

## RJC Member Guidance during and after COVID-19 **Maintaining COP & COC Conformity**

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### **Purpose**

In the wake of the COVID-19 pandemic, RJC expects members to have implemented their crisis management and business continuity planning systems and procedures. For the purposes of maintaining conformity to the RJC Code of Practices (COP) and Chain of Custody (COC) standards as relevant, this means having developed and implemented basic plans and procedures to manage this emergency and any change as a result. This guidance document provides advice on which areas of the COP and COC standards are most vulnerable to non-conformity, and what measures you can put in place to counteract.

### **Introduction**

Since the COVID-19 pandemic was declared in March 2020, the negative impact on employment and business is primarily caused by the shutdown or slowdown of businesses triggered by governments' responses. Despite this disruption, members need to ensure that they maintain conformity to RJC provisions. Country responses to the pandemic have not been homogenous, especially in the extent to which emergency social security and business support is being provided. First, make sure you are aware of what support your local and/or national governments are providing for workers, and how this is being provided, what restrictions have been put in place for work in your sector, and any temporary regulations or recommendations on health and safety. On this basis you will be informed for what measures should be put in place for your business, supply, and workers. Next you can work on plans and procedures for how your business will respond to the situation over the next few months and who is responsible for each action (these do not need to be long or complex, as relevant to the size of the business and activities undertaken). Finally, implement these plans and procedures and ensure there is documented evidence of these being carried out (please note these do not need to be additional documents, simply build this into existing documents).

### **Audit focus**

RJC has provided accredited auditors with guidance on auditing for labour and human rights impacts created by the pandemic. Whether your next audit occurs onsite or remotely, auditors will likely assess continued conformity against those provisions that could have been affected. This means the auditor checking the impact COVID has had on your activities, workforce, and how you managed change. To ensure you maintain conformity to the RJC standards, consider the following:

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### **COP 1.1 Legal compliance**

- Are there specific COVID-19 related temporary regulations enforced in the country(ies) where you operate? Are you aware of their requirements?
- What policies and procedures do you have in place to ensure compliance with these? Consider reviewing your legal register tools to ensure that they are keeping you up to date with applicable legislation.
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### **COP 6 Human rights**

- Ensure that your grievance mechanism remains effective and operational. Ensure employees are aware of it and know how to access it.
- Have you conducted an assessment of the potential and actual human rights impacts resulting from COVID-19, that you may have caused, contributed to or linked with? If not, do you plan to carry out such an assessment?
- What processes have you put in place to remedy these adverse human rights impacts? (if identified)

### **COP 7, COC 1 Due Diligence and COP 12, COC 2 Know Your Counterparty**

- Have you needed to change suppliers or sources as a result of business disruption from COVID-19? If this is the case, have you conducted the necessary due-diligence and KYC checks prior to the contracts being finalised or transactions carried out?
- If transactions were carried out before necessary due-diligence and KYC were conducted, ensure you have a plan to address these issues as soon as possible, and if you encounter a high-risk or red-flag instance have a plan in place to perform the necessary mitigation.
- If your supply chain is going to change, do you have a plan to ensure conformity to these provisions?

### **COP 15.2 and 15.3 General Employment Terms**

- Are you in legal compliance with all labour and social security obligations as determined in the country/state location under COVID-19?
- What records have you developed and kept that demonstrate the impact on employees, including working hours, number and type of dismissals, payments? For example, where and how has severance pay been reflected?
- If you have made employees redundant, do you have a plan in place to manage this change?

### **COP 16.2 and 16.5 Working Hours**

- Once operations are fully functioning, production may recommence at higher intensity (for example, with a backlog of orders) and thus working hours may peak for a period.
- Where working hours do exceed 60 hours, how do you plan to demonstrate:
  - o This excessive overtime can be justified
  - o This overtime is voluntary
  - o There is a plan to bring working hours to 60 or below within a certain timeframe
  - o Safeguards are taken to protect workers' health and safety. For example, adequate rest breaks every six hours.

### **COP 17.2, 17.3 and 17.8 Remuneration**

- Are the usual remuneration and the transfer of funds to employees / contractors / service providers affected by COVID-19? If expected practices were affected by COVID-

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19, for example, bank closures, have you ensured that any impacts are mitigated as much as possible?

- Do you align to the country/state emergency COVID-19 policies regarding remunerations? (interest rates / loans / wage advances / credit notes / extended payment due dates). \*\*Please note that the most relevant time period should be determined as according to when the pandemic emerged for that locality and state responses were implemented \*\*
- Have employee benefits been impacted under COVID-19? Are these impacts within regular or COVID-19 specific legal provisions? In particular, check for impacts on maternity / paternity benefits / health insurance / insurance / any legal or contracted obligation benefits to employees.
- Once operations are fully functioning, production may recommence at higher intensity (for example, with a backlog of orders) and thus working hours may peak for a period. Where overtime is taking place, ensure this is being paid according to applicable law/collective bargaining agreement/premium rate as applicable.

#### **COP 22 Non-Discrimination**

- Have dismissals taken place as a result of COVID-19? Can you demonstrate these have been conducted on an impartial basis, without discrimination?
- Where screening employees for COVID-19 is occurring, can you demonstrate these have been conducted without discrimination?

#### **COP 23.1 Health and Safety**

- For sites in operation during COVID-19 (either fully or partially), have you reviewed the sites' health and safety risk assessment? For example, minimum social distancing requirements, personal protective equipment (PPE), hand sanitising facilities.
  - o PPE must be provided to employees free of charge and with correct instructions.
- If you intend to screen employees for COVID-19, this process must follow local and/or national government requirements. In addition, we recommend consulting with a human resources expert, and/or specialist lawyer to ensure the approach you take is compliant to labour, privacy, and data protection laws.
- Where allowed by local and/or national regulation, screening employees generally involves a process by which employees declare their health status, this is checked against known symptoms, and the employees' fitness for work is confirmed prior to being admitted.
  - o Note that the process to follow if an employee presents COVID-19 symptoms and is therefore not fit for work is dictated by national and/or local government authorities.

When an **onsite audit** takes place, clear COVID-19 health and safety instructions should be provided auditors immediately upon arrival, and preferably notified in advance. This should also include measures to be taken for staff interviews (individual and group).

For further information or clarification please contact [certification@responsiblejewellery.com](mailto:certification@responsiblejewellery.com)

Please also refer to <https://www.responsiblejewellery.com/news/covid-19/>

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