

Survey on fashion brands and retailers' approach to human rights due diligence in Myanmar

Business & Human Rights Resource Centre (BHRRC) is collecting information on fashion brands and retailers' approaches to heightened due diligence in Myanmar as a sourcing country.

This survey provides you with the opportunity to detail your approach to human rights due diligence beyond any responses you have made to BHRRC's Myanmar Allegation [Tracker](#). Your answers will be analysed for our upcoming report on how brands have adapted operational strategies in Myanmar after the military takeover as well as their impacts on garment workers.

Please feel free to provide any supporting information on your practices in any of the questions below (including tick box questions).

The survey will take 15 minutes and will be open for 3 weeks, from the 6th April to the 27th April 2023.

We thank you for your time and cooperation!

Part I: General information

1. Company name: [M&S](#)
2. Your name: [Fiona Sadler](#)
3. Your role: [Head of Responsible Sourcing](#)
4. Your department: [Sourcing](#)

Part II: Operation history in Myanmar

5. When did your company start sourcing from Myanmar?
6. Do you still source from Myanmar, as of the 6th April 2023?

- Yes
- Yes, but we have announced that we plan to stop sourcing from Myanmar
- [No, we have now left and no longer have any ongoing production in Myanmar](#)

Part III: Heightened human rights due diligence approach in Myanmar

[WE HAVE NOW EXITED MYANMAR AND THEREFORE HAVE NO CURRENT PROCESSES IN PLACE – THIS SECTION HAS BEEN ANSWERED BASED ON OUR ACTIONS PRIOR TO EXIT](#)

This section will explore your approach and practices to human rights due diligence in the high-risk context of Myanmar.

7. Which of the below mechanisms do you currently utilise in the context of Myanmar?*

	Yes	No	Not sure
Human rights due diligence guideline in conflict-affected contexts like Myanmar	x		
Public disclosure of an up-to-date list of direct and indirect suppliers in Myanmar	x		
Requirement for suppliers' to undertake a human rights self-assessment questionnaire (SAQ)			
Supplier code of conduct that includes human rights	x		
Your company has its own field office in Myanmar	x (now closed)		
Regular field visits/inspection to your suppliers in Myanmar	x		
Requirement that third-party audit to be undertaken across your Myanmar suppliers	x		
Involvement of the Factories and General Labour Laws Inspection Department	x		
Institution of remediation and grievance mechanisms at each supplier site	x		
Training for suppliers on human rights	x		

**Please feel free to add any further comments*

8. How often do you undertake field visits/inspection to your suppliers in Myanmar? Please tick as many as apply.

- Annually
- Regularly (more than once per year)
- In case of reported allegations
- Never
- Not sure

Please feel free to provide any further information on how you undertake field visits/inspection to your suppliers in Myanmar:.....

9. How often do you have a third-party factory audit in Myanmar? Please tick as many as apply.

- Annually
- Regularly (more than once per year)
- In case of reported allegations
- Never
- Not sure

Please feel free to provide any further information on third-party auditing in Myanmar:.....

10. Which stakeholders do you engage in your due diligence process? Please tick as many as apply.

- Workers

- Trade unions in Myanmar
- Workplace Coordinating Committee (WCC)
- Global union federations (eg IndustriALL Global Union)
- Multi-stakeholder initiatives (MSIs)
- Civil society organisations
- SMART Myanmar
- MADE in Myanmar
- Other. Please specify:.....

Please detail how you engage with the above stakeholders:.....

11. Do you have a grievance mechanism that workers in Myanmar can access? Please tick as many as apply.

- Yes, through our company's grievance mechanism
- Yes, through Myanmar's Dispute Resolution system
- Yes, through multi-stakeholder grievance mechanisms
- No
- Not sure
- Other. Please specify:.....

Please provide further details on how the grievance mechanism (if any) is communicated with workers:.....

12. How are you made aware of human rights concerns in your supply chain? Please tick as many as apply.

- Through factory owners
- Through existing grievance mechanism
- Through civil society organisations
- Through trade unions
- Through Workplace Coordinating Committee (WCC)
- Other. Please specify:.....

13. When an allegation is raised, what is your standard procedure to address the issue?

When allegations are raised we will carry out an independent internal investigation by our regional compliance manager and also involving external 3rd parties if necessary. We will present the findings to the supplier and work together on a corrective action plan and remediation plan.

14. Please feel free to provide any further information on how you undertake human rights due diligence that you would like us to know.

Part IV: Business decision in Myanmar

15. We understand that the decision as to whether to remain or to discontinue sourcing from Myanmar is complex. Please provide any information on how your company has reached its current business decision in Myanmar.

At Marks & Spencer, ethical trading is core to the way we do business and all our suppliers must adhere to our Global Sourcing Principles, that set out the minimum requirements and expectations of how we and our supplier partners conduct business.

Following the coup in Myanmar we worked with our stakeholder groups such as the ETI, ILO, BRC and FCDO to monitor the situation in Myanmar. There is always a balance between trying to be a force for good for the people by offering jobs in a safe, respectful environment, and reflecting changing situations, hence we kept the situation under review for many months.

Myanmar was a very small sourcing market for us, and in 2022 we refrained from making any additional investments in Myanmar while continuing to monitor the situation and meaningfully engage with local and international stakeholders to ensure the welfare of the workers in the small number of factories we work with.

As the situation developed, we co-funded a research assessment into the situation in Myanmar, investigating the human rights risks, the economic links to the military and the socio-economic impact on workers of a withdrawal of sourcing. The full report can be found here: [Myanmar Enhanced Due Diligence Sectoral Assessment](#)

In October 2022, based on the findings from the Myanmar Enhanced Due Diligence Sectoral Assessment, we concluded that it was not possible for our Global Sourcing Principles to be upheld, and as we do not tolerate any human rights abuses within any part of our supply chain, we began working towards a responsible exit from Myanmar.

We worked closely with relevant stakeholders including the Ethical Trading Initiative throughout the consultation process, to ensure that our suppliers adhered to national laws and human rights were upheld and to ensure the effects of the withdrawal decision on the individual workers in Myanmar was considered.

The link to our public statement on our Corporate Website made in October 2022 can be seen here: <https://corporate.marksandspencer.com/media/press-releases/ms-statement-myanmar-enhanced-due-diligence-sectoral-assessment>

This process of withdrawal has taken 6 months following our Responsible Exit Guidelines, to ensure minimal impact on works and a continuation of their employment after our exit. We also honoured our commitment to suppliers, to pay for products that were in production.

April 2023: We have no further production nor trading relationships with Myanmar.

Part V: Responsible exit from Myanmar

*We are asking brands to answer this section if you have either already stopped sourcing from Myanmar, or have announced that you will stop sourcing from Myanmar in the future. **If you plan to continue to sourcing from Myanmar, please skip this section.***

16. Final order placement and final shipment dates (Anticipated if you are planning your exit)

April 2023: We have no further production nor trading relationships with Myanmar. Our last shipment has already left Myanmar.

17. Total number of workers being laid off in all suppliers (Anticipated if you are planning your exit)

No workers have lost their employment and no factories have closed as a result of our withdrawal

18. How long in advance have you let your suppliers know about the exit before stopping your orders?

We informed our suppliers as soon as the decision was made. This process of withdrawal has taken 6 months, following our Responsible Exit Guidelines, to ensure minimal impact on workers and a continuation of their employment after our exit. We also honoured our commitment to suppliers, to pay for products that were in production.

19. Which stakeholders do you engage in your decision and preparation of the exit? Please tick as many as apply.

- Workers
- Trade unions in Myanmar
- Workplace Coordinating Committee (WCC)
- Global union federations (eg IndustriALL Global Union)
- Multi-stakeholder initiatives (MSIs)
- Civil society organisations
- SMART Myanmar
- MADE in Myanmar
- Other. Please specify:.....

20. How do/did you mitigate the impacts of the exit on workers? Please tick as many as apply.

- Maintain open lines of communication with relevant supply chain partners
- Require suppliers to report their plans for terminations in advance to review these in line with your Codes of Conduct
- Seek evidence of payment of workers at the end of the exit plans, including all severance and benefits payable for those affected
- Other. Please specify:.....

Having already responsibly exited we will now check that all reasonable measures were taken to ensure that all wages and any legally entitled severance payments were made, although no workers had lost their employment at the time of our exit. We will also continue to engage with supplier and external stakeholders, where possible, to conduct risk-based due diligence for a suitable period, to identify, and mitigate if possible any risks to workers due to our withdrawal.

Thank you for your continued engagement with BHRRC on our work in Myanmar!

Please contact Hanh Nguyen - Senior Labour Rights Researcher at nguyen@business-humanrights.org and Natalie Swan - Head of Labour Rights Programme at swan@business-humanrights.org if you have any questions following this survey.