



## 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

PROVIDED BY: **Kickstarter**

UPDATED AS OF: **04/07/2020**

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		√
Other		√

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		√

Other Disclosures	Yes	No
		√

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: **Kickstarter**

UPDATED AS OF:

**04/07/2020**

<b>DISCLOSURE CATEGORY</b>	Freedom of Association/Collective Bargaining
<b>ISSUE DATE</b>	June 2019-February 2020
<b>TOPIC</b>	Kickstarter Response to Unionization Efforts
<b>SUMMARY OF ISSUE</b>	<p>In March of 2019, a group of employees under the label of Kickstarter United began efforts to unionize with the Office and Professional Employees International Union Local 153. In response to this effort, Kickstarter CEO Aziz Hasan addressed employees at a staff meeting and said that because of issues with the organizing process, the company would not voluntarily recognize a union, instead indicating that union efforts should be conducted through a formal election procedure overseen by the National Labor Relations Board. In particular, Hasan indicated that some managers were involved in the unionization effort, which violates labor law and could unduly influence employee decisions. Hasan also said that while unionization was up to the staff, the company's leadership felt that a union framework was not the best path forward. He stated that a union was not traditionally suited to address the specific workplace challenges faced within Kickstarter. In addition to this announcement, Kickstarter retained outside counsel and a public relations group related to the unionization efforts.</p> <p>In September 2019, Kickstarter terminated two employees citing performance and conduct, with indications that a third employee would be subject to a position elimination due to change in business operations. These three employees were participants in the Kickstarter United organizing committee, while the rest of the committee all remained Kickstarter employees. As a result, three charges were filed with the NLRB, including three claims of wrongful termination, and one claim of intimidation through the use of a non-disparagement clause that was included in a severance agreement pursuant to which severance pay would be provided. Two of the NLRB charges have been withdrawn: one of the wrongful termination charges, and the claim of intimidation.</p> <p>On October 1st, Kickstarter United sent a letter to Kickstarter management requesting the company to voluntarily recognize the union. In the letter, they indicated that they "are prepared to demonstrate our majority support through a mutually agreeable neutral third party." As of the date of this disclosure statement, Kickstarter reiterated that it would not voluntarily recognize the union, and again encouraged the organizers to pursue an NLRB election. In late October, the organizers said they were ready to file for an election, and they began talking to management about a neutrality agreement.</p> <p>In November, Kickstarter responded to the NLRB charges with a position statement and supporting information. Toward the end of the submission process, OPEIU filed another charge with the NLRB alleging that in May, the manager of one of the terminated employees threatened retaliation against him for organizing. The company denied any wrongdoing, and it noted to the NLRB that the new charge came more than six months after the alleged incident, outside the statute of limitations. As of the date of this disclosure statement, a decision in this case is still pending.</p> <p>In November, in response to staff demand, non-managerial employees at Kickstarter helped coordinate two open forums for all non-managerial staff to talk about their experiences at the company and their views on issues the company is facing. Kickstarter's leadership paid for the services of a neutral moderator that the staff selected, and managers were asked to stay out of the building.</p> <p>In early December, Kickstarter's leadership entered into a neutrality agreement with the union organizers. Under the agreement, the leadership strictly limited its communication with the staff on union matters. Both parties moved quickly to determine the makeup of the bargaining unit in advance of a formal election.</p> <p>In January 2020, Kickstarter's staff began casting ballots in a formal union election. In February, the staff unionized with a final vote of 46 to 37 in favor of unionizing.</p>



<p><b>SIZE/SCOPE OF ISSUE</b> (e.g. \$ financial implication, # of individuals affected)</p>	<p>Four total charges have been filed against Kickstarter to the NLRB. As of the date of this disclosure statement, two NLRB charges have been withdrawn and two are pending. There have been nine formal members of the Kickstarter United organizing committee, of which three have either been terminated or whose position was eliminated.</p> <p>Unions are formally recognized either through voluntary recognition by the company, according to the NLRB, "based on evidence - typically signed union-authorization cards - that a majority of employees want it to represent them" or through a formal NLRB election with secret ballots also based on a majority vote. In Kickstarter's formal union election, 88 of 145 employees were eligible to vote because they were in non-managerial roles, were based in the US, and were not "confidential" employees, or those working closely with management. 46 voted in favor of unionizing, 37 voted against unionizing, and 5 did not vote.</p>
<p><b>IMPACT ON STAKEHOLDER(S)</b></p>	<p>The right for employees to unionize is enshrined in United States law and is a globally recognized human right. More information about these impacts, and practices related to them, can be found within B Lab's position statement on Unionization efforts here: <a href="https://blab-mktg-bcorporation-production.s3.amazonaws.com/Union%20Controversial%20Issues.pdf">https://blab-mktg-bcorporation-production.s3.amazonaws.com/Union%20Controversial%20Issues.pdf</a></p>
<p><b>RESOLUTION</b></p>	<p>As of the date of this disclosure statement, two NLRB cases have been withdrawn and two are pending. Kickstarter denies that it has engaged in any unlawful or improper action. After the vote, OPEIU said in a press release: "Though Kickstarter's initial response to the organizing drive was disappointing, management ultimately refrained from any interference with the NLRB election process, ensuring employees were free to draw their own conclusions on the question of union membership."</p> <p>This disclosure statement is required based on Kickstarter's position on the union during the unionization efforts and NLRB complaints.</p>
<p><b>IMPLEMENTED MGT PRACTICES</b></p>	<p>In addition to the practices described above, Kickstarter worked to train all managers on their obligations to avoid interference with unionization efforts. Kickstarter maintained they would not recognize the union without a formal NLRB election, they did not violate any laws related to unions, and their staff still had the right to choose whether or not they were represented by a union. Ultimately, a formal NLRB election was held and resulted in the staff unionizing.</p> <p>Prior to the formal union election, Kickstarter committed to improving workplace communication and transparency. Kickstarter also committed to regularly sharing the company's financial performance with the entire staff, along with an improved biannual performance review process with a clear framework for raises, promotions, and feedback on areas for improvement. Additionally, to foster more transparent and open communication internally, they have included open Q&amp;A sessions at the end of all-company meetings, regular email communication from the CEO on the focus and direction of the company, and voluntary 'fireside chats' with senior leadership.</p>
<p><b>REPORT</b></p>	<p>Recent Statement Made By Kickstarter CEO to Their Community: <a href="https://www.kickstarter.com/blog/a-message-to-our-community">https://www.kickstarter.com/blog/a-message-to-our-community</a></p> <p>Kickstarter United's Letter to Kickstarter Requesting Voluntary Recognition: <a href="https://assets.documentcloud.org/documents/6444481/Kickstarter-United-s-Request-for-Voluntary.pdf">https://assets.documentcloud.org/documents/6444481/Kickstarter-United-s-Request-for-Voluntary.pdf</a></p> <p>B Lab's position statement on unionization efforts by employees: <a href="https://blab-mktg-bcorporation-production.s3.amazonaws.com/Union%20Controversial%20Issues.pdf">https://blab-mktg-bcorporation-production.s3.amazonaws.com/Union%20Controversial%20Issues.pdf</a></p> <p>Other public reports on the case are available through various media outlets.</p>

Certified



Corporation

**OTHER  
MANAGEMENT  
COMMENTS**

There was a complex debate at Kickstarter over the question of unionization. From the beginning, staff members raised questions about whether unionization was appropriate for our company. We had a responsibility to protect the rights of those who wanted a union and those who didn't, and to ensure that the staff could make up their own minds in a fair and informed way. In the end, the closeness of the vote indicated that our decision to advocate for a secret-ballot election was the right one.

We support and respect our staff's decision to unionize, and we are proud of the fair and democratic process that led up to it. We've worked hard over the last decade to build a different kind of company, one that measures its success by how well it achieves its mission: helping to bring creative projects to life. Our mission was common ground for everyone here ahead of the election, and it will continue to guide us moving forward.