



Better Brick Nepal Certification Committee Terms of Reference

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1. INTRODUCTION

Better Brick Nepal transforms the brick industry by eliminating forced, bonded and child labor. We incentivize kilns to improve conditions for workers through access to better production techniques, stronger operations and the creation of a market for ethically produced bricks. Better Brick Nepal is a collaboration of local Nepali NGOs, the Brick industry, the Nepali government, Global Fairness Initiative and GoodWeave International and is funded by Humanity United.

The goal of Better Brick Nepal is to address labor challenges in the brick kiln industry, which employs approximately 175,000 people and provides critical inputs to a construction industry that is among the largest sectors of the economy. Many of the workers, however, are children or adults bonded by debt. They are subjected to extremely harsh living and working conditions. While previous programs have raised awareness of these issues, Better Brick Nepal aims to change the incentives within the industry to address the underlying economic factors that drive worker exploitation. Better Brick Nepal works to create market awareness for a brick compliant with local labor laws such that buyers of these bricks—including international agencies and construction firms - are assured of more ethical and high quality production methods. At the same time, the kilns benefit from technical assistance and the connection to new markets.

The following defines the mandate, composition, tasks and procedures of the Better Brick Certification Committee, which is responsible for decision-making on all matters relating to certification within the Better Brick system. These terms address the need for a single independent and impartial body to achieve consistent and credible certification decisions. These terms are designed to align with best practice norms including ISO/IEC guide 17065.

Definitions:

- The term 'Better Brick Partners' refers to the organizations engaged in a formal partnership and leading the implementation of the Better Brick program. This includes the Global Fairness Initiative (GFI), GoodWeave (GW), and Humanity United (HU).
- The term 'IOs' refers to the organizations carrying out work on behalf of the Better Brick program to provide training and capacity building support to participating kilns.

- The term ‘Executive Leadership Team’ or ‘ELT’ refers to GoodWeave International’s executive team.
- The ‘website’ referred to below is www.goodweave.org/bricks.
- The term ‘personnel’ refers to the staff of Better Brick partner organizations, contractors and volunteers carrying out work on behalf of Better Brick.

1.1 Responsibilities and mandate

The Certification Committee (CC) is established as a permanent committee. Its role is to ensure the certification program is transparent, credible, effective and reliable, by serving as the highest decision-maker on certification. The authority for certification decisions remain within the mandate of the CC and are never subcontracted to another body, except in cases of appeals and complaints against certification decisions, where decision-making authority is given to a designated appeals committee, yet to be established. The CC may also provide advice and feedback to the Better Brick program on policies and procedures related to certification. The CC can receive recommendations from Better Brick partners, but its authority supersedes that of any individual partner organizations. It has the following responsibilities:

- Final decision-making on approving or rejecting kiln applications, granting, extending and withdrawing kiln membership and certification status.
- Reviewing annual audit and unannounced inspection findings, including non-compliances against the Better Brick Standard and approving proposed corrective action plans.
- Reviewing the results of internal audits, identifying problems during implementation of the Better Brick certification program and seeking measures for their resolution.
- Reviewing any complaints received relating to Better Brick audit, inspections and certification processes.
- Advising the inspection unit on policies and procedures relating to audits and inspections.

1.2 Related Roles

The CC is independent in making decisions on certification and may not be unduly influenced by any other part of the Better Brick system. The following roles support the work of the CC and comprise the Better Brick certification program more broadly:

- a) The Better Brick partners determine the Better Brick system's overarching policies. The CC may request information from the Better Brick partners on matters related to licensing and certification as needed.
- b) The Better Brick Standards Committee provides guidance on interpretation of standards, including clarifying terms and definitions where necessary.
- c) GoodWeave provides the administrative and technical support necessary to facilitate the work of the CC and related functions for the overall implementation of the certification program. This includes:
 - Documenting steps and procedures for auditing, inspection, and certification decision-making. The procedures shall ensure the certification program operations conform to the relevant functional requirements of the Better Brick system, as well as the provisions of ISO 17065. A documented Quality Management System (QMS), internal audits and oversight system may also be developed, as per the need to be determined by the Better Brick partners.
 - Operating an inspection unit. Local GoodWeave inspectors based in Nepal are assigned to carry out audits and inspections of participant and member kilns for the Better Brick program. The management team based in Nepal supervises and coordinates the day to day operations of the inspection teams, ensuring consistency of operations and conformance with approved steps and procedures as well as directions and decisions of the CC. Inspection units are responsible for following the approved procedures and maintaining accurate and up-to-date documentation and records as necessary for the effective operation of the certification program. In addition, the inspection unit is responsible for following approved protocols for child protection and remediation when cases of child labour are identified, and referring such cases to the designated specialists.
 - Coordinating the work of the CC, including convening meetings, providing audit and inspection reports, notifying Better Brick partners of decisions made by the CC and coordinating any necessary follow-up actions.
- d) An Appeals Committee may be formed on an as-needed basis. In case the need arises GoodWeave shall establish the Appeals Committee and coordinate its work.

Personnel responsible for carrying out functions of the Better Brick certification program may not also be responsible for roles in the Better Brick system that

could pose a conflict of interest (e.g. marketing, promotion, business development, etc.). The structure of the CC and its relation to the overall Better Brick system is depicted in Appendix 1.

1.3 Entry into force

The CC is formed with the adoption of these present Terms of Reference in October 2016 as a permanent body of the Better Brick system. The Better Brick Review Committee (BRC) shall transfer its decision-making responsibilities outlined in 1.1 to the CC as of this date.

2. COMPOSITION

The GoodWeave ELT appoints CC members¹ to provide certification expertise and oversight to ensure transparency and accountability. This appointment is done on the basis of a recruitment process coordinated by GoodWeave in consultation with the Better Brick partners and an assessment of each candidate's match with the criteria described below. Candidates may be nominated by any of the Better Brick Partners.

The CC consists of five (5) voting members and up to five (5) non-voting members. CC members are selected to reflect a balance of interests (i.e. no single organization or interest group shall dominate the membership) as well as to minimize the potential for conflict of interest in making certification decisions. Individuals from the brick industry, Implementing Organizations (IOs) and inspection unit team members may not serve on the CC. The voting members shall include both Better Brick partners and independent, external experts. CC members must have sufficient knowledge of Better Brick and have proven expertise in at least one of the following issues: child rights, worker rights, labor laws or auditing/certification.

The CC membership mandate is for a period of two (2) years. The mandate is renewable. With their appointment the CC members accept these present terms of reference.

All CC members and as applicable all observers, experts and staff must:

- adhere to these Terms of Reference,

¹ For the initial establishment of the CC, the Better Brick Review Committee (BRC) shall appoint the inaugural members of the CC. The decision on appointing members shall be done by simple majority vote. Thereafter, the ELT shall be responsible for appointing members.

- bring in a maximum of expertise in the various fields of work, particularly with respect to auditing/certification,
- regularly participate in CC meetings,
- actively contribute to the CC tasks,
- properly prepare for meetings and contribute to follow-up actions as agreed,
- declare all conflicts of interest at nomination and before taking part in decision-making processes, and
- be able to communicate easily in the English language and through electronic media.

Members undergo an evaluation process annually against these criteria. GoodWeave carries out the evaluations in consultation with the CC chair or vice-chair. If the evaluation shows that a member does not comply with the criteria anymore, the ELT may withdraw the member's appointment. Reasons for the removal could include failure to meet any of the aforementioned expectations. Removal becomes effective immediately.

GoodWeave keeps the CC voting member list up to date and available publicly on the Better Brick website and informs the Better Brick Partners and the ELT of any necessary actions to be taken with respect to membership.

3. WORKING PRINCIPLES

3.1 Language

Working language of the CC is English both for written and oral communication.

3.2 Impartiality

All CC members and personnel carrying out related functions are required to complete a declaration of interests form (see Appendix 2) to avoid any actual, potential or perceived conflicts of interest arise in carrying out their responsibilities.

3.3 Confidentiality

Certain information and documents gathered during the course of involvement in the CC is understood as confidential (as specified in the GoodWeave

Confidentiality Policy). All CC members and related personnel sign a confidentiality agreement and acknowledge that HU is the rightful owner of all confidential information (until Better Brick can be formed as a separate legal entity), and undertake all necessary and suitable measures to maintain the level of confidentiality. GoodWeave decides on necessary actions in the event of breaches of confidentiality in consultation with the Better Brick partners.

3.4 Remuneration

CC members are not provided reimbursement for their time by Better Brick. Independent external members serve in a volunteer capacity, while members representing the Better Brick partners are employed through their respective organizations.

4. WORKING PROCESS

4.1 Committee Meetings

The CC meets 2-3 times per year. Meetings may take place by teleconference due to the cost and time that would otherwise be required for physical meetings. In cases where urgent matters require discussion and/or decisions prior to the scheduled meeting, the CC may meet on an accelerated timetable or hold additional meetings.

GoodWeave coordinates preparations for meetings, sends all necessary information to CC members as described in 4.3 and provides administrative and/or technical support for meetings as needed. All meetings and documents shared are held in confidence. All CC members shall carefully study the information provided and prepare their contributions to the meetings. Decision-making takes place as outlined in 4.4. All members shall also contribute to follow-up actions as agreed.

4.2 Chair

The CC elects a chair and vice-chair for one-year terms with the option of renewal. The chair approves the meeting agenda and makes decisions on procedural issues in preparation for the meetings. The vice-chair replaces the chair in cases of absence, conflict of interest or other grounds found necessary by the CC, which shall be specified in the meeting minutes.

4.3 Agenda and Correspondence

GoodWeave determines agenda items for CC meetings in consultation with the Better Brick partners. The CC regularly reviews cases requiring decisions on

granting, extending and withdrawing participant and membership status of kilns. This includes decisions on corrective actions. The CC may also be asked to review and provide guidance on situations where the inspection unit has identified a particular high risk factor, or any other considerations that merit special attention by the CC (e.g. new or unusual situations). The CC also reviews the results of internal and/or independent third party assessments which may be carried out as part of the quality management system. GoodWeave informs the CC about items to be put on the next meeting agenda. The Better Brick Partners may also inform the chair about items to be put on the agenda, in writing and in a timely fashion.

The agenda shall be prepared in consultation with the chair, based on the reports from the inspection units. The agenda and all associated documents, including indication of decisions needed, shall be circulated to the members at least ten (10) working days before the meeting.

4.4 Decision-making process

The CC seeks to achieve decisions by consensus, defined in this context as decisions made with majority support and no votes against. If the CC chair feels that consensus is not achievable, the chair asks the CC members whether further discussion could lead to consensus. If this evaluation does not lead to any solution built on consensus then majority decision-making procedures are used. In this case, decisions can be made by simple majority. Secret voting by ballot is only done on demand of at least one member. In other cases, voting is done by a roll call vote.

The presence of three-fifths (3/5) of the voting members including the chair or the vice-chair constitutes a quorum. Every voting member has one vote. In case of a tie the vote of the chair decides. In case of a tie and absence of the chair, the vote of the vice-chair decides. Abstentions and absentees do not count as votes against the proposal, but are included in the calculation of the total CC membership. Non-voting members are also included in the total CC membership and may contribute to discussions, but are not eligible to cast a vote.

When the CC must make a decision that constitutes a conflict of interest for one of its members, the member is excluded from voting on this decision. Conflicts of interest must be announced by the relevant member to the chair before voting, preferably when agreeing upon the agenda during the opening of the meeting. Declaration of conflicts of interest lies in the responsibility of the members and shall be recorded in the meeting minutes.

4.5 Observers

Observer status to attend CC meetings is normally granted to the relevant Better Brick Partners and inspection unit personnel, unless determined otherwise by the chair. Observer status for any other parties may be granted under special

circumstances by the CC to an individual representing a stakeholder group or other experts working with Better Brick, provided that a specific need is identified by the CC in writing and confidentiality is maintained. Individuals may not be granted observer status if their access to information on the agenda of the meeting would constitute a breach of confidentiality. The status requires prior approval by the chair and may be limited to certain issues or agenda items.

Observers may be invited to present or contribute to discussion of an item, but may be asked by the chair to refrain from contributing at certain times, in accordance with the needs of the CC, and are not eligible to vote on CC decisions. In the interest of confidentiality or for any other reason, the chair may ask observers to leave the meeting or to refrain from taking notes. All observers agree to maintain confidentiality and sign a confidentiality agreement.

4.6 Minutes

GoodWeave provides staff to take minutes of the meetings. Minutes are distributed to the CC at earliest convenience, not later than fifteen (15) working days after the meeting. Minutes must be formally approved by the CC before circulated to other parties.

A list of decisions from meetings related to specific cases and their details is recorded and may be included in the minutes or as a separate document. Decisions taken by the CC that require immediate action are communicated directly to the relevant party by management team within ten (10) working days.

5. INFORMATION AND DOCUMENTATION

GoodWeave maintains records and information concerning audits, inspections and certification, while safeguarding the confidentiality of all such information. GoodWeave also ensures that all requirements related to disclosure of public information, notification to parties requesting information, complaints or other communications are carried out in accordance with the relevant policies and procedures, particularly with the Confidentiality Policy. GoodWeave maintains a log of complaints against certification decisions including the outcome of each. These documents are also available as hard copy upon request, if necessary against payment of an administrative fee. GoodWeave notifies any parties that have submitted complaints or other input to the CC deliberations of the availability of these public documents. Any feedback received is shared with the CC. Confidential documents are kept on a secure intranet, which is accessible by the appropriate personnel. All records are kept for at least five years. Electronic copies are kept as existing and back-ups are made as often as deemed necessary.

6. REFERENCES

Better Brick Standard

Confidentiality Policy

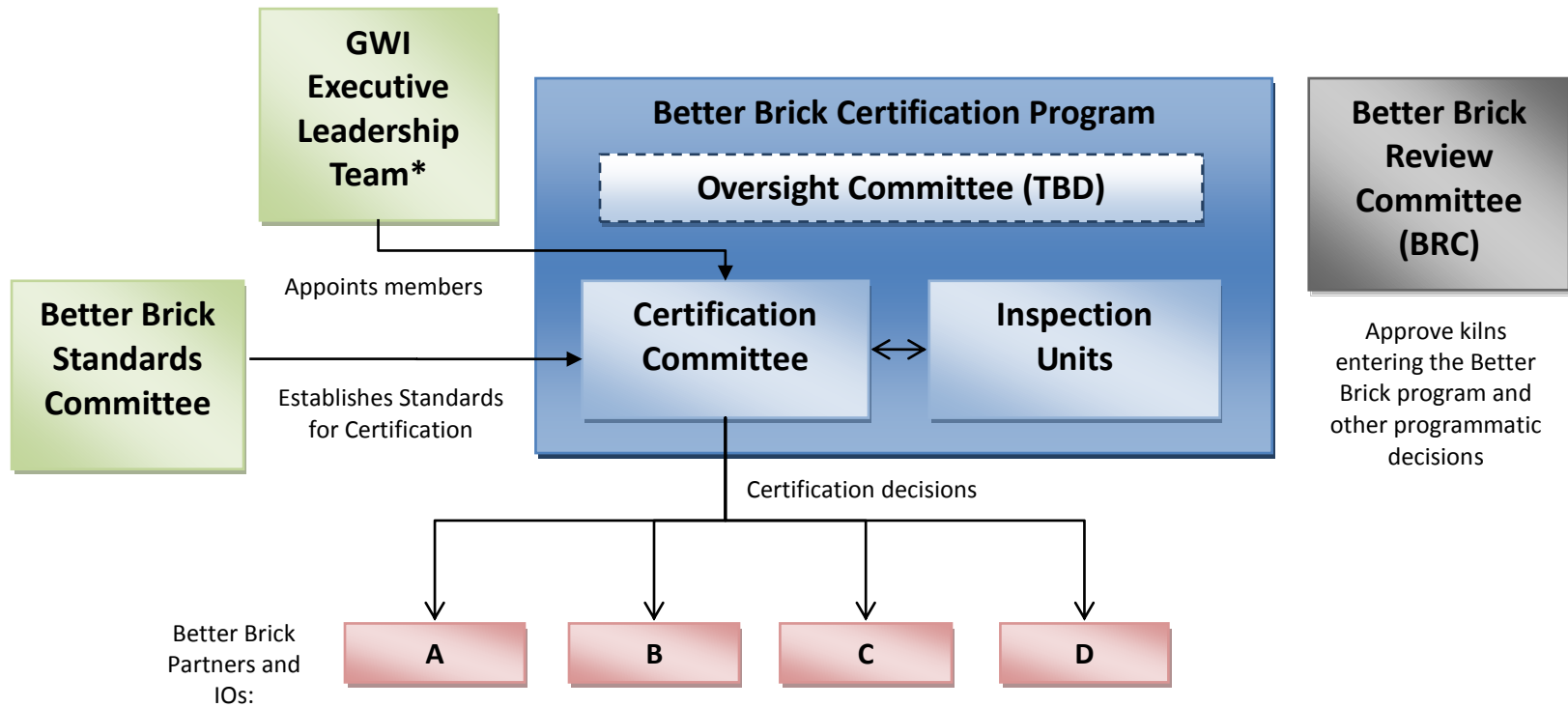
Licensing and Certification Policy (TBD)

Quality Management System Manual (TBD)

SOP Complaints and Appeals (TBD)

Steps and Procedures Manual for Inspection, Monitoring and Certification (TBD)

Appendix 1: Organization Chart



**Will appoint members once the BRC approves the initial members*

Appendix 2: Better Brick Declaration of Interests Form

IDENTIFICATION INFORMATION

Name:

Relationship with Better Brick:

- Better Brick Partner Organization Employee
- Independent Contractor/Consultant
- Committee Member
- Volunteer

DEFINITION OF CONFLICT OF INTEREST

A conflict of interest is defined as any situation in which a person's private, personal interest, or responsibility to a third party, may potentially influence – or is sufficient to appear to influence – the impartial and objective exercise of his or her official duties to Better Brick.

DECLARATION OF INTERESTS

I, _____, affirm that neither I nor my immediate family members have a conflict of interest and/or financial interest that would jeopardize the integrity of the work to be performed. I understand that a conflict of interest may occur when there is the potential that my professional, financial, or other personal interests may be opposed to the interests of Better Brick or where my outside and personal interests might influence my actions and judgments on behalf of Better Brick or interfere with my ability to act in the best interests of Better Brick. In addition, I understand that I may not use my position at Better Brick for personal benefit, for the benefit of friends or relatives, or to further any outside interests or personal agenda.

I have listed on the following page those companies and/or individuals that I, or members of my immediate family members, have consulted for, traded with, been employed by, received compensation from, and/or have had any business transactions with, in the past 24 months. I also have listed below those organizations for which I serve as an officer or Board member or perform significant work, whether with or without compensation, that operate in the same field as Better Brick. I also have listed below any other relationships that might potentially give rise to a conflict of interest. This disclosure is provided to allow Better Brick to determine whether these relationships constitute a conflict of interest.

(continued on next page)

Name of Company	Date Ended	Type of Interest

Signature

Date