

# MSC Labour Eligibility Requirements



**Version 1.0, 26 October, 2022**

## Copyright notice

The Marine Stewardship Council's "Labour Eligibility Requirements" and its content is copyright of the "Marine Stewardship Council" - © "Marine Stewardship Council" 2022. All rights reserved.

The official language of this requirement is English. The definitive version is maintained on the MSC website (msc.org). Any discrepancy between copies, versions or translations shall be resolved by reference to the definitive English version.

The MSC prohibits any modification of part or all of the contents in any form.

Marine Stewardship Council  
Marine House  
1 Snow Hill  
London EC1A 2DH  
United Kingdom

Phone: + 44 (0) 20 7246 8900

Fax: + 44 (0) 20 7246 8901

Email: [socialpolicy@msc.org](mailto:socialpolicy@msc.org)

## Responsibility for these requirements

The Marine Stewardship Council (MSC) is responsible for these requirements.

Readers should verify that they are using the latest copy of this and other documents. Updated documents, together with a master list of all available MSC documents, can be found on the MSC website ([msc.org](https://www.msc.org)).

### Versions published

Version no.	Date	Description
1.0	26 October 2022	First version issued.

## Marine Stewardship Council

### Vision

Our vision is of the world's oceans teeming with life, and seafood supplies safeguarded for this and future generations.

### Mission

Our mission is to use our ecolabel and fishery certification program to contribute to the health of the world's oceans by recognising and rewarding sustainable fishing practices, influencing the choices people make when buying seafood, and working with our partners to transform the seafood market to a sustainable basis.

## General introduction

The MSC has developed standards for sustainable fishing and sustainable seafood chain of custody assurance. The MSC Fisheries Standard sets out requirements that a fishery must meet to enable it to claim that its fish comes from a well-managed and sustainable source. The MSC Chain of Custody Standard ensures that fish and seafood sold with the blue fish label has come from fisheries certified as sustainable against the MSC Fisheries Standard. The CoC Standard is made available for use by selected organisations that operate certification schemes. At this time the Aquaculture Stewardship Council (ASC) has elected to use the CoC Standard for all certified seafood products originating from ASC certified farms.

Following multi-stakeholder consultation, the MSC has developed policy on labour practices in MSC certified entities. The policy is aimed at providing transparency and enhancing assurance of the absence of egregious labour practices from fisheries and supply chains that are under assessment or certified to the MSC standards.

The MSC Labour Eligibility Requirements v1.0 supersedes the labour-related provisions which previously existed across the following normative documents:

- a. MSC Fisheries Certification Process v2.2
- b. MSC Chain of Custody Certification Requirements v3.1
- c. MSC Chain of Custody Standard: Default v5.0; Group v2.0; Consumer Facing Organisation v2.0
- d. MSC Third-Party Labour Audit Requirements v1.0
- e. MSC CoC Certificate Holder Statement of Understanding of Labour Requirements.
- f. Derogation 7: Chain of Custody Labour Audit Risk Revision

## Implementation timeframes

### Effective date of the MSC Labour Eligibility Requirements v1.0

Publication date: 26 October 2022

Effective date: 1 May 2023

CABs shall confirm that fishery and Chain of Custody applicants and certificate holders meet the MSC's labour eligibility requirements using the MSC's Labour Eligibility Requirements v1.0.

CABs shall use the MSC Labour Eligibility Requirements v1.0 as of the effective date. CABs may use these requirements as of the publication date if they and their clients are ready to do so.

### Review

The MSC welcomes comments on this document. Comments will be considered as part of the next review process. Please submit comments to [socialpolicy@msc.org](mailto:socialpolicy@msc.org).

## About this document

### Labour Eligibility Requirements

This document contains requirements for all CABs that carry out MSC assessments, and mandatory labour eligibility requirements for fisheries and supply chain organisations seeking MSC Fisheries and/or Chain of Custody certification.

### Guidance

Non-mandatory guidance has been included to help interpret and apply the requirements. Guidance that relates to a section, or relates to the content of a specific clause, appears in a box at the end of the section or clause.

### Derogations

Derogations are temporary normative measures that allow for an MSC requirement to be applied differently or disregarded. Derogations are provided in response to editorial errors, in response to force majeure, where intent is no longer fit for purpose and threatens MSC credibility, or as a provision to test a policy change or to modify the implementation timeframe when publishing a revised version of the normative document. Derogations are posted on a public log on the MSC's website. The MSC requires CABs to follow relevant derogations.

## Table of Contents

1	Scope .....	8
2	Normative documents.....	8
3	Eligibility requirements for all MSC applicants and certificate holders .....	8
3.1	No conviction for forced or child labour .....	8
4	Additional eligibility requirements for at-sea applicants and certificate holders .....	10
4.1	Submission of forced and child labour policies statement by at-sea applicants and certificate holders.....	10
5	Additional eligibility requirements for land-based Chain of Custody applicants and certificate holders .....	11
5.1	Submission of self-assessment or completion of third-party labour audit.....	11
5.2	Submission of a forced and child labour self-assessment .....	12
5.3	Third-party labour audit requirements .....	14
	Annex 1: Summary description of recognised third-party labour audit programs .....	19

# MSC Labour Eligibility Requirements

## 1 Scope

Any entity that wishes to be assessed and/or audited, and certified to the MSC's Fisheries and/or Chain of Custody (CoC) standards shall comply with the relevant sections of this document.

## 2 Normative documents

The documents listed below contain provisions that, through reference in this text, become part of the MSC Labour Eligibility Requirements v1.0.

For documents listed, the latest effective version of the document applies.

The documents are:

- a. [MSC At Sea Labour Eligibility Requirements Reporting Template](#)
- b. [MSC Chain of Custody Labour Self-Assessment Form](#)
- c. [MSC Fisheries Certification Process](#)
- d. [MSC General Certification Requirements](#)
- e. [Derogation 8: Chain of Custody Labour Eligibility Requirements](#)
- f. [MSC-MSCI Vocabulary](#)

## 3 Eligibility requirements for all MSC applicants and certificate holders

### 3.1 No conviction for forced or child labour

- 3.1.1 The fishery or Chain of Custody (CoC) applicant or certificate holder shall not have been convicted for a forced or child labour violation in the last 2 years.

#### Guidance 3.1.1

Forced Labour: The International Labour Organisation (ILO) definition of forced labour comprises 2 key elements:

- Work or service is exacted under the menace of a penalty, which can imply monetary sanctions, physical punishment, or the loss of rights and privileges or restriction of movement (e.g. refusing to allow free access to identity documents).
- Work is not voluntary.

Other unethical practices considered by the ILO to fall under the category of forced labour include debt bondage, human trafficking, and other forms of modern slavery.

Child Labour: The ILO refers to child labour as work that is mentally, physically, socially or morally dangerous and harmful to children, or work that interferes with their schooling by depriving them of the opportunity to attend school, obliging them to leave school prematurely or requiring them to attempt to combine school attendance with excessively long and heavy work.

Conviction in this respect refers to a formal outcome from legal proceedings which confirms guilt in respect of violation of a forced or child labour law.

- 3.1.1.1 The fishery or CoC applicant or certificate holder shall:
- a. Not include an entity that has been convicted for a forced or child labour violation in the last 2 years.



- b. Declare any association to entities that have been convicted for a forced or child labour violation in the last 2 years.
- c. For fisheries and at sea CoC applicants and certificate holders, document in Section 1- (Conviction for Forced and Child Labour) of the [MSC At Sea Labour Eligibility Requirements Reporting Template](#) whether there has been a conviction for forced or child labour in the last two years
- d. Exclude, render invalid or remove from the certificate, Unit of Assessment (UoA) or Unit of Certification (UoC), for 2 years, any entity that becomes convicted for a forced or child labour violation.
- e. Inform their Conformity Assessment Body (CAB) immediately if they have excluded (or rendered invalid) any entity.

### Guidance 3.1.1.1

This requirement applies to individual vessels or sites, or groups of vessels or sites, which are implicated in the conviction of legal entities (e.g. individuals or companies) for forced or child labour violations. It is aimed at ensuring that the applicant or certificate holder does not include an entity that has been successfully prosecuted for violations against forced or child labour laws.

The offence resulting in the conviction does not need to have occurred in the UoA.

“Entity” in this instance refers to any site or vessel that is part of an applicant or certificate holder, either belonging to or being contracted or subcontracted by a site and/or member of an MSC CoC or fishery certificate holder (client or client group).

#### 3.1.1.2 The CAB shall:

- a. Confirm at initial application, and subsequent surveillance/recertification, that the applicant or certificate holder does not include an entity that has been convicted for a forced or child labour violation in the last 2 years.
- b. Consider an applicant or certificate holder as ineligible for audit, assessment or certification if:
  - i. An entity that belongs to the applicant or certificate holder (client or client group) has been convicted for a forced or child labour violation in the last 2 years, and
  - ii. The entity is not withdrawn (or their certificate membership status is not rendered invalid) from the application or certificate.
- c. If an entity that has been part of a certificate becomes convicted for a forced or child labour violation:
  - i. Review and confirm that the certificate holder has excluded the convicted entity, and that the entity remains excluded from the certificate or their certificate membership status remains invalid, for 2 years from the date of the conviction.

### Guidance 3.1.1.2.c.i

Examples of information that could be used to confirm removal of a convicted entity may include the updated vessel list or updated client group membership information.

For Chain of Custody, an entity may be excluded from a certificate by rendering the certificate membership status of the entity invalid.

- ii. For fisheries, review and update the key traceability factors and associated risks as required in the [MSC Fisheries Certification Process \(FCP\)](#).

- iii. For fisheries, confirm that traceability risks are managed and mitigated as required in the [FCP](#).
- iv. For fisheries, review and update determination of traceability systems as required in the [FCP](#).

#### Guidance 3.1.1.2.ii-iv

The latest version of the FCP applies:

- For requirements on traceability factors see FCP section 7.5.10.
  - For requirements on management and mitigation of traceability risks see FCP section 7.17.
  - For requirements on determination of traceability systems see FCP section 7.17.
- v. For fisheries, update the vessel list as appropriate and upload to the scheme database.
  - vi. For fisheries and CoC, update the certificate status on the scheme database as appropriate.
  - vii. For fisheries and CoC, update any other relevant certification documents.
- d. Suspend the certificate holder as per the [MSC General Certification Requirements \(GCR\) Section 7.4 \(Suspension or withdrawal of certification\)](#), if the certificate holder cannot withdraw from the certificate, or render as invalid the certificate membership status of, a convicted entity.

## 4 Additional eligibility requirements for at-sea applicants and certificate holders

### 4.1 Submission of forced and child labour policies statement by at-sea applicants and certificate holders

#### Guidance Section 4.1

“At-sea applicants and certificate holders” refers to fishery applicants and certificate holders, including fisheries operating on lakes and rivers, and to CoC applicants or certificate holders operating at sea.

- 4.1.1 The applicant or certificate holder (client or client group) shall:
  - a. Use the ‘MSC Certificate Holder Forced and Child Labour Policies, Practices and Measures’ section (Section 2) of the [MSC At Sea Labour Eligibility Requirements Reporting Template](#) to detail the policies, practices, and measures in place to ensure the absence of forced and child labour.
  - b. Submit the [MSC At Sea Labour Eligibility Requirements Reporting Template](#) with the completed ‘MSC Certificate Holder Forced and Child Labour Policies, Practices and Measures’ section to the CAB at the same time that they submit the Client Document Checklist for fisheries, or by or before the day of the audit for at-sea CoC entities.
  - c. Ensure that the information provided in the template covers all entities, sites, and contractors within scope of the certificate.
  - d. Update the ‘MSC Certificate Holder Forced and Child Labour Policies, Practices and Measures’ section of the [MSC At Sea Labour Eligibility Requirements Reporting Template](#) whenever there are changes affecting their labour practices and provide this to the CAB for upload to the scheme database.
  - e. Review the information in the ‘MSC Certificate Holder Forced and Child Labour Policies, Practices and Measures’ section of the of the [MSC At Sea Labour Eligibility](#)

[Requirements Reporting Template](#) during each surveillance audit and update, if there are any changes.

#### Guidance 4.1.1

The applicant or certificate holder may find it more convenient to use separate templates where there are differences in practice across a fishery. There are no restrictions to a client doing this and the scheme database allows multiple templates to be uploaded.

- 4.1.2 The CAB shall:
- a. Confirm that all parts of the 'MSC Certificate Holder Forced and Child Labour Policies, Practices and Measures' section of the [MSC At Sea Labour Eligibility Requirements Reporting Template](#) are completed.
  - b. Confirm with the applicant or certificate holder that the content in the 'MSC Certificate Holder Forced and Child Labour Policies, Practices and Measures' section of the [MSC At Sea Labour Eligibility Requirements Reporting Template](#) covers all entities, sites, and contractors within scope of the certificate.
  - c. Upload the [MSC At Sea Labour Eligibility Requirements Reporting Template](#) (inclusive of the MSC Certificate Holder Forced and Child Labour Policies, Practices and Measures section) as completed by the applicant or certificate holder, to the scheme database, and (for fisheries only) for publication on the MSC website at the same time as the Public Certification Report.
  - d. Consider an applicant or certificate holder as ineligible for assessment or certification if the 'MSC Certificate Holder Forced and Child Labour Policies, Practices and Measures' section is not completed and submitted to the CAB.

#### Guidance 4.1.2

The CAB is not required to audit information contained in the completed 'MSC Certificate Holder Forced and Child Labour Policies, Practices and Measures' section' that has been submitted by the applicant or certificate holder.

While the MSC At Sea Labour Eligibility Requirements Reporting Template (inclusive of the 'MSC Certificate Holder Forced and Child Labour Policies, Practices and Measures' section for fisheries must be submitted at the same time as the Client Document Checklist for fisheries, the template will only be published on the MSC website when the Public Certification Report is published.

Template reports for at-sea CoC are not published to the MSC website.

## 5 Additional eligibility requirements for land-based Chain of Custody applicants and certificate holders

### Guidance Section 5

If the applicant or certificate holder is an at-sea operation (e.g. a processing vessel), refer to Section 4 (Requirements for fisheries and at-sea supply chain applicants and certificate holders).

### 5.1 Submission of self-assessment or completion of third-party labour audit

- 5.1.1 Requirements in Section 5 apply to any applicant or certificate holder with 1 or more of the following activities in the scope of their CoC certificate:
- a. Contract processing
  - b. Manual off-loading

- c. Packing or repacking
- d. Processing primary
- e. Processing secondary
- f. Processing preservation
- g. Processing other
- h. Use of subcontractor

### Guidance 5.1.1

CoC applicants or certificate holders that do not have any of the activities a–g in scope are not required to meet the labour eligibility requirements in this section. The requirements apply to the entity carrying out the activity.

For non-certified subcontractors, only subcontractors that perform any of the scope activities b–g are required to meet the labour eligibility requirements in this section.

- 5.1.2 If an applicant or certificate holder meets 5.1.1, in order to be eligible for an audit or certification, they shall either:
- a. Provide a self-assessment of labour practices and sign an agreement to complete a labour audit if required to by the MSC as per Section 5.2 (Submission of a forced and child labour self-assessment).
- OR
- b. Provide evidence of having completed an on-site labour audit that complies with Section 5.3 (MSC third-party labour audit requirements).
- 5.1.3 The CAB shall:
- a. Confirm at initial application and subsequent audits whether the applicant or certificate holder has opted for 5.1.2.a or 5.1.2.b.
  - b. Document the applicant or certificate holder's choice in the CoC scheme database.
  - c. Follow Section 5.2 if the applicant or certificate holder opts for submission of a forced and child labour self-assessment.
  - d. Follow Section 5.3 if the applicant or certificate holder opts for a third-party labour audit.
  - e. Proceed with the CoC audit if 5.1.2 is met.

## 5.2 Submission of a forced and child labour self-assessment

- 5.2.1 The applicant or certificate holder shall:
- a. Use the '[MSC Chain of Custody Labour Self-Assessment Form](#)' ("self-assessment form") to detail the policies, practices and measures in place to ensure the absence of forced and child labour.
  - b. Complete one (or more, as appropriate) self-assessment form per certificate.
  - c. Ensure that the self-assessment information covers all applicable sites and subcontractors within the certificate scope.

### Guidance 5.2.1.c

A separate self-assessment form may be completed by subcontractor(s) when it is impractical or impossible for the subcontractor(s) to be included with the applicant or certificate holder.

- d. Follow the instructions in the self-assessment form and complete all sections of the self-assessment.

- e. Complete the self-assessment form by or before the day of the CoC audit.
- f. Sign the section within the self-assessment form agreeing to complete a labour audit if required by the MSC.
- g. Review the self-assessment form annually as part of the CoC audit process and update if there are any changes.
  - i. The content should reflect any changes such as engagement with a new social audit program or changes in CoC certificate scope.
- h. Agree to an MSC-commissioned labour audit if required by the MSC.
  - i. The applicant or certificate holder shall acknowledge receipt of the notification of their selection within 5 days.
  - ii. Allow the audit to be completed no later than 6 months after being notified of the selection by the MSC.
  - iii. The applicant or certificate holder shall provide the outcome of any audit required by the MSC to their CAB within 30 days of receipt.
- i. Notify their CAB, if the applicant or certificate holder is currently participating in a recognised third-party labour audit and make the results available to their CAB in accordance with Table 1.

5.2.2 The CAB shall:

- a. Send the applicant or certificate holder a copy of the self-assessment form as soon as possible, in advance of the CoC audit, if the CAB determines that 5.1.1 has been met.
- b. If the applicant or certificate holder has opted for 5.1.2.a, confirm that the self-assessment form is complete by or before the day of the CoC audit.
- c. Document in the scheme database that the applicant or certificate holder has completed a self-assessment form.
- d. Require the applicant or certificate holder to sign the section within the self-assessment form agreeing to a labour audit if required to do so by the MSC.
- e. Upload the completed self-assessment form(s) to the scheme database.
- f. Consider the applicant or certificate holder ineligible for a CoC audit or certification if 5.2.1 (or alternatively 5.3.1) is not met.
  - i. The CAB shall not continue the audit process if the applicant becomes ineligible for a CoC audit as per 5.2.2.f.
  - ii. The CAB shall suspend the certificate holder as per [GCR Section 7.4 \(Suspension or withdrawal of certification\)](#) if the certificate holder becomes ineligible for CoC certification as per 5.2.2.f.
- g. Follow the requirements in 5.3.2.f if the certificate holder is selected for an MSC-commissioned audit as per 5.2.1.h.

### Guidance 5.2.2

The self-assessment form should be sent in advance to the applicant or certificate holder to ensure they have enough time to complete the form prior to an audit. The CAB is not responsible for verifying the accuracy of the responses provided in the self-assessment questionnaire, only for ensuring that it is complete, and information provided in response to all the questions.

### Guidance 5.2.1–2

On an ongoing basis, the MSC will use a combination of random, risk-based, and/or stratified risk-based approaches to identify certificate holders for labour audits as per 5.1.2.a. The MSC requires

certificate holders identified through this process to be audited against one of the programs listed in Table 1 or against a bespoke audit and will notify selected certificate holders accordingly.

As per 5.2.1.h, certificate holders selected for an MSC-commissioned audit are required to:

- a. Acknowledge receipt of the notification of their selection within 5 days of receipt.
- b. Allow the audit to be completed within a period no longer than 6 months from the date of the email notifying them of their selection.
- c. Provide the outcome of the commissioned audit to their CAB within 30 days of receipt.

As per 5.2.2.g, CAB are required to follow 5.3.2 for clients that have been selected for an MSC-commissioned audit.

## 5.3 Third-party labour audit requirements

### Guidance 5.3

This section only applies to applicants and certificate holders opting to complete an on-site labour audit as per 5.1.2.b.

- 5.3.1 If an applicant or certificate holder opts to complete an on-site labour audit as per 5.1.2.b, the applicant or certificate holder shall:
- a. Complete an independent, third-party labour audit with one of the following programs recognised by the MSC:
    - i. amfori Business Social Compliance Initiative (amfori BSCI) Audit.
    - ii. SEDEX's Sedex Members Ethical Trace Audit (SMETA).
    - iii. Social Accountability International's SA8000 Certification.
    - iv. Brand Reputation Compliance Global Standards (BRCGS) Ethical Trading and Responsible Sourcing Standard (ETRS).
    - v. Programs (for manufacturing and processing) recognised by the Sustainable Supply Chain Initiative (SSCI).
  - b. Meet the performance criteria of the relevant labour audit program and provide evidence of this as per Table 1.

### Guidance 5.3.1.b

The evidence that the organisation will need to provide to their auditor will depend on the labour audit program that it is audited against.

See Annex 1 for summary descriptions of each of the recognised third-party programs.

- c. Provide evidence that relevant sites and subcontractors comply with 5.3.1.a–b at each audit.
  - d. Inform the CAB within 2 days of any of its sites or subcontractors failing to comply with 5.3.1.a–b.
  - e. Resolve any subsequent Zero Tolerance (Amfori BSCI) or Business Critical findings (SEDEX SMETA) within 30 days.
- 5.3.1.1 The third-party labour audit shall be conducted on-site, unless exceptional circumstances apply, and the following conditions are in place:
- a. The approved third-party labour audit program has approved alternative approaches to site-based audits (e.g. remote audits).

- b. The program has prescribed the conditions under which such alternatives to site-based audits are acceptable.
- c. The prescribed conditions are met in the conduct of the audit.

**Guidance 5.3.1.1**

Exceptional circumstances may include, for example, travel or access restrictions set in place by local authorities which prevent travel to and from a relevant site or subcontractor.

Table 1: Applicant/certificate holder and CAB requirements to demonstrate compliance

Labour audit program	Performance criteria for applicant or certificate holder	Actions and ongoing evidence required to demonstrate compliance to the CAB
amfori BSCI	<ul style="list-style-type: none"> <li>• Successfully complete a third-party amfori BSCI audit with no Zero Tolerance issues.</li> <li>• Hold a valid amfori BSCI audit.</li> </ul>	<p>The organisation:</p> <ul style="list-style-type: none"> <li>• Should log onto the amfori sustainability platform and display the page hosting the company name and address.</li> <li>• Shall provide the CoC auditor with information about any subsequent Zero Tolerance cases and if they have been resolved, including any Zero Tolerance raised outside of a CoC audit.</li> </ul> <p>The CAB shall confirm that:</p> <ul style="list-style-type: none"> <li>• A valid audit is available through amfori BSCI.</li> <li>• The site has no Zero Tolerance issues.</li> <li>• If a Zero Tolerance is subsequently raised, that the CAB is notified within 2 days and the Zero Tolerance issue is resolved within 30 days.</li> </ul> <p>If there are no Zero Tolerance issues and the audit has not expired, the organisation has successfully demonstrated that it complies with the MSC’s labour eligibility requirements.</p> <p><i>Information about Zero Tolerances will be cross-verified regularly between amfori BSCI and the MSC.</i></p>
Social Accountability International (SAI) SA8000 Standard	<ul style="list-style-type: none"> <li>• Hold a valid SA8000 certificate.</li> </ul>	<p>The organisation:</p> <ul style="list-style-type: none"> <li>• Should provide a copy of the SA8000 certificate to the CoC auditor to check via the</li> </ul>

MSC Labour Eligibility Requirements v1.0

Labour audit program	Performance criteria for applicant or certificate holder	Actions and ongoing evidence required to demonstrate compliance to the CAB
		<p>SA8000 Certification Search Tool.</p> <p>The CAB shall confirm:</p> <ul style="list-style-type: none"> <li>• That the company information matches the details on the certificate.</li> <li>• The company's certification status.</li> </ul> <p>If the organisation has a valid SA8000 certificate (i.e. not suspended), the organisation has successfully demonstrated that it complies with the MSC's labour eligibility requirements.</p>
SEDEX Sedex Members Ethical Trade Audit (SMETA)	<ul style="list-style-type: none"> <li>• Successfully complete a third-party SEDEX SMETA audit with no Business Critical Issues.</li> <li>• Complete an annual audit.</li> </ul>	<p>The organisation</p> <ul style="list-style-type: none"> <li>• Should log onto the SEDEX platform to confirm the link between the MSC and applicant or certificate holder, and to show SMETA audit results to the CoC auditor.</li> </ul> <p>The CAB shall confirm that:</p> <ul style="list-style-type: none"> <li>• There are no Business Critical Issues.</li> <li>• If a Business Critical issue is subsequently raised, that the auditor was notified within 2 days of the audit being published on the system and the Business Critical issue is resolved within 30 days.</li> <li>• The audit took place within the previous 12 months.</li> </ul> <p>If the organisation has a valid SEDEX SMETA certificate (i.e. not suspended) and no Business Critical issues, the organisation has successfully demonstrated that it complies with the MSC's labour eligibility requirements.</p>
BRCGS Ethical Trading and Responsible	<ul style="list-style-type: none"> <li>• Hold a valid BRCGS certificate.</li> </ul>	<p>The organisation should:</p> <ul style="list-style-type: none"> <li>• Provide a copy of the BRCGS Ethical Trading and responsible sourcing certificate</li> </ul>



Labour audit program	Performance criteria for applicant or certificate holder	Actions and ongoing evidence required to demonstrate compliance to the CAB
Sourcing Standard		<p>for the CoC auditor to check against the BRCGS website.</p> <p>The CAB should confirm:</p> <ul style="list-style-type: none"> <li>• That the company information matches the details on the certificate.</li> <li>• The company's certification status.</li> </ul> <p>If the organisation has a valid BRCGS Ethical Trading and responsible sourcing standard (i.e. not suspended), the organisation has successfully demonstrated that it complies with the MSC's labour eligibility requirements.</p>
SSCI recognised program (manufacturing and processing)	<ul style="list-style-type: none"> <li>• Hold a valid certificate of the recognised program.</li> </ul>	<p>The organisation:</p> <ul style="list-style-type: none"> <li>• Should provide a copy of the certificate for the CoC auditor to check.</li> </ul> <p>The CAB should confirm:</p> <ul style="list-style-type: none"> <li>• That the company information matches the details on the certificate.</li> <li>• The company's certification status.</li> </ul> <p>If the organisation has a valid certificate from an SSCI recognised program, the organisation has successfully demonstrated that it complies with the MSC's labour eligibility requirements.</p>

5.3.2 The CAB shall:

- a. Note in the scheme database that the applicant or certificate holder has completed an on-site (or remote audit in exceptional circumstances), third-party, MSC recognised labour program audit.
- b. Verify that the performance criteria have been met as per Table 1 for the applicant or certificate holder.
- c. Consider an applicant ineligible for a CoC audit if the requirements in 5.3.1 (or alternatively 5.2.1) are not met.
- d. Suspend a certificate holder as per [GCR Section 7.4](#) if the certificate holder fails to inform the CAB within 2 days of any of their sites or subcontractors, to which these requirements apply, failing to comply with 5.3.1.a–b.
  - i. The CAB shall not suspend the certificate holder if the certificate membership status of the site or subcontractor which is the source of the finding is rendered invalid.

- e. Suspend a certificate holder as per [GCR Section 7.4](#), if the Zero Tolerance (amfori BSCI) or Business Critical (SEDEX SMETA) findings of which the CAB was informed within 2 days of the finding are not resolved within 30 days.
  - i. The CAB shall not suspend the certificate holder if the certificate membership status of the site or subcontractor which is the source of the finding is rendered invalid.
- f. Suspend a certificate holder as per [GCR Section 7.4](#), if the certificate holder is selected for an MSC-commissioned audit and any of their sites or subcontractors fails to resolve critical child or forced labour findings from the MSC-commissioned audit within 30 days.
  - i. The CAB shall not suspend the certificate holder if the certificate membership status of the site or subcontractor which is the source of the finding is rendered invalid.
- g. In suspending a certificate holder, set the period of suspension at a minimum of 3 months, or until the certificate holder complies with the Labour Eligibility Requirements, whichever period is longer, as per [GCR Section 7.4](#).

### Guidance 5.3.2

In planning for an audit, the CAB may need to confirm if the CoC contact person is also responsible for social compliance audits at the organisation. If they are not, the CAB may need to confirm that the person responsible for social compliance at the organisation has been notified of any responsibilities during the CoC audit. This is especially important for amfori BSCI and SEDEX.

## Annex 1: Summary description of recognised third-party labour audit programs

### **amfori BSCI**

amfori BSCI is a due diligence system that supports retailers, importers and brand companies to drive social performance and improvements within the factories and farms in their global supply chains. amfori BSCI follows a holistic approach and provides a range of tools, resources and activities to support its members in driving social sustainability, including:

- Supply chain visibility.
- Effective monitoring and early detection of human rights violations in global supply chains.
- Awareness-raising among businesses and their business partners.
- Preventive measures, continuous improvement and implementation of good practice.
- Information sharing and influencing of key actors towards improving labour conditions in the supply chain.
- Effective remediation of abusive employment practices.

amfori BSCI operates using a continuous improvement model. This means there is no certification (no Pass/Fail). The overall rating of an amfori BSCI audit, ranging from A to E, reflects the extent to which the auditee has integrated the amfori BSCI Code of Conduct and Terms of Implementation into its daily business culture and operations. It is not calculated by the auditor but generated automatically by the amfori BSCI IT system based on the combination of ratings across the 13 Performance Areas (PAs).

For audits rated A and B, the audit validity is 2 years, and no follow-up audit is required (nor possible through the system) in the meantime. For audits rated C to E, a follow-up audit needs to take place within 12 months from the full audit. If the follow-up audit is rated C to E, another follow-up audit is due within 12 months from the first follow-up audit. When severe human rights violations are detected during an audit, a Zero Tolerance is triggered and an immediate process of remediation is started. amfori BSCI facilitates remediation of the case for up to 3 months after the Zero Tolerance alert.

### **SA8000**

SA8000 is a social certification program for factories and organisations. It measures social performance in 8 areas important to social accountability in workplaces, anchored by a management system element.

SA8000 operates using a Pass/Fail certification model (as with the MSC Fisheries and CoC programs) and requires entities to meet all specified requirements for a pass.

### **SEDEX**

SEDEX (Supplier Ethical Data Exchange) is a platform that supports coordinated efforts and information-sharing to reduce duplicative social audits. The SMETA audit is an “audit procedure which is a compilation of good practice in ethical audit technique” with labour standards based on the Ethical Trading Initiative’s (ETI) Code of Conduct.

SEDEX operates using a continuous improvement model. This means there is no certification (no Pass/Fail). Instead, entities requesting audits set the criteria to which their suppliers must comply in terms of: audit scope, frequency, auditor competency and severity level of issues. Auditors assess a site’s performance against the different audit elements and upload the results to the platform.

The MSC has a SEDEX membership which allows it to connect to a supplier (certificate holders) and set the criteria, including the Business Critical issues that require immediate action. All

suppliers (CoC certificate holders) should link to the MSC through the SEDEX platform and set access rights to view all information.

SMETA audits must be uploaded onto SEDEX and should be shared with the MSC. The MSC has set the audit frequency to annual to align it with CoC surveillance audit frequency. Therefore, a SEDEX SMETA audit will be required annually.

### **BRCGS Ethical Trading and Responsible Sourcing Standard**

The BRCGS Ethical Trading and Responsible Sourcing Standard was developed to enable suppliers to demonstrate that the goods and/or services that they sell are produced ethically. The Standard outlines criteria required for a site to fulfil legal and moral obligations towards workers, ensuring their premises and facilities are safe and do not harm workers' health, and protecting their employment and human rights. The standard has been recognised by the Consumer Goods Forum's Sustainable Supply Chain Initiative (SSCI).

BRCGS Ethical Trading and Responsible Sourcing Standard operates using a Pass/Fail certification model (as with the MSC Fisheries and CoC programs) and requires entities to meet all specified requirements for a pass.

---

End of document