ICTI CARE Process Interpretation

2013

The mission of the ICTI CARE Process is to enable the worldwide children's products industry to ensure that its products are manufactured in an environment of the highest standards of safety and humane conditions. As a not-for-profit operation, the ICTI CARE Process works to share best practices in effective factory monitoring and capacity building in an open and transparent manner.

The vision of the ICTI CARE Process is to be the model for effective ethical manufacturing programs, a major, positive factor in the assurance of fair and human treatment of factory workers.

Based on ICTI Code of Business Practices and the aforementioned mission & vision, this interpretation was established to introduce the detailed requirements of ICTI CARE Process and the relevant audit methodology and checklist.

1. Labor

   A. Working Hours
      Factories shall comply with all applicable working hour laws and regulations. Except in extraordinary business circumstances, factories shall not require employees to work more than total 66 hours per week including voluntary overtime, and to provide employees at least one day off per week.

   B. Wages & Compensation
      Factories shall compensate the employees by providing wages, overtime pay, piece rates, other elements of compensation, and the legally mandated benefits which respectively meet or exceed legal minimum and/or industry benchmark standards and/or collective agreements. All wage deductions and/or disciplinary fines must be legally allowable, in line with the factory’s policy, and reasonable.

   C. Underage Labor
      Factories shall not use any employees under the legal minimum age in any stage of manufacturing; that a minimum age of 14 applies in all circumstances, but notwithstanding the foregoing, that C138 Minimum Age Convention (1973) and C182 Worst Forms of Child Labor Convention (1999) of the International Labor Organization apply.

      Remarks: If child labors are found to be working directly or indirectly for the factories, the factories shall seek a sensitive and satisfactory solution that puts the best interests of the child labors first (such as providing health examination, rescuing the child labors to home, etc.)

Factories shall not employ young workers younger than 18 who do not fall within the definition of “children” at night, or in conditions which compromise their health, their safety or their moral integrity, and/or which harm their physical, mental, spiritual, moral or social development.
D. Forced Labor & Prison Labor
Factories shall not use any forced or involuntary labor, whether prison, bonded, indentured or otherwise. The most common forms of forced or involuntary labor include, but not limited to,

a. Withhold wages;
b. Involuntary overtime;
c. Restrict employees to terminate their employment after reasonable notice or leave the workplace after their shift;
d. Deposits/financial guarantees or incur debt (such as through recruitment fees, etc.);
e. Retaining identity documents (such as passports, identity cards, etc.);
f. Engage in/support trafficking in human beings;
g. Others

E. Disciplinary Practice
Factories shall treat each employee with dignity and respect, and will not use corporal punishment, threats of violence or other forms of physical, sexual, psychological or verbal harassment or abuse.

F. Discrimination
Factories shall respect equal opportunities in employment including recruitment, hiring, training, working conditions, job assignments, pay, benefits, promotions, discipline, termination or retirement on the basis of gender, age, religion, marital status, race, caste, social background, diseases, disability, pregnancy, ethnic and national origin, nationality, membership in worker organizations including unions, political affiliation, sexual orientation, or any other personal characteristics.

G. Employee Representative
Factories shall respect the rights of employees to associate, organize and bargain collectively or to freely exercise employee representation in a lawful and peaceful manner, without penalty or interference.

H. Employment Practices
Factories shall provide all employees with written and understandable information about their employment conditions, including wages, before they enter into employment; and about details of their wages for the pay period concerned each time that they are paid. Labor-only contracting, sub-contracting or home-working arrangements, apprenticeship schemes where there is no real intent to impart skills or provide regular employment, excessive use of fixed-term contracts of employment, or any comparable arrangements shall not be used to avoid obligations to employees under labor or social security laws and regulations arising from the regular employment relationship.
2. The Workplace

A. Health & Safety
Factories shall provide safe, clean and healthy conditions in all work and residential facilities (if applicable) in compliance with or exceed all applicable laws and regulations. The safe, clean and healthy conditions include, but not limited to,

a. Cater for specific conditions and related hazards pertaining to different industries;
b. Establish and follow a clear set of procedures regulating occupational health and safety;
c. Assign the responsibility for health and safety to a senior management representative;
d. Provide regular, repeated and recorded health and safety training to all employees;
e. Prevent accidents and injury to health arising out of associated with, or occurring in the course of work, by minimizing;
f. Provide adequate safeguards against fire;
g. Ensure the strength, stability and safety of buildings, machinery and equipment;
h. Provide appropriate and effective personal protective equipments;
i. Provide adequate lighting and ventilation;
j. Provide access to adequate medical assistance and facilities;
k. Provide access to drinkable water, to clean toilet facilities, and sanitary facilities (if applicable) for food preparation and storage;
l. Others

B. Environment
Factories shall comply with all applicable environmental laws and provide sufficient training to employees and management to make sure the waste disposal, air emissions, discharges, toxic substances and hazardous waste disposal in a controlled and safe manner.

3. Compliance

A. Compliance with Laws
Factories shall comply with all applicable laws and regulations. All references to “applicable laws and regulations” in this ICTI CARE Process Interpretation include local and national codes, rules and regulations as well as applicable international labor standards and voluntary industry standards.

The provisions of this ICTI CARE Process Interpretation constitute minimum and not maximum standards. This ICTI CARE Process Interpretation shall not be used to prevent international labor standards or national and/or local laws and regulations from being exceeded. The applicable international labor standards include, but not limited to,

a. C87, Freedom of Association and Protection of the Right to Organise Convention, 1948
b. C98, Right to Organize and Collective Bargaining Convention, 1949
c. C29, Forced Labor Convention, 1930
d. C105, Abolition of Forced Labor Convention, 1957
e. C138, Minimum Age Convention, 1973
f. C182, Worst Forms of Child Labor Convention, 1999
**ICTI CARE Process Interpretation**

g. C100, Equal Remuneration Convention, 1951  
h. C111, Discrimination (Employment and Occupation) Convention, 1958  
i. The ILO call for Decent Work  
j. C1, Hours of Work (Industry) Convention, 1919  
k. C14, Weekly Rest (Industry) Convention, 1921  
l. C95, Protection of Wages Convention, 1949  
m. C131, Minimum Wage Fixing Convention, 1970  
n. C135, Workers’ Representatives Convention, 1971  
o. C155, Occupational Safety and Health Convention, 1981  
p. C161, Occupational Health Services Convention, 1985  
q. R85, Protection of Wages Recommendation, 1949  
r. R116, Reduction of Hours of Work Recommendation, 1962  
s. R135, Minimum Wage Fixing Recommendation, 1970  
t. R164, Occupational Safety and Health Recommendation, 1981  
u. R184, Home Work Recommendation, 1996  
v. R190, Worst Forms of Child Labor Convention Recommendation, 1999

**B. Monitoring**

Factories shall authorize ICTI CARE Foundation and its accredited agents (including third parties) to engage in monitoring activities to confirm compliance with this ICTI CARE Process Interpretation, including unannounced on-site audits of manufacturing facilities factories owned/facilitated; reviews of books and records relating to manufacturing/employment matters; and private interviews with employees. Factories shall maintain on site all documentation that may be needed to demonstrate compliance with this ICTI CARE Process Interpretation.

a. The purpose of this ICTI CARE Process Interpretation is to establish a standard of performance, to educate, and to encourage commitment to responsible manufacturing, not to punish.  
b. To determine adherence, factories shall conduct self-evaluation on their own facilities. They shall examine all books and records and conduct on-site inspections of the facilities. If applicable, factories should request that their suppliers and subcontractors follow the same practices to conduct self-evaluation on their own facilities.  
c. An annual statement of compliance with this ICTI CARE Process Interpretation must be signed by an officer of each factory or responsible factories.  
d. Factories shall provide that a material failure to comply with the ICTI CARE Process Interpretation or to implement a corrective action plan on a timely basis is a breach of contract for which the contract may be canceled.  
e. Because of the great diversity in the kinds of manufactured and the manufacturing methods used, as well as the wide range in factories sizes and numbers of employees, a rule of reason must be used to determine applicability of the annex provisions.