work-related activities such as meetings, trainings and cleaning must be paid as overtime

Benefits

- ✓ Provide any social security, insurance or medical benefits as required by law. Any contributions which are based on and deducted from, workers' monthly wages, must be detailed in the payroll and workers' pay slips.
- ✓ All legally mandated deductions for taxes, social insurance or other benefits or purposes must be deposited each pay period, unless specified by law for different payment terms, in the legally defined account or transferred to the legally defined governmental agency. If the law does not define the

frequency of deposits than they should be deposited before the next pay period in all circumstances. This includes any lawful garnishment of wages that a worker might be subject to, e.g., payment of back taxes.

- ✓ Workers must consent in writing, unless specified in freely negotiated and valid collective bargaining agreements, for voluntary deductions, e.g., savings clubs, loan payments, union membership dues. All voluntary deductions must be credited to the proper account and not held back illegally or inappropriately. All voluntary deductions must fully comply with all laws. All written consent forms must be maintained in the factory's employee files and workers should be provided with full information concerning the status of relevant accounts, their level of payments, etc..
- ✓ Probationary workers must receive the same entitlements and benefits as regular workers.
- ✓ Taking into account legal requirements, trainees, contract and migrant workers should receive the same entitlements as regular workers.
- ✓ Workers who leave the factory or are dismissed must receive termination pay-outs or packages as required by law.
- ✓ Employees must receive sufficient breaks, national or public holidays, and any other leave to which they are legally entitled.
- ✓ Female workers must be provided proper maternity and nursing benefits.
- ✓ Factory canteens should provide good and safe food.
- ✓ Any transportation provided should be safe and reliable.
- ✓ Workers have the right to refuse any benefit for any reason without fear of retaliation or punishment, e.g., refusing to live in a factory-provided dormitory, meals, etc.

Handling Back-Payments of Wages

- Where there is an increase in the minimum wage, factory management must implement the new wage from its effective date, otherwise the factory must make the necessary back-payments to workers for missing wages (including those who no longer work at the factory, but were employed at the time of the minimum-wage increase took effect).
- In the case of non-payment or delayed payment, management will be required to make back-payments from the time wages were withheld;
- In the case of underpayment of wages: where management has failed to implement a minimum wage increase, back-payments must be made from the date that the increase was in effect.
Note: Factories are not permitted to reduce or withdraw other monetary benefits or allowances to offset minimum wage increases.
- The back-payment should include any interest payments required by law.
- The back-payment should also include an amount equal to the social security contributions that the factory was required to pay on behalf of workers.
- Back-payments should be provided to any worker who has been underpaid or not paid at all, regardless of their employment status, for example, including temporary, contract or casual labor.
- Factories are expected to calculate all back-payments correctly and develop proper action plans for making back-payments to workers as quickly and efficiently as possible.

Definitions

Discretionary Expenditure

An amount of money remaining once basic needs have been met, which may be used by employees as they choose, for example, toward education costs, purchase of a home or the development of a small business.

Prevailing Industry Wage

A wage level specific to an industry and dictated by the market. In the case of the sports footwear and apparel industries, the prevailing industry wage is often higher than the legal minimum wage.

Documenting Wage Payments

For the purpose of this Guideline, the process of recording all wage payments in an efficient and transparent manner and developing methods for providing workers with evidence of correct payment of wages by the factory.

Legally Mandated Benefits

Those benefits, such as annual leave social insurance and medical care which must be provided to employees by law.

Maternity/Paternity Leave

The period during which a worker takes leave to give birth and/or care for an infant. In most jurisdictions, maternity leave is defined and usually ranges from 3 months to 1 year. In some countries paternity leave may also be permitted.

Back-payment

To pay workers money that is owed to them, due to non-payment, delayed payment or underpayment of wages.

Fair compensation

A concept that promotes wage setting whereby an employee working a standard working week, without overtime or other additional income, is able to meet their basic needs, the needs of their immediate dependents, and allow for the worker to have disposable income.

Additional Guidance

For a summary of relevant international standards see:

United Nations

§ [Universal Declaration of Human Rights 1948](#)

§ [International Covenant on Economic Social and Cultural Rights 1966](#)

ILO

§ [Protection of Wages Convention 1949](#)

§ [Maternity Protection Convention 2000](#)

§ [Social Security \(Minimum Standards\) Convention 1952](#)

§ [Equality of Treatment \(Social Security\) Convention 1962](#)

§ [Employment Injury Benefits Convention 1964](#)

§ [Invalidity, Old-age and Survivor's Benefits Convention 1967](#)

§ [Medical Care and Sickness Benefits Convention 1969](#)

§ [Minimum Wage Fixing Convention 1970](#)

§ [Maintenance of Social Security Rights Convention 1982](#)

§ [Employment Promotion and Protection against Unemployment Convention 1988](#)

§ [Protection of Workers' Claims \(Employer's Insolvency\) Convention 1992](#)

Section 8 – Hours of Work

Why does having a set hours of work matter?

In 1919, the ILO's "[Hours of Work \(Industry\) Convention 1919](#)" set the standard work week at 48 hours. Two years later, the ILO's "[Weekly Rest \(Industry\) Convention 1921](#)" established a minimum of 24 hours of consecutive rest for all workers, on a weekly basis. Since then, in many countries where adidas does business, the average work week has been reduced by law to 40 hours per week. Laws regulating overtime and shift work have been introduced at the local level to ensure proper protection for the health and productivity of employees. Excessive working hours can cause fatigue and contribute to higher incidences of accidents and injuries as well as decreased productivity and quality.

adidas' Workplace Standards state "Employees must not be required, except in extraordinary circumstances, to work more than 60 hours per week including overtime or the local legal requirement, whichever is less. Employees must be allowed at least 24 consecutive hours rest within every 7-day period and must receive paid annual leave."

What actions may cause or contribute to adverse impacts?

Regular Hours

- × The factory does not have a reliable time recording system, such as mechanical time clocks (punch card time records), electronic or magnetic card time keeping, or a scanner system.
- × The factory does not have policies in place that manage all working hours, overtime and leave records for both 'normal' and 'extraordinary' circumstances.
- × The factory does not have an established weekly work schedule or does not inform the workforce of the schedule in advance.
- × Supervisors manually record the working hours of workers and this information is transferred to the payroll department. There is no way for workers to verify their work hours.
- × Even where there is a mechanical or electronic time recording system, supervisors or line chiefs punch or swipe workers' cards. Workers are not responsible for filling out their own time sheets, punching their own work cards or scanning/swiping their electronic cards to record work start and finish times.

Overtime Hours

- ✓ The factory's time recording system does not accurately distinguish between regular and overtime working hours.
- ✓ The factory does not have a proper system for supervisors to request overtime work and inform the workforce in advance.
- ✓ The factory does not obtain the permission of, or keep copies of exemptions from, the local government authority permitting overtime work in excess of the local legal limits.
- ✓ The factory does not obtain permission from the union to work overtime in excess of the factory's usual schedule.
- ✓ Workers do not feel free to refuse overtime, and supervisors do not receive any training regarding voluntary overtime policies.
- ✓ Work-related activities such as morning exercises, pre-work or lunch-time meetings, clean-up after production has finished are not recorded as part of the working hours, specifically as overtime.

Excessive Hours

- ✓ Workers work more than 60 hours per week on a regular basis.
- ✓ The factory does not have in place practices that regularly analyze the factory's hours of work that demonstrate a commitment to progressively reduce instances of excessive working hours.
- ✓ The factory does not provide proper breaks as required by law, which contributes to the excessive number of hours being worked.
- ✓ Production targets are based on excessive working hours and not on the amount of production which can be achieved in a regular workday.
- ✓ The factory increases the production targets during peak season and workers are forced to work long hours.
- ✓ Workers work more than one shift or in excess of the local laws on overtime, and the factory uses two sets of timecards to conceal the excessive working hours.

Extraordinary Circumstances & Swapping Days

- ✓ The factory suspends work which is not in accordance with national laws regulations and procedures.
- ✓ The factory does not communicate to workers the conditions surrounding the need for the suspension of work.
- ✓ The factory does not pay workers in full for all suspensions unless otherwise stipulated under national law or if workers, their representatives or relevant national authorities authorize the arrangement.
- ✓ Workers are required to work on rest days and public holidays, or perform excessive overtime, to make up for lost time due to regular power outages. For example, the factory claims the power shortages constitute 'unusual circumstances', even though they occur frequently during the summer months, and the factory often receives advance notification from the local authorities.
- ✓ The factory does not take reasonable steps to inform workers about the nature and expected duration of the extraordinary circumstances to allow the workers to make alternative arrangements.
- ✓ The factory does not provide clear explanations for all periods when an extraordinary circumstances exception has been used.
- ✓ The factory requires or permits workers to work more than the overtime hours allowed by law of the country where the worker is employed.
- ✓ The factory does not distinguish between extraordinary circumstances and business-related problems which interfere with the production schedule and, as a result, has no proper policies and procedures in place for dealing with such cases. The factory does not demonstrate an effort to maintain a level of staffing that is reasonable when considering the fluctuations in business demand be it predictable or continuing.
- ✓ The factory has no clear system in place for managing the swapping of rest days with workdays around national and/or religious holidays, and as a result there's no clear policy on the payment for work on those swapped days, leading to confusion among the workers, and non-compliance with the Standards regarding wage payments and working hours.

Rest Day

- ✓ Workers do not have one full day of rest per week (24 consecutive hours).
- ✓ Workers do not receive a replacement rest day for exceptional overtime.
- ✓ The factory regularly swaps the weekly rest day with a normal workday due to material delays or to suit other production needs, but the work is not paid at the rest-day rates.

Annual & Sick Leave/Public Holidays

- ✓ The factory fails to provide annual leave to workers; or refuses requests for annual leave that do not coincide with periods of a factory-wide closure without a strong reason behind the refusal such as urgent tasks to accomplish.
- ✓ The factory provides annual leave on request or during periods of factory closure, but it is not paid.

- ✓ The factory encourages workers to take a pay-out of their annual leave instead of providing time off from work.
- ✓ The factory imposes restrictions on workers use of their annual leave and does not provide workers with their normal or average wages for the full period of annual leave in advance.
- ✓ Factory imposes sanctions against workers who request or take any type of leave in line with applicable rules or procedures, e.g., annual, medical maternity leave.
- ✓ Factory imposes undue restrictions on sick leave or the factory's sick leave policy is not in accordance with national law or procedures and is not properly communicated to workers.
- ✓ The factory counts absences that are beyond the workers' control as annual leave rather than sick leave, if needed, or instances where the workplace's operations are suspended for just cause. Additionally, the factory penalizes the workers for this leave when calculating their length of service and associated benefits.
- ✓ Factories do not give workers all national holidays off as required by law.
- ✓ Alternatively, the factory swaps the national holidays with normal workdays to suit production needs but does not pay the proper national holiday rates.

THRESHOLD ISSUE

- ✗ Excessive Overtime - This means the following:
 - more than 60 hours per week as a general practice or on a regular basis
 - missing rest days, such as consecutive Sundays worked, without compensatory time off

How do you prevent, mitigate and remedy adverse impacts?

Regular Hours

- ✓ All employees should be responsible for recording their working hours - This means that workers should 'clock on' and 'clock off' for themselves. Additionally, they should be given a chance to review the total number of hours worked in a pay period. Therefore, work hours should be detailed in the payroll and on the worker's pay slip.
- ✓ Use a reliable, automated time recording system, such as mechanical time clocks (punch card time records), electronic or magnetic card time keeping, or scanning systems. The automated system should be linked directly to the payroll and establish a weekly work schedule which all employees are advised about.

Overtime Hours

- ✓ **The automated time recording system should distinguish between regular and overtime hours.** If this is not possible, the payroll department and HR personnel must have proper systems in place for calculating and double-checking the regular hours and overtime hours worked by the factory's employees.
- ✓ **Supervisor overtime request forms or other hand-written** documents relating to working hours should be cross-checked against the time records, which are collected electronically.
- ✓ **Obtain any necessary permits from the local labor authorities to work in excess of the legal limits,** where the local legal maximum number of hours is less than adidas' weekly maximum of 60 hours.
- ✓ **Communicate with any unions present in the factory** about the work schedule and seek consent to any overtime outside the normal work schedule.
- ✓ If required by local law, or where there is no effective union, workers should demonstrate that they are willing to work overtime by **signing a voluntary overtime work form.**
- ✓ **The voluntary overtime policy** should be clearly stated in the worker handbook and included in orientation training and repeat training on basic workplace practices for supervisors.

- ✓ **The factory should have a mechanism under which:**
 - workers can report any case of forced overtime, and the mechanism should ensure that there is no retaliation against workers and that workers are similarly protected after they make such allegations, even if not provided by law.
 - Workers should be clearly instructed to record their start times before any morning exercises, pre-work meetings or after work cleaning so that these hours are recorded and paid as overtime.
- ✓ If the factory swapped a regular workday with a weekend day or holiday, the workers should be compensated with the premium rates. Factories should implement the same approach for hourly swapping.

Excessive Hours

- ✓ **Evaluate factory capacity and productivity** of the current workforce at the time orders are confirmed. Production targets should be set at reasonable levels and able to be met within a 60-hour work week.
- ✓ **Ensure that employees use their breaks properly** and do not undertake unauthorized lunch time or dinner time work, the factory can shut down the electricity in production areas, close production room doors and provide alternative rest and recreation areas for workers.
- ✓ **Ensure the health and safety of employees** by not allowing multiple shift work.

Definitions

Extraordinary Circumstances

Events which are extremely unusual, including earthquakes, floods, fires, riots and demonstrations, and in some cases severe power failures. Events which happen frequently, such as interrupted electrical supply or late delivery of materials, do not constitute extraordinary circumstances. May also be referred to as unusual or emergency circumstances.

Overtime

Most countries specify a 40 – 48-hour work week. Any work which is performed after the regular working hours during the week or on Saturdays and Sundays or on mandatory holidays is considered to be overtime.

Annual leave

A certain number of paid days per year given to a worker, as time off from his or her occupation, for the purpose of rest or recreation.

Section 9 – Freedom of Association

Why does Freedom of Association and Collective Bargaining matter?

Freedom of association is the right to join a formal or informal group to take collective action. This right includes the right to form and/or join a group. Conversely, it includes the right not to be compelled to join an association. Everyone has the right to freedom of association and this right cannot be limited based on race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or any other status.

Combined with strong freedom of association, sound collective bargaining practices ensure that employers and workers have an equal voice in negotiations and that the outcome is fair and equitable. Collective bargaining allows both sides to negotiate a fair employment relationship and prevents costly labor disputes.

The key for enabling freedom of association in the workplace is through effective worker-management communication.

Why does effective communication facilitate the right to freedom of association and why is it essential for the success of any business enterprise?

Worker-management communication is vital for the success of any business enterprise. Workers must have access to effective communication channels with their employers and managers, both as a means of exercising their social and economic rights and to help them resolve workplace issues and disputes. Our Workplace Standards are clear that factories must recognize and respect the right of their employees to join associations of their own choosing and to bargain collectively. Factories are expected to develop and implement mechanisms for resolving industrial disputes and employee grievances and ensure effective communication with employees and their representatives.

What actions may cause or contribute to adverse impacts?

- × Factory management restricts or prohibits workers from joining trade unions, associations, committees or other forms of worker groups.
- × Factory management uses any form of physical or psychological violence, threats, intimidation, retaliation, harassment or abuse against union representatives and workers seeking to form, in the process of forming, or who have joined an organization of their own choosing or if the worker participates, or even intends to participate, in any formal or informal organized activity including strikes.
- × Management threatens to shift or close a workplace site to prevent a union from forming or in reaction for a union having formed or in response to workers exercising their right to collective bargaining or freedom of association. If a workplace has closed then the employer must provide proof to a neutral third party to evaluate the reasons behind the closure. Management hires replacement workers in order to prevent or breakup a lawful strike or one that is in accordance with ILO standards, or for management to avoid negotiating in good faith.
- × Management fails to recognize, or obstructs, attempts by employees to form alternative unions in favor of the majority union, or gives preferential treatment to the majority union.
- × Management refuses to facilitate or join in the discussions or meetings between different worker organizations and unions which exist in the factory.

- × Workers who participate in legal union activities are punished or discriminated against. For example, they are required to clean toilets, denied access to the canteen or clinic, transferred randomly between departments, or dismissed with no valid cause.
- × Management prevents workers from participating in legal strikes.
- × Management uses workers' severance pay to contravene the worker's right to freedom of association including attempts to prevent or restrict union formation or activity including strikes.
- × Management dismisses workers who lead or participate in strikes; if this occurs the workers should be entitled to restoration of all rights and privileges that were lost including reinstatement and retroactive payment of wages, if desired by the worker.
- × Management fails to consult with, or report to, the unions in the factory matters which management is required to disclose by law. For example, factory closure, mass layoffs, restructuring of the business.

Factories should take all steps necessary to avoid causing or contributing to any of these non-compliances.

THRESHOLD ISSUE

- × Limiting or prohibiting workers' right to join organizations of their choosing, including trade unions; Intentional discrimination and harassment against the representatives or members of a union.

For example:

- × Blacklisting or other forms of discrimination in the recruitment/hiring process and throughout the worker's life cycle.
- × Allowing or instructing supervisors to threat, harass union members or representatives through use of abusive language, allocating 'dirty' jobs, rotating between departments.
- × Interfering with union activities or preventing access to members and workers by the union, including: failure to recognize a union; in multi-union scenarios, favoring one union over another.
- × To threaten to make use or use the presence of local authorities, police, military or other security forces, to prevent, disrupt or break up any activities that constitute an exercise of the right to freedom of association and/or workers' freedom of assembly;
- × Failure to promote or provide other advancement opportunities or rewards to union members;
- × Unfair dismissal/termination of union members;
- × Failure to comply with legal order in reinstatement cases;
- × Recognize the rights of collective bargaining and upholding terms of the CBA.

How do you prevent, mitigate and remedy adverse impacts?

For factories, the starting point is full legal compliance. We insist that factories recognize and respect the right of employees to join and organize associations of their own choosing, to bargain collectively and, when necessary, to participate in lawful strike action. Where national laws restrict freedom of association, factories should take steps to create parallel mechanisms to find an open and effective means of communication for employees and their representatives to discuss issues and express concerns in a positive environment.

Effective Communication

- ✓ Never refuse to meet with worker representatives who have grievances or concerns to share.
- ✓ Establish worker committees which can deal with specific issues, such as health and safety, supervisor-worker relations, setting of production targets, social activities. For further guidance, please refer to our 'Guidelines for Establishing and Running Worker-Management Committees'.
- ✓ Any meetings, including informal discussions, which are held between management and union or worker representatives, should be recorded and minutes should be provided to all participants to ensure common understanding and agreement.

- ✓ Establish suitable training programs for supervisors. Provide tools and information for supervisors on how to establish and maintain proper communication with workers. Identify their needs, such as local language lessons, instruction on the local law and adidas' Workplace Standards regarding freedom of association and collective bargaining, as well as the operation of the factory grievance system.
- ✓ Invest in programs which enable and support communication between management and workers, such as on-the-job training, skills development programs, job performance assessments, and social activities.
- ✓ Identify and develop tools for direct contact with the workforce, such as newsletters or magazines to which workers can contribute, production meetings and focus groups, lunchtime discussions between management and workers.
- ✓ As a minimum, place suggestion/complaint boxes in appropriate places such as restrooms, canteens or dressing rooms to provide a confidential atmosphere for workers to raise their suggestions/complaints. Please refer to our 'Guidelines for Establishing and Managing Suggestion Boxes' for further guidance.
- ✓ Make use of electronic means like smart phone applications or SMS lines to create user friendly and commonly used alternative communications to reach employees (adidas has established Grievance Hotlines for employees in several locations. Please contact your Social & Environmental Affairs (SEA) country manager to get more details).

The Right to Organize (Trade Unions and Associations)

All workers have the right to organize and collectively bargain. Effective communication in the workplace is a cornerstone of social compliance efforts. Therefore, it is essential that employees exercise their right to freely communicate and engage with the management. A worker's right to organize must be respected and no employee should be discriminated against because of their trade union affiliations.

- ✓ At a minimum, adidas requires the factories to adopt a neutral approach and not interfere with trade union activities in a factory including the right of workers to draw up their own constitution and rules, elect representatives, and organize their administration and activities.
- ✓ Adopt a proactive and positive approach to union activities in the factory and not try to influence or interfere with government registration, procedures and requirements regarding the formation of workers' organizations.
- ✓ Involve union representatives in decisions concerning production outputs and training of the workforce. Management will find it easier to implement its decisions and programs and will benefit ultimately from the constructive comments of the union.
- ✓ Meet informally with union representatives to seek the union's input on problem solving and improving workplace standards. Listen to, and act on, the items which they raise as workers' concerns.
- ✓ Provide an office area in the factory to the unions where they may leave their information and materials, and conduct meetings in a well-managed environment.
- ✓ Be prepared when necessary to deal with more than one union or workers association in the factory. Management must deal with all unions and associations fairly and equally.
- ✓ Legal strikes and demonstrations should be dealt with as labor disputes and should not involve the police or armed forces or threats to involve such entities in order to prevent, disrupt or break up any activity that constitute an exercise of the worker's right of freedom of association including union meetings, assemblies, and strikes. Labor disputes should be resolved by management, unions and labor authorities. Please refer to our 'Guidelines for Managing Strikes' for more information.
- ✓ Treat union officers with respect. They must be allowed to operate lawfully and free from obstruction and discrimination.

Collective Bargaining

In the area of industrial relations, collective bargaining has continued to gain greater importance. 'Collective bargaining' is the process where employers and employees engage in and finalize a collective

bargaining agreement (CBA). CBAs are common, and once registered with government, they become legally binding agreements reached between employers and employees, relating to workplace terms and conditions.

Based on consensus between representatives of both employers and employees, collective bargaining agreements may be more favorable to employees than individual employment contracts.

- ✓ Any formal discussions, such as CBA negotiations, should be recorded formally and endorsed by the labor authority where required by law. Workers and their representatives must be allowed to raise any issue regarding an employers compliance with a CBA without retaliation or any negative effect on their employment status.
- ✓ Any CBA reached by management and union representatives should be processed in a timely manner in order to make it effective and lawful. Management must also make available to all workers and interested parties a copy of the CBA.
- ✓ Collective bargaining should apply to all employees, whether or not they are a trade union member, unless otherwise stipulated by law or national practice.
- ✓ Honor the terms of any CBA, which has been negotiated and agreed to freely, voluntarily and in good faith by all parties.
- ✓ CBAs replace the terms of individual labor contracts, except where the terms of the individual contract are more favorable.
- ✓ Collective bargaining should be progressively extended to cover all matters in respect of workplace conditions, terms of employment, and the relationship between employers and employees.
- ✓ A CBA cannot remove, reduce or replace an employee's or the employer's fundamental rights and duties, where these are established by law.

Negotiations in Good Faith

The principle of good faith in collective bargaining implies recognizing representative organizations, endeavoring to reach an agreement, engaging in genuine and constructive negotiations, avoiding unjustified delays in negotiation and mutually respecting the commitments entered into, taking into account the results of negotiations in good faith (*Collective Bargaining: ILO Standards and the Principles of the Supervisory Bodies 2000*).

Additional Guidance

For a summary of relevant international standards see:

United Nations

§ [Universal Declaration of Human Rights 1948](#)

§ [International Covenant on Civil and Political Rights 1966](#)

§ [International Covenant on Economic Social and Cultural Rights 1966](#)

ILO

§ [Freedom of Association and Protection of the Right to Organize Convention 1948](#)

§ [Right to Organize and Collective Bargaining Convention 1949](#)

§ [Voluntary Conciliation and Arbitration Recommendation 1951](#)

§ [Collective Agreements Recommendation \(No 91\) 1951](#)

§ [Workers' Representatives Convention 1971](#)

§ [The Collective Bargaining Convention 1981](#)

§ [Collective Bargaining: ILO Standards and the Principles of the Supervisory Bodies 2000](#)

Section 10 – Fair Disciplinary Practices

Why do fair disciplinary practices matter?

Disciplinary rules are necessary to set standards and make it clear to employees what conduct is, and is not, acceptable in the workplace. While disciplinary procedures are also an essential human resource management tool, unfair disciplinary practices can directly infringe upon workers' rights as well as contribute towards poor industrial relations. It is therefore essential that all people are treated fairly and reasonably, reflecting that every person has a right to be free from cruel or oppressive treatment and treated with respect and dignity.

What actions may cause or contribute to adverse impacts?

Physical, Psychological & Verbal Abuse

- ✓ Physical forms of discipline or punishment are in use, for example: beatings, standing at the front of the production line, running around the factory building and unpleasant cleaning tasks;
- ✓ Workers are subjected to bullying or forms of public disciplinary actions with the intention to cause humiliation;
- ✓ Verbal harassment, such as shouting at workers, using rude language or calling workers by insulting names;
- ✓ Penalizing workers who refuse to work with tools, machinery or equipment that do not have the proper safety guards or reasonably considered unsafe.
- ✓ Hiring a private or public security force if it violates the prohibition on torture, cruel inhumane or degrading treatment or impairs the workers' right to organize or exercise their freedom of association rights.

Sexual Abuse/Harassment

- ✓ Employees are subject to sexual harassment, which is unwelcome sexual behavior and makes a person feel offended, humiliated or intimidated. It can be physical, verbal or written. Sexual harassment is covered in the workplace when it happens:
 - at work;
 - at work-related events;
 - between people sharing the same workplace;
 - between colleagues outside of work.

Financial Penalties

- × Workers are fined for breaches of factory rules or practices, such as: late attendance, disagreeing with a supervisor, making a mistake while working, or talking on the production line during working hours;
- × Productivity or incentive allowances, bonuses are deducted as a form of discipline.

Retaliation

- × Workers experience discrimination after reporting issues through the factory's internal grievance systems or 'official' communication channels;
- × Workers are uncomfortable participating in interviews during compliance audits for fear of retaliation or have been coached to provide "default answers".

Documentation and Management Systems

- × Supervisors take disciplinary action against workers who do not achieve the daily production quota;
- × Improper disciplinary actions applied to workers, such as random or unreasonable rules by supervisors, or disciplinary actions are not regulated by law or company regulations;
- × Improper or disproportionate disciplinary procedures applied to workers, including dismissal for minor violations without a prior warning process;
- × There are no records of disciplinary actions kept on workers' files in the personnel department.

ZERO TOLERANCE

- × The abuse may be sexual, physical or psychological/emotional in nature, and must form part of the management style of the supplier, i.e. must be part of the day to- day management of the factory. For example, physical punishment is used to discipline workers; workers are regularly locked inside the factory and unable to leave; there is widespread sexual harassment of workers. Systematic abuse would not include isolated actions.

THRESHOLD ISSUE

- × Deliberate harassment of union leaders or members, including punishing workers or union members for joining a strike.
- × Unauthorized deductions of any kind from a worker's pay, fines or monetary penalties used as a form of discipline

How do you prevent, mitigate and remedy adverse impacts?

To constitute fair disciplinary practices, they must be clear, documented and well communicated. They must also be progressive and include channels for appeal and the resolution of grievances.

Physical, Psychological & Verbal Abuse

- ✓ Employers need to train all supervisors and department heads on the factory rules and a progressive system of discipline that outlaws any kind of abuse.
- ✓ Employers should implement a system that will discipline supervisors, managers or workers who engage in any physical, sexual, psychological or verbal violence, harassment or abuse. The system should be detailed enough to handle various types of incidents and resulting actions be it increased training or enforcement actions with the intent to prevent a reoccurrence and to ensure the employee can be reintegrated into their position when appropriate.

Sexual Abuse/Harassment

- ✓ Employers should implement a formal, written non-harassment policy. The policy should define unlawful sexual harassment and disciplinary actions related to such misconduct.
- ✓ A grievance mechanism must be established so that employees who believe they have been sexually harassed have a comfortable, efficient and effective process for reporting the alleged harassment.
- ✓ All allegations of sexual harassment must be investigated properly and confidentially. Every single case must be handled, based on the facts, and with sensitivity, not only of the victim, but also the alleged offender. Where allegations are found to be true, appropriate corrective action must be taken.
- ✓ The employer must make efforts to correct the hostile or offensive work environment.
- ✓ Employers will not provide any preferential treatment or retaliation for refused sexual advances or inappropriate behavior.
- ✓ Authority Involvement: The factory must consider whether the case of harassment is criminal and passed onto the relevant local authority with appropriate manner and proper handler especially if such protections are not provided under law.

Financial Penalties

- ✓ Reasonable factory rules should be published and provided to all employees and should be free of monetary fines or penalties.

Non-Retaliation

- ✓ Employers should establish a Non-Retaliation Policy.
- ✓ The policy should be published and enforced in parallel with disciplinary practices that permits factory employees to express their concerns about workplace conditions without fear of retribution or losing their jobs.

Documentation and Management Systems

- ✓ Employers must comply with all national laws, regulations and procedures concerning discipline, violence, harassment and abuse including gender-based violence.
- ✓ Adopt a progressive disciplinary system in the factory, such as: (1) verbal warning; (2) written warning; (3) transfer; (4) suspension; (5) dismissal, that encourages employee improvement. These disciplinary practices must comply with local law and must be fully documented.
- ✓ Develop systems to document all disciplinary action, including verbal warnings. These records are kept on individual worker files, as well as being filed centrally in HR or Personnel. For all levels of disciplining, except a verbal warning, the signature or acknowledgement of the employee being disciplined should be recorded.
- ✓ Employees must be fully aware of the disciplinary policy through comprehensive training. Special and periodic (e.g. quarterly) training to be provided to supervisors on the progressive disciplinary system, as well as elimination of managers own arbitrary forms of discipline.
- ✓ Establish a system of appeal or grievance for employees so that they can gain direct access to HR or Personnel departments and management in order to report and discuss issues whenever it is felt that improper disciplinary action has been applied.

Definitions

Harassment

Uninvited and unwelcome conduct directed at an individual. This may be a single or a repeated act.

Abuse

Improper or excessive use or treatment.

Retaliation

Any negative action or credible threat against an employee who in good faith reports problems to management, participates in worker interviews during compliance audits, or helps in the investigation of a worker's grievance.

Non-Retaliation Policy

Forbids any punitive measures against such workers and reassures employees that they may report any problems or grievances to management or compliance monitors without being subjected to any negative actions by or on behalf of management, supervisors or other workers.

Additional Guidance

For additional guidance, please see adidas':

- § [Guidelines for Managing Strikes](#)
- § [Guidelines for Privacy Issues](#)
- § [Guidelines for Establishing Effective Disciplinary Practices](#)

For a summary of relevant international standards see:

United Nations

- § [Universal Declaration of Human Rights 1948](#)
- § [International Covenant on Civil and Political Rights 1966](#)

ILO

- § [Termination of Employment Convention 1982](#)
- § [Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment 1984](#)
- § [Convention on Violence and Harassment 2019](#)

Section 11 – Privacy Issues

Why does the proper management of Privacy Issues matter?

Workplace privacy describes the extent to which employers monitor and collect information on the activities, communications and private lives of their workers. Employees have clear and specific rights to privacy in the workplace, but these rights need to be balanced against their employers' privileges to monitor their business' operations.

Workers may feel intimidated by body searches or **Closed-Circuit Television (CCTV)** as they feel it is invading their privacy. If not well managed, this may result in various risks for a company, including:

- **Legal Risks** – The workers may file a lawsuit if body searches are conducted in either an intimidating or harassing manner. Similarly, workers may feel that their privacy has been invaded if, for example, the installation of CCTV is not done transparently with workers being informed in advance.
- **Labor Unrest** – Workers may get agitated, which may escalate into labor unrest, if complaints or grievances over a perceived violation of privacy matters is not handled appropriately by the management.

What actions may cause or contribute to adverse impacts?

Body Searches

- × Strip-searches must never be conducted. While violating fundamental rights to privacy and freedom, strip-searches also constitute an inappropriate form of 'prevention' against theft, and are a poor disciplinary practice.
- × Body or bag searches must not be conducted *routinely* and should only be conducted if the factory has clear legal authority to do so. For example, in most jurisdictions, there are only two legal bases upon which searches can be conducted:
 - Where there is reasonable suspicion of criminal activity
 - Where it is necessary for the safety and security of the public.

In both cases, powers of detention and search are created under law, i.e. given to the police, immigration officers, airport security, armed forces and other public officers under specific legislation.

Closed Circuit Television (CCTV)

- × The installation of a CCTV system must not be used to prevent workers from leaving the factory, or unreasonably restricting movement within the factory, including limiting access to bathroom facilities or fresh drinking water.
- × Factories are prohibited from installing a CCTV system in areas where privacy is strictly protected, including restrooms, dressing rooms and dormitory areas. If unclear, please consult with local SEA staff.

Fingerprinting & Scanning

- × The factory uses fingerprinting and scanning for tracking attendance and working hours but fails to establish any policy or mechanisms to manage access, maintain data protection, and safeguard worker's privacy.

- × The factory does not research its rights and obligations in relation to data management and work privacy before implementing a fingerprinting system, and provides workers' records to the local authorities, such as the police or local labor and security officers, during their routine visits.
- × The factory hires a contractor to install retinal scanning to restrict access to certain areas of the factory due to confidentiality concerns. However, no investigation is done into the safety of the proposed system and the factory does not conduct any background checks on the contractor or the impact of the scanning system on employee health.

How do you prevent, mitigate and remedy adverse impacts?

Body Searches

- ✓ Searches do not address the root cause, i.e. why theft is occurring in the first place. Factories should focus on management systems and prevention.
- ✓ Private security guards can only conduct body/bag search if they have received appropriate training on conducting body/bag searches. The training should include guidance about appropriate body/bag search practice.

Closed Circuit Television (CCTV)

- ✓ The installation of the CCTV system must be balanced against the need to protect individual rights such as privacy. This means the system must be installed only in public areas and no individuals may be targeted by the camera.
- ✓ The factory shall include the locations where the cameras are installed in the workplace diagram. All employees must be notified where the cameras are located on the factory's premise.

Finger printing and scanning

- ✓ Although fingerprinting ensures accuracy of attendance records, there is also some risk that such data could be misused. Factory management must keep all fingerprinting data strictly confidential and comply with the relevant local laws in relation to privacy and data management.

Personal Data

- ✓ Various national laws and international standards have established binding procedures for the processing and storage of personal data. Computerized retrieval techniques, automated personnel information systems, electronic monitoring, genetic screening and drug testing illustrate the need to develop data protection provisions for the workplace. Factory management must develop appropriate policies, procedures and systems that safeguard workers' personal data, protect their privacy and ensure transparency, accountability, and user control.

Definitions

Body Search

Situation where the body of the workers are searched when they are wearing clothes to identify hidden or illegal objects because:

- Where there is reasonable suspicion of criminal activity
- Where It is necessary for the safety and security of the public.

Fingerprinting

A fingerprint is the pattern of curved lines on the end of a finger or thumb, which is unique to every individual. Fingerprinting is the recording of this pattern for the purposes of identification.

Personal Data

The term “personal data” means any information related to an identified or identifiable worker. A worker includes any current or former worker or applicant for employment.

Scanning

The use of a device/machine to record images or obtain information electronically. For the purposes of these Guidelines, scanning means the electronic recording or reading of fingerprints or other body parts for the purposes of identification, e.g., retinal eye scans.

Additional Guidance

For additional guidance, see adidas’ [Guidelines for Privacy Issues](#)

Section 12 – Industrial Relations

Worker- Management Committees

Factories must find ways to build good industrial relations through the facilitation of worker representation systems, the management of employee grievances, and by ensuring effective communication with employees and their representatives. The management should create an environment which allows their employees to choose their own representatives, by common consent or election, and meet with them on a regular basis to help resolve workplace issues and disputes and, where unions have been formed, to collectively bargain.

Worker-Management Committees are a group of worker and management representatives who work together to discuss and resolve issues or problems within the factory. The committee may also be used as a vehicle for investigating worker grievances, and generally functions as a communication channel between management and workers to identify areas for improvement in workplace terms and conditions. Please see adidas' [Guidelines for Establishing and Running Worker-Management Committees](#) for further guidance.

Management of Strikes

Strikes and stoppages can be organized or spontaneous. They may occur inside a factory, or in public places, in the form of mass movements or protests, which can impact worker attendance, production schedules, and even public transport, i.e. access to the factory. In some cases, there may also be demonstrations by striking factory workers at the adidas offices. Whatever form the strike or stoppage takes, please contact adidas Sourcing and the local SEA staff immediately, so that adidas can assist factory management as relevant. In any event, factories must inform adidas within 24 hours of any strike or work stoppage in the factory. Please see adidas' [Guidelines for Managing Strikes](#) for further guidance.

Management of Layoffs and Redundancies

Downsizing and redundancy may be considered during times of recession, or where there are specific financial or organizational issues facing a factory, such as plans for relocation, or for other critical operational reasons.

Whatever the reasons, the layoff of workers should be undertaken only as a last resort and only after the factory has fully considered and assessed other alternatives to manage operating costs, including minimizing the use of outsourcing or temporary contract labor, reducing working hours, suspending recruitment, allowing workers to take paid or unpaid leave and, when appropriate, offering early retirement. In all cases the factory should follow the requirements of the local labor law and provide due notice to, and consult with, worker representatives over planned layoffs and redundancies. Please see adidas' [Guidelines on Handling Layoffs and Redundancies](#) for further guidance.

Section 13 – Layoffs & Redundancies

Why does the proper management of layoffs and redundancies matter?

Redundancy affects people's lives and their livelihoods. In addition, a company could be exposed to various risks if the layoff is not managed properly, including:

- **Legal Risks** - Massive layoffs can lead to legal problems and costs if a business does not plan well for the event. Businesses may also face potential discrimination lawsuits if the layoffs are not supported by solid data to justify the financial benefits. Lawsuit settlements or defense of legal claims can get expensive.
- **Labor Unrest** – Layoffs which are not handled properly can create a sense of distrust between employees and top management that can lead to labor unrest. When employees are not well-informed about the reasons for layoffs, they feel left out or deceived and may contribute to labor unrest.

What actions may cause or contribute to adverse impacts?

- ✓ Management fails to consult with, or report to, the unions about the mass layoffs and redundancies as required by law.
- ✓ Factory uses layoffs as a pretext for discrimination. For example, against union leaders.
- ✓ Conducting layoffs without a written and proper layoff plan and process. The layoff process is not in writing, is disorganized, inconsistent and unfair.
- ✓ Management has no clear plan regarding which positions, groups, offices or departments need to be reduced.
- ✓ There is no clear and written justification for the need for layoffs.
- ✓ There is no clear policy and procedure for the layoffs such as selection criteria, communication plan, management and Human Resource's role.
- ✓ Severance pay does not meet local legal requirement.
- ✓ No release or termination agreement with the dismissed workers.

How do you prevent, mitigate and remedy adverse impacts?

Planning for layoffs and redundancies

- ✓ Develop a proper plan for how to handle any downsizing or retrenchment to mitigate any risks.

Last Resort

- ✓ Layoffs should be undertaken only as a last resort. It is important to take into consideration all measures to minimize or avoid redundancies. These include reviewing staffing levels, introducing early retirement, reducing overtime and stopping recruitment.

Selection Criteria

- ✓ Apply non-discriminatory criteria when selecting employees for redundancy. It is important that all layoff decisions be properly documented and reviewed for compliance with personnel policies, non-discrimination policies and meet standards of fairness.

Fairness

- ✓ Have a proper and fair reason for dismissing the employee and follow a fair procedure

Communication

- ✓ Redundancy affects peoples' lives and their livelihoods. Clear and transparent communication is therefore very important.

Consultation

- ✓ Consulting with trade unions or employee representatives at the earliest opportunity, i.e. at the point where a potential redundancy situation is identified and prior to formal notification to employees of their redundancies.

Information disclosed to trade union or employee representatives

- ✓ Provide reasonable notice and proper information to the union or worker representatives, of changes in their operations which would have major effects upon the livelihood of their workers, in particular the closure of an entity involving collective layoffs or dismissals. This is to afford an opportunity for cooperation to mitigate the effects of such changes.

Direct engagement with the workforce

- ✓ Engage directly with the workforce where employees have no formal representation.

Understand your legal duties

- ✓ Observe the legal obligations, including notification, consultation and the payment of service to workers' who are laid off. Please note that certain individuals, such as pregnant women, or those suffering long-term illness or disabilities, may have special protection under the law.
- ✓ Upon termination, severance payments should be based upon the worker's current salary and seniority as calculated from their initial date of hire.
- ✓ Where employers provide advance termination payouts as allowed by law, these amounts may be subtracted from the final severance payment, but must be included as itemized deductions in the final severance calculation

Offer support

- ✓ Act responsibly and provide information and assistance to each employee who is laid-off.

Appeals

- ✓ Workers should have the right to appeal their dismissal due to redundancy. The appeal procedure should be clearly communicated to the employees at the time they are notified of the layoff.

Maintaining employee morale and productivity

- ✓ The uncertainty caused by layoffs can impact both companies and employees in many ways, most of them negative. During large-scale layoffs, morale and productivity can plummet. Factory must be proactive and anticipate all major morale and productivity problems.

Engaging with adidas' SEA Department

- ✓ Factory should notify SEA in advance and share the redundancy plan including the severance details and communication plan.

Definitions

For the purposes of these guidelines the terms redundancy², layoff³ and retrenchment are used interchangeably and describe the situation where the employment of a worker is terminated because:

- A business is closing, either completely or at a particular site, or
- There is a diminishing need for workers to perform a certain type of work, due to a slow-down and/or cost cutting measures.

Additional Guidance

For additional guidance, please see adidas' [Guidelines for Handling Redundancies and Layoffs](#)

² What constitutes "redundancy" may differ depending on how it is defined by local law. In the United Kingdom, for example, redundancy has a very specific statutory meaning.

³ Originally the term "layoff" referred exclusively to a temporary interruption in work, as when factory work cyclically falls off rather than to permanent termination of employment, but nowadays layoff is often used to describe the permanent loss of a job.

Section 14 – Responsible Recruitment

Why does Responsible Recruitment matter?

Recruitment should take place in a way that respects, protects and fulfills internationally recognized human rights, including those in international labor standards, and in particular the right to freedom of association and collective bargaining, and prevention and elimination of forced labor, child labor and discrimination in respect of employment and occupation.

For migrant workers, labor exploitation often begins before their departure from their country of origin. Unethical recruitment practices leave migrant workers uninformed or deceived regarding the terms and conditions of employment. Recruitment fees and related costs charged to migrant workers often force them to avail loans, often with high interest rates and severe punishment for default, which render them vulnerable to debt bondage. Migrant workers' identity or travel documents may be retained, increasing the risk of situations of forced labor.

During employment, migrant workers can be subject to violations of their labor rights and are exposed to risks of forced labor through contract substitution, restrictions on freedom of movement and association, illegal or improper wage deductions, barriers to accessing effective grievance mechanisms and remediation, and social and cultural isolation. Risks are particularly high when employment relationships are unclear, for instance where work is subcontracted or outsourced to third party labor providers for temporary migrant workers. The involvement of a variety of intermediaries across multiple jurisdictions significantly heightens forced labor risks in a company's operations, sometimes outside the knowledge of the employer.

In accordance with the [UN Guiding Principles on Business and Human Rights](#):

- Businesses are required to carry out ongoing due diligence on all intermediaries in their labor supply chain. This includes all involved labor recruiters, sub-agents, training centers, medical service providers and subcontractors, outsourcing companies, on-site management companies, third-party dormitories and on-site service providers, such as security and cleaning.
- Businesses responsible for violations should provide remedy, including for violations committed by labor recruiters and any third-party intermediaries involved in the recruitment of migrant workers, where this was within their reasonable due diligence control.

What actions may cause or contribute to adverse impacts?

- ✓ Enterprises may cause negative impacts, for example if employers do not exercise ongoing due diligence over labor recruiters.
- ✓ Workers might be tricked and deceived in countries of origin, and upon arrival are made to sign contracts that are less favorable.
- ✓ Workers might incur significant debt through paying for recruitment fees and related costs, and may be asked to lodge deposits as a run-away insurance that forces them into debt bondage.
- ✓ Workers might find themselves in a situation where they cannot refuse excessive overtime to repay debt or endure degrading living and working conditions, particularly where work is sub-contracted to third party labor providers.

- ✓ Enterprises may contribute to negative impacts if their migrant labor sourcing practices incentivize recruitment in a manner that does not respect laws and international human rights standards. For instance, short-notice labor demands from employers create a situation where recruiters do not have time to conduct recruitment in an ethical manner. Recruiters are more likely to “pool” workers in countries of origin by retaining their identity documents illegally and charging them high recruitment fees and cost before applicants are even selected and receive an employment offer.

How do you prevent, mitigate and remedy adverse impacts?

By implementing responsible recruitment, employers ensure migrant workers are hired lawfully, and in a fair and transparent manner that respects their dignity and human rights. While foreign migrant workers face specific risks during their journeys, provisions on responsible recruitment apply to all workers employed in adidas’ supply chain.

When implementing responsible recruitment, keep the following principles in mind:

Responsible Recruitment Principles

- Implement a proper “planning” phase.
- Understand the migrant’s journey.
- Exercise ongoing due diligence over your own operations and all recruiters involved in the labor supply chain.
- Introduce a clear process for how your company will conduct recruitment.
- Implement a multi-phased process to make sure migrant workers understand their rights at key junctions of their journeys.
- Introduce operational controls or verification points that allow you to monitor the recruitment process.

Implement proper planning

- ✓ Ensure a solid management system with written policies, procedures and processes is in place before recruitment is initiated.
- ✓ Policies are clearly communicated to all business partners, including the fact that the recruitment fees and related costs will be covered by the employer and that no worker should pay for a job.

Understand the migrant’s journey

- ✓ Gain an understanding of the workers’ journey from the country of origin to the workplace in the country of destination.
- ✓ Map the steps, the involved intermediaries, the recruitment fees and costs that must be paid by the employer
- ✓ Migrant workers are the only actors that experience the entire labor migration process. Their consultation is key to gaining a comprehensive overview of the main risk areas linked to unethical recruitment in your labor supply chain.

Exercise ongoing due diligence over your own operations and all recruiters involved in the labor supply chain

- ✓ Conduct an in-depth risk assessment of (1) your recruitment and employment practices, (2) service agreements with labor recruiters are updated in accordance with your policies, (3) your business

partners are screened for ethical recruitment requirements, and (4) understand what ethical recruitment is and what is henceforth expected of them.

Introduce a clear process for how your company will conduct recruitment

Set out clear steps for the end-to-end recruitment process, from placing the vacancy announcements in countries of origin, conducting information sessions and selection of workers, arranging the departure of the workers to the country of destination, employment and the safe return.

Implement a multi-phased process to make sure migrant workers understand their rights at key junctions of their journeys

- ✓ During pre-employment, pre-departure and post-arrival orientations, clearly communicate the terms and conditions of employment to jobseekers and applicants.
- ✓ Ensure that workers are correctly informed about the job, the recruitment process, and their rights (including the fact that they should not pay any costs or fees to obtain the job) from the very beginning until they arrive at your company's workplace.

Introduce operational controls or verification points

- ✓ Establish key operational controls and verification points to allow you to monitor the recruitment process.
- ✓ Integrate worker voice throughout the process: during recruitment, make sure recruiters put in place grievance mechanisms through which the workers can raise complaints.
- ✓ Upon arrival, conduct interviews with a representative sample of migrant workers from all countries of origin to verify if recruitment was conducted in a responsible manner and to ensure that workers have not been charged any recruitment fees

Follow the suggested six steps to ensure that your factory is fulfilling its responsibility to hire and treat migrant workers in a responsible and ethical manner. See the [Migrant Worker Guidelines for Employers](#) for additional details on how to implement the following steps.

- ✓ **Step 1:** *Adopt a policy to uphold human and labor rights of migrant workers, including the prohibition of recruitment fees and related costs charged to workers.*
- ✓ **Step 2:** *Carry out due diligence at every stage of the labor migration process.*
- ✓ **Step 3:** *Ensure migrant workers have access to grievance mechanisms throughout the entire labor migration process that give effective access to remedy.*
- ✓ **Step 4:** *Oversee the recruitment steps in countries of origin and arrival at the workplace in country of destination.*
- ✓ **Step 5:** *Implement employment measures that take into account special needs of migrant workers at the workplace.*

- ✓ **Step 6:** *Ensure the safe and dignified return of migrant workers to their countries of origin at any time, without fear of reprisal or penalties and without incurring extraordinary debt, and their right to change employment.*

The [Migrant Worker Guidelines for Employers](#) provide factories support and guidance on how to carry out responsible recruitment, employment and return of migrant workers in their operations and supply chains at all stages of the labor migration process. These Guidelines explain the main components of ethical recruitment and employment, which align with adidas standards, so employers understand:

- Basic principles and good practice to uphold human and labor rights of migrant workers in the company's labor supply chain.
- How to identify, assess, and mitigate risks of labor exploitation and establish a management system following all steps in the labor migration process.
- How to carry out effective due diligence of all business partners, particularly contracted labor recruiters.
- How to engage migrant workers by providing greater access to rights-based knowledge, freedom of association and collective bargaining and effective remedy.

Please also refer to the International Labor Organization's Guidelines for [Related Fees and Recruitment Costs](#) for more information about what fees must be paid by the employer and the cost items that can be reasonably charged to the workers. Note that it is adidas' expectation that the costs of recruitment should be paid for directly by the factory to the agent wherever possible. When this is not possible, or where the migrant worker is legally required to pay fees or costs directly in the sending country, the worker should be reimbursed by the factory as soon as is practicable and reasonable.

Definitions

Due diligence

The process enterprises should carry out to identify, prevent, mitigate and account for how they address these actual and potential adverse impacts in their own operations, their supply chain and other business relationships, as recommended in the OECD Guidelines for Multinational Enterprises. Effective due diligence should be supported by efforts to embed Responsible Business Conduct (RBC) into policies and management systems and aims to enable enterprises to remediate adverse impacts that they cause or to which they contribute.

Forced labor

As per Forced Labor Convention C29, Forced Labor is defined as all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.

Migrant worker

The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families defines migrant worker as a person who is to be engaged, is engaged or has been engaged in a remunerated activity in a State of which he or she is not a national. For the purpose of this document, the term migrant worker shall also include job seekers and aspirant migrants.

Labor migration

Movement of persons from one State to another, or within their own country of residence, for the purpose of employment. Source: International Organization for Migration (IOM) Glossary, 2019.

Labor migration process

All stages and the series of steps taken in the context of both national and international movement of persons for the purpose of employment. This includes recruitment, deployment, employment, as well as return and reintegration or onward migration.

Labor recruiter

Public employment services, private employment agencies, all other intermediaries or subagents that offer labor recruitment and placement services. Labor recruiters can take many forms, whether for profit or non-profit, or operating within or outside legal and regulatory frameworks. Source: International Labor Organization (ILO) General Principles, 2019.

Labor supply chain

All the steps of recruitment that a worker goes through in order to obtain a job. It includes all actors involved in this recruitment process.

Recruitment

The act of advertising, information dissemination, selection, transport, placement into employment and – for Migrant Workers – return to the country of origin where applicable. This applies to both jobseekers and those in an employment. Source: ILO General Principles 2019.

Recruitment fees and related costs

Any fees or costs incurred in the recruitment process in order for workers to secure employment or placement, regardless of the manner, timing or location of their imposition or collection. Source: ILO General Principles 2019.

Ethical/ Responsible/ Fair Recruitment

Hiring workers lawfully, and in a fair and transparent manner that respects their dignity and human rights. Lawfully shall mean in accordance with country of origin and destination, as well as international standards where those are higher. The IRIS Standard consists of seven core principles and outlines what ethical recruitment looks like in practice. Source: IOM's International Recruitment Integrity System (IRIS)

Additional Guidance

§ [adidas Policy on Responsible Recruitment](#)

§ The Dhaka Principles for Migration with Dignity ([Dhaka Principles](#)), 2011

§ The International Recruitment Integrity ([IRIS](#)) Standard on Ethical Recruitment by the International Organization for Migration (IOM)

§ The ILO [General principles and operational guidelines for fair recruitment and Definition of recruitment fees and related costs](#), 2019

§ [OHCHR Recommended Principles and Guidelines on Human Rights and Human Trafficking](#), 2002.

For a summary of relevant international standards see:

United Nations

§ [Declaration on Fundamental Principles and Rights at Work](#)

§ [International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 1990](#)

§ [The Convention for the Elimination of All Forms of Discrimination against Women and General Recommendations on Women](#)

§ [Migrant Workers \(CEDAW\), 1979 and the General Recommendation No. 26 on women migrant workers \(CEDAW\) 2008](#)

§ [The UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime](#)

ILO

§ [Migration for Employment Convention \(Revised\), 1949 \(No. 97\)](#)

§ [Private Employment Agencies Convention, 1997 \(No. 181\)](#)

§ [Employment Relationship Recommendation, 2006 \(No. 198\)](#)

§ [Convention concerning Migrant Workers, 1975 \(Supplementary Provisions\) \(No. 143\)](#)

Section 15 – Specialized Areas: Contract Employment

What is Contract Employment?

Contract employment, also referred to as casual or temporary employment or labor, is usually for a specific period, e.g., the peak season, or for a specific task or job function within production. *Contract workers*, unlike permanent employees, usually do not enjoy any job security, tenure or other benefits, even where the term of their employment, or their status, is governed by local law.

This definition does not include probationary workers or external workers who come 'on site' to perform a job (under verbal or written agreement) not related to production, for example construction or renovation work.

What actions may cause or contribute to adverse impacts?

The following would breach [adidas' Workplace Standards](#):

- ✓ The factory hires workers on a contract basis as a means for depriving such workers of the correct wage and benefits, or other rights and privileges provided to permanent workers as a means of saving on labor costs.
- ✓ The factory binds workers through multiple short-term contracts to employment with no opportunity for advancement, social security or the benefits which come with seniority, in order to save on labor costs. Often, workers sign such contracts with no understanding of their rights but are bound by the terms nonetheless at the risk of losing what little monies or benefits they receive if they break the contract and leave.
- ✓ The factory uses contract workers although it breaches the law.
- ✓ The factory hires contract workers on a continuous basis, on multiple short-term contracts, or as regular practice, to support normal business needs or in order not to provide permanent employment.
- ✓ The factory terminates contracts on an annual basis to avoid indemnization or severance advances.
- ✓ The factory discriminates on the basis of personal characteristics when issuing short-term contracts. For example, the factory designates all female applicants who have children as contract workers while other applicants (i.e., male applicants or applicants without children) are made permanent employees.
- ✓ Employment offered to a worker without the details of the contract being provided, through a contract in a language unknown to the worker, or to a person who is illiterate without the detailed terms of the contract being explained.
- ✓ Temporary or probationary workers do not receive the same basic benefits as permanent workers.

Guidelines for Use of Contract Workers

Factories May Hire Contract Workers under the following circumstances:

- ✓ Where contract employment is allowed by law.
- ✓ Factory must ensure that the use of this type of contracting is the adequate for the work to be carried out based on local law.
- ✓ In case of unusual or extraordinary circumstances which may result in great financial loss to the supplier if delivery of goods cannot be met on time.
- ✓ In the event of an unexpected or unusually large volume of orders placed at the factory and the permanent workforce is not sufficient.

- ✓ In case of work that needs to be done and is outside the professional expertise of the permanent workforce.
- ✓ For those factories that produce seasonal items only, during their peak period of production, in which case the 'peak season' must be clearly defined, and this information provided to adidas Sourcing Team or the responsible business unit and to SEA.
Note: Rather than relying on a continuous cycle of contract workers who may not be skilled, have no commitment to the factory and no long-term interest in the success of the factory, we expect our business partners to maintain a permanent workforce, of the appropriate size, which can cope with fluctuations in production schedules and seasons. Non-peak production seasons are an opportunity to engage in training, maintenance and housekeeping, and other work-related activities. Conversely, permanent workers should not be subjected to excessive working hours during peak production periods.
- ✓ Factory should have in place written policies and procedures regulating the recruitment and hiring of contract/contingent/temporary workers
- ✓ Any local laws governing contract workers must be observed. Specifically, refer to local regulations in relation to the number of short-term contracts that may be issued to a worker, and the maximum period for any short-term contract. Where local law is silent on specific aspects of contract employment, at a minimum, contract workers must be provided an employment agreement, setting out the employment terms and conditions. A contract worker should sign a contract each time he or she is rehired, for the purpose of tracking the total number and types of contracts issued to that worker. The employment contract should be explained to the worker before it is signed to ensure understanding and acceptance of the terms.
- ✓ Where local law is silent on best practice, any contractor who has been continuously rehired on short-term contracts should be given the opportunity to secure permanent employment with the factory.
- ✓ The factory should establish a system for managing contract employment, beginning with a policy defining the job functions or tasks that contract workers are hired to perform, and maintain information on the use of contract workers in relation to production needs. Personnel files for contract workers must be maintained and accessible at the factory at all times, and record all relevant information, such as dates of entry, duration of contract, department/placement, date of last severance pay received, reasons for rehiring, and performance evaluation.
- ✓ A contract worker of the equivalent skill level, education and experience, who performs the same task as a permanent employee, should receive the same fundamental wage and benefits package as a permanent employee. As a minimum, contract workers must receive at least the minimum wage or the prevailing industry wage, whichever is a higher, and all legally mandated benefits such as social security, other forms of insurance, annual leave and holiday pay. Factory rules and regulations apply to contract workers the same as to permanent workers.
- ✓ Any contract worker who is re-hired as a contract worker or as a permanent worker should retain the same ID number and the same personnel file.
- ✓ Contract workers must be given priority when the factory is seeking 'new' permanent employees.
- ✓ For any contract worker who becomes a permanent employee, seniority and other benefits such as social security entitlements must be dated from the first day as a contract worker, and not from the first day of permanent employment, i.e., all work-related benefits accumulated. Please refer to local regulation regarding legal mandated benefits.
- ✓ Any temporary/contract worker who successfully completes original temporary/short-term contract and becomes permanent should not be required to complete a second probationary period.

- ✓ Temporary/Contract workers should receive the minimum wage for regular workers or the prevailing industry wage for regular workers, whichever is higher
- ✓ Taking into account legal requirements, trainees, contract and migrant workers should receive the same entitlements as regular workers; including back payment of benefits when applicable.
- ✓ Employers shall use standard contract language with employment agencies or intermediaries that specifically imparts power to employers to directly pay wages to migrant/contract/contingent/temporary workers and ensures equality of compensation and workplace standards as set under the FLA Workplace Code and national laws and regulations

Post-Hiring

- ✓ **Workers of the same experience and job classification should receive similar conditions** – Any differences in pay might relate to seniority, special skills, actual hours worked, degree of job difficulty or exposure to hazards, but not, for example, to gender, age, or nationality.

Pregnancy & Medical Testing

- ✓ **Pregnancy testing should not be conducted unless required by law or by the local authorities** – If employees become pregnant in the course of their employment, they should be provided with all legal protections and benefits. The choice to work during the pregnancy (within the limits of the law), or to return after the birth of the child, is the employee's choice.
- ✓ **Medical testing may be conducted only if it forms part of the health/medical surveillance program at the workplace and is in accordance with the local law, or in the event of factory specific outbreaks of disease or illness** – the type of testing must relate entirely to the health hazard being assessed. Where the employer provides, at its own cost, regular medical examinations or testing as a benefit, employees should be informed of the items that will be examined and consent to the examination.
- ✓ **Employers should ensure that pregnant workers are not engaged in work that constitutes a substantial risk to their reproductive health.**

Termination

- ✓ **The ultimate decision to dismiss an employee must be based on work-related matters such as job performance, breach of factory rules or general behavior** – there should be clear documentation that shows the cause for the dismissal and the procedures followed.

Systems & Documentation

- ✓ **Establish policies and procedures for all recruitment, post-hiring, medical testing and termination processes** – relevant staff should be trained in the policies and procedures.
- ✓ Personnel files and all relevant employment information for contract/ contingent/ migrant/ temporary workers should be always maintained and accessible at the workplace site.

Definitions

Association Membership

Includes membership with a trade union, worker committee, or any other workplace group or organization.

Discrimination

Any distinction, exclusion or preference based on a personal characteristic which deprives a person of access to equal opportunity or treatment in any area of employment.

Health Surveillance

A program of periodic medical examinations and relevant tests used to track the health status of an employee and/or the impact of any occupational risks, such as frequent exposure to noise or chemicals.

Migrant Worker

The United Nations define 'migrant worker' as a person who is engaged or has been engaged in a remunerated activity in a state of which he or she is not a national, meaning anyone who moves between countries or locations for work. This definition does not include refugees, displaced persons and other persons who leave their country.

Post-Hiring

Includes any procedure, process, activity or terms and conditions in connection with employment after a person has been recruited. For example, training, promotion, transfer or disciplinary action.

Additional Guidance

For a summary of relevant international standards see:

United Nations

§ [Universal Declaration of Human Rights 1948](#)

§ [International Covenant on Civil and Political Rights 1966](#)

§ [International Covenant on Economic Social and Cultural Rights 1966](#)

§ [International Convention on the Elimination of all Forms of Racial Discrimination 1966](#)

§ [Convention on the Elimination of all Forms of Discrimination Against Women 1979](#)

§ [International Convention on the Protection of the Rights of Migrant Workers and Members of Their Families 1990](#)

ILO

§ [Maternity Protection Convention 2000](#)

§ [Night Work \(Women\) \(Revised\) Convention 1990](#)

§ [Employment Services Convention 1948](#)

§ [Migration for Employment Convention \(Revised\) 1949](#)

§ [Equal Remuneration Convention 1951](#)

§ [Discrimination \(Employment and Occupation\) Convention 1958](#)

§ [Migrant Workers \(Supplementary Provisions\) Convention 1975](#)

§ [Workers with Family Responsibilities Convention 1981](#)

§ [Termination of Employment Convention 1982](#)

§ [*Vocational Rehabilitation and Employment \(Disabled Persons\) Convention 1983*](#)

§ [*Night Work Convention 1990*](#)

§ [*Private Employment Agencies Convention 1997*](#)

Section 16 – Legal Basis

It is not possible in these Guidelines to set out all the legal requirements relevant to the conduct of the factories' operations, for each of the countries in which adidas does business. It is a basic obligation of each factory to know and comply with relevant local laws and regulations pertaining to the employment, health and safety of their workers.

There are a range of international conventions, standards and norms that frame and explain the fundamentals of human and labor rights, which are also applicable and useful:

- The human rights documents of the United Nations
- The conventions and recommendations of the International Labour Organization
- The principles of international human rights organisations, such as Amnesty International
- Guidelines established by international trade and commerce bodies, such as the OECD.

Relevant excerpt from these documents are shared below.

Discrimination

Equality of All People

Discrimination is dealt with in the international human rights documents more widely than any other labor standard. This is because the basis for all fundamental human rights is equality of people, especially in public life.

Universal Declaration of Human Rights 1948

All human beings are born free and equal in dignity and rights... Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status...

Source: [Article 1 and 2], http://www.ohchr.org/EN/UDHR/Documents/UDHR_Translations/eng.pdf

International Covenant on Civil and Political Rights 1966

All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Source: [Article 26], <http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>

Ability to do the Job vs. Personal Characteristics

Discriminatory practices in employment, in particular within factories, are often quite obvious. However, given the complex cultural, social and political influences in foreign investment businesses, discrimination may take extremely subtle and complex forms. Regardless, in all aspects of employment including recruitment, probation, training, promotion, remuneration and benefits, disciplinary practices and termination, employees must be treated on the basis of ability to do the job and job performance, and not on the basis of any personal characteristics.

Universal Declaration of Human Rights 1948

Everyone, without any discrimination, has the right to just and favourable remuneration.

Source: (Article 23/3), http://www.ohchr.org/EN/UDHR/Documents/UDHR_Translations/eng.pdf

International Covenant on Economic, Social and Cultural Rights 1966

The States Parties to the present Covenant recognize the right of everyone to the enjoyment of just and favourable conditions of work which ensure in particular... remuneration which provides all workers, as a minimum, with... fair wages and equal remuneration for work of equal value without distinction of any kind, in particular women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work... equal opportunity for everyone to be promoted in his employment to an appropriate higher level, subject to no considerations other than those of seniority and competence...

Additional Text

The States Parties to the present Covenant recognize the right to work, which includes the right of everyone to the opportunity to gain their living by work which they freely choose or accept, and will take appropriate steps to safeguard this right.

The States Parties to the present Covenant undertake to guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Source: (Article 2/2, 6/1 and 7), <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CESCR.aspx>

UN Committee on Economic, Social and Cultural Rights (CESCR), General Comment No. 18: The Right to Work (Art. 6 of the Covenant), (6th of February, 2006)

Article 3 of the Covenant prescribes that States parties undertake to “ensure the equal right of men and women to the enjoyment of all economic, social and cultural rights”. The Committee underlines the need for a comprehensive system of protection to combat gender discrimination and to ensure equal opportunities and treatment between men and women in relation to their right to work by ensuring equal pay for work of equal value. In particular, pregnancies must not constitute an obstacle to employment and should not constitute justification for loss of employment. Lastly, emphasis should be placed on the link between the fact that women often have less access to education than men and certain traditional cultures which compromise the opportunities for the employment and advancement of women. **(Women and the right to work)**

The Committee recalls its **General Comment No. 6 (1995) on the economic, social and cultural rights of older persons** and in particular the need to take measures to prevent discrimination on grounds of age in employment and occupation. **(Older persons and the right to work)**

The Committee recalls the principle of non-discrimination in access to employment by persons with disabilities enunciated in its **General Comment No. 5 (1994) on persons with disabilities**. “The ‘right of everyone to the opportunity to gain his living by work which he freely chooses or accepts’ is not realized where the only real opportunity open to disabled workers is to work in so-called ‘sheltered’ facilities under substandard conditions.” States parties must take measures enabling persons with disabilities to secure and retain appropriate employment and to progress in their occupational field, thus facilitating their integration or reintegration into society. **(Persons with disabilities and the right to work)**

The principle of non-discrimination as set out in article 2.2 of the Covenant and in article 7 of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families should apply in relation to employment opportunities for migrant workers and their families. In this regard the Committee underlines the need for national plans of action to be devised to respect and promote such principles by all appropriate measures, legislative or otherwise.

International Convention on the Elimination of all Forms of Racial Discrimination 1966

...the term “racial discrimination” shall mean a distinction, exclusion, restriction or preference based on race, color, descent, or national origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.

Source: [Article 1], <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CERD.aspx>

Additional Text

Regarding “racial discrimination”, Office of The High Commissioner for Human Rights has issued several recommendations as below listed:

General Recommendation No. 14: Definition of discrimination (Art. 1, par.1) : . 22/03/93.

Source: <https://web.archive.org>

General Recommendation No. 15: Organized violence based on ethnic origin (Art. 4) : . 23/03/93.

Source: <https://web.archive.org>

General Recommendation No. 29: Article 1, paragraph 1 of the Convention (Descent) : . 01/11/2002.

Source: <https://web.archive.org>

Foreign Migrant Workers

Migrant workers and the right to work

Source: [Article 13, 16, 17, 18 and 44], <http://tbinternet.ohchr.org>

Migrant Workers (Supplementary Provisions) Convention 1975

R151 - Migrant Workers Recommendation, 1975 (No. 151)

The General Conference of the International Labour Organisation...Having adopted the **Migrant Workers (Supplementary Provisions) Convention, 1975**, and considering that further standards are desirable as regards equality of opportunity and treatment, social policy in regard to migrants and employment and residence, and having decided upon the adoption of certain proposals with regard to migrant workers, which is the fifth item on the agenda of the session, and having determined that these proposals shall take the form of a Recommendation adopts this twenty-fourth day of June of the year one thousand nine hundred and seventy-five, the following Recommendation, which may be cited as the Migrant Workers Recommendation, 1975.

Source: <http://www.ilo.org>

Migration for Employment Convention (Revised) 1949

R086 - Migration for Employment Recommendation (Revised), 1949 (No. 86)

The General Conference of the International Labour Organisation having been convened at Geneva by the Governing Body of the International Labour Office, and having met its Thirty-second Session on 8 June 1949, and having decided upon the adoption of certain proposals with regard to the revision of the Migration for Employment Recommendation, 1939, and the Migration for Employment (Co-operation between States) Recommendation, 1939, adopted by the Conference at its Twenty-fifth Session, which are included in the eleventh item on the agenda of the session, and having determined that these proposals shall take the form of a Recommendation adopts this first day of July of the year one thousand nine hundred and forty-nine, the following Recommendation, which may be cited as the Migration for Employment Recommendation (Revised), 1949.

Source: <http://www.ilo.org/dyn/normlex/en>

International Convention on the Protection of the Rights of Migrant Workers and Members of Their Families 1990 (Additional Text: the entry into force of this convention is on 1st of July, 2003)

States Parties undertake, in accordance with the international instruments concerning human rights, to respect and to ensure to all migrant workers and members of their families within their territory or subject to their jurisdiction the rights provided for in the present Convention without distinction of any kind such as to sex, race, color, language, religion or conviction, political or other opinion, national, ethnic or social origin, nationality, age, economic position, property, marital status, birth or other status.

Migrant workers shall enjoy treatment not less favorable than that which applies to nationals of the State of employment in respect of remuneration and... other conditions of work, that is to say, overtime, hours of work, weekly rest, holidays with pay. Safety, health, termination of the employment relationship...

Source: [Article 7 and 25/1), <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CMW.aspx>

Private Employment Agencies Convention 1997

R188 - Private Employment Agencies Recommendation, 1997 (No. 188)

The General Conference of the International Labour Organization having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Eighty-fifth Session on 3 June 1997, and having decided upon the adoption of certain proposals with regard to the revision of the Fee-Charging Employment Agencies Convention (Revised), 1949, which is the fourth item on the agenda of the session, and having determined that these proposals shall take the form of a Recommendation supplementing the Private Employment Agencies Convention, 1997 adopts, this nineteenth day of June of the year one thousand nine hundred and ninety-seven, the following Recommendation, which may be cited as the Private Employment Agencies Recommendation, 1997.

Source: http://www.ilo.org/dyn/normlex/en/f?p=1000:12100::NO:12100:P12100_INSTRUMENT_ID:312526

Employment Service Convention 1948

C181 - Private Employment Agencies Convention, 1997 (No. 181)

Noting the provisions of the **Employment Service Convention, 1948**.... adopts, this nineteenth day of June of the year one thousand nine hundred and ninety-seven, the following Convention, which may be cited as the Private Employment Agencies Convention, 1997.

Source: <http://www.ilo.org>

Termination Of Employment Convention 1982

Source: <http://www.ilo.org>

Human Rights (including gender-based rights)

Vienna Declaration and Programme of Action Adopted by the World Conference on Human Rights in Vienna on 25 June 1993

Vienna Declaration and Programme of Action emphasizes the responsibilities of all States, in conformity with the Charter of the United Nations, to develop and encourage respect for human rights and fundamental freedoms for all, without distinction as to race, sex, language or religion.

Source: [1st Section, article 15, 18, 19, 20, 21, 22 and 24), <http://www.ohchr.org>

Declaration on the Elimination of Violence against Women, UN, 1993

Women are entitled to the equal enjoyment and protection of all human rights and fundamental freedoms in the political, economic, social, cultural, and civil or any other field. These rights include:

... The right to equality..., the right to be free from all forms of discrimination...the right to just and favorable conditions of work;

Source: (Article 3), <http://www.un-documents.net/a48r104.htm>

Convention on the Elimination of all Forms of Discrimination against Women 1979

Recalling that discrimination against women violated the principle of equality of rights and respect for human dignity, is an obstacle to participation of women, on equal terms with men, in the political, social, economic and cultural lives of their countries, hampers the growth of the prosperity of society and the family and makes more difficult the full development of the potentialities of women in the service of their countries and of humanity...

States Parties shall take appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular... the right to work... the same employment opportunities, including application of the same criteria for selection in matters of employment... the right to promotion, job security and all benefits... the right to equal remuneration... social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age... as well as the right to paid leave.

In order to prevent discrimination against women on the grounds of marriage and maternity and to ensure their effective right to work, States Parties shall take appropriate measures... to prohibit... dismissal on the grounds of pregnancy or of maternity leave...

Source: (Article 11/1 and /2), <http://www.un.org/womenwatch/daw/cedaw/text/econvention.htm>

Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, 2000

The preamble is the introductory part of the Protocol which sets out the object and purpose of the Protocol. It refers to the **principles of equality and non-discrimination** as embodied in the UN Charter, the Universal Declaration of Human Rights, and other international human rights instruments, including the Convention on the Elimination of All Forms of Discrimination against Women. It reaffirms the determination of States parties which adopt the protocol to ensure the full and equal enjoyment by women of all human rights and fundamental freedoms and to take effective action to prevent violations of these rights and freedoms.

Source: (Preamble), <http://www.un.org/womenwatch/daw/cedaw/protocol/text.htm>

Central Concerns

The ILO standards establish two primary goals:

1. To guarantee equality of opportunity and treatment in access to training, employment, promotion, organisation and decision making, in addition to securing equal conditions of remuneration, benefits, social security and welfare services.
2. To protect women workers especially in relation to conditions of work which may involve risk for maternity.

The following conventions embody the principles set out in the UN human rights documents above and establish the labor standards on discrimination:

Discrimination (Employment and Occupation) Convention 1958

R111 - Discrimination (Employment and Occupation) Recommendation, 1958 (No. 111)

The General Conference of the International Labour Organisation, having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Forty-second Session on 4 June 1958, and having decided upon the adoption of certain proposals with regard to discrimination in the field of employment and occupation, which is the fourth item on the agenda of the session, and having determined that these proposals shall take the form of a Recommendation supplementing the Discrimination (Employment and Occupation) Convention, 1958 adopts this twenty-fifth day of June of the year one thousand nine hundred and fifty-eight, the following Recommendation, which may be cited as the Discrimination (Employment and Occupation) Recommendation, 1958.

Source: http://www.ilo.org/dyn/normlex/en/f?p=1000:12100::NO:12100:P12100_INSTRUMENT_ID:312449

Equal Remuneration Convention 1951

R090 - Equal Remuneration Recommendation, 1951 (No. 90)

The General Conference of the International Labour Organisation, having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Thirty-fourth Session on 6 June 1951, and having decided upon the adoption of certain proposals with regard to the principle of equal remuneration for men and women workers for work of equal value, which is the seventh item on the agenda of the session, and having determined that these proposals shall take the form of a Recommendation, supplementing the Equal Remuneration Convention, 1951 adopts this twenty-ninth day of June of the year one thousand nine hundred and fifty-one, the following Recommendation, which may be cited as the Equal Remuneration Recommendation, 1951.

Source: http://www.ilo.org/dyn/normlex/en/f?p=1000:12100::NO:12100:P12100_INSTRUMENT_ID:312428

Workers with Family Responsibilities Convention 1981

R165 - Workers with Family Responsibilities Recommendation, 1981 (No. 165)

Noting the terms of the Employment (Women with Family Responsibilities) Recommendation, 1965, and considering the changes which have taken place since its adoption adopts this twenty-third day of June of the year one thousand nine hundred and eighty-one, the following Recommendation, which may be cited as the Workers with Family Responsibilities Recommendation, 1981.

Source: http://www.ilo.org/dyn/normlex/en/f?p=1000:12100::NO:12100:P12100_INSTRUMENT_ID:312503

Maternity Protection Convention 1919

Maternity Protection Convention (Revised) 1952

Additional Text: C183 - Maternity Protection Convention, 2000 (No. 183)

Convention concerning the revision of the Maternity Protection Convention (Revised), 1952 [Entry into force: 07 Feb 2002]

Source: http://www.ilo.org/dyn/normlex/en/f?p=1000:12100::NO:12100:P12100_INSTRUMENT_ID:312328

R191 - Maternity Protection Recommendation, 2000 (No. 191)

The General Conference of the International Labour Organization, having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its 88th Session on 30 May 2000, and Having decided upon the adoption of certain proposals with regard to maternity protection, which is the fourth item on the agenda of the session, and having determined that these proposals shall take the form of a Recommendation supplementing the Maternity Protection Convention, 2000 adopts this fifteenth day of June of the year two thousand the following Recommendation, which may be cited as the Maternity Protection Recommendation, 2000.

Source: http://www.ilo.org/dyn/normlex/en/f?p=1000:12100::NO:12100:P12100_INSTRUMENT_ID:312529

Night Work (Women) (Revised) Convention 1948

C171 - Night Work Convention, 1990 (No. 171)

Noting the provisions of international labour Conventions and Recommendations on night work of women, and specifically the provisions in the **Night Work (Women) Convention (Revised), 1948**,..... adopts this twenty-sixth day of June of the year one thousand nine hundred and ninety the following Convention, which may be cited as the Night Work Convention, 1990.

Source: http://www.ilo.org/dyn/normlex/en/f?p=1000:12100::NO:12100:P12100_INSTRUMENT_ID:312316

P089 - Protocol of 1990 to the Night Work (Women) Convention (Revised), 1948

Protocol of 1990 to the Convention concerning Night Work of Women Employed in Industry (Revised 1948) [Entry into force: 26 Jun 199]

Source: http://www.ilo.org/dyn/normlex/en/f?p=1000:12100::NO:12100:P12100_INSTRUMENT_ID:312335

R178 - Night Work Recommendation, 1990 (No. 178)

The General Conference of the International Labour Organisation, having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its 77th Session on 6 June 1990, and having decided upon the adoption of certain proposals with regard to night work, which is the fourth item on the agenda of the session, and having determined that these proposals shall take the form of a Recommendation supplementing the Night Work Convention, 1990 adopts this twenty-sixth day of June of the year one thousand nine hundred and ninety the following Recommendation, which may be cited as the Night Work Recommendation, 1990.

Source: http://www.ilo.org/dyn/normlex/en/f?p=1000:12100:::NO:12100:P12100_INSTRUMENT_ID:312516

Vocational Rehabilitation and Employment (Disabled Persons) Convention 1983***R168 - Vocational Rehabilitation and Employment (Disabled Persons) Recommendation, 1983 (No. 168)***

The General Conference of the International Labour Organisation...Considering that these developments have made it appropriate to adopt new international standards on the subject which take account, in particular, of the need to ensure equality of opportunity and treatment to all categories of disabled persons, in both rural and urban areas, for employment and integration into the community, and Having decided upon the adoption of certain proposals with regard to vocational rehabilitation which is the fourth item on the agenda of the session, and having determined that these proposals shall take the form of a Recommendation supplementing the Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983, and the Vocational Rehabilitation (Disabled) Recommendation, 1955 adopts this twentieth day of June of the year one thousand nine hundred and eighty-three, the following Recommendation, which may be cited as the Vocational Rehabilitation and Employment (Disabled Persons) Recommendation, 1983.

Source: http://www.ilo.org/dyn/normlex/en/f?p=1000:12100:::NO:12100:P12100_INSTRUMENT_ID:312506