

STEERING COMMITTEE QUARTERLY FACE TO FACE MEETING - MINUTES

Date: Tuesday 21st April & Wednesday 22nd April, 2015

Time: 9.30am – 5pm & 8.30am – 4pm

VENUE:

IndustriALL Route des Acacias 54B, 1227 Carouge Switzerland

ATTENDEES:

Chair: Dan Rees (21st), Philip Chamberlain (22nd)

Company signatories: Santiago Martinez-Lage Sobredo, Roger Hubert, Jochen Overmeyer (21st only), Philip Chamberlain, Uwe Hilker

Trade Union signatories: Christy Hoffman, Jenny Holdcroft **Witness signatories:** Scott Nova (21st), Ineke Zeldenrust (22nd)

Accord Executive Team: Rob Wayss, Brad Loewen Accord staff: Tatiana Delany, Joris Oldenziel, Miriam Neale

Apologies: Jochen Overmeyer (22nd), Melanie Steiner, Alke Boessiger, Monika Kemperle, Dan Rees (22nd)

ITEM	AGENDA ITEMS	wно	COMPLETION DATE
	Introductions		
1	- The Chairman welcomed those members present and notes that Board Members Monika Kemperle and Alke Boessiger are not present for this meeting. The Chair notes that Christy Hoffman and Jenny Holdcroft have authority to represent IndustriAll and Uni Global Union as alternates in their place and the SC is quorate.	Chair	
	Agree meeting agenda:		
1.1	 Agenda agreed with following comments and changes; Company SC members request a five year budget overview including a budget projection for final years of the Accord. SC agree to discuss the overview and forecast under agenda item 4.5. 	Chair	-

	 Company SC members request an update on the pocket guide for workers on the complaints mechanism, ED notes that this will be discussed under agenda item 3.4 SC agree to start the meeting at 8.30am on 22nd April 		
2	Governance		
	Review last meeting agreed actions:		
	 The SC discuss outstanding actions from the previous meeting: Articles of Association; the change to language in Article 5.2a has not been formalized by the Dutch lawyers. In order to proceed, the lawyers require signatures from all 6 board members. 		
2.1	 Jenny Holdcroft requests amendment to previous January 2015 minutes to clarify that inspection reports for factories with zero active or responsible brands shall be published on the Accord website, even if a CAP is not finalised for a factory. The SC agree to amend the minutes from January 2015. 	Joris Oldenziel	24/6/15
	Action: - Secretariat to arrange conference call with Board Members to agree change to Articles of Association and organize signatures.		
	Advisory Board (AB) Update:		
2.2	 Tchibo is not participating in the AB because of position on the SC. ED is working with PVH to identify a volunteer company who would replace Tchibo. Company SC members sent a letter to all company signatories notifying them that Tchibo has stepped down from the AB and giving companies until the end of April 2015 to propose an alternative. 	Company SC reps	30/4/15
3	Management Reporting (Executive Office pt. 1)		
	Review last meeting agreed actions:		
	SC discuss previously agreed actions under Management Reporting pt. 1		
3.1	 In addition to change to public CAPs which now shows the status of the finance plan, Labour SC members request a system to show which CAPs have a finance plan in place and have therefore been approved (technically and financially) without having to open each individual factory CAP. 	Secretariat	24/6/15
	 28 factories with zero active or responsible Accord companies have not been passed to the Inspector General. Some of these factories are participating satisfactorily in the Accord program. CSI does not feel the 		

- need to escalate these factories to the IG and will continue to work with them to monitor and verify remediation. Any factories passed to the IG, will be a sub-set of the 28 factories with zero active or responsible companies not satisfactorily participating in the Accord program **Actions:** Secretariat to explore options for how to publicly report on which CAPs have an agreed finance plan **Inspection Program:** Overview & update round 2 initial inspections: The CSI updates the SC on the second round of initial inspections: Round 2 initial inspections of 180 factories complete: minor difference between structural and electrical/fire inspection numbers due to previous inspections. Similar findings as the initial round of inspections Cost of inspections was lower than initial round of inspections because international firms are familiar with operating in Dhaka and are more efficient Some of the international engineering firms are now working in Dhaka permanently and are willing to have an ongoing open contract with the Accord. For future inspections, these international firms are available at short notice. Report on New Factories (Paper 1) The CSI sums up Paper 1; Report on New Factory Projections: During 2014 Accord averaged 42 new factories per month. But since end of first round of initial inspections (sept 2014), now averaging 27 a month. Paper includes cost projections based on estimate of 20, 25 and 30 new factories per month through 2015.
 - complicated product; either existing expanded factories or new factories relocating from outside BD.

 Accord estimates that 150 new factories are likely to be added to the Accord list through the next fiscal year and have budgeted accordingly. Firstly with a budget line for international firms to inspect 150 and secondly Accord is increasing capacity potential of in-house engineers to a) do follow-up inspections more rapidly and b) have some capacity for in-house initial inspections if the number of new factories increases about the

Roger Hubert also comments that from H&Ms experience there are a lot of new factories offering more

The CSI comments that the overall list of non-inspected factories in Bangladesh is shrinking. This is because

Anecdotal evidence however points towards a fair amount of new building of factories and therefore this may

the original estimate of the total number of factories in Bangladesh was inaccurate.

expand the actual factory base.

3.2

	estimated 150.			
	- Company representatives advised that if new factory numbers increase significantly then one option would be			
	to ask individual company signatories to pay for new factories that they bring to the Accord.			
	- The SC agreed for the Secretariat to continue reporting on the number of new factories every quarter and to			
	re-forecast the budget where necessary.			
	Remediation:			
	i. Financing remediation update (Paper 2)			
	ED introduces paper on financing remediation:	i. CSI		
	 This report is based on data from 449 CAP and remediation meetings held thus far. 321 factories and companies have confirmed a finance plan is in place. Update from Program Manager is that the Accord has completed 500 meetings as of 21st April. 	Company SC reps	i.	30/6/15
	 Some impact from hartals which affected the meeting scheduled through early 2015. Amsterdam Secretariat are working with the case handlers to identify the pending cases which require follow-up with the lead brand and factories to bring these cases to a conclusion. 			
	- ED confirms that 30 day letter practice has been implemented since the last SC meeting.	ii. Joris Oldenziel		
	 Scott Nova raises concern about remediation delays, emphasizing that virtually all factories are behind schedule in remediation. 	Company SC reps	ii.	24/6/15
3.3	 CSI confirms that the case handlers are requesting updates from factories on a regular basis to monitor remediation and identify which issues are pending verification. However, the concern now is that engineers conducting follow up inspections often find that those issues reportedly completed and therefore pending verification are not in fact adequately remediated. E.g. factories report that they have removed lockable gates. However, during follow up inspections Accord often still finding lockable gates. 	iii. –	iii.	-
	 The SC discuss the prioritisation of follow-up inspections and CSI advises that the factories of greatest remediation concern are those where the Accord has received no progress update. The CSI advised that there are a range of reasons given for delayed remediation, including lack of 	iv. Rob Wayss	iv.	30/4/15
	understanding of the requirements, lack of will to remediate and financial constraints. The team is responding accordingly to resolve each factory's constraints. The warning letters and escalation process are prompting	Secretariat	v.	-
	 good responses in most cases. The SC discussed how to drive remediation more rapidly. The company reps suggested that the brands need to put more pressure on factories to progress issues. From May onwards, factory designation in the FFC 	v. –	vi.	29/5/15
	database will be complete and companies will be able to track remediation progress more easily across their factories (factory designation = automatic factory status allocation based on CAP progress).	vi. Secretariat		
	 The SC ask the Secretariat to analyse the reasons for remediation delays. The Accord can then strategize on how to address the obstacles e.g. whether it is financing or other causes. CSI raises concerns that this has the potential to be time consuming without providing any value and re-iterates that the warning letters work 			

demonstrating that in most cases there aren't any valid impediments to remediation.

Actions:

- CSI to discuss in more detail with MC how the Secretariat can begin recording information on reasons for delays in CAPs based on feedback from staff, factories and companies.
- The company SC reps will brief the company caucus on the purpose of this analysis.

ii. Secretariat proposal remediation briefings & confirmation finance plans (Papers 3)

The ED presents proposal to change the current CAP and remediation meeting process in order to better prioritize and target those factories where CAPs are either not finalised or where Accord has concerns about remediation progress. The proposal is also to send a written briefing to all factories to cover the talking points used in the meetings and to request confirmation of the finance plan in writing. The written briefing would be updated to include further points on new Accord activities such as worker participation and the escalation process. The Secretariat propose that this is a better way to accelerate information distribution and target case handler resources.

- The SC approve the proposal to change the CAP Remediation meeting process.

Actions:

- Amend the pending Quarterly Aggregate Report by removing information relating to remediation financing
- Company SC reps to gather more accurate information from companies on the measures being used to ensure financial feasibility and bring a proposal back to the SC on how this data can be accurately gathered for purposes of public reporting

iii. Report on factories with zero active companies; (Paper 4)

ED presents the report on factories with zero active brands:

- Case handlers follow up with all factories to finalise a CAP as per all Accord inspected factories.
- Case handlers and Program Manager have sent final warning letters to all factories that have not submitted a draft CAP and usually receive positive responses.
- Case handlers are in communication with signatory companies that have responsibility for some of these factories under the 30-day rule.
- Secretariat explains why tiering is missing for many of these factories; these factories are 'inactive' for company signatories and were likely to have been delisted a year ago prior to complete tiering. The Secretariat does not ask companies to tier inactive factories.

- The SC agree that the Secretariat continue reporting on factories with zero active companies.

iv. Proposal from company SC reps/working group on effective remediation

Chair explains the background of the Working Group on effective remediation:

- Originally established in November 2014 to come up with a proposal for how to ensure effective remediation across tier 3 factories. The working group met in December 2014 and early January 2015.
- Jochen Overmeyer updated the SC in January that the SC company reps were working on alternative financing mechanisms for tier 3 factories to access loans without a brand guarantor.
- SC company reps clarify that they do not disagree with CSIs decision that all Accord inspected factories based on individual facts, on a factory-by-factory basis and a risk matrix evaluation are high-risk.
- SC agree to review and re-draft the letter from the CSI to company signatories which explains the 'high risk' decision.

Actions:

- ED to follow-up on direct loan guarantee with IFC and provide progress update to SC
- Secretariat to send SC approved re-draft of 'high risk' letter to company signatories

v. Relocation vs Remediation

ED explains that the Accord is faced with increasing number of factories looking at relocation as an alternative option to remediation based on cost analysis, lack of co-operation from building owners or other factories in the building. Secretariat is looking for guidance on whether the relocation is in fact remediation, in particular is there a continuing responsibility for companies to support remediation in a new factory building and secondly whether Article 22 applies to relocation costs and worker compensation.

- The SC clarified that in case of a factory closing and relocating, the Accord does include a requirement under Article 14 to seek alternative employment for workers. However, it does not include a requirement to pay severance.
- The SC accepts that relocation is inevitable in some cases and that each case will need to be managed on a case by case basis.
- The SC agree that the Accord should facilitate a meeting prior to relocation to closely monitor these cases and ensure a positive outcome

vi. Explanation of Article 21 process and proposed guidance on terminating business (Papers 5a & 5b)

	Chair introduces Papers 5a and 5b: in January 2015 the SC requested a paper detailing the escalation process leading to Article 21 implementation and addressing how the Accord will manage potential factory closure cases which may result from an Article 21 notice and warning process.	
	Paper 5a: - The ED presents the current escalation protocol prior to invoking Article 21 - The SC approves this process and requests minor edits to the wording in the template emails	
	Paper 5b	
	 Company SC Reps agree with the guidance document in principle, however they have legal concerns which must be addressed before the guidance document is finalised and distributed. SC agrees that on a case by case basis where Article 21 is invoked the Accord should advise notice and warning. 	
	Actions: Secretariat to seek legal advice relating to the contents of Paper 5b and report back with specific amendments to the guidance, if needed. In addition, companies to make comments concerning what they regard as possible breaches of contract law.	
	Worker Participation and Training:	
	The ED updated the SC on the worker participation program:	
	OHSCs implementation update; pilot	
3.4	 The joint Accord/Alliance letter to the Labour Secretary has been issued. The Accord met with the Ministry for Labour to discuss the Accord pilot OSH committee program. OSHC nomination letter has been sent to labour signatories and nominations for factories have been received. Accord has received one nomination from company signatory so far. The formal request letter to company signatories for nominee factories for the OSHC pilot is being finalized with the MC and expected to be sent within a few days. Accord has contracted external consultant to support the development of the training materials and training the training team Two trainers from the US federal mediation and conciliation service will be working with the Accord in Dhaka in mid-June to train Accord trainers on joint problem solving and interest based approaches to Labour-Management OSHC work. Accord is co-ordinating with Better Work on the ground in Bangladesh and working with their OSH consultants in their efforts to engage with the Ministry of Labour and compare training materials Accord is in contact with the Alliance to understand their approach and work. 	

Complaints mechanism implementation (security, protests)		
 The Pocket Guide content has been reviewed by the WP WG and will soon be finalised. Accord continues to receive complaints although not in high numbers. Two reprisal cases are still 'open', in one case the factory has subsequently closed. Accord is working with the companies and factories involved on reinstatement of workers. Accord will produce a report on the complaints cases once confirmation is received of the final application of the resolution in these cases. 		
Update on Accord inspections and fire safety videos and distribution		
 Script for inspections video reviewed by Management Committee and the video is now close to completion. Distribution plan: Accord will stream through members area on the website prior to distribution so signatories can view the video first. The video will be sent with cover letter to every Accord listed factory and through IndustriAll federations. Fire animation script is finalised and Accord is looking for a company to do the animation; expected to be completed in approximately 6 weeks. OSH video to be part of OSH committee roll-out, this will be worked on and completed through the pilot programme. 		
Review from WG on WP on training materials		
 The development of training materials is underway and the WP WG is reviewing the training materials and giving feedback. The Secretariat will send final drafts to the MC. 		
Roadmap towards 2018 and beyond; capacity building and handover:	Roger Hubert	
Chair sums up the discussion at the previous SC meeting: - SC intent to lead 'post 2018' vision, plan and sustainability goals - SC agree that although there is a huge amount to do in the remaining three years of the Accord, it is	Philip Chamberlain	
important to start discussions and engage with other parties on the post 2018 plan.	Christy Hoffman	24/6/15
Actions: - Working Group to start sharing ideas on the roadmap to 2018 at a meeting alongside the next SC meeting in Dhaka	Jenny Holdcroft	

4	Management Reporting (Executive Office pt. 2)		
4.1	Review Last Meeting Agreed Actions		
7.1	- Management Committee have not yet agreed on a means to report budget exceptions		
	Data Management		
	Data Management Strategy Presentation		
	Tatiana Delany presented the Accord's data management strategy and proposal for monthly reporting to the SC.		
4.2	 Ineke Zeldenrust asked if it is possible to analyse inspection findings by type of finding and remediation progress e.g. how many factories are behind on installing fire doors. This is not currently possible and the SC discussed whether this is desirable. Ineke also asked whether the engineers could start collecting information on companies in a factory to ensure all Accord companies in the factory have listed the factory and to identify non-Accord companies to call on them in critical cases. ED confirmed that for critical cases there is a protocol that the Accord will try to identify all other customers in that factory. ED confirms that all staff have confidentiality clause in their employment contracts 	Secretariat Rob Wayss`	29/5/15
	 Actions: Secretariat to review existing confidentiality arrangement for SC members and consult Melanie Steiner on whether the Governance regulations are sufficient to ensure confidentiality obligations are in place for all SC members. The SC agree the Secretariat's proposal for monthly reporting to the SC, to begin from May 2015. The SC agree to include the cost band for each company signatory as part of the detailed data reporting. Secretariat will investigate feasibility of assessing progress by remediation item (fire, electrical and structural). ED to ensure that all staff sign an extra confidentiality agreement separate to contracts. Secretariat to send Data management strategy presentation to SC 		
4.3	Signatory Management:	Connectories	30/4/15
	Escalation of any remaining outstanding membership fees (2014)	Secretariat Rob Wayss	24/6/15
	ED updates the SC on outstanding year 2 membership fees.	1100 Hayss	24/6/15

- There are 3 companies with outstanding fees and a final warning letter has been sent to the companies advising that their company names would be stated in the SC public minutes. These companies are:
 - Switcher
 - Mosgen Limited (Peakstone Group)
 - Topline
- SC agree that further to the above mention in the minutes, the signatory company list on the Accord website should be amended to publicly advise that these companies are not in good standing with the Accord.
- The SC discussed whether signatory companies are allowed to move to a lower fee band if they reduce their volume in Bangladesh. The SC agreed that there should be no band decrease for year 3 fees because it is based on the volume in the first two years of the Accord and therefore there is an obligation to maintain volume under Article 23.

Reminder; 2015 (Year 3) membership fees (due 1/6/15)

ED reminds the SC that year 3 membership fees are due 1st June 2015. Invoices to be distributed early May.

Secretariat proposal co-operation Importers & Retailers (Paper 6)

The ED presented a proposal to clarify responsibilities for importers and retailer signatories.

- The Accord does not define the difference between a retailer and an importer/agent under the Accord. The proposal seeks to clarify the responsibilities of both parties, specifically related to data disclosure and remediation monitoring and follow-up.
- The SC discussed the scope of coverage of the Accord and agree that the Data Disclosure Protocol is clear that all signatories must disclose all factories that are producing goods for them, regardless of who placed the order.
- SC agree that it is useful to have a guidance document to set out the practicalities of the agent/importer and retailer relationship under the terms of the Accord, where all company signatories have the same responsibilities. The SC agree in principle to this policy subject to amendments to the document to ensure a clearer message regarding the application of Accord requirements to all signatory companies and to include relevant references to the data disclosure protocol.

Actions:

Secretariat will amend the proposed policy (and remove any references to specific signatory companies) within 1 week. Circulate to Management Committee first and then company SC Reps for review and comment, prior to onwards circulation to the full company caucus, ahead of the planned June caucus meeting.

	Human Resource Management		
	Training Coordinator;		
4.4	 Accord Training Coordinator resigned in February 2015. Accord has been working with an international consultant in the meantime and has seen the huge difference this has made in Accord capacity building and developing good training materials. ED has been informed of US candidate with suitable background in workplace labour management engagement. He has expressed an interest in the position and willingness to move to Dhaka for the position. 		
	Actions: - ED will share job description and C.V. with the MC for a decision		
	Budget and Accounting		
	Quarterly Budget (budget vs. actual) (paper 7)		
	The ED presented the quarterly budget report for information. Danny Van Opmeer (Van Tunen) joined the meeting via skype		
	2015-2016 budget		
4.5	 The ED presented the proposed budget for 2015-16 (year 3 of the Accord). New budget line: Inspectors and professional standards support, this is a request from the AB and some company feedback. Enter into specific contracts with international engineering firms to provide professional development and shadowing of Accord engineering team, but also include some colleagues from ministry of labour and national effort as an Accord capacity investment post 2018. Increasing staff capacity, specifically field engineers from 36 to 60. 	Rob Wayss	1/5/15
	 SC company reps request a budget comparison and forecast of each of the five years of the Accord (1st year budget, actual and variation and then forecast for upcoming three years) to see the long term development of the budget for the remaining years of the Accord SC request a report on cash flow projections and the interest income on the cash account 		

	 Actions: ED to develop 3 year budget for remainder of the Accord for the SC to review prior to sign-off of 2015-2016 budget. Include an explanation of key cost centres and assumptions underlying the projections. ED to set this in context by presenting the development of the full 5 year budget, showing actual spend versus budget for years 1 and 2, in addition to the request to develop a 3 year budget ED to present a cash flow projection in addition ED to convene a call with the SC to review and approve 2015-2016 budget w/c 27th April 2015 		
	Proposal from Mtg. Committee on budget line and process for SC meetings		
	- No discussion has taken place		
	Mtg. Committee proposal on reporting exceptions to the budget		
	- No discussion has taken place		
5	Communications		
	Review Last Meeting Agreed Actions		
5.1	- no outstanding items for discussion	-	-
	External Communications		
	External Communications Protocol; signed off by MC (Paper 8)		
	The ED presented the proposed External Communications Protocol which has been agreed by the Management Committee in March 2015.		
	- SC approve the protocol with no comments		
5.2	Accord 2 year anniversary plan (Paper 9)	Secretariat	24/4/15 15/5/15
	 ED presents Accord 2 year anniversary media plan: Accord is marking the anniversary of the signing of the Accord Media tour invited to attend inspections in Bangladesh in May and a local press conference and international press webinar Accord will also produce a short 3-5 minute film on the Accord 		
	- The SC agreed the Secretariat needs to have talking points in order to react to press interest on 24th April.		

	Actions: - Secretariat to prepare talking points in advance of the 24 th April. - Secretariat to finalise the QAR to publish first week of May - Amend Accord 2 year anniversary plan and revise key messages Article 13 FAQ language - The SC discussed the FAQ language to explain Accord Article 13. The SC agreed to use the brochure language for this FAQ. This has already been updated on the Accord website.		
	Stakeholder Engagement Accord/Alliance		
5.3	 ED updates the SC on Accord and Alliance engagement: Accord has now received nearly all Alliance inspection reports and these are being uploaded and saved in FFC and distributed to all parties. ED notes to the SC that some companies are questioning why the Accord is planning follow-up inspections at Alliance-inspected factories and why the Accord is generating a separate CAP. The Secretariat continue to share the same consistent message to company signatories explaining the agreed SC policy which established this approach. SC company representatives agree to remind the company caucus of this policy in the June caucus meeting Accord has met with Alliance Chief Safety Officer and Managing Director to discuss the process of Accord follow-up. The Alliance understands the approach and is in close co-operation. Accord with the Alliance met with the MoLE Joint Secretary regarding the upcoming OSH committee pilot and the BLA implementation rules. 	Rob Wayss	23/6/15
	BGMEA/BKMEA		
	ED updates the SC on most recent bi-lateral meeting with BGMEA - The Accord continue to update the BGMEA on the Accord's plans for the OSH Committee pilot programme during their bilateral meetings.		
	- SC agree to schedule meeting with BGMEA afternoon 23 rd June		

	Actions:
	- ED to jointly develop agenda with BGMEA for 23 rd June meeting taking into consideration key questions raised through the bi-lateral monthly meetings
	<u>ILO</u>
	- ED updates the SC on ongoing coordination on OSH committees and support for the NAP, most recently NAP inspection staff spent some time in the Accord office shadowing the Accord operations and engineers
	Governments
	 ED and CSI update SC on recent meetings with the Danish government delegation in March. ED attended the G7 summit in Berlin on a global fund for OSH programs ED and CSI update on regular engagement with the 3+5+1 group and meetings with EU ambassador, labour attaché of US embassy and Canadian High Commissioner Joris Oldenziel participated in the Dutch government's National Action plan on the textile industry, specifically the working group on Occupational Safety and Health
6	AOB
	Review Last Meeting Agreed Actions:
6.1	- No outstanding actions
	AOB:
6.2	- The SC reviewed and approved a draft letter from the CSI to all signatories about the conclusions from initial inspections.
	Confirm next SC meeting dates and location:
6.3	- SC quarterly meeting in Bangladesh on 24 th and 25 th June.
	The Chair officially closes the meeting and thanks all present