



Amy's Kitchen

Disclosure Report

Date Submitted: August 2nd, 2024



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 that B Lab deems relevant for public stakeholders, then, as a condition of their certification, the company must:

- 1) Be transparent about details of 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 practices are in place to avoid similar issues from arising in the future, when necessary.

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

In addition to the voluntary indication of sensitive issues in the Disclosure Questionnaire, companies pursuing Certification also are subject to a background check 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.

B Lab's Public Complaints Process

Any party may submit a complaint about a current B Corp through [B Lab's Public Complaint Process](#). Grounds for complaint include:

- 1) Intentional misrepresentation of practices, policies, and/or claimed outcomes during the company's [certification process](#)
- 2) Breaches of the B Corp Community's core values as expressed in our [Declaration of Interdependence](#)

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



Disclosure Questionnaire

Industries and Products

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

Outcomes & Penalties

| | Yes | No |
|---|-------------------------------------|-------------------------------------|
| 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 | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Breaches of Confidential Information | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Bribery, Fraud, or Corruption | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Company has filed for bankruptcy | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Consumer Protection | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Financial Reporting, Taxes, Investments, or Loans | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Hazardous Discharges Into Air/Land/Water (Past 5 Yrs) | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Labor Issues | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Large Scale Land Conversion, Acquisition, or Relocation | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Litigation or Arbitration | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| On-Site Fatality | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Penalties Assessed For Environmental Issues | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Political Contributions or International Affairs | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Recalls | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Significant Layoffs | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Violation of Indigenous Peoples Rights | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Other - Employee Safety or Workplace Condition | <input checked="" type="checkbox"/> | <input type="checkbox"/> |



Practices

| | Yes | No |
|--|-------------------------------------|-------------------------------------|
| 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 | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Company/Suppliers Employ Under Age 15 (Or Other ILO Minimum Age) | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Company prohibits freedom of association/collective bargaining | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Company workers are prisoners | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Conduct Business in Conflict Zones | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Confirmation of Right to Work | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Does not transparently report corporate financials to government | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Employs Individuals on Zero-Hour Contracts | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Facilities located in sensitive ecosystems | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| ID Cards Withheld or Penalties for Resignation | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| No formal Registration Under Domestic Regulations | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| No signed employment contracts for all workers | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Overtime For Hourly Workers Is Compulsory | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Payslips not provided to show wage calculation and deductions | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

| | Yes | No |
|--|--------------------------|-------------------------------------|
| Sale of Data | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Tax Reduction Through Corporate Shells | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Workers cannot leave site during non-working hours | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Workers not Provided Clean Drinking Water or Toilets | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Workers paid below minimum wage | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Workers Under Bond | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Other | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

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 | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Child or Forced Labor | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Negative Environmental Impact | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Negative Social Impact | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Other | <input type="checkbox"/> | <input checked="" type="checkbox"/> |



Disclosure Questionnaire Statement

Disclosure Questionnaire Category: Freedom of Association / Collective Bargaining

| Issue Date | Fall 2021 - June 2024 |
|-------------------------|---|
| 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 training 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</p> |

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| | <p>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> |
| Size/Scope of Issue (e.g. \$ financial implication, # of individuals affected) | <p>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 employs approximately 600 individuals.</p> |
| Impact on Stakeholders | <p>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.</p> |
| Resolution | <p>Following the 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,</p> |



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| | <p>discipline / retaliation, and coercive actions. As part of the agreement, remediation by Amy's in form of paying back pay to the terminated individual, a posting of rights, and required training for managers, was required and has been fulfilled. Amy 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 was also required to undergo a recertification review in 2023. This was conducted remotely in 2024 and assessed whether there were any remaining concerns or issues that required remediation and/or further action regarding the company's eligibility for B Corp Certification. As a result of the recertification review, no additional issues were identified. Additional developments and new information, including new practices by Amy's Kitchen or new allegations against the company were monitored and incorporated in the company's review in 2024. No further action per B Lab's Public Complaint Process is warranted.</p> |
| Implemented Management Practices | As a result of the NLRB investigation, company employees were informed of their right to unionize. Practices implemented by the company include collective bargaining agreements with Amy's Drive Through employees. |
| Report | <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> |
| Other Management Comments | 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.

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.

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.

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 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.



Disclosure Questionnaire Statement

Disclosure Questionnaire Category: Others - Employee Safety or Workplace Conditions

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| Issue Date | January 2022 (updated on July 2024) |
| 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 bringing 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 | 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. |



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| | <p>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 was also required to undergo a recertification review in 2023. This was conducted remotely in 2024 and assessed whether there were any remaining concerns or issues that required remediation and/or further action regarding the company's eligibility for B Corp Certification. As a result of the recertification review, no additional issues were identified. Additional developments and new information, including new practices by Amy's Kitchen or new allegations against the company were monitored and incorporated in the company's review in 2024. No further action per B Lab's Public Complaint Process is warranted.</p> |
| 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> |
| 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> |



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| | <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> |
| Report | https://www.osha.gov/ords/imis/establishment.inspection_detail?id=1574755.015 |
| Related Incident (Yes/No) | Yes |



Disclosure Questionnaire Statement

Disclosure Questionnaire Category: Recalls

Amy's Kitchen reported conducting seven voluntary recalls in the past five years, representing 0.27% of the company's products for the same period. When a product is recalled, various stakeholders such as customers, suppliers, investors, commercial partners, and local communities may face negative impacts, including health and safety risks, financial losses, loss of trust, damage to credibility, and other inconveniences. Certified B Corps must make their recalls transparent under their B Corp Profile.



Disclosure Questionnaire Statement

Disclosure Questionnaire Category: Water Intensive Industry

Amy's Kitchen is involved in the production/sale of products, or is part of an industry that can potentially be classified as water intensive, meaning that they are more likely to have significant impacts on the environment, such as water stress or depletion of local water sources if water use is not appropriately managed. Certified B Corps are required to make transparent their involvement in such activities or industries.



Disclosure Questionnaire Statement

Disclosure Questionnaire Category: Biodiversity and/or Monoculture

Amy's Kitchen is involved in activities that could affect local biodiversity, meaning that they are more likely to have significant impacts on the environment given its interference with the balance of local fauna and flora. Certified B Corps are required to make transparent their involvement in such practices.