

# Fair Labor Association: Independent External Factory Assessment

Assessment Date :

**29 Sep 2021**



## Factory Information

FLA Affiliates	Gymshark Ltd.
Country	Vietnam
Number of Workers	471

## Understanding this Report

Companies that join the FLA agree to uphold the FLA Workplace Code of Conduct throughout their entire supply chain. The Code of Conduct is based on International Labour Organization (ILO) standards, and defines labor standards that aim to achieve decent and humane working conditions.

## FLA Code Element

## Number of Violations

Compensation (C)

5

Employment Relationship (ER)

4

Freedom Of Association And Collective Bargaining (FOA)

1

Harassment Or Abuse (H/A)

2

Health, Safety And Environment (HSE)

14

Hours Of Work (HOW)

3

Nondiscrimination (ND)

1

## Assessment Information

Assessor	OneStep Vietnam
Assessment Date	29 Sep 2021
Assessment Purpose	Factory Assessment (Virtual Compliance Check)

## ASSESSMENT RESULTS

### Compensation (C)

Benchmark ID	C.6
Benchmark Details	All wages, including payment for overtime, shall be paid directly and in full within legally defined time limits. When no time limits are defined by law, compensation shall be paid at least once a month.
Finding Details	Based on payroll and attendance record reviews during past the 12 months and interview with factory management and workers, it is noted that the factory does not pay an additional payment with the salary payment period for employees who are not contributing to the compulsory insurance of social, health, and unemployment insurances, as required by law. This applies to workers who are in the probationary period, and therefore do not contribute to the compulsory social insurance, health insurance, unemployment insurance (21.5% of probation contract wage). This law is effective as of 1st Jan 2021.
Recommendation for Immediate Action	The factory is advised to pay the additional payment at the same time as the salary payment period for the employee equivalent to the level that the employer pays compulsory social insurance, health insurance, unemployment insurance for employees during the probationary period as legally required.
Compliance Classifications	Immediate Action Required
Local Law	Vietnam Labor Code 2019 (Law No. 45/2019/QH14), Article 3 and 168
Benchmark ID	C.9.3
Benchmark Details	Employees shall be compensated for overtime hours at such premium rate as is legally required in the producing country

Finding Details	<p>1) Based on document review and interviews with factory management, it is noted that the factory does not properly calculate the overtime hours for workers. For instance, according to the Voluntary Overtime register form, worker A registered overtime from 20:30 to 22:00 on Feb 19, 2021 and had actual time-in at 20:33 on the same day. However, the factory calculated 1.25 OT hours instead of 1.45 OT hours. This leads to insufficient overtime payment for this worker. There are approximately 164 impacted workers found for the same non-compliance in 2021. 2) Based on document review, interviews with factory management and security guards, it is noted that the labor contract of security guards state that an employee shall work 12 hours/day without rest days and there is no statement for setting working time by day. As a result, all security guards work 12 hours/day during all days in a month without overtime payment calculated for them from April to August 2021.</p>
Recommendation for Immediate Action	<p>1) The factory is advised that the overtime hours of workers should be calculated properly and pay sufficiently for all workers. 2) Employees shall be paid premium rate for overtime period, which is the period of work performed at any other time than normal working hours. In addition, each week an employee is entitled to a break of at least 24 consecutive hours. Where it is impossible for the employee to have a weekly day off due to the work cycle, the employer has the responsibility to ensure that on average the employee has at least 04 days off per month.</p>
Compliance Classifications	Immediate Action Required
Local Law	<p>1) Decree 145/2020/ND-CP, Article 55; Vietnam Labor Code 2019 (Law No. 45/2019/QH14), Article 107. 2) Decree 145/2020/ND-CP, Article 55; Vietnam Labor Code 2019 (Law No. 45/2019/QH14), Article 105 and 107.</p>
Benchmark ID	C.1.1
Benchmark Details	Employers shall comply with all national laws, regulations and procedures concerning the payment of compensation to workers.

Finding Details	<p>1) Gathering information from the security guard interviews and document reviews, it is noted that all interviewed security guards confirmed that they had to pay an amount of VND 100,000 - 200,000 (USD 4.40 - 8.80) for the uniform as per their company's policy. These security guards are from an outsourced security service. 2) Based on payroll and attendance records reviewed during the past 12 months and interviews with factory management and workers; it is noted that the factory does not contribute to the mandatory insurance for workers who sign labor contracts after the 17th date of the month, the mandatory insurance is contributed on the following month instead. For instance, worker A joined the factory on 10th August 2021 and signed a labor contract on 17th August 2021 (13 working days of labor contract in August 2021), however, the Mandatory Insurance was not contributed in August 2021, and is contributed in September 2021 instead. 3) Based on document review and interviews with factory management and security guards; it is noted that all security guards do not contribute to Mandatory Insurance as legally required from April to August 2021.</p>
Recommendation for Immediate Action	<p>1) The factory is advised that outsourced security service should not request employees to make a deposit in cash or property. 2) The factory to contribute Mandatory Insurance for employees who meet legal requirement. 3) The factory is advised that the outsourced security service shall participate in social insurance and join social insurance regimes as legally required.</p>
Compliance Classifications	Immediate Action Required
Local Law	<p>1) Vietnam Labor Code 2019 (Law No. 45/2019/QH14), Article 17. 2) Decision No. 595/QĐ-BHXH, Article 42 3) Law No. 58/2014/QH13, Article 18</p>
Benchmark ID	C.17
Benchmark Details	Employers shall ensure that all legally required payroll documents, journals and reports are available, complete, accurate and up-to date.

Finding Details	1) Based on the confirmation from the factory management, it is noted that there are no payroll and attendance records from September 2020 to March 2021 of the outsourced security service and from September 2020 to Feb 2021 of the outsourced canteen service. The factory explained that the factory used another outsourced security service before April 2021 and outsourced canteen service before March 2021. As the result, the factory does not keep any payroll and attendance records of these 2 outsourced service providers for review. 2) Gathering information from the security guard interviews and document reviews, it is noted that there is no specific time-in/out recorded for the security team.
Recommendation for Immediate Action	1) The factory is advised to keep payrolls and attendance records of the outsourced services at least latest 12 months. 2) The factory is advised that working hour records should be recorded accurately and reflect the actual working hours (including employees of the factory and service providers).
Compliance Classifications	Immediate Action Required
Local Law	N/A
Benchmark ID	C.15.1
Benchmark Details	Employers shall provide workers a pay statement in languages understood by workers each pay period and not less frequently than once a month,
Finding Details	Gathering information from the security guard interviews and document reviews, it is noted that the security guards do not receive the pay-slip for each salary payment.
Recommendation for Immediate Action	Ensure that outsourced security service shall comply with the legal requirement for their employees.
Compliance Classifications	Immediate Action Required
Local Law	Vietnam Labor Law in 2019, Article 95

## Employment Relationship (ER)



Benchmark ID	ER.1.2
Benchmark Details	Employers shall assign responsibility for the administration of human resources to a clearly defined and adequately qualified staff member or staff members and ensure workers at all levels receive communication and training about existing policies and procedures or any revisions.
Finding Details	The factory has not provided occupational safety and health (OSH) training for all of 21 canteen staffs of food service provider (defined as Group 3).
Recommendation for Immediate Action	The factory is advised that required OSH training shall be provided for designated employees.
Compliance Classifications	Immediate Action Required
Local Law	Decree No. 140/2018/ND-CP, Article 1, Clause 5 and Circular No. 06/2020/TT-BLDTBXH
Benchmark ID	ER.17.1
Benchmark Details	Employers shall have a clear and transparent system of worker and management communication that enables workers to consult with and provide input to management. This might include suggestion boxes, worker committees, designated spaces for worker meetings, union representatives, and meetings between management and workers' representatives.
Finding Details	According to the factory's procedure, the visitor and contractor shall fill in the declaration form when they enter the factory. It is noted that one employee of the service provider arrived to the factory on September 27, 2021, however, the COVID-19 declaration form does not include the day, the time-in and the temperature of the employee.
Recommendation for Immediate Action	The factory is advised that all required information shall be filled in the declaration form.



Compliance Classifications	Immediate Action Required
Local Law	N/A
Benchmark ID	ER.19.1
Benchmark Details	Employers shall maintain on file all documentation needed to demonstrate compliance with the FLA Workplace Code and required laws.
Finding Details	1) The labor contract of security guard states that employee shall work 12 hours/day without rest days statement and there is no statement for setting working time by day or by week (daily working time: not more than 8 hours/day and 48 hours/week; weekly working time: not more than 10 hours/day and 48 hours/week as legally required). 2) 14 foreign expats at the management level expired on September 29, 2021 without renewal. The factory explained that the factory sent the dispatch on the determination of foreign workers to the Local Department for work permit renewal on August 9, 2021 but the factory had not received the feedback to conduct the next step.
Recommendation for Immediate Action	1) Labor contract shall be stated sufficiently information as legally required 2) Employment terms shall be complied with legal requirement 3) The factory is advised that the work permit of all foreign expats should be kept and renewed on time.
Compliance Classifications	Immediate Action Required
Local Law	1) Vietnam Labor Code 2019 (Law No. 45/2019/QH14), Article 105 and Circular No. 10/2020/TT-BLDTBXH, Article 3 2) Section 4 of Decree No. 152/2020/ND-CP
Benchmark ID	ER.17.2
Benchmark Details	There shall be a mechanism that allows workers to report harassment and grievances confidentially, including any concerns or problems they may be experiencing around legally owed payments during a retrenchment process.

Finding Details	The factory has developed grievance mechanisms including indirect and direct mechanisms. However, there is one hotline number to the Union Trade that did not work when checked.
Recommendation for Immediate Action	The factory is advised to ensure that the grievance channel should be available and workable for workers to contact when they have any concern.
Compliance Classifications	Immediate Action Required
Local Law	N/A

### **Freedom Of Association And Collective Bargaining (FOA)**

Benchmark ID	FOA.10
Benchmark Details	Employers shall refrain from any acts of interference with the formation or operation of workers' organizations, including acts which are designed to establish or promote the domination, financing or control of workers' organizations by employers.
Finding Details	FLA Comment: Vietnam has not ratified ILO Convention 87. Under Vietnamese law, all unions are required to affiliate with the single trade union, the Vietnam General Confederation of Labor (VGCL), which is affiliated with the Communist Party. With respect to such union monopolies, the ILO Committee on Freedom of Association has stated that "the rights of workers to establish organizations of their own choosing implies... the effective possibility of forming... [trade unions] independent both of those which exist already and of any political party." Vietnam's legal framework is therefore not compatible with the ILO Principles on Freedom of Association and, as such, all factories in Vietnam fail to comply with the FLA Code standard on Freedom of Association.
Recommendation for Immediate Action	
Compliance Classifications	Sustainable Improvement Required

Local Law	
<b>Harassment Or Abuse (H/A)</b>	
Benchmark ID	H/A.10.1.2
Benchmark Details	Body searches and physical pat downs shall only be undertaken when there is a specific, legitimate reason to do so and upon consent of workers, unless a state official with the power to do so (e.g. police officer) has ordered the search.
Finding Details	The factory produces lingerie which is a small product. Thus, the factory applies the same-gender security guard pat-down for security and property purposes. It is applied day-by-day by the security department to the workers whenever workers leave the factory for security purposes in the public area (at the production lines, parking area, gate). The factory management explained that they were not aware that this violated the FLA code.
Recommendation for Immediate Action	The factory should only conduct body searches and physical pat downs when there is a specific, legitimate reason to do so and upon consent of workers. Body searches shall not be undertaken in public areas.
Compliance Classifications	Immediate Action Required
Local Law	N/A
Benchmark ID	H/A.10.1.3
Benchmark Details	Body searches shall not be undertaken in public and the person who undertakes the search shall be of the same sex as the person who is being searched.

Finding Details	The factory produces lingerie which is small product. Thus, the factory applies the same-gender pat-down for security and property purposes. It is applied day-by-day by the security department to the workers whenever workers leave the factory for security purposes in the public area (at the production lines, parking area, gate). The factory management explained that they were not aware of this FLA requirement.
Recommendation for Immediate Action	The factory should only conduct body searches and physical pat downs when there is a specific, legitimate reason to do so and upon consent of workers. Body searches shall not be undertaken in public areas.
Compliance Classifications	Immediate Action Required
Local Law	N/A

### Health, Safety And Environment (HSE)

Benchmark ID	HSE.6.2
Benchmark Details	A sufficient number of workers shall be trained in first aid and firefighting techniques. Training shall be upon hire and with periodic refresher training.
Finding Details	The factory has not provided first aid skill training for the first aid team in 2021. The factory management explained that they signed contract to organize the first aid training on August 26, 2021. However, this plan has been postponed till November 2021 due to COVID-19 outbreak.
Recommendation for Immediate Action	The factory is advised to provide first aid skill training for first aid team.
Compliance Classifications	Immediate Action Required
Local Law	Circular No. 19/2016/TT-BYT, Article 9
Benchmark ID	HSE.5.3

Benchmark Details	Alarm systems shall be regularly tested and evacuation drills shall be undertaken at least annually.
Finding Details	The factory does not conduct the fire drill according to the fire prevention plan (fire drill with fire police) which was approved on July 28, 2021. The factory explained that the fire police denied conducting the fire drill due to COVID-19 outbreak. Remark: the internal fire drill was conducted on August 26, 2021, however this was done without the fire police.
Recommendation for Immediate Action	The factory is advised to conduct fire drill according to fire prevention plan (fire drill with fire police) annually.
Compliance Classifications	Immediate Action Required
Local Law	Circular No. 149/2020/TT-BCA, Article 10
Benchmark ID	HSE.5.1
Benchmark Details	All applicable, legally required or recommended elements of safe evacuation shall be complied with, including all of the following elements: posting evacuation plans; the installation and maintenance of fire alarms; the installation and maintenance of emergency lighting; ensuring aisles/exits are not blocked and that workers are not blocked within their workstations; employee education and training; and evacuation procedures and fire drills.
Finding Details	Exit aisles are not marked with line marking at the folding section and temporary finished goods storage (workshop A4); sewing section (workshop B4) and finished goods warehouse (workshop B5). The three exit aisles were marked on the second day of the assessment.
Recommendation for Immediate Action	The factory is advised to ensure that all exit aisles to be clearly marked.
Compliance Classifications	Immediate Action Required
Local Law	National Standard TCVN 2622:1995, Article 7.5

Benchmark ID	HSE.5.1.2
Benchmark Details	All applicable, legally required or recommended elements of safe evacuation shall be complied with, including all the following elements: installation and maintenance of fire alarms;
Finding Details	1) The fire alarm control panel showed error indicators: There are 4 faults (3 host communication faults and one host power fault) and 7 fires indicated in the fire alarm control panel. The factory has partially improved this concern on the first day of the assessment. No fire indicator errors showed in the fire alarm control panel. However, there are still 4 other faults of the system. 2) There is no visual fire alarm (such as the beacon light) installed at the knitting section (noisy environment where workers wear ear-plugs while working) for fire alarm purpose.
Recommendation for Immediate Action	1) The factory is advised that emergency alarm systems shall be maintained and functional. 2) The factory is advised to install visual alarm system for high noise areas.
Compliance Classifications	Immediate Action Required
Local Law	National Standard TCVN 3890:2009, Article 6
Benchmark ID	HSE.2
Benchmark Details	All documents required to be available to workers and management by applicable laws (e.g. health and safety policies, MSDS, environmental emergency plans) shall be made available in the prescribed manner and in the local language or language spoken by the workers, if different from the local language.
Finding Details	The factory does not provide regular health checks or occupational diseases health check for workers who are working in hazardous and heavy conditions every 6 months. The latest health check was in December 2020.
Recommendation for Immediate Action	Provide health checks for workers who work in hazardous and heavy conditions every 6 months.

Compliance Classifications	Immediate Action Required
Local Law	Law No. 84/2015/QH13, Article 21
Benchmark ID	HSE.14.1
Benchmark Details	All production machinery, equipment and tools shall be properly guarded and regularly maintained.
Finding Details	There is no handrail equipped for the staircase at the fire-fighting pumping machines room.
Recommendation for Immediate Action	Install a handrail and/or fence at staircases and positions at height to protect people from falling.
Compliance Classifications	Immediate Action Required
Local Law	N/A
Benchmark ID	HSE.6.1
Benchmark Details	All safety and medical equipment (e.g. fire fighting equipment, first aid kits) shall be available in sufficient numbers throughout the workplace, maintained and stocked as prescribed, and easily accessible to workers.
Finding Details	1. There is no water from the fire hydrant system due to the circuit breaker's fault when testing. The issue was improved during the assessment. 2. The automatic fire-fighting system (Sprinkler system) is not ready due to fault of pumping machines. In addition, the fire pump station is set on "manual mode" instead of "auto mode" for automatic fire-fighting. The factory improved this concern on the second day of the assessment. 3) There are no inspection tags and maintenance stamps for all (more than 10) fire extinguishers at workshop B1. The factory improved this on the first day of the assessment.



Recommendation for Immediate Action	1 + 2) The factory is advised that fire-fighting equipment shall be in good condition and functional. 3) The factory is advised that fire extinguishers shall be inspected visually on a monthly basis and maintained regularly.
Compliance Classifications	Immediate Action Required
Local Law	1+ 2) National Standard TCVN 3890:2009, Article 8 3) National Standard TCVN 7435 - 2:2004, Article 4 and National Standard TCVN 3890:2009, Article 5
Benchmark ID	HSE.4.1
Benchmark Details	Employers shall at all times be in possession of all legally required and valid permits and certificates related to health, safety, and environmental issues, such as: Purchase and storage of chemicals; Fire safety inspections; Machinery inspections; Waste disposal; Environmental licenses/permits; Sanitation permits, including those required for canteens; and Vehicle inspection and driver permits for all employer provided transportation.
Finding Details	1) The factory has not obtained fire safety acceptance of the whole facility. 2) The factory has not obtained a legal inspection record of a compressed air distribution system as required.
Recommendation for Immediate Action	1) The factory is advised that the facility shall be inspected and accepted on fire prevention and fighting according to the approved fire safety design by the authorities. 2) The factory is advised that strict required equipment shall be inspected and certified.
Compliance Classifications	Immediate Action Required
Local Law	1) Decree No. 136/2020/ND-CP, Article 15 2) Decree No. 44/2016/ND-CP, Article 16 and Circular No. 36/2019/TT-BLDTBXH, Article 2
Benchmark ID	HSE.1
Benchmark Details	Employers shall comply with all national laws, regulations and procedures concerning health, safety, and the environment.

Finding Details	The factory has conducted the risk assessment; however, it did not include the safety risks or hazards at some areas such as the canteen, clinic room, waste storage, parking area and internal traffic. The fire risk assessment is conducted and covered the following areas: canteen, clinic room and waste storage areas.
Recommendation for Immediate Action	The factory is advised to identify all hazards and risks at all workplaces/areas and persons to control risks; identify the deadline, in-charge person, verification for the improvements to reduce or eliminate the risk.
Compliance Classifications	Immediate Action Required
Local Law	Circular No. 07/2016/TT-BLDTBXH, Article 3 – 5.
Benchmark ID	HSE.18.1
Benchmark Details	Medical facilities shall be established and maintained in factories as required by applicable laws.
Finding Details	The factory has more than 1,600 employees. However, there are only two medical staffs with intermediate education instead of an established medical facility with approval or a signed contract with a qualified medical facility as legally required.
Recommendation for Immediate Action	The factory is advised to establish the medical facility with approval or signed contract with the qualified medical facility as legally required.
Compliance Classifications	Immediate Action Required
Local Law	Decree No. 39/2019/ND-CP, Article 37
Benchmark ID	HSE.5.2
Benchmark Details	Workers shall be trained in evacuation procedures.
Finding Details	There is no evacuation map posted at finished goods warehouse (workshop B5). The issue was improved on the second day of the assessment.

Recommendation for Immediate Action	The factory is advised to post evacuation map at all workshops.
Compliance Classifications	Immediate Action Required
Local Law	Circular No. 149/2020/TT-BCA, Article 5
Benchmark ID	HSE.14.2
Benchmark Details	Workers shall receive training in the proper use and safe operation of machinery, equipment and tools they use.
Finding Details	The factory has not provided occupational safety and health (OSH) training for: a. Three out of six forklift drivers, five out of six electricians (defined as Group 3). b. Two (2) medical staffs (defined as Group 5).
Recommendation for Immediate Action	Provide the required OSH training to designated employees.
Compliance Classifications	Immediate Action Required
Local Law	Decree No. 140/2018/ND-CP, Article 1, Clause 5 and Circular No. 06/2020/TT-BLDTBXH
Benchmark ID	HSE.9.2
Benchmark Details	Workers shall receive training, appropriate to their job responsibilities, concerning the hazards, risks and the safe use of chemicals and other hazardous substances.
Finding Details	The factory has not conducted chemical safety training by a qualified trainer or qualifier training center for legally required persons including the head of factory, production manager, person in charge of chemical safety, chemical safety supervisor and people working with chemical.
Recommendation for Immediate Action	Provide chemical safety training for required persons.

Compliance Classifications	Immediate Action Required
Local Law	Law No. 06/2007/QH12, Article 37 and Decree 113/2017/ND-CP, Article 32
Benchmark ID	HSE.17.1
Benchmark Details	Workstations, including seating and standing arrangements and reach required to obtain tools, shall be designed and set-up in such a manner as to minimize bodily strains.
Finding Details	Two (2) out of more than 10 chairs are not equipped with back-support in the Quality Control section (workshop A2).
Recommendation for Immediate Action	Take proactive steps to reduce repetitive-motion stress or injuries e.g. breaks and adjustable workstations.
Compliance Classifications	Immediate Action Required
Local Law	N/A

### Hours Of Work (HOW)

Benchmark ID	HOW.14
Benchmark Details	Employers shall provide workers taking annual leave their normal or average wages for the full period of annual leave in advance, unless specified differently under national laws, regulations and procedures.

Finding Details	Based on document review and interview with factory management, it is noted that the factory deducted inaccurately the annual leave for workers. For instance: according to the Annual leave register form, worker A applied annual leave from 08:00 to 09:15 (one hour 15 minutes) on August 16, 2021 and had actual time-in at 09:02 on the same day. However, the factory deducted 1.25 annual leave hours instead of 1.033 annual leave hours for this worker. – Factory calculation: 1.25 leave hours + 6.75 working hours – Correct calculation: 1.033 leave hours + 6.967 working hours As a result, it leads to excessive annual leave deduction for workers from January to August 2021. There are approximately 1,163 impacted workers for the same non-compliance.
Recommendation for Immediate Action	The factory is advised to calculate the annual leave deduction correctly using the base of the actual working time and annual leave hours of workers.
Compliance Classifications	Immediate Action Required
Local Law	Vietnam Labor Code 2019 (Law No. 45/2019/QH14), Article 113; Decree 145/2020/ND-CP, Article 54
Benchmark ID	HOW.21
Benchmark Details	Other than in exceptional circumstances, the total weekly work hours (regular work hours plus overtime including any alternative shifts such as 4x4 or 3x3) shall not exceed 60 hours per week.
Finding Details	Based on payroll and attendance record review during the past 12 months, interview with factory management and workers; it is noted that workers work excessive monthly overtime hours in 2020 and 2021. In details: - In 2020: approximately 43% of workforce worked more than 30 OT hours each month. The maximum monthly overtime hours are 42 OT hours/month in August and November. - In 2021: approximately 55% of workforce worked more than 40 OT hours/month. The maximum monthly overtime hours are 45 OT hours/month in January, March, April, July and August. 2) Based on document review, interview with factory management and security guard; it is noted that the weekly working hours are more than 60 hours per week. According to the attendance records from April to August 2021, the weekly working hours of all of 34 security guards are up to 84 hours/week.

Recommendation for Immediate Action	1) Ensure the overtime working hours of the employee does not exceed 40 hours in a month as legally required. 2) Weekly working hours should not be more than 60 hours/week.
Compliance Classifications	Immediate Action Required
Local Law	1) Vietnam Labor Code 2012 (Law No. 10/2012/QH13), Article 106 and Vietnam Labor Code 2019 (Law No. 45/2019/QH14), Article 107
Benchmark ID	HOW.2
Benchmark Details	Workers shall be entitled to at least 24 consecutive hours of rest in every seven- day period. If workers must work on a rest day, an alternative consecutive 24 hours must be provided within that same seven-day period or immediately following.
Finding Details	Based on document review, interview with factory management and security guards; it is noted that the security guards are not entitled to at least 4 rest days/month as legally required from April to August 2021. For instance, employee A worked full month in August 2021 (31 days) without any rest day.
Recommendation for Immediate Action	The factory is advised that each week, an employee is entitled to a break of at least 24 consecutive hours. Where it is impossible for the employee to have a weekly day off due to the work cycle, the employer has the responsibility to ensure that on average the employee has at least 04 days off per month.
Compliance Classifications	Immediate Action Required
Local Law	Vietnam Labor Code 2019 (Law No. 45/2019/QH14), Article 111
<b>Nondiscrimination (ND)</b>	
Benchmark ID	ND.3

Benchmark Details	Recruitment and employment policies and practices, including job advertisements, job descriptions, application and interview questions and job performance/evaluation policies and practices shall be free from any type of discriminatory bias.
Finding Details	Preference in hiring age is found on the company's Facebook page. It is noted that the recruitment notice and comments of in-charge person on Facebook of the company mentions that the factory only recruits: - Unskilled sewing workers: up to 40 years old. - Skilled sewing workers: up to 50 years old. - Sufficient 18 years old (not recruiting workers under 18 years old). In practice: - The factory recruited unskilled workers from 40 – 50 years old (6 workers). - The factory recruited workers that are more than 50 years old (3 workers). - The factory has around 130 workers from 40 – 50 years old. - The factory did not have any young workers (under 18 years old).
Recommendation for Immediate Action	Remove discriminatory bias from job advertisements and base hiring on skill set.
Compliance Classifications	Immediate Action Required
Local Law	Vietnam Labor Code 2019 (Law No. 45/2019/QH14), Article 8

