

Fair Labor Association: Independent External Factory Assessment

Assessment Date :

24 Aug 2021



Factory Information

FLA Affiliates	Bella+Canvas
Country	El Salvador
Number of Workers	762

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)	6
Employment Relationship (ER)	13
Forced Labor (F)	1
Harassment Or Abuse (H/A)	3
Health, Safety And Environment (HSE)	13
Hours Of Work (HOW)	2

Assessment Information

Assessor	Francisco Chicas
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Assessment Date	24 Aug 2021
Assessment Purpose	Factory Assessment (In-Person)

ASSESSMENT RESULTS

Compensation (C)

Benchmark ID	C.16.1
Benchmark Details	All compensation records, including wages and benefits whether in cash or in-kind, must be properly documented and their receipt and accuracy must be confirmed by the relevant worker in writing (e.g. signature, thumbprint).
Finding Details	The assessors found that workers work outside of designated working times. Work beyond regular working hours from Monday to Friday is registered but not compensated; and extra work performed on Saturdays is neither registered or compensated. Please refer to details under benchmark C.17 for details.
Recommendation for Immediate Action	Workers should not perform work outside of the regular and ordinary workday (before the designated start time, after the designated ending time, during lunch break or on Saturdays). If they do, record and pay all overtime hours as legally required.
Compliance Classifications	Immediate Action Required
Local Law	Labor Code, Article 169
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	Workers were found to work outside of the designated working hours. In all these cases, workers are only paid the production bonuses but not the overtime hours, which are not recorded. Work beyond regular working hours from Monday to Friday is registered but not compensated; and extra work performed on Saturdays is neither registered or compensated. Please refer to finding details under C.17 for more details.

Recommendation for Immediate Action	Workers should not perform work outside of the regular and ordinary workday (before the designated start time, after the designated ending time, during lunch break or on Saturdays). If they do, record and pay all overtime hours as legally required.
Compliance Classifications	Immediate Action Required
Local Law	Labor Code, Article 169
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. Annually, the factory provides annual indemnization (in-advance payment of termination payouts) to the workers; under this practice, the factory terminates workers based on the fact that they have received the indemnization and renews their employment contracts annually and on a consecutive basis, against FLA's Compliance Benchmarks. 2. Annual payments of advance termination payouts are not included as itemized deductions in the final severance calculation when workers are terminated or if they resign. This means that the final severance calculation is based only on the last working year (or fraction of the year), instead of multiplying the total years of service by the current legal minimum wage, and then deducting all advance payments of termination payouts previously provided to the workers. 3. The factory does not pay workers' the 75% of salary when they are under medical leave that lasts three days or less. Salvadoran regulations require that the Social Security Institute (ISSS by its initials in Spanish) pay workers 75% of their salary in the case of medical leave lasting four days or more, and such payment does not cover the first three days of medical leave, which should be a responsibility of the employer to pay.</p>

Recommendation for Immediate Action	1. Stop the practice of terminating workers when annual indemnization is paid; instead, documentary evidence of in-advance payment of indemnization should be kept, without terminating workers. 2. Calculate payment of termination payouts multiplying all length of service for the last valid legal minimum wage in force, and deduct from the total all in-advance payments of termination payouts provided to the workers in previous years. 3. Pay workers the correct amount when they take medical leave.
Compliance Classifications	Immediate Action Required
Local Law	Labor Code, Art. 58; Constitution, Art. 50; Social Security Law, Art. 100; Regulations for the Implementation of the Social Security Regime, Art. 24
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	The assessors found that workers can start working before the designated starting time (6:30 am), and that they can also continue working after the designated ending time (4:00 pm Mon to Thu, or 3:00 pm on Fri). Even when workers voluntarily stay working beyond the regular daily hours of work with the purpose of reaching the established production goals, this practice constitutes off-the-clock work that is not recorded or compensated as overtime, as legally required. According to interviewed workers, sometimes they could even start working around 30 minutes before the designated start time, and during afternoon they could stay up to 1 additional hour after the end time. Some workers commented they have even attended work on Saturdays without registering hours of work (not punching in/out). In all these cases, workers are only paid the production bonuses but not the overtime hours, which are not recorded either. Work beyond regular working hours from Monday to Friday is registered but not compensated; and extra work performed on Saturdays is neither registered or compensated.

Recommendation for Immediate Action	Workers should not work out of the regular and ordinary workday (before the defined start time, after the defined ending time, during lunch break or on Saturdays). If this happens, record and pay all overtime hours as legally required.
Compliance Classifications	Immediate Action Required
Local Law	Labor Code, Article 169
Benchmark ID	C.24.1
Benchmark Details	Employers shall not set production targets, piece rates or any other incentive or production system at such a level that workers need to work beyond regular working hours as set under the FLA Workplace Code, excluding overtime, in order to make at least the minimum wage or the prevailing industry wage, whichever is higher.
Finding Details	Workers work out of the designated working hours to meet production targets and to receive production bonuses. Please refer to finding details under C.17 for details.
Recommendation for Immediate Action	Workers should not perform work outside of the regular and ordinary workday (before the designated start time, after the designated ending time, during lunch break or on Saturdays). If they do, record and pay all overtime hours as legally required.
Compliance Classifications	Immediate Action Required
Local Law	Labor Code, Article 169
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	Workers are not provided with pay slips for any payment period. They are only shown the payroll, which indicates the gross and net salaries and the corresponding deductions. According to workers and management, pay slips are only provided upon workers' request. From interviews, the assessors noted that workers do not request pay slips.
Recommendation for Immediate Action	Provide all workers with payslips for every single payment period; even if workers do not request it.
Compliance Classifications	Immediate Action Required
Local Law	Labor Code, Art. 138

Employment Relationship (ER)

Benchmark ID	ER.11.2
Benchmark Details	Employers must ensure the following minimum terms and conditions are met in the employment of contract/contingent/migrant/temporary workers: Contract/contingent/migrant/temporary workers shall be provided an employment agreement in their native language setting out the employment terms and conditions. for migrant workers, a copy of their employment contract in their native language shall be provided prior to departure from their country of origin;
Finding Details	Based on legal requirements, copies of employment contracts should be registered at the Ministry of Labor within the eight days after the employment start date; also copies of contracts should be provided to the hired workers; however, during workers' personnel files review, the assessors found that two workers hired in June and July 2021 have not signed employment contracts yet. As a result, copies of contracts have not been provided to the workers, or registered at the Ministry of Labor.
Recommendation for Immediate Action	

Compliance Classifications	Sustainable Improvement Required
Local Law	Labor Code, Art. 18; FLA Workplace Code (Employment Relationship Benchmark ER.19.1)
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	1. No ongoing training on factory's policies and procedures and clients' Codes of Conduct has been provided to the workers and supervisors since the Covid-19 pandemic affected the country in mid March 2020. Last training session on these topics was conducted in January 2020. Management explained that it is a challenge to implement group training sessions due to the distancing requirements in light of the Covid-19 pandemic. 2. The only one lactating worker available at the time of the assessment has not been informed on her right to visit the lactating room during hours of work to pump and store breast milk; communicating such information is a legal right under Salvadoran law.
Recommendation for Immediate Action	
Compliance Classifications	Sustainable Improvement Required
Local Law	Law of Promotion, Protection and Support to Breastfeeding, Art. 14
Benchmark ID	ER.2

Benchmark Details	Employers shall ensure that all legally mandated requirements for the protection or management of special categories of workers, including migrant, juvenile, contract/contingent/temporary, probationary workers, home workers, and pregnant or disabled workers, are implemented. Where local laws and FLA standards differ, the employer is expected to follow the highest applicable standard.
Finding Details	The factory has not hired the legally required number of workers with disabilities. Currently, the factory employs 19 disabled workers, but as per legal requirements there should be at least 31 (one worker with disability for every 25 workers). The assessors reviewed communications between the factory management and representatives of Ministry of Labor and authorities of the local Municipality of Olocuilta (where the factory is located), showing the factory has engaged with these stakeholders, and that the factory has made efforts to reach the number of disabled workers to hire.
Recommendation for Immediate Action	
Compliance Classifications	Sustainable Improvement Required
Local Law	Law on Equal Opportunities for People with Disabilities, Art. 24
Benchmark ID	ER.5.1
Benchmark Details	Employers shall ensure that all supervisors are trained in national laws, workplace regulations, and the FLA Code, workplace grievance systems, and the appropriate practices to ensure compliance.
Finding Details	Ongoing training on factory's policies and procedures and clients' Codes of Conduct has not been provided to the workers and supervisors since the Covid-19 pandemic affected the country in mid March 2020. Last training session on these topics was conducted in January 2020. Management explained that it is a challenge to retake the implementation of group training sessions due to the distancing requirements in light of the Covid-19 pandemic.

Recommendation for Immediate Action	
Compliance Classifications	Sustainable Improvement Required
Local Law	
Benchmark ID	ER.1.1
Benchmark Details	Employers shall have in place written policies and practices and maintain proper and accurate records governing all aspects of employment from recruitment, hiring and probation, including written terms and conditions of employment, job descriptions, administration of compensation, and working hours for all positions, through to retrenchment and termination processes.
Finding Details	The factory is missing policies and procedures on Termination & Retrenchment.
Recommendation for Immediate Action	
Compliance Classifications	Sustainable Improvement Required
Local Law	
Benchmark ID	ER.18.1
Benchmark Details	Employers shall have written disciplinary rules, procedures and practices that embody a system of progressive discipline (e.g. a system of maintaining discipline through the application of escalating disciplinary action moving from verbal warnings to written warnings to suspension and finally to termination).
Finding Details	The factory is missing policy and procedure on Workplace Discipline.
Recommendation for Immediate Action	

Compliance Classifications	Sustainable Improvement Required
Local Law	
Benchmark ID	ER.6.1
Benchmark Details	Employers shall have written policies and procedures and implement practices that encourage ongoing training of all categories of workers with the goal of raising or broadening skills in order to advance in their careers within the factory or beyond.
Finding Details	The factory is missing policies and procedures on Personnel Development, including performance reviews, promotions, demotion and reassignment, and policies and procedures that encourage ongoing worker training with the goal of raising workers' skills, so they can advance in their professional careers.
Recommendation for Immediate Action	
Compliance Classifications	Sustainable Improvement Required
Local Law	
Benchmark ID	ER.7.1
Benchmark Details	Employers shall have written policies and procedures with regard to performance reviews that outline the review steps and process, demonstrate linkages to job grading, prohibit discrimination, are provided in writing and seek feedback and agreement/disagreement from employees in writing, and that follow all local legal requirements.

Finding Details	1. The factory is missing policies and procedures on Personnel Development, including performance reviews, promotions, demotion and reassignment, and policies and procedures that encourage ongoing worker training with the goal of raising workers' skills, so they can advance in their professional careers. 2. According to management, performance reviews are conducted but not recorded. The assessors did not find evidence that performance reviews are conducted, during worker interviews.
Recommendation for Immediate Action	
Compliance Classifications	Sustainable Improvement Required
Local Law	
Benchmark ID	ER.8
Benchmark Details	Employers shall have written policies and procedures with regard to promotion, demotion, and job reassignment that outline the criteria, demonstrate linkages to job grading, and prohibit discrimination or use of demotion or job reassignment as a form of penalty or punishment, are provided in writing and seek feedback from employees in writing, and follow all local legal requirements.
Finding Details	The factory is missing policies and procedures on Personnel Development, including performance reviews, promotions, demotion and reassignment, and policies and procedures that encourage ongoing worker training with the goal of raising workers' skills, so they can advance in their professional careers.
Recommendation for Immediate Action	
Compliance Classifications	Sustainable Improvement Required
Local Law	
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. Clause A of employment contracts signed with workers does not specify the workers' duties, as legally required. This clause is intended to explain the workers' tasks but such information is missing. 2. Canteen #1 is missing a Health Licensee, as legally required.
Recommendation for Immediate Action	1. Include workers' duties in employment contracts, as required by law. 2. Management to ensure that Canteen #1 obtains the Health Licensee required by law.
Compliance Classifications	Immediate Action Required
Local Law	Labor Code, Art. 23 section 3; Health Code, Art. 86 section b); Technical Norm on Food, Art. 35
Benchmark ID	ER.3.1
Benchmark Details	Employers shall provide an orientation to new employees at the time of hiring, which includes explanations of the employers' rules, compensation package and policies for human resources, grievance systems, industrial relations, including respect of the right to freedom of association, workers' rights and responsibilities, FLA Code of Conduct, health and safety, and environmental protection.
Finding Details	New workers hired during 2021 have not received orientation training; they were only provided with the Worker Handbook, which explains workers' benefits, work schedules, workplace rules, factory's policies, available grievance channels, disciplinary system, and safety rules.
Recommendation for Immediate Action	
Compliance Classifications	Sustainable Improvement Required
Local Law	

Benchmark ID	ER.1.3
Benchmark Details	Employers should implement an annual, review process with input from workers of all policies, procedures and their implementation to ensure they meet legal requirements and the FLA Workplace Code.
Finding Details	The Worker Handbook is not updated in the section related to the legal benefits: the number of days used to calculate the payment of Christmas Bonus is based on the old regulations, and it does not consider the 2019 law reform that increased the number of days that should be considered to calculate this fringe benefit.
Recommendation for Immediate Action	
Compliance Classifications	Sustainable Improvement Required
Local Law	Legislative Decree N° 479 (Reform to the Labor Code, Dated Nov 25, 2019); FLA Workplace Code (Employment Relationship Benchmark ER.1.3)
Benchmark ID	ER.18.1.1
Benchmark Details	The disciplinary system shall be applied in a fair and nondiscriminatory manner and include a management review of the actions by someone senior to the manager who imposed the disciplinary action.
Finding Details	Workers have not been sufficiently informed on some elements of the disciplinary procedure, such as their right to be heard, the right to present witnesses during the imposition of disciplinary actions, or their right to appeal disciplinary actions.
Recommendation for Immediate Action	
Compliance Classifications	Sustainable Improvement Required
Local Law	

Forced Labor (F)

Benchmark ID	F.7.1.3
Benchmark Details	Employers shall not utilize, nor shall they use employment agencies or intermediaries that utilize, practices that restrict any worker's freedom of movement, or ability to terminate their own employment, or that create a threat of penalty. Examples of such practices include, but are not limited to imposing financial penalties.
Finding Details	According to the Worker Handbook, workers who do not show up to work or who show up late to the factory might be subjected to a monetary penalty through the deduction of the payment of the rest day. Even when the local law allows this practice, and when the assessors did not find evidence that this policy has been implemented, it goes against the FLA Compliance Benchmarks, which prohibits the use of monetary penalties as a mean to maintain discipline.
Recommendation for Immediate Action	Eliminate the current policy of deducting workers the payment of weekly rest day, as a monetary penalty when they do not show up to work, or when they show up late.
Compliance Classifications	Immediate Action Required
Local Law	

Harassment Or Abuse (H/A)

Benchmark ID	H/A.1.1
Benchmark Details	Employers shall comply with all national laws, regulations and procedures concerning discipline, violence, harassment and abuse, including that which is gender-based

Finding Details	Communication and training on sexual harassment has not been sufficiently effective to address workers' misconceptions around this topic. Many interviewed workers considered "normal" some forms of sexual harassment, such as unwanted flattery; some of them also think that the way female workers dress could "justify" they are subjected to sexual harassment. Even when no actual instance of sexual harassment was found, this collective mindset and the prevalence of misconceptions around sexual harassment among workers exposes an important risk that potential cases might occur in the future. By law, employers are responsible of preventing and addressing all psychosocial risks, including sexual harassment.
Recommendation for Immediate Action	
Compliance Classifications	Sustainable Improvement Required
Local Law	General Law on Occupational Risks Prevention at Workplace, Art. 8 section 10; FLA Workplace Code (Harassment or Abuse Benchmark H/A.1.1)
Benchmark ID	H/A.5
Benchmark Details	Employers shall not use any form of verbal violence, including screaming, yelling, or the use of threatening, demeaning, or insulting language, as a means to maintain labor discipline.
Finding Details	During worker interviews, the assessors found that two sewing line supervisors commit verbal abuse, through the use of threatens and screaming to push workers to reach production goals.
Recommendation for Immediate Action	Take action to avoid that sewing supervisors continue to commit verbal abuse against workers.
Compliance Classifications	Immediate Action Required
Local Law	FLA Workplace Code (Harassment or Abuse Benchmark H/A.5)
Benchmark ID	H/A.2

Benchmark Details	Employers shall not use monetary fines and penalties as a means to maintain labor discipline, including for poor performance or for violating company rules, regulations, and policies.
Finding Details	According to the Worker Handbook, workers who do not show up to work or who show up late to the factory might be subjected to a monetary penalty, through the deduction of the payment of the rest day. Even when the local law allows this practice, and when the assessors did not find evidence that this policy has been implemented, it goes against the FLA Compliance Benchmarks, which prohibits the use of monetary penalties as a mean to maintain discipline.
Recommendation for Immediate Action	Eliminate the current policy of deducting workers the payment of weekly rest day, as a monetary penalty when they do not show up to work, or when they show up late.
Compliance Classifications	Immediate Action Required
Local Law	FLA Workplace Code (Harassment or Abuse Benchmark H/A.2)

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	No health and safety training has been conducted among workers since the Covid-19 pandemic affected the country, in mid March 2020. Last training sessions on fire fighting, evacuation procedures, and first aid were conducted in February 2020. Last training on chemical management –including PPE use– was conducted in November 2019. Last training session on safe operation of forklift was conducted in November 2019. Management explained that it is a challenge to retake the implementation of group training sessions due to the distancing requirements in light of the Covid-19 pandemic.

Recommendation for Immediate Action	
Compliance Classifications	Sustainable Improvement Required
Local Law	Regulations to the General Law on Occupational Risks Prevention at Workplace, Arts. 90 section 5, 214 section c), 216 and 241;FLA Workplace Code (Health, Safety and Environment Benchmarks HSE.1, HSE.5.1.5, HSE.6.2, HSE.8 and HSE.9.2)
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	The assessors noted that emergency alarm sound is inaudible at Embroidery; despite no work taking place in the course during the virtual assessment, the assessors asked management to turn the embroidery machines on, in order to test whether the alarm could be heard. Regularly, this area tends to be noisy due to the machines operation. Furthermore, on regular workdays, workers have to use hearing protection while performing their tasks, which prevents workers from hearing the alarm sound.
Recommendation for Immediate Action	Install a visible alarm system at Embroidery.
Compliance Classifications	Immediate Action Required
Local Law	Regulations to the General Law on Occupational Risks Prevention at Workplace, Art. 78; FLA Workplace Code (Health, Safety & Environment Benchmarks HSE.1, HSE.5.1 and HSE.5.1.2).
Benchmark ID	HSE.9.1
Benchmark Details	All chemicals and hazardous substances shall be properly labeled and stored in secure and ventilated areas and disposed of in a safe and legal manner, in accordance with applicable laws and international standards.

Finding Details	The following issues on chemical management were observed at Screen Printing: 1) Some chemical containers were missing labels. 2) Some labels were missing all relevant information required by law, such as, pictograms indicating risks, description of risks, preventive measures, and steps to follow in case of accident. 3) Drinking water containers stored next to the chemical containers, which increases the risk of accidental consumption of chemical products; mostly considering that some containers are missing labels. Chemicals used at this work area are: inks, glues and solvents.
Recommendation for Immediate Action	1) Post labels at all chemical containers at Screen Printing, and ensure that labels follow legal requirements. 2) Ensure that workers followed safe storing practices of drinking water at Screen Printing.
Compliance Classifications	Immediate Action Required
Local Law	Regulations to the General Law on Occupational Risks Prevention at Workplace, Art. 22 sections 1 and 2; FLA Workplace Code (Health, Safety & Environment Benchmarks HSE.1 and HSE.9.1).
Benchmark ID	HSE.22.1
Benchmark Details	All food made available to workers shall be prepared, stored, and served in a safe and sanitary manner in accordance with all applicable laws and international standards.
Finding Details	During the observation tour, the following issues were found at the canteen: 1) Four workers at Canteen #1 were not wearing hairnets, and they were working at the food preparation area, which constitutes lack of hygiene. 2) One worker at Canteen #2 was not properly using the hairnet, as her hair was exposed. This worker was also working at the food preparation area. 3) Three roof lamps at Canteen #1 and five roof lamps at Canteen #2 were missing protection; all these lamps were placed above the food preparation area without a covering device that prevent lamp fall. 4) There were not first aid kits available for canteen workers at Canteen #1 and Canteen #2.

Recommendation for Immediate Action	1) Ensure that workers involved in food preparation are properly using hairnets at all times at both canteens. 2) Install protection devices to the roof lamps at the food preparation area. 3) Provide canteens with first aid kits, and first aid kits supplies should be based on the types of occupational risks at these work areas.
Compliance Classifications	Immediate Action Required
Local Law	Technical Norm on Food, Art. 38; FLA Workplace Code (Health, Safety & Environment Benchmarks HSE.1, HSE.6.1 and HSE.22.1).
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 was not eyewash station at Dyeing, where chemicals are in use; 2. MSDSs of the chemicals used by workers were not readily available for workers to consult them at this area.
Recommendation for Immediate Action	1. Install an eyewash station at Dyeing. 2. Ensure that MSDSs all chemicals in use are available at Dyeing for workers to consult them.
Compliance Classifications	Immediate Action Required
Local Law	Regulations to the General Law on Occupational Risks Prevention at Workplace, Arts. 214 section b) and 221; FLA Workplace Code (Health, Safety & Environment Benchmarks HSE.1, HSE.6.1 and HSE.10.1).
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	Canteen #1 is missing a Health Licensee, as legally required.
Recommendation for Immediate Action	Management to ensure that Canteen #1 obtains the Health Licensee required by law.
Compliance Classifications	Immediate Action Required
Local Law	Health Code, Art. 86 section b); Technical Norm on Food, Art. 35; FLA Workplace Code (Health, Safety & Environment Benchmarks HSE.1, HSE.4.1 and HSE.4.1.6).
Benchmark ID	HSE.1
Benchmark Details	Employers shall comply with all national laws, regulations and procedures concerning health, safety, and the environment.
Finding Details	During the last residual water test, dated April 2021, the test showed that the residual water discharged exceeded the legal limit for chloride, which is 100 mg/L; however, the residual water test indicated 484 mg/L.
Recommendation for Immediate Action	
Compliance Classifications	Sustainable Improvement Required
Local Law	Technical Salvadoran Regulation RTS 13.05.01:18, Art. 5.6.5; FLA Workplace Code (Health, Safety & Environment Benchmark HSE.1)
Benchmark ID	HSE.23.1

Benchmark Details	Safe and clean drinking water shall be freely available at all times, within reasonable distance of the workplace. Drinking water shall be of a reasonable temperature. The means to drink water (e.g. cups) must be safe and sanitary and available in an appropriate number.
Finding Details	The following issues on chemical management were observed at Screen Printing: 1) Some chemical containers were missing labels. 2) Some labels were missing all relevant information required by law, such as, pictograms indicating risks, description of risks, preventive measures, and steps to follow in case of accident. 3) Drinking water containers stored next to the chemical containers, which increases the risk of accidental consumption of chemical products; mostly considering that some containers are missing labels. Chemicals used at this work area are: inks, glues and solvents.
Recommendation for Immediate Action	1) Post labels at all chemical containers at Screen Printing, and ensure that labels follow legal requirements. 2) Ensure that workers followed safe storing practices of drinking water at Screen Printing.
Compliance Classifications	Immediate Action Required
Local Law	Regulations to the General Law on Occupational Risks Prevention at Workplace, Art. 22 sections 1 and 2; FLA Workplace Code (Health, Safety & Environment Benchmarks HSE.1 and HSE.9.1).
Benchmark ID	HSE.7
Benchmark Details	Workers shall be provided at no cost with all the appropriate and necessary personal protective equipment (e.g. gloves, eye protection, hearing protection, respiratory protection) to effectively prevent unsafe exposure (e.g. inhalation or contact with solvent vapors, noise, dust) to health and safety hazards, including medical waste.

Finding Details	<p>During the observation tour, the assessors noted the following issues concerning Personal Protective Equipment (PPE) 1) One mechanic at the Mechanic Workshop was seen using a sanding machine without wearing relevant PPE: facemask and protective gloves. 2) Four workers at Laundry do not use eye protection (protective glasses), as required by Material Safety Data Sheets (MSDS) of chemicals in use at this work area. In the case of workers with sensitive skin, the MSDSs also require the use of protective gloves, but the factory has not assessed whether there are workers who might require such protection. This PPE has not been provided by the factory. 3) Two workers at Dyeing were manipulating acid without wearing PPE: protective mask, gloves and apron. This PPE has not been provided by the factory. 4) PPE used at washing of screen printing frames was not properly stored: protective glasses, earmuffs, and gloves were placed in a dirty surface, and exposed to the environment, instead of being stored in a close and clean storage compartment. 5) Based on results and conclusions of the 2019 particulate emissions at the work environment which was conducted by a third party company, workers at certain areas of Cutting should be provided with filtered masks; however, the factory has not provided such PPE yet. Management explained that due to the current Covid-19 pandemic, companies in charge of supplying PPE at the country do not have filtered masks in stock. The assessors called the supplier company the factory uses to acquire PPE, and corroborated that the filtered masks are not available. 6) The factory does not provide workers with masks to prevent Covid-19 infections; workers are responsible to acquire their own masks to be used at the workplace.</p>
Recommendation for Immediate Action	<p>1) Provide workers handling chemicals at Laundry and Dyeing with the corresponding PPE, based on material safety data sheets (MSDS) requirements. 2) Ensure that mechanics are provided with the relevant PPE and that they wear it at all times. 3) Ensure that workers are properly and safely storing PPE at Washing of Screen Printing frames. 4) Provide workers at Cutting with the filtered masks required by a third party assessment result. 5) Provide all workers with adequate masks to prevent Covid-19 infections.</p>
Compliance Classifications	Immediate Action Required

Local Law	General Law on Occupational Risks Prevention at Workplace, Art. 38; Regulations to the General Law on Occupational Risks Prevention at Workplace, Arts. 90, 91 section 1) and 92; FLA Workplace Code (Health, Safety & Environment Benchmarks HSE.1 and HSE.7).
Benchmark ID	HSE.8
Benchmark Details	Workers shall be provided with training on the use and maintenance of personal protective equipment. Training shall be upon hire with periodic refresher training offered to all workers. Management will ensure use of PPE as necessary.
Finding Details	One mechanic at the Mechanic Workshop was seen using a sanding machine without wearing relevant PPE of facemask or protective gloves. The PPE had been provided by management but the worker was not using it.
Recommendation for Immediate Action	Ensure that mechanics wear PPE at all times
Compliance Classifications	Immediate Action Required
Local Law	General Law on Occupational Risks Prevention at Workplace, Art. 38; Regulations to the General Law on Occupational Risks Prevention at Workplace, Arts. 90, 91 section 1) and 92; FLA Workplace Code (Health, Safety & Environment Benchmarks HSE.1 and HSE.7).
Benchmark ID	HSE.10.2
Benchmark Details	Workers shall have free access to MSDS.
Finding Details	1. There was not eyewash station at dyeing, where chemicals are in use; 2. MSDSs of the chemicals used by workers were not readily available for workers to consult them at this area.
Recommendation for Immediate Action	1. Install an eyewash station at Dyeing. 2. Keep MSDSs of chemicals used at Dyeing for workers to consult them at all times.

Compliance Classifications	Immediate Action Required
Local Law	Regulations to the General Law on Occupational Risks Prevention at Workplace, Arts. 214 section b) and 221; FLA Workplace Code (Health, Safety & Environment Benchmarks HSE.1, HSE.6.1 and HSE.10.1).
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	No health and safety training has been conducted among workers since the Covid-19 pandemic affected the country, in mid March 2020. Last training sessions on fire fighting, evacuation procedures, and first aid were conducted in February 2020. Last training on chemical management –including PPE use– was conducted in November 2019. Last training session on safe operation of forklift was conducted in November 2019. Management explained that it is a challenge to retake the implementation of group training sessions due to the distancing requirements in light of the Covid-19 pandemic.
Recommendation for Immediate Action	
Compliance Classifications	Sustainable Improvement Required
Local Law	Regulations to the General Law on Occupational Risks Prevention at Workplace, Arts. 90 section 5, 214 section c), 216 and 241;FLA Workplace Code (Health, Safety and Environment Benchmarks HSE.1, HSE.5.1.5, HSE.6.2, HSE.8 and HSE.9.2)
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	No health and safety training has been conducted among workers since the Covid-19 pandemic affected the country, in mid March 2020. Last training sessions on fire fighting, evacuation procedures, and first aid were conducted in February 2020. Last training on chemical management –including PPE use– was conducted in November 2019. Last training session on safe operation of forklift was conducted in November 2019. Management explained that it is a challenge to retake the implementation of group training sessions due to the distancing requirements in light of the Covid-19 pandemic.
Recommendation for Immediate Action	
Compliance Classifications	Sustainable Improvement Required
Local Law	Regulations to the General Law on Occupational Risks Prevention at Workplace, Arts. 90 section 5, 214 section c), 216 and 241;FLA Workplace Code (Health, Safety and Environment Benchmarks HSE.1, HSE.5.1.5, HSE.6.2, HSE.8 and HSE.9.2)

Hours Of Work (HOW)

Benchmark ID	HOW.22.2
Benchmark Details	Accurate time records shall be maintained by employers, including overtime, breaks, and leave.
Finding Details	The assessors found that workers can start working before the designated starting time (6:30 am), and that they can also continue working after the designated ending time (4:00 pm Mon to Thu, or 3:00 pm on Fri). Even when workers voluntarily stay working beyond the regular daily hours of work with the purpose of reaching the established production goals, this practice constitutes off-the-clock work that is not recorded or compensated as overtime, as legally required. For more finding details, please review finding C.17.1.

Recommendation for Immediate Action	Avoid that workers perform work out of the regular/ordinary workday (before the start time, after the ending time, during lunch break or on Saturdays), and if that happens, record and pay all overtime hours as legally required.
Compliance Classifications	Immediate Action Required
Local Law	Labor Code, Article 169; FLA Workplace Code (Hours of Work Benchmark HOW.22.3; Compensation Benchmarks C.1.1 and C.9.3)
Benchmark ID	HOW.17
Benchmark Details	Employers shall not impose any undue restrictions on sick leave. Any workplace restrictions or procedures regarding sick leave (e.g. informing the employer as soon as possible, the provision of medical certificates, the use of designated doctors or hospitals) must be in line with national laws, regulations and procedures and must be communicated in full to all workers.
Finding Details	Some interviewed workers commented that the factory implements salary deductions when they have to attend medical appointments at the Social Security clinics/hospitals, against its own internal policy (that recognizes this type of leave as a paid leave). In these cases, workers are deducted the proportion of salary corresponding to the time spent to attend the medical appointments.
Recommendation for Immediate Action	Refrain from deducting workers' salary when they attend medical appointments.
Compliance Classifications	Immediate Action Required
Local Law	FLA Workplace Code (Hours of Work Benchmark HOW.15)

