



DISCLOSURE MATERIALS

Certified B Corporations must complete a Disclosure Questionnaire to identify potentially sensitive issues related to the company (e.g. historical fines, sanctions, material litigation, or sensitive industry practices).

This component does not affect the company's score on the B Impact Assessment. If the company answers affirmatively to any items in the Disclosure Questionnaire and B Lab deems them to be material, the company must:

- 1) Be transparent about the disclosure issues identified on the company's public B Impact Report
- 2) Describe how the company has addressed this issue.
- 3) Demonstrate that management systems are in place to avoid similar issues from arising in the future.

In all cases, the Standards Advisory council reserves the right to refuse certification if the company is ultimately deemed not to uphold the spirit of the community.

In addition to the voluntary indication of sensitive issues in the Disclosure Questionnaire, companies pursuing Certification also are subject to background checks by B Lab staff. Background checks include a review of public records, news sources, and search engines for company names, brands, executives/founders, and other relevant topics.

Sensitive issues identified through background checks may or may not be within the scope of questions in the Disclosure Questionnaire, but undergo the same review process and are subject to the same possible review by the Standards Advisory Council, including ineligibility for B Corp Certification, required remediation, or disclosure.

This document contains a copy of the company's completed Disclosure Questionnaire and related disclosure documentation provided by the company.



DISCLOSURE QUESTIONNAIRE

Company Name: Amy's Kitchen

Date Submitted: 04/11/2023

Industries & Products	Yes	No
Please indicate if the company is involved in production of or trade in any the following. Select Yes for all options that apply.		
Animal Products or Services		✓
Biodiversity Impacts		✓
Chemicals		✓
Company Explanation Of Disclosure Item Flags		✓
Disclosure Alcohol		✓
Disclosure Firearms Weapons		✓
Disclosure Mining		✓
Disclosure Pornography		✓
Disclosure Tobacco		✓
Energy and Emissions Intensive Industries		✓
Fossil fuels		✓
Gambling		✓
Genetically Modified Organisms		✓
Illegal Products or Subject to Phase Out		✓
Industries at Risk of Human Rights Violations		✓
Monoculture Agriculture		✓
Nuclear Power or Hazardous Materials		✓
Payday, Short Term, or High Interest Lending		✓
Water Intensive Industries		✓
Tax Advisory Services		✓

Supply Chain Disclosures	Yes	No
Please indicate if any of the following statements are true regarding your company's significant suppliers.		
Business in Conflict Zones		✓
Child or Forced Labor		✓
Negative Environmental Impact		✓
Negative Social Impact		✓
Other		✓

Outcomes & Penalties	True	False
Please indicate if the company has had any formal complaint to a regulatory agency or been assessed any fine or sanction in the past five years for any of the following practices or policies. Check all that apply.		
Anti-Competitive Behavior		✓
Breaches of Confidential Information		✓
Bribery, Fraud, or Corruption		✓
Company Explanation Of Disclosure Item Flags		✓
Company has filed for bankruptcy		✓
Consumer Protection		✓
Financial Reporting, Taxes, Investments, or Loans		✓
Hazardous Discharges Into Air/Land/Water (Past 5 Yrs)		✓
Labor Issues	✓	
Large Scale Land Conversion, Acquisition, or Relocation		✓
Litigation or Arbitration	✓	
On-Site Fatality		✓
Penalties Assessed For Environmental Issues		✓
Political Contributions or International Affairs		✓
Recalls		✓
Significant Layoffs		✓
Violation of Indigenous Peoples Rights		✓
Other		✓

Practices	True	False
Please indicate if the following statements are true regarding whether or not the company engages in the following practices. Check all that apply. If the statement is true, select "Yes." If false, select "No."		
Animal Testing		✓
Company/Suppliers Employ Under Age 15 (Or Other ILO Minimum Age)		✓
Company Explanation Of Disclosure Item Flags		✓
Company prohibits freedom of association/collective bargaining	✓	
Company workers are prisoners		✓
Conduct Business in Conflict Zones		✓
Confirmation of Right to Work		✓
Does not transparently report corporate financials to government		✓
Employs Individuals on Zero-Hour Contracts		✓
Facilities located in sensitive ecosystems		✓
ID Cards Withheld or Penalties for Resignation		✓
No formal Registration Under Domestic Regulations		✓
No signed employment contracts for all workers		✓
Overtime For Hourly Workers Is Compulsory		✓
Payslips not provided to show wage calculation and deductions		✓
Sale of Data		✓
Tax Reduction Through Corporate Shells		✓
Workers cannot leave site during non-working hours		✓
Workers not Provided Clean Drinking Water or Toilets		✓
Workers paid below minimum wage		✓
Workers Under Bond		✓
Other		✓



B Corp Certification - Disclosure Questionnaire Documentation

PROVIDED BY:

Amy's Kitchen

UPDATED AS OF:

04/11/2023

DISCLOSURE QUESTIONNAIRE CATEGORY	Freedom of Association / Collective Bargaining
ISSUE DATE	Fall 2021 - Ongoing
TOPIC	Response to Unionization Efforts
SUMMARY OF ISSUE	<p>Amy's Kitchen employees are not currently represented by a union or covered by a collective bargaining agreement. Beginning in the Fall of 2021, a group of employees along with Teamsters union Local 665 have engaged in efforts to unionize employees at the company's Santa Rosa, California production facility, including protests outside of facilities and other public relations efforts. This effort coincided with a complaint filed about alleged unsafe working conditions in January 2022 (see disclosure below). According to Amy's, off-duty employees have responded to protests with their own rallies in support of the company, which the company indicates that they have had no involvement in organizing or encouraging.</p> <p>Amy's Kitchen has stated that their preference is to have a direct relationship with their employees, stating that ""As a proudly independent, family-owned organic food company, we value individual rights and freedoms. We respect our employees' choices and their rights regarding union representation – whether yes or no. We believe someone's freedom to say no should be just as respected as their right to say yes.""</p> <p>Beginning in Fall 2021 Amy's Kitchen hired outside consultants that have been alleged to be ""union busters"" to provide trainings to supervisors and be available to answer questions for employees should they have them in order to ensure compliance with US labor laws. According to Amy's, they strongly disagree with the characterization of the consultants as ""union busters."" They also indicate that employee discussions, whether in small groups or individually, are voluntary, available to any and all employees who have questions. Engagement with external labor consultants ended in April 2022.</p> <p>On June 1st, 2022, nine charges were filed against Amy's Kitchen by UNITE HERE with the National Labor Relations Board as part of the union's organizing campaign in the company's San Jose location, including charges of wrongful termination, holding mandatory captive audience meetings, and other charges related to anti-union activities. Amy's Kitchen denied the charges, with more information provided in the management comments below.</p> <p>On July 11th, 2022, one charge was filed against Amy's Kitchen by the Teamsters Local 665 with the National Labor Relations Board as part of the union's organizing campaign alleging that Amy's coerced employees by listening to their concerns, making changes to benefits, and other anti-union activities.</p> <p>In July 2022, Amy's Kitchen decided to cease operations of their San Jose production facility. While critics have cited that this was motivated by union suppression, Amy's cited declined sales of products manufactured in the facility along with poor performance.</p>



B Corp Certification - Disclosure Questionnaire Documentation

PROVIDED BY:

Amy's Kitchen

UPDATED AS OF:

04/11/2023

DISCLOSURE QUESTIONNAIRE CATEGORY	Freedom of Association / Collective Bargaining Cont.
SIZE/SCOPE OF ISSUE (e.g. \$ financial implication, # of individuals affected)	Union elections are triggered by 30% of employees formally signing union cards. To date, no formal election proceedings have been initiated. 9 one-sentence charges were filed regarding the San Jose facility, which employs approximately 330 individuals. One charge was filed in Santa Rosa which employees approximately 600 individuals.
IMPACT ON STAKEHOLDERS	The right for employees to unionize is enshrined in United States law and is a globally recognized human right. Charges included in the NLRB complaints included: wrongful termination, falsely disseminating information that Union organizers were threatening employees thereby discouraging employees from speaking with Union organizers, surveilling employees and creating the impression of surveillance, threatening to replace employees, telling employees that the Employer would gradually fire all Union supporters, telling employees that they were not allowed to participate in or advocate for a consumer boycott.
RESOLUTION	<p>Following NLRB investigation, several of the above charges were withdrawn as part of informal settlement agreements. Charges that remained as a part of the agreements included one case of wrongful termination, communications discouraging support of a consumer boycott, surveillance, discipline / retaliation, and coercive actions. As part of the agreement, remediation by Amy's in form of paying backpay to the terminated individual, a posting of rights, and required training for managers, was required and has been fulfilled. Amy's continues to deny the allegations but has chosen to accept the remediation actions. More commentary by the company on these matters is shared in the Management Comments section below.</p> <p>In conjunction with the below disclosure regarding complaints of unsafe working conditions, Amy's Kitchen is required to disclose their practices regarding unionization and health and safety and the resolutions of the National Labor Relations Board and OSHA cases (as fulfilled by this documentation). The company is also required to undergo a site review in order to recertify in 2023, which will be used to identify any remaining concerns or issues that require remediation and/or further action regarding the company's eligibility for B Corp Certification. Additional developments and new information, including new practices by Amy's Kitchen or new allegations against the company will be monitored to determine if any further action per B Lab's Public Complaint Process is warranted in the future and incorporated in the site review in 2023.</p>



B Corp Certification - Disclosure Questionnaire Documentation

PROVIDED BY:

Amy's Kitchen

UPDATED AS OF:

04/11/2023

DISCLOSURE QUESTIONNAIRE CATEGORY	Freedom of Association / Collective Bargaining Cont.
IMPLEMENTED MGT PRACTICES	<p>In addition to the management practices above, Amy's has also restarted long standing ""Listening Sessions"" in which all employees are invited to participate with company founders. These sessions had been put on hold due to COVID social distancing and safety protocols, but have now been restarted.</p> <p>In addition to these sessions, Amy's Kitchen has long standing practices such as daily shift huddles, chat sessions with human resource representatives, facility supervisors, and anonymous hotlines available in multiple languages. Additionally, the company uses Continuous Improvement methodology to include worker feedback in decisions and the design of new programs.</p>
REPORT	<p>https://foiaonline.gov/foiaonline/action/public/submissionDetails?trackingNumber=NLRB-2023-000354&type=Request</p> <p>https://foiaonline.gov/foiaonline/action/public/submissionDetails?trackingNumber=NLRB-2023-000651&type=Request</p> <p>https://www.nbcnews.com/news/us-news/worker-amys-kitchen-files-official-complaint-working-conditions-rcna12947</p> <p>https://www.pressdemocrat.com/article/news/union-organizers-and-workers-decry-union-busting-consulting-firms-hired-b/</p> <p>https://www.sfchronicle.com/food/article/amys-kitchen-union-17073992.php</p> <p>https://www.bloomberg.com/news/articles/2022-06-01/amy-s-kitchen-faces-labor-complaints-at-its-san-jose-plant</p> <p>https://ourpeople.amys.com</p>



B Corp Certification - Disclosure Questionnaire Documentation

PROVIDED BY:

Amy's Kitchen

UPDATED AS OF:

04/11/2023

DISCLOSURE QUESTIONNAIRE CATEGORY	Freedom of Association / Collective Bargaining Cont.
OTHER MANAGEMENT COMMENTS	<p>"Beginning the Fall of 2021, employees at various Amy's food processing facility locations began approaching supervisors with questions about individuals claiming to be union organizers visiting their homes at night, asking for complaints or concerns at work, and harassing employees.</p> <p>Amy's Kitchen supervisors – most of whom were promoted internally from our hourly positions – are largely unfamiliar with unions, unionization procedures, how to answer these questions or, most importantly, how to respond appropriately within the complicated labor laws in the United States.</p> <p>In an effort to support all Amy's Kitchen employees the company hired experts who were familiar with labor law to provide training and guidance to our supervisors so that they would be able to respond to employees' questions appropriately and in compliance. Then, based on questions from employees, we made these experts available – on a voluntary basis – to answer questions and provide information about unionization. The consultants have not been in Amy's facilities since early April 2022, despite continued union pressure on employees; this is because Amy's did not seek to ""union bust,"" but rather, to make sure employees had their questions answered.</p> <p>Two different unions--not employees--filed unfair labor practice charges, or ULPs, against Amy's in mid-2022. The NLRB's investigation into the charge related to our Santa Rosa plant found merit only to the claim that a leader at Amy's suggested employees should not boycott the brand. The investigation into the charges related to the San Jose plant resulted in dismissal of several charges and pre-merit settlement on others. Amy's settled these matters because we believe in the principles set forth in the settlement agreements and had no quarrels about disseminating those commitments to our employees. This also saved time and expense of any litigation of the claims so that we could instead focus on our employees and our mission."</p>



B Corp Certification - Disclosure Questionnaire Documentation

PROVIDED BY: Amy's Kitchen UPDATED AS OF: 04/11/2023

DISCLOSURE QUESTIONNAIRE CATEGORY	Employee Safety or Workplace Conditions
ISSUE DATE	January 2022
TOPIC	Complaint Regarding Unsafe Working Conditions
SUMMARY OF ISSUE	<p>In January 2022, in coordination with unionization efforts by a group of employees along with Teamsters union Local 665 (see disclosure above), an employee filed a complaint with the California Division of Occupational Safety and Health (Cal/OSHA) regarding alleged unsafe working conditions at the company's Santa Rosa, California food production facility.</p> <p>The complaint included allegations of locked fire exits, worn-out floor mats, a lack of proper training for tasks like heavy lifting and operating heavy machinery, and that employees experienced hostility when bringinng up safety concerns, and were not able to use the restroom or access clean drinking water. Amy's has denied the charges, indicating that they have investigated the allegations internally and through a 3rd party multi-day audit and did not find these allegations to be present or truthful.</p>
SIZE/SCOPE OF ISSUE (e.g. \$ financial implication, # of individuals affected)	One Cal/OSHA complaint was filed with the resulting in a \$6,825 fine; the Santa Rosa California processing facility employees approximately 600 individuals
IMPACT ON STAKEHOLDERS	Alleged impacts on employees include workplace injury, loss of income opportunities, and psychological harm.
RESOLUTION	<p>An OSHA 'wall to wall audit', taking place over six days, has been conducted following the complaint. While allegations of the original complaint were not substantiated by the investigation, the audit found other violations, with 3 being classified as ""Serious."" Upon appeal, only one violation remained 'Serious,'" and an initial fine of \$25,070 was adjusted to \$6,825. Furthermore, a large national buyer of Amy's Kitchen products, conducted an unannounced audit in response to the allegations, with the audit results acknowledging ""Intermediate"" Performance on a scale of High, Intermediate, Low, and Critical. The 3rd party audit also did not find any of the allegations made in the complaint to be present.</p> <p>In conjunction with the above disclosure regarding complaints of anti-union activity, Amy's Kitchen is required to disclose their practices regarding unionization and health and safety and the resolutions of the National Labor Relations Board and OSHA cases (as fulfilled by this documentation). The company is also required to undergo a site review in order to recertify in 2023, which will be used to identify any remaining concerns or issues that require remediation and/or further action regarding the company's eligibility for B Corp Certification. Additional developments and new information, including new practices by Amy's Kitchen or new allegations against the company will be monitored to determine if any further action per B Lab's Public Complaint Process is warranted in the future and incorporated in the site review in 2023.</p>



B Corp Certification - Disclosure Questionnaire Documentation

PROVIDED BY:

Amy's Kitchen

UPDATED AS OF:

04/11/2023

DISCLOSURE QUESTIONNAIRE CATEGORY	Employee Safety or Workplace Conditions Cont.
ISSUE DATE	January 2022
TOPIC	Complaint Regarding Unsafe Working Conditions
IMPLEMENTED MANAGEMENT PRACTICES	<p>Amy's Kitchen indicates that they proactively invited Cal/OSHA to discuss the allegations after learning of the complaint by a reporter. Cal/OSHA then conducted a complete audit after hearing of the complaint. In addition to the audits conducted by OSHA and a large national retailer, Amy's Kitchen also conducted an internal investigation into the allegations. As of the time of the OSHA complaint, Amy's Kitchen reported a safety record that includes recordable injury incidences less than half the industry average, of 2.3 compared to 5.1 per 100 FTEs for Food Manufacturing companies according to the Bureau of Labor Statistics.</p>
REPORT	<p>https://www.nbcnews.com/news/us-news/worker-amys-kitchen-files-official-complaint-working-conditions-rcna12947</p> <p>https://www.osha.gov/ords/imis/establishment.inspection_detail?id=1574755.015</p>
OTHER MANAGEMENT COMMENTS	<p>In January of 2022, the Santa Rosa plant went through a rigorous, comprehensive social audit by a major customer, lasting three days. The audit covered employee pay, benefits, and most importantly our safety program and results. We received the second-highest rating, with only two minor instances of non-compliance out of 224 unique subject areas investigated. We understand the highest rating is very rarely achieved.</p> <p>The independent auditor reviewed over 30 different safety, health and environmental documents that we provided, many of them detailed and technical, to determine if we were meeting safety, health and environmental standards. The documents included our Injury and Illness Prevention Plan, our Hazard Communication program, our Safety Committee meetings and our health and safety training records. The auditor found all of those documents to be in compliance with the relevant standards.</p> <p>The independent auditor met with or surveyed over 50 hourly workers. The auditor also reviewed nearly 20 other different categories of employee relations documents, including our employee handbook, employee surveys, employee meeting minutes, Workers Comp case histories, and injury reporting procedures. Again, we were found to be in substantial compliance with relevant standards.</p> <p>The independent auditor specifically examined our compliance with over 70 categories of worker health and safety standards, as well as employee relations standards, and we met every single one of them. The auditor found all of those documents to be in compliance with the relevant standards.</p>



B Corp Certification - Disclosure Questionnaire Documentation

PROVIDED BY: Amy's Kitchen UPDATED AS OF: 04/11/2023

DISCLOSURE QUESTIONNAIRE CATEGORY	Employee Safety or Workplace Conditions
ISSUE DATE	08/26/2020
TOPIC	OSHA Fines / Citations
SUMMARY OF ISSUE	In the last five years, Amy's Kitchen has been subject to several OSHA fines for injuries and/or workplace safety violations.
SIZE/SCOPE OF ISSUE (e.g. \$ financial implication, # of individuals affected)	Four separate incidences have occurred in last six years, with fines totalling \$100,100. To date, Amy's has paid \$25,000 after investigation and resolution with Cal/OSHA.
IMPACT ON STAKEHOLDERS	The four incidents include: 1) An employee broke their hip after tripping over a pallet jack. 2) An employee had their fingertip amputated when trying to fix a jam on a packaging machine without following our lockout and tag-out procedure. 3) An employee burned their foot on hot soymilk when pouring soymilk into a strainer. 4) An employee burned their foot when a bucket was overturned on a pallet lift.
RESOLUTION	<p>"Corrective actions have been put in place following investigation of each issue to mitigate the risk of these issues occurring again. None of these injuries have occurred again.</p> <ol style="list-style-type: none"> 1. An employee broke their hip after tripping over a pallet jack. Amy's instituted a new process where another employee is used to monitor people traffic to ensure there are no people walking in the area where the pallet jack is being used. 2. An employee had their fingertip amputated when trying to fix a jam on a packaging machine without following our lockout and tag-out procedure. Amy's retraining all employees on lock-out & tag-out procedures, added new process controls, and additional measures of supervision. 3. An employee burned their foot on hot soymilk when pouring soymilk into a strainer. While this process was used for years with no incidents, Amy's invested in new equipment, PPE, and a new process to dramatically mitigate this risk permanently. 4. An employee burned their foot when a bucket was overturned on a pallet lift. Corrective actions and additional training were put in place to ensure that buckets were better secured to the lift. "
REPORT	https://www.osha.gov/pls/imis/establishment.inspection_detail?id=1411279.015 https://www.osha.gov/pls/imis/establishment.inspection_detail?id=1405003.015 https://www.osha.gov/pls/imis/establishment.inspection_detail?id=1371622.015 https://www.osha.gov/pls/imis/establishment.inspection_detail?id=1180068.015



B Corp Certification - Disclosure Questionnaire Documentation

PROVIDED BY: Amy's Kitchen

UPDATED AS OF: 04/11/2023

DISCLOSURE QUESTIONNAIRE CATEGORY	Employee Safety or Workplace Conditions Cont.
ISSUE DATE	08/26/2020
TOPIC	OSHA Fines / Citations
OTHER MANAGEMENT COMMENTS	<p>"Joel Cohen, a Certified Industrial Hygienist with over 42 years of experience, is widely recognized as one of the top health and safety consultants in California, as well as the entire United States. He has a Master's Degree in Public Health from the University of Michigan, has served on several OSHA Advisory Committees, and has co-authored three books and dozens of technical papers on OSHA compliance and workplace health issues.</p> <p>Several years ago, as part of its strong commitment to the health and safety of its employees, Amy's retained Joel and his firm, The Cohen Group, which has long assisted employers with occupational health and safety issues. Joel has played an active role in maximizing Amy's employees' health and safety by assisting the company with developing rigorous health and safety programs that go beyond OSHA's requirements, and conducting detailed, full-day inspections at all of its manufacturing facilities, in particular Amy's Santa Rosa plant.</p> <p>Based on his decades of experience and deep, firsthand knowledge of Amy's and its safety, health and environmental programs, Joel recently has stated that "Amy's is among the most safety conscious companies I have worked with, one that sets standards that go well beyond industry and regulatory requirements" and "I wish more companies would take Amy's approach of making safety and health a core value and integral part of the workplace." "</p>



B Corp Certification - Disclosure Questionnaire Documentation

PROVIDED BY: Amy's Kitchen

UPDATED AS OF: 04/11/2023

DISCLOSURE QUESTIONNAIRE CATEGORY	Litigation or Arbitration
ISSUE DATE	08/26/2020
TOPIC	Class Action Litigation
SUMMARY OF ISSUE	Over the past five years, Amy's Kitchen has settled 2 class actions that were filed against the company by former employees at their Santa Rosa plant. One case focused on alleged meal and rest period claims and the other focused on an alleged technical violation relating to the information stated on its paystubs.
SIZE/SCOPE OF ISSUE (e.g. \$ financial implication, # of individuals affected)	"Case 1: 3220 class members; Case 2: 517 class members"
IMPACT ON STAKEHOLDERS	There were no impacts on the affected stakeholders.
IMPLEMENTED MANAGEMENT PRACTICES	The company implemented a new practice to ensure complete documentation of all breaks and related timekeeping measures, and added shift differential rate and hours to the paystubs to address the issue raised in the second case.