

SA8000 Testing and Certification Regulation



The SA8000 Testing and Certification Regulation applies to all organization having signed a contract agreement with a TÜV SÜD legal entity for the provision of SA8000 certification services.

TÜV Italia srl is the owner of Global Accreditation for SA8000 in the TÜV SÜD Group <http://www.saasaccreditation.org/accredcertbodies>. Each TÜV SÜD legal entity is approved to operate under the global accreditation.

The present document is to be applied in conjunction to the Legal Entity Regulations such as general Terms and Conditions of the specific country.

The terms set forth in this Audit Agreement will be binding on the parties once a counterpart sign the SA8000 quotation. The application will then continue in effect until terminated.

Either party may terminate this Agreement by giving the other party written notice of the termination based on General Terms and Conditions in place with the Legal Entity; whenever such a notice is given, the Applicant shall immediately pay any fees that are owed to TÜV SÜD, and immediately upon the effectiveness of any termination, any Certificate or other materials issued by TÜV SÜD under this Agreement and any other printed materials under the Applicant's control and bearing TÜV SÜD's mark will become invalid, and the Applicant shall return them to TÜV SÜD or destroy them and certify their destruction to TÜV SÜD.

By signing this, both parties agree with Testing and Certification Regulations TÜV SÜD Group https://www.tuev-sued.de/product-testing/about_tuev_sued_product_service/regulations.

1. General Information

TÜV SÜD, with the Applicant's cooperation, will conduct scheduled on-site audits to determine whether the Applicant's implemented management system complies with the stated requirements SA8000 and also to determine whether that management system is effectively implemented. Without limiting its other obligations, the Applicant agrees to adhere to the requirements contained in this document as well as the Terms & Conditions of the TÜV SÜD Company contracted for the audits.

TÜV SÜD represents to the Applicant that TÜV SÜD's existing organizational structure and procedures, as well as TÜV SÜD's certification and supervisory resources, meet the criteria stipulated in ISO/IEC 17021 and other applicable requirements of SAAS accreditation body requirements <http://www.saasaccreditation.org/document-library> and by SAI

(Social Accountability International) <http://www.sai-intl.org/index.cfm?fuseaction=Page.ViewPage&pageId=1459>.

The Applicant ensures the knowledge in particular of following documents issued by SAAS and SAI:

- SA8000 Standard;
- SA8000 Guidance document;
- Social Fingerprint (See <http://www.sai-intl.org/index.cfm?fuseaction=Page.ViewPage&PageID=1797>);
- SAAS PR 200 (last version published)

TÜV SÜD may use auditors who are its employees and/or empanelled for any part of the certification process. The applicant has the right to object to on audit team member with justification provided to TÜV SÜD.

2. Overview of Certification Process

2.1. Preparation

The Applicant will complete an application and return it to TÜV SÜD. The application will be used to:

- a) Identify the objective and scope of the audit, and
- b) Identify a Management Representative who shall be the focal point for the audit and be responsible for coordinating all audit activities on behalf of the Applicant.
- c) The Applicant may, in its discretion, arrange for TÜV SÜD to conduct a pre-audit. The purpose of the pre-audit would be to evaluate the present conformance of the Applicant's management system against the applicable standard(s).
- d) For SA8000 – Applicant shall attend the Social Fingerprint Self Assessment exercise on SAI training center which later shall be evaluated independently by TÜV SÜD lead auditor. Independent Evaluation shall be repeated during the certification cycle according to SAAS Procedures (last version) with a yearly timeline.

The Self assessment fees are directly in charge of the Applicant to SAI (Social Accountability International) through a registration to be completed on line at SAI web site.

To select the TÜV SÜD legal entity please contact the Admin person to receive the unique access code linked to TÜV SÜD.

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2.2. Stage 1 Audit

TÜV SÜD shall visit the Applicant to:

- a) review the management system documentation;
- b) determine readiness for the Stage 2 audit;
- c) review key performance or significant aspects regarding the scope and operation of the management system;
- d) collect necessary information regarding the scope and related statutory and regulatory requirements of the applicant's operation;
- e) plan the certification (stage 2) audit, including confirming audit team requirements;
- f) evaluate if internal audits and management review are being performed and that the level of implementation substantiates the applicant is ready for the stage 2 audit.

Stage 1 is normally conducted on site for a maximum of 2 man-days. Only in exceptional situation of micro companies (less than 10 employees) the Stage 1 maybe conducted off site upon the discretion of TÜV SÜD based on Risk Assessment criteria.

2.3. Stage 2 - Certification Audit

Upon successful completion of the Stage 1 Audit, the audit team will conduct an on-site audit to confirm conformance with the applicable standard(s) and to evaluate the implementation, including effectiveness of the applicant's management system.

At the conclusion of the audit, the audit team will inform the Applicant of the audit results. At the closing meeting, TÜV SÜD will give the Applicant a written statement identifying any aspects of the Applicant's management system that do not conform to the applicable standard(s).

If re-auditing parts of the management system is necessary, the date and scope for the follow-up will be set jointly between the audit team and the Applicant.

The audit team will generate an Audit Report, summarizing the audit results.

During Certification audit a Social Fingerprint Independent Evaluation is completed by the Lead Auditor and shared with the Applicant representatives at Closing meeting.

Audit report and Independent Evaluation are provided, after internal quality control check, after 20 days from audit on site.

2.4. Grant of the Certificate, Surveillance Audits and Recertification Audits.

(a) Award of the Certificate. Based on the final audit report, TÜV SÜD will make the final decision on whether to issue a Certificate. The Certificate shall expire three years from the decision date. It will remain valid during that period, provided that Surveillance Audits are conducted as per certification plan indicated in the quotation and with a positive result. A Recertification Audit process shall be completed prior to the expiration date in order to extend the validity of the Certificate for an additional three-year period.

(b) Surveillance Audits. After the Certificate has been issued, TÜV SÜD conducts periodic Surveillance Audits to verify the ongoing effectiveness of the Applicant's management system.

At a minimum, these Surveillance Audits shall be carried out:

- **For "Single Site" Organizations**, surveillances shall be conducted annually on-site in 6 months and 18 months timeline from certification or recertification date.

The surveillance audits shall be semi-announced. A semi-announced audit is an on-site surveillance audit conducted within a 8 weeks window. The window period will be announced by the CB prior to the start of the window period.

It is the Applicant's responsibility to inform the CB (before the start date of the window) of any local holidays and shutdowns that occur during the window period. If the Applicant has a *bona fide* reason for not being able to accommodate an audit on a day before the first day of the window, then that date is blocked out in the window and the audit not performed on that day. The Applicant is not allowed to negotiate on the dates of the window nor is the window permitted to be moved once the CB has informed the client of the same.

The surveillance audits shall be conducted within 6 and 18 months from certificate decision date. The tolerance period to conduct other surveillances is minus (-) 8 weeks from decision date.

In 12/24/36 months timeline from certification or recertification date, an off-site, fully announced, "Follow-up Review" shall be conducted. This activity shall be performed in between on-site Surveillance Audits in order to monitor the ongoing commitment and performance of a certified organization. A "Follow-up Review" may be undertaken at any time, but is always routinely conducted approximately six months after each on-site audit visit. While a "Follow-up Review" is typically conducted via remote electronic communication with the certified organization's representatives over a minimum of two hours, a "Follow-up Review" ought to be conducted on-site

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and/or over a longer period when review of evidence demands it.

- **For “Multi-Site” Organizations**, surveillance audits are conducted every 6 months.. The first surveillance audit shall be conducted within 6 months from certificate decision date. The tolerance period to conduct other surveillances is minus (-) 8 weeks from decision date.

The definitions of “Single” and “Multisite” Organizations as well as other specific terminology are available in PR 200 (last applicable version).

(c) Special Audits. In case of relevant changes (e.g. change in address of the company, change in organization, processes etc) the need of an additional audit on site may occur to justify and confirm the validity of a certificate. The Applicant shall communicate as soon as occurred, the changes having impact on certification released in written form providing all evidences supporting the communication given. TÜV SÜD will conduct a contract review and will indicate in written the need to conduct an additional audit (called Special Audit). The Special audit will be at Applicant costs and an integration of quotation will be managed with the TÜV SÜD legal entities which whom the contract had been signed.

(d) Recertification Audits. In order, for the Applicant, to maintain the Certificate in effect, Recertification Audits by TÜV SÜD are required in 30 months timeline from certification or recertification decision date. Before a Recertification Audit, the Applicant shall notify TÜV SÜD in writing of any changes to the Applicant’s management system not previously reported to TÜV SÜD, and the Applicant shall give TÜV SÜD the appropriate documentation describing those changes. TÜV SÜD shall review the applicant’s management system documentation, in case of relevant changes, before the on-site Recertification Audit. Significant changes may require an on-site Stage 1 audit before the Recertification Audit. TÜV SÜD shall conduct the Recertification Audit less than 30 months from the initial certification audit.

After the recertification audit and less then 36 months from the initial certification audit, an off-site follow-up review (for “single site” organization) or an on-site follow—up and recertification review audit shall be conducted by the CB.

(e) Exceptions on Recertification Audits. If an organization has its SA8000 certificate withdrawn by a SAAS-accredited CB for any reason and the client decides, within 6 months, to re-establish its SA8000 certification with the same CB, then this may be affected in line with the Recertification Audit requirements found in this section of the document. Any

requests to re-establish its SA8000 certification after 6 months, or with a new CB, shall be treated as a new application and an initial Stage 1 and Stage 2 certification audit shall be required. If an organization voluntarily decides to cancel its SA8000 certification and then decides within 6 months to re-establish its SA8000 certification with the same CB, then this may be affected in line with the Recertification Audit requirements found in this section of the document. Any requests to re-establish its SA8000 certification after 6 months, or with a new CB, shall be treated as a new application and an initial Stage 1 and Stage 2 certification audit shall be required.

(f) Transfer Audit.

An applicant with a valid certification may request TÜV SÜD a quotation for transfer audits providing in addition to chapter 1 also a:

- a) copy of, at minimum, the last 2 SA8000 audit reports produced by the previous CB for review with evidences of Non Compliance list and evidences that no open critical or major non-conformities are present;
- b) copy of valid certificate with updated information of validity status (e.g. evidence from CB web site);
- c) Corrective Action Plan for the Minor Non Conformities.

TÜV SÜD will conduct a pre transfer review and, if positive, shall formally notify SAAS (and have received an affirmative reply in writing) of the transfer activity upon scheduling and prior to the on-site audit so SAAS may provide input on any known issues or outstanding complaints and/or concerns about the client.

The new CB (TÜV SÜD), as required by SAAS, shall perform and document an on-site audit equivalent to a recertification audit to effect a transfer of certificate; a Social Fingerprint Independent Evaluation shall be conducted as per the recertification requirements.

A new certification cycle shall commence with the issuance of a new SA8000 certificate to a transfer client.

In case of transfer request from a CB no longer accredited to perform SA8000 audits, TÜV SÜD shall previously notify SAAS (and have received an affirmative reply in writing) of the transfer activity upon scheduling and prior to the on-site audit so SAAS may provide input on any known issues or outstanding complaints and/or concerns about the client.

After SAAS approval, TÜV SÜD will perform a SPECIAL VERIFICATION AUDIT as described in PR 200 (Last Version).

The date of the new certification continuation SHALL be the existing date of the previous CB’s certificate unless a re-certification audit was performed and, in that case, the date

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SHALL be the date of the granting of SA8000 Certification made by those responsible for the certification decision.

If the previous CB has already performed their 2nd Annual Semi-Announced audit then, a recertification audit SHALL be performed.

All transfer activities SHALL be completed with 10 weeks of the previous CB relinquishing involvement with the Client company (and certificate cancellation) otherwise a new Recertification Audit SHALL be performed.

(g) Short Notice Audits. TÜV SÜD may require and carry out, and the Applicant shall pay for, short-notice audits to investigate complaints or in response to changes, or as follow-up on nonconformities / suspensions. Such audits may be un-announced. Applicant shall participate and provide adequate access during these audits.

3. Additional TÜV Obligations

3.1. Confidentiality

TÜV SÜD agrees to use the Confidential Information only in connection with the Agreement and TÜV SÜD's performance thereunder. TÜV SÜD agrees to treat all of the Confidential Information with the same degree of care to avoid disclosure to any third party as TÜV SÜD uses with respect to its own information of like importance that is to be kept secret and in any event no less than reasonable care. Nevertheless, the Applicant agrees that TÜV SÜD may disclose Confidential Information to accreditation, regulatory, and government bodies as required in connection with the Agreement and TÜV SÜD's performance thereunder. With the exception of above the Applicant will be informed of any disclosure in advance and agreement to this action will be in writing. Further, the Applicant acknowledges the following exceptions to TÜV SÜD's confidentiality obligations:

- (i) TÜV SÜD may provide access to files to accreditation body members and other regulatory and government bodies. In addition TÜV will enter required information into the accreditation body database (online database) if necessary. TÜV SÜD will disclose the information within the TÜV SÜD network for certification decision process.
- (ii) The applicant agrees to submit to TÜV SÜD sufficient data on the applicant's compliance with relevant legislation and regulations which are relevant and necessary to determine whether the organization's systems conform to the standard. This data would include a documented procedure for evaluating legal compliance, objective evidence of its implementation, objective evidence of compliance review by

management, and objective evidence of implementation of identified corrective and preventive actions.

During the audit process, if any member of the audit team, were to identify a potential noncompliance with legal or other requirements to which the organization subscribes, said potential noncompliance would be reported to audited organization's management via the method determined in agreement with organization's management. It is expected that the audited organization will utilize its corrective action system or other means necessary to investigate and correct or prevent the potential nonconformance. Said potential nonconformance would be recorded in the audit report if said potential nonconformance results to a failure of the respective standard's implemented management system and, if so, the nonconformance would only be described in terms of the requirements of the management system.

3.2. Directory of Certified Companies

TÜV SÜD maintains a public directory of certified companies that indicates the specific scope of certification. The information is also shared with accreditation body as per its regulation.

4. Additional Applicant Obligations

4.1. General Obligations of the Applicant

The Applicant agrees to do the following:

- (a) The Applicant shall document and maintain a management system and demonstrate its practical implementation and effectiveness.
- (b) Before the certification audit process, (i) Applicant shall complete SAI Social Fingerprint self assessment on SAI training centre and inform TÜV SÜD office (maximum 6 months validity from Self Assessment to the initiation of certification process is allowed). (ii) the Applicant shall complete at least one internal audit cycle that covers the Applicant's entire management system, and then complete at least one management review cycle.
- (c) The Applicant shall provide TÜV SÜD with access to all applicable parts of organisation, areas and documentation (including records) relating to the Applicant's management system on an announced and unannounced basis.
- (d) The Applicant provide TÜV SÜD with access to all records related to employees (e.g. contracts, payrolls etc) ensuring to be in line with privacy laws of the country in which the audit will take place.
- (e) The Applicant shall provide TÜV SÜD with access to the Applicant's employees for the purpose of discussing with the TÜV SÜD auditors all relevant information relating to the

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Applicant's management system, and the Applicant authorizes those individuals to discuss that information with the TÜV SÜD auditors.

- (f) The Applicant shall maintain records of customer, stakeholders (internal/External), and its complaints and actions taken to address the complaints. And agrees to allow TÜV SÜD audit team to take photocopies of the required documents and photographs in the premises around the site and non proprietary processes as objective evidence
- (g) The Applicant commits to continually fulfill the requirements for certification of its management system
- (h) The Applicant shall comply with local regulatory or legal regulations, to assist supervision and administration activities exercised by certification regulatory departments, and truthfully provide materials and information towards inquiry and investigation.
- (i) The Applicant shall inform TÜV SÜD without delay, of matters that may affect the capability of the management system to continue to fulfill the requirements of the standard used for certification. These include, for example, changes relating to:
 - the legal, commercial, organizational status or ownership,
 - organization break and absence of contracts in place,
 - organization and management (e.g. key managerial, decision-making or technical staff),
 - contact address and sites,
 - scope of operations under the certified management system, and
 - major changes to the management system and processes.
- (l) Significant changes may require a special audit.
- (m) The Applicant shall allow accreditation body personnel, applicable regulatory agencies and sector oversight authorities to witness TÜV auditors for the purpose of evaluating the competence of the TÜV audit team as well as the effectiveness of TÜV's implementation of requirements. These personnel will not involve themselves with the audit of the Applicant by TÜV SÜD.
- (n) For planning purposes, Accreditation Bodies may require witness audits to be scheduled well in advance. Applicant agrees to accept advanced audit scheduling and commits to working with TÜV SÜD to identify mutually agreeable audit dates. Client may get charged additionally in case witness audits are cancellation, postponement and/or rescheduling

to previously agreed audit dates, or unwillingness to schedule audits in advance.

- (o) The Applicant shall allow accreditation body personnel to perform market surveillance audits which are planned with the objective to establish confidence in the certification process by direct observations and to improve the overall credibility of the accredited SA8000 certification system.
- (p) In case the Applicant refuses to conduct a witness audit required by accreditation body, the applicant certificate may be suspended if required by SAAS.

5. Use of TÜV SÜD Mark

Applicant agrees to use the TÜV SÜD certification mark as required by TÜV SÜD System Regulations – available at: <https://www.tuev-sued.de/management-systems/our-company/certification-marks>.

Any misuse of certification mark or SAAS logo or any incorrect/inappropriate declaration on certification status observed then it might lead to Non conformance to the certificated client. It is then necessary for client to provide corrective actions for future use.

6. Suspension / Withdrawal of Certificate

TÜV SÜD has the right to suspend or withdraw a Certificate:

- (a) if the Certificate is used other than as provided for in the Testing and Certification Regulation in place;
- (b) if the certified management system has persistently or seriously failed to meet certification requirements, including requirements for the effectiveness of the management system;
- (c) if the applicant does not allow surveillance or recertification audits to be conducted at the required frequencies (described in chapter 2)
- (d) the applicant is found not be truthful with TÜV regarding the status and effectiveness of the applicant's management system or any of their obligations stated within this agreement;
- (e) if the applicant has voluntarily requested a suspension / withdrawal;
- (f) for non-payment of fees;
- (g) If the applicant does not reply with required corrective actions in the time frame identified.

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Upon notice of withdrawal of certification the applicant shall discontinue its use of all advertising matter that contains any reference to a certified status. (e.g., printed material, internet site, etc.)

The suspension period start the day after the end of a tolerance period detailed in chapter 2 or, when in occurrence of (a,b,d,e,f,g) from the day in which the element is identified. The suspension can last as a maximum for 4 months and the CB provide a written communication the suspension period allowed. After 4 months or as approved by TÜV Italia Srl the certificate is immediately withdrawn.

To reactivate the certificate under suspension the applicant must prove immediately the correction of the situation and the CB may need to:

- Conduct an additional audit (special audit);
- Integrate time on site or off site to the standard audit.

In any case the suspension period can delete an audit required by the certification cycle to be conducted. In case an audit should be planned during the suspension period, the same shall be recuperated.