

SA8000 Certification Exclusions

INTRODUCTION

SA8000 is a universally applicable standard and, in principle, SA800 certification is possible in any state or industry. However, in order to maintain the Standard's commitment to respecting the spirit and norms of ILO standards, there are several specific exceptions to SA8000 certification. The SAI Advisory Board has determined that certain sectors have industry norms and technical needs that present significant difficulties to meeting the Standard requirements in practice. As a result, certification is currently not possible in the following sectors: **Maritime Activities, Fishing Workplaces and Offshore Workplaces**. The full list of exceptions is presented below and is updated on an on-going basis.

LIST OF EXCEPTIONS

Currently, SA8000 certification is not available for **Maritime Activities, Fishing Workplaces and Offshore Workplaces**. These sectors present specific challenges for the SA8000 requirements on working hours and remuneration. Due to the specific working conditions and industry demands for such work, the ILO has formulated special labour standards for these sectors.

DEFINITION OF MARITIME ACTIVITIES AS DETERMINED BY THE ILO MARITIME LABOUR CONVENTION, 2006 (NO. 186) (MLC): For SAI/SAAS purposes, Maritime Activities are defined as activities that involve seafarers, which includes any persons employed or engaged or working in any capacity on board a ship.

Maritime Activities covered by the MLC are excluded from SA8000 certification because the MLC contains provisions that do not comply with SA8000's Working Hours and Remuneration requirements. The MLC came into force in August 2013 and contains various standards relating specifically to seafarers, including conditions for their employment for extended periods at sea. As such, it has specific allowances with regards to working hours. The MLC does not cover work on fishing vessels, small traditional craft, vessels in sheltered or inland waters, or warships.

Thus, **certification to SA8000 is available** for activities related to seafarers on vessels that navigate exclusively in inland waters or waters within, or closely adjacent to, sheltered waters or areas where port regulations apply. The determination of whether a ship is a certifiable workplace will depend on several factors, including definitions in local regulations.

DEFINITION OF FISHING WORKPLACES: For SAI/SAAS purposes, Fishing Workplaces are defined in general terms as commercial sea fishing activities.

Fishing Workplaces are excluded from SA8000 Certification for the same reason given above for Maritime Activities. The SA8000 exclusion applies to operations involving any persons

employed or engaged in any capacity or carrying out any occupation on board a fishing vessel. Though the ILO standards for fishing are less developed and have weaker adherence overall, the SAI Advisory Board recognizes the provisions of the Work in Fishing Convention, 2007 (No.188) (which has not yet entered into force) and the MLC. These standards include provisions for working hours and remuneration that do not comply with SA8000's requirements.

However, **SA8000 certification may be available for certain commercial fishing vessels** that navigate exclusively in rivers, lakes or canals. It may also be available for other limited categories of smaller vessels. The determination of whether a ship is a certifiable workplace depends on local regulations.

DEFINITION OF OFFSHORE WORKPLACES: For SAI/SAAS purposes, offshore workplaces include drilling platforms and oil rigs.

Offshore Workplaces are excluded from SA800 certification because the working time schedules consistently exceed the working hour limits of the SA8000 Working Hours requirement.

PREVIOUS EXCEPTIONS

Certification is now permitted in Myanmar (Burma), as a result of the ILO's June 2013 decision to lift restrictions on the country. SAI neither encourages nor discourages such certifications.

HISTORY OF CERTIFICATION IN MYANMAR (BURMA) AND SAI'S PROCESS IN DETERMINING STATE EXCLUSIONS

At its March 2002 meeting, the SAI Advisory Board instructed SAAS to issue the following auditor advisory (No. 9) with regards to certification in Myanmar (Burma):

Pursuant to the request of the SAI Advisory Board, certifications are disallowed in Myanmar (Burma) until the ILO lifts the sanctions it put in place against that country on November 30, 2000. This decision follows the ILO's decision, which was taken after an extensive and detailed examination of Myanmar's (Burma's) persistent failure to implement the Forced Labour Convention.

This advisory was issued by SAAS in March 2002.

At its June 2002 meeting, the Board reserved the right to restrict audits in countries of concern, as defined by the ILO governing body. That right was further exercised in 2012 with respect to audits in Pakistan.

In June 2013, the ILO decided discontinue its sanctions against Myanmar (Burma) in recognition of the progress that the country has made since 2002. The SAI Advisory Board has therefore instructed SAI staff to issue the following auditor advisory:

In June 2013, the ILO decided to discontinue its sanctions on Myanmar (Burma), given the progress made in regard to the Forced Labour Convention. Pursuant to the request of the SA8000 Advisory Board, advisory No. 9 is therefore withdrawn.