

Completed by (name of company): **M&S**

Date: **September 2021**

SUPPLY CHAIN TRANSPARENCY

Note: Tea in this section refers to tea originating from the Camellia sinensis plant*

1. **Current practice:** To what extent does your company currently publicly disclose supplier lists for tea* sourced by your company? (Please select one of the following options)
 - a. Fully Yes | No
If Yes, please share relevant links: <https://interactivemap.marksandspencer.com/>
 - b. Partially Yes | No
If Yes, please specify what is disclosed (e.g. only direct suppliers, specific regions):
Please share relevant links:
 - c. Not at all Yes | No
2. **Future commitment:** Are you willing to commit to annually updating your complete tea* supplier lists in the prescribed format (attached) and making them available publicly?
 Yes | No

Please share a full list of suppliers in the attached format (*Tea supplier list template.xlsx*) with us by 24 September 2021.

OWN COMPANY POLICY: HUMAN RIGHTS IN YOUR SUPPLY CHAIN

1. **Freedom of Association and Collective Bargaining**
 - a. Does your sourcing policy/ supplier code of conduct/ supplier contract specifically guarantee the protection of the right to freedom of association *in your supply chain*?
 Yes | No

If Yes, please share any relevant documents or clauses in your agreements with suppliers that you use for this purpose.

Please see [M&S's Global Sourcing Principles](#).

100% of our own-label tea is sourced under Fairtrade terms. To check on compliance with the Fairtrade Standards, Fairtrade uses an independent certification body, FLOCERT, in line with ISEAL's Assurance Code. FLOCERT is itself accredited against the ISO 17065 norm for product certifiers and subject to external audits by the German accreditation body, DAkkS.

Fairtrade tea producers have to comply with the Small Producer Organization or Hired Labour Standard, depending on their organizational set up, as well as a specific tea Standard with further compliance criteria, designed to address particular needs in the tea sector.

For further information on the specific Standards please see:

- [Fairtrade Trader Standard](#)
- [Fairtrade SPO Standard](#)
- [Fairtrade HL Standard](#)
- [Fairtrade Tea Standard](#) for SPOs (revised July 2021)
- [Fairtrade Tea Standard](#) for HL (revised July 2021)

For more information on the right to freedom of association and collective bargaining stipulated by the Fairtrade Standards see:

- Page 42 of [SPO Standard](#)
- Page 27 of [HL Standard](#)

- b. Has your company previously taken remedial action in response to allegations regarding threats to freedom of association *in your supply chain*? Yes | No

If Yes, please share the name of the supplier, year of incident and how the situation was resolved.

Indirectly we have been aware of possible non-conformances of this kind in our supply chain raised by a third party certification body. However, we have not been directly involved in the process of resolving these non-conformities, as this has been managed between the supplier and the third party certification body.

In the Fairtrade certification process, if non-conformities are found during a FLOCERT audit, the producer/trader has 30 days to inform FLOCERT about their suggested corrective measures for each non-compliance identified. Once FLOCERT has accepted these corrective measures, traders have 45 days to implement and provide evidence of those measures to FLOCERT. FLOCERT then checks the objective evidence and takes the final certification decision. If severe non-conformities are identified, the cooperative could be suspended or decertified in which case the supplier/trader would be notified of their certification status.

Non-compliance and data from closed audits are only accessible to FLOCERT, Fairtrade International and the relevant producer group so as to ensure that this data, which is owned by the producer group, remains confidential. For this reason M&S do not have access to this type of data.

- c. Is your company (or any of its subsidiaries) part of active collective bargaining agreements with labour unions *in your supply chain*? Yes | No

If Yes, please provide details of the countries, estates and/or factories involved.

2. Wage payments

- a. Has your company publicly made a commitment to guarantee payment of living wages throughout your tea supply chain? Yes | No

If you answered Yes, please share:

- i. The source or methodology for the living wage numbers that you use for this purpose
- ii. The year by which you expect to achieve the commitment
- iii. A link to the webpage or copy of the document where the public commitment is published

- b. Does your sourcing policy/ supplier code of conduct/ supplier contract specifically guarantee the following with respect to wages paid to workers *in your supply chain*? (Please select all that apply)

Criteria	Y/N
Payment of legally mandated minimum wages (excluding in-kind benefits)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
No pay discrimination/ Equal payment for equal work	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Payment of legally mandated severance (excluding in-kind benefits)	<input type="checkbox"/> Yes <input type="checkbox"/> No
Maternity leave entitlement with full pay	<input type="checkbox"/> Yes <input type="checkbox"/> No
Sick leave entitlement with full pay	<input type="checkbox"/> Yes <input type="checkbox"/> No

If you answered Yes to any of the above criteria, please share any relevant documents or clauses in your agreements with suppliers that you use for this purpose.

Please see [M&S's Global Sourcing Principles](#):

Suppliers must pay workers a fair wage and benefits and have a transparent process to ensure that workers fully understand the wages that they receive. Suppliers must compensate all their workers by providing wages, overtime pay, all legally required benefits and paid leave which respectively meet or exceed the national legal minimum wage, and all applicable laws and regulations. (If industry benchmark standards and/or collective agreements are in place, provided they are higher than the minimum wage, these must be followed). Wages should be paid regularly and on-time. Suppliers should work towards paying workers a fair living wage.

100% of our own-label tea is sourced under Fairtrade terms, meaning that all our tea producers are guaranteed the Fairtrade Minimum Price as well as the Fairtrade Premium. The Fairtrade Minimum Price aims to cover the average costs of sustainably production and acts as a safety net when the market prices drop. Producers get the market price when this is higher and can always negotiate for more. In tea, the Fairtrade Minimum Price is set by geographic region and production method, full details are published on the [Fairtrade International website](#).

The Fairtrade Premium is an extra sum of money (paid on top of the selling price) that farmers or workers invest in projects of their choice. They decide together how to spend the Fairtrade Premium to reach their goals, such as improving their farming, businesses, or health and education in their community. In 2020, M&S tea producers received £581,000 in Fairtrade Premium.

For more information, please see [how Fairtrade works](#).

Fairtrade tea producers have to comply with the Small Producer Organization or Hired Labour Standard, depending on their organizational set up, as well as a specific tea Standard with further compliance criteria, designed to address particular needs in the tea sector.

For more information on conditions of employment, equal remuneration and wages stipulated by the Fairtrade Standards see:

- [SPO Standard](#), Page 43
- [HL Standard](#), Page 30
- [Tea Standard for HL](#), Page 16

- c. Has your company previously taken remedial action in response to allegations regarding non-payment of due wages or severance *in your supply chain*? Yes | No

If Yes, please share the name of the supplier, year of incident and how the situation was resolved.

Indirectly we have been aware of possible non-conformances of this kind in our supply chain raised by a third party certification body. However, we have not been directly involved in the process of resolving these non-conformities, as this has been managed between the supplier and the third party certification body.

In the Fairtrade certification process, if non-conformities are found during a FLOCERT audit, the producer/trader has 30 days to inform FLOCERT about their suggested corrective measures for each non-compliance identified. Once FLOCERT has accepted these corrective measures, traders have 45 days to implement and provide evidence of those measures to FLOCERT. FLOCERT then checks the objective evidence and takes the final certification decision. If severe non-conformities are identified, the cooperative

could be suspended or decertified in which case the supplier/trader would be notified of their certification status.

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3. Discrimination, violence and harassment

- a. Does your sourcing policy/ supplier code of conduct/ supplier contract specifically guarantee the protection of *workers in your supply chain* from workplace discrimination, violence and harassment?

Yes | No

If Yes, please share any relevant documents or clauses in your agreements with suppliers that you use for this purpose.

Please see [M&S's Global Sourcing Principles](#)

100% of our own-label tea is sourced under Fairtrade terms. To check on compliance with the Fairtrade Standards, Fairtrade uses an independent certification body, FLOCERT, in line with ISEAL's Assurance Code. FLOCERT is itself accredited against the ISO 17065 norm for product certifiers and subject to external audits by the German accreditation body, DAkkS.

Fairtrade tea producers have to comply with the Small Producer Organization or Hired Labour Standard, depending on their organizational set up, as well as a specific tea Standard with further compliance criteria.

For more information on Freedom from Discrimination, stipulated by the Fairtrade Standards see:

- Page 35 of [SPO Standard](#)
- Page 22 of [HL Standard](#)
- [Tea Standard for HL](#), pages 11 and 13

- b. Has your company previously taken remedial action in response to allegations regarding violence and harassment in the workplace *in your supply chain*? Yes | No

If Yes, please share the name of the supplier, year of incident and how the situation was resolved.

Lujeri Tea Estates Ltd – 2020 to present

Lujeri Tea Estates Ltd (“Lujeri”) is a long-established Malawi tea production company. It operates over 3,200 ha of tea and employs over 12,000 people in its peak production months. It operates four tea factories which process both the estate cultivated green leaf and leaf grown by over 12,500 smallholders. Lujeri is certified by Rainforest Alliance, UTZ and Fairtrade.

In 2020, Lujeri was named as a defendant in a claim being brought in the English Courts against both it and its ultimate UK parent company. The claim is being brought by UK law firm Leigh Day on behalf of 31 Malawian female field workers who are alleging that they have been subjected to sexual abuse and /or gender discrimination by their immediate male supervisors while employed by Lujeri. In June 2021, the claimants withdrew their claim against Lujeri Tea Estates. However, Lujeri Tea Estates is committed to offering full compensation to claimants who have a bona fide claim.

Lujeri takes the claims that have been made very seriously and has been attempting to investigate them. On learning of the allegations Lujeri immediately put a robust internal investigation in place and contracted Impactt – the internationally-recognised ethical trade consultancy – to conduct a full independent review of our Gender Equality Sexual Harassment and Discrimination (GESHD) policies and procedures and to make recommendations on further improvements to drive positive engagement on GESHD matters at all levels of the company. These actions demonstrate Lujeri’s determination to stop the potential for abuse of any employee and commitment to ensuring they have a workplace environment where there is zero tolerance of any form of harassment or discrimination.

M&S, Ringtons, and Lujeri hold regular updates and monthly update reports against their remediation plan (including independent commentary by Impactt) are shared by Lujeri. Lujeri is continuing to investigate and is committed to ensuring internal safeguarding procedures are in place to protect its employees and that any wrongdoing identified is dealt with appropriately.

M&S and Ringtons will continue to work with Lujeri and Impactt to ensure that actions taken are appropriate and ensure and appraise Lujeri’s commitment to remediation.

4. Occupational Safety, Health & the Environment (OSH&E) rights

- a. Does your sourcing policy/ supplier code of conduct/ supplier contract specifically address the following OSH&E rights in your supply chain? (Please select all that apply)

Criteria	Yes/ No
Access to safe drinking water and sanitation for all employees	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Reducing health hazards including the use of harmful chemicals (herbicides)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
No minimum quantity for plucking required to earn the basic wage	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

If Yes, please share any relevant documents or clauses in your agreement with suppliers that you use for this purpose.

Please see [M&S's Global Sourcing Principles](#)

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For more information on **hazardous materials use and OSH&E stipulated by the Fairtrade Standards** see:

- [SPO Standard:](#)
 - Environmental management, including hazardous materials use – Page 22
 - Occupational health and safety – Page 45
 - [HL Standard:](#)
 - Environmental management, including hazardous materials use – Page 46
 - Occupational health and safety – Page 38
 - [Tea Standard for HL](#)
 - Occupational health and safety – page 19
 - Environmental development – page 19
- b. Has your company previously taken remedial action in response to allegations of OSH&E issues in your supply chain? Yes | No

If Yes, please share the name of the supplier, year of incident and how the situation was resolved.

Indirectly we have been aware of possible non-conformances of this kind in our supply chain raised by a third party certification body. However, we have not been directly involved in the process of resolving these non-conformities, as this has been managed between the supplier and the third party certification body.

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5. **Grievance redressal mechanism:** Does your company have a grievance redressal mechanism that can be directly accessed by any worker in your supply chain?
 Yes | No

Please see: [M&S Grievance Procedure for Clothing, Home and Food Supply Chain Effective Remedy of Human Rights Issues](#)

Please see [M&S's Global Sourcing Principles](#)

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*For more information on **grievance procedures** referenced in the Fairtrade Standards see:*

- [HL Standard](#), page 36

Mechanisms are also in place for complaints or allegations that may violate Fairtrade's approach and rules. Those wishing to make complaints or allegations can contact either Fairtrade International or FLOCERT directly. Full details of these procedures can be found in the following places:

- [FLOCERT Appeals, Allegations and Complaints](#)

If Yes, please provide the following information regarding the mechanism in place

- a. Name, designation, phone number and email address of the person employed by your company responsible for handling the complaints
[M&S Grievance Procedure for Clothing, Home and Food Supply Chain Effective Remedy of Human Rights Issues](#)
- b. Maximum duration before a response must be given on the complaint (in days)
[M&S Grievance Procedure for Clothing, Home and Food Supply Chain Effective Remedy of Human Rights Issues](#)
- c. Link to or recent copy of publicly available data on the practical operation of the mechanism, such as the number and type of grievances filed, addressed, and resolved
We don't currently publish the data on the practical operation of the mechanism.

PURCHASING PRACTICES

6. Sourcing

Note: For this section, please only include tea (Camellia sinensis) sourced by your company for sale under its own name/ brand.*

- a. Please share the total volume of tea* sourced by your company in 2020 (in metric tonnes).

100 % FT

- b. Please share the top five countries by sourcing volume, for tea* sourced by your company in 2020 (in metric tonnes).

Source	Metric Tonnes
Country 1 (please specify):	
Country 2 (please specify):	
Country 3 (please specify):	
Country 4 (please specify):	
Country 5 (please specify):	

- c. How much of the total tea* sourced by your company in 2020 came from the following entities? (in metric tonnes).

Source	Metric Tonnes
Independent packers/ blenders	100%
Auction houses	
Directly from estates	
Directly from bought-leaf factories	

Intermediary traders (excluding those packing and/or blending for your company)	
Others (please specify):	

7. **Certification:** Did your company in 2020 source tea* certified by an independent, internationally recognised certification body (e.g., Fairtrade, Rainforest Alliance/ UTZ etc.)? Yes | No

If Yes, please complete the following table to indicate type of certification by volume.

Certification	Includes wage premium	Metric Tonnes
FLOCERT/ Fairtrade	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	100%
Rainforest Alliance/ UTZ	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Other (please specify):	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Other (please specify):	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Other (please specify):	<input type="checkbox"/> Yes <input type="checkbox"/> No	

Please also share the following information about your company's operations in the tea sector:

ABOUT THE COMPANY

8. **Type of company:** Which of the following categories, if any, describes the activities of your company, its subsidiaries or holding company)? (Please select all that apply.)

Category	Yes/No
Tea producer	<input type="checkbox"/> Yes <input type="checkbox"/> No
Tea packer/ blender	<input type="checkbox"/> Yes <input type="checkbox"/> No
Tea retailer	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

9. **Brand names:** Does your company, its subsidiaries or its holding company own any tea brands? Yes | No

If Yes, please provide a list of any tea brands that are owned by your company, its subsidiaries or holding company.

M&S

10. **Revenue and market capitalisation:**

- a. Please share the total revenue from tea earned by your company in 2020. (in USD)
 - b. Please share the latest market capitalisation or estimation of your company's market value (in USD)
- 11. Any other comments (optional):** Please share any other information that you consider pertinent to your company's tea operations, its purchasing practices, human rights challenges or commitments in your supply chain. Please provide relevant documentation, where available.