

Fair Labor Association: Independent External Factory Assessment

Assessment Date :

16 Aug 2021



Factory Information

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| FLA Affiliates | Amer Sports |
| Country | Turkey |
| Number of Workers | 290 |

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

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| Compensation (C) | 1 |
| Employment Relationship (ER) | 8 |
| Health, Safety And Environment (HSE) | 12 |
| Hours Of Work (HOW) | 7 |
| Nondiscrimination (ND) | 1 |

Assessment Information

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| Assessor | Sinan Doven |
| Assessment Date | 16 Aug 2021 |

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| Assessment Purpose | Factory Assessment (Hybrid) |
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ASSESSMENT RESULTS

Compensation (C)

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| 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 | Nearly 25 workers worked until 19:00 on June 18, 2021; however, the 30 minutes of overtime is not considered and paid as overtime. The management team stated that they conducted a meeting as a vehicle shipment was wrong for the second time, which can be the reason for overtime. |
| Recommendation for Immediate Action | Ensure that all the additional hours worked are considered and paid as overtime. |
| Compliance Classifications | Immediate Action Required |
| Local Law | Labor Law (2003), No. 4857, Art. 41 |

Employment Relationship (ER)

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| 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; |

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| Finding Details | The factory does not provide a copy of the employment contract to all workers. In the case that workers ask for a copy, the factory provides it. |
| Recommendation for Immediate Action | |
| Compliance Classifications | Sustainable Improvement Required |
| Local Law | Turkish Labor Law, Article: 8 |
| 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 | According to records the factory provides ongoing trainings on policy and procedures including FLA code elements. However, workers are not aware of those trainings and training contents, which means training effectiveness should be increased. |
| Recommendation for Immediate Action | |
| Compliance Classifications | Sustainable Improvement Required |
| Local Law | |
| 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. |

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| Finding Details | Workers lack information about worker representatives and their duties. The worker representative system is defined as a dialogue mechanism in the factory, however workers do not recognize their worker representatives. Awareness of this system should be raised in the factory to make it more effective. |
| 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 | The factory has performance evaluation policy and procedures, however the procedures do not include providing ongoing training with the goal of raising or broadening workers' skills to advance in their careers, steps and processes, linkages to job grading, nondiscrimination, or written feedback. |
| Recommendation for Immediate Action | |
| Compliance Classifications | Sustainable Improvement Required |
| Local Law | |
| Benchmark ID | ER.8 |

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| 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 | 1. The performance evaluation procedures do not clearly outline how the promotion, demotion, and job reassignments are maintained. 2. While sewing department workers' performance evaluations are considered for raising salaries, there is no such as system for ironing- packing and quality control departments yet. The factory is in the process of expanding the performance evaluation systems. |
| Recommendation for Immediate Action | |
| Compliance Classifications | Sustainable Improvement Required |
| Local Law | |
| Benchmark ID | ER.4 |
| Benchmark Details | Employers shall inform workers about workplace rules, environmental protection systems, health and safety information, and laws regarding workers' rights with respect to freedom of association, compensation, working hours, and any other legally required information, and the FLA Code through appropriate means, including posted in local language(s) throughout the workplace's common areas. |
| Finding Details | FLA Code of Conduct and benchmarks is not communicated or made available for the workers. |
| Recommendation for Immediate Action | |
| Compliance Classifications | Sustainable Improvement Required |

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| 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 | There are 9 disabled workers although the total number of workers is 372. According to legal requirements, disabled workers should make up 3% of the workforce. The factory has applied to the official agency to recruit disabled workers on 15.6.2021, 12.7.2021 and 11.8.2021. |
| Recommendation for Immediate Action | |
| Compliance Classifications | Sustainable Improvement Required |
| Local Law | |
| Benchmark ID | ER.3.3 |
| Benchmark Details | Workers should be provided with written documentation that substantiates all the issues covered in orientation briefings. |
| Finding Details | The factory does not provide a written documentation that covers all the subjects in orientation training. |
| Recommendation for Immediate Action | |
| Compliance Classifications | Sustainable Improvement Required |
| Local Law | |

Health, Safety And Environment (HSE)

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| 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 | Occupational disease training is not provided by the company doctor according to the health and safety training forms provided. |
| Recommendation for Immediate Action | Ensure that occupational disease training is conducted by company doctor. |
| Compliance Classifications | Sustainable Improvement Required |
| Local Law | Health & Safety Training Regulation, 15.05.2013, No: 28648, Art 13 |
| Benchmark ID | HSE.5.3 |
| Benchmark Details | Alarm systems shall be regularly tested and evacuation drills shall be undertaken at least annually. |
| Finding Details | Evacuation and fire drills have not been conducted by nearly 12 workers that work during the night shift on 30.6.2021 (9:30 to 10:30) and 10.2.2021. (19:30 to 20:30). |
| Recommendation for Immediate Action | Ensure that evacuation drills are conducted by all workers at least annually. |
| Compliance Classifications | Immediate Action Required |
| Local Law | Regulation Regarding the Emergency Cases at Workplaces (June 18, 2013), No: 28681, Art. 13 |
| Benchmark ID | HSE.5.1 |

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| 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 | 1. The aisles at the shipment and sewing sections are temporarily blocked by wheeled cars. 2. The female changing room has 132 cabinets and more than 35 workers use the room at the same time; however the secondary exit is missing. 3. The floor marking needs to be changed at dyed garment warehouse due to layout change. This was corrected during the audit. 4. Two evacuation plot plans needs to be turned 90 or 180 degrees in order to show the factory layout properly. |
| Recommendation for Immediate Action | Ensure that secondary exit is provided to female changing room, evacuation plot plans show the work floor layout properly and aisles are not blocked. |
| Compliance Classifications | Immediate Action Required |
| Local Law | Regulation Regarding the Prevention of Fire in the Buidings, (November 27, 2007), No: 26735, Article 35 & 39; Regulation Regarding the Emergency Cases at Workplaces, (June 18, 2013), No: 28681, Article 10 |
| Benchmark ID | HSE.5.1.3 |
| 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 emergency lighting |
| Finding Details | 1. Emergency lighting was missing at the changing rooms. This was corrected during the assessment. |
| Recommendation for Immediate Action | Ensure that emergency lighting is available at the changing rooms. |

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| Compliance Classifications | Immediate Action Required |
| Local Law | Regulation Regarding the Health and Safety Precautions at the Buildings and the Built on Connections (July 17, 2013), No: 28710 - Appendix 1: Minimum Health and Safety Requirements in the Buildings and Built on Connections, Article 10 |
| Benchmark ID | HSE.5.1.4 |
| Benchmark Details | All applicable, legally required or recommended elements of safe evacuation shall be complied with, including all the following: ensuring aisles/exits are not blocked and that workers are not blocked within their workstations |
| Finding Details | The emergency exit door has a height of around 10 cm off the ground which can be an obstruction during an emergency evacuation. |
| Recommendation for Immediate Action | Remove the obstruction from the exit door or ensure that emergency exit does not have any fall risk in case an emergency. |
| Compliance Classifications | Immediate Action Required |
| Local Law | Regulation Regarding the Prevention of Fire in the Buidings, (November 27, 2007), No: 26735, Article 33 |
| Benchmark ID | HSE.19 |
| Benchmark Details | All facilities including workplace buildings, toilets, canteens, kitchens, and clinics, shall be kept clean and safe and be in compliance with all applicable laws, including relevant sanitation, medical, and safety and health regulations. |
| Finding Details | Food samples are not maintained for 72 hours which is required by local law. |
| Recommendation for Immediate Action | Ensure that samples of the food served to workers is maintained at least 72 hours. |

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| Compliance Classifications | Immediate Action Required |
| Local Law | Food safety and quality inspection and control regulation, 26.9.2008, No: 27009, Art 8-ı |
| Benchmark ID | HSE.13 |
| Benchmark Details | All necessary ventilation, plumbing, electrical, noise and lighting services shall be installed and maintained to conform to applicable laws and to prevent or minimize hazardous conditions to workers in the facility. |
| Finding Details | 1. The illumination assessment was conducted on 3.7.2018 according to the documentation provided. The time of the illumination assessment is not mentioned at the document; therefore it was not possible to verify if it was conducted at night time as well. 2. Embroidery and knitting sections work in shifts according to the factory profile. It is also noted that there are two mezzanine floors established at the embroidery and accessory warehouse sections, however the internal workplace assessments are not conducted at these locations as they are recently established. |
| Recommendation for Immediate Action | 1. Ensure illumination assessment is conducted at night time as well. 2. Ensure that internal workplace assessments are conducted again due to layout change in the factory recently |
| Compliance Classifications | Immediate Action Required |
| Local Law | Regulation Regarding the Health and Safety Precautions at the Buildings and the Built on Connections (July 17, 2013), No: 28710 - Appendix 1: Minimum Health and Safety Requirements in the Buildings and Built on Connections, Article 22; Regulation Regarding the Health and Safety Precautions at the Buildings and the Built on Connections (July 17, 2013), No: 28710, Article 5 |
| Benchmark ID | HSE.6.1 |

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| 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. Six fire extinguishers are not mounted and four fire extinguishers are not marked. 2. An eye wash station should be implemented near the stain removal section as the MSDS for the chemicals used at the stain removal section indicates the eyes need to be washed with running water in case of contamination. |
| Recommendation for Immediate Action | 1. Ensure that all the fire extinguishers are mounted and marked; 2. Ensure eye wash station is implemented as per MSDS of chemical used at stain removal section. |
| Compliance Classifications | Immediate Action Required |
| Local Law | Regulation Regarding the Prevention of Fire in the Buildings, (November 27, 2007), No: 26735, Article 99. 5; Regulation Regarding Health & Safety Precautions in Work with Chemical Substances (August 12, 2013), No. 28733, Article 7 |
| Benchmark ID | HSE.1 |
| Benchmark Details | Employers shall comply with all national laws, regulations and procedures concerning health, safety, and the environment. |
| Finding Details | 1. The waste area is not organized properly as there were hazardous wastes at non-hazardous section. 2. A child care center is missing although the number of female workers exceed 150. 3. An ergonomic mat is not provided to the standing workers. 4. Tagging guns and scissors are not labeled with the user's names. 5. Buddies are not assigned for workers that needs special protection. (The buddies are assigned for workers that needs special protection during the audit, the management team stated that they conduct a training for these workers in the near future) |

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| Recommendation for Immediate Action | 1. Segregate and store all wastes according to their types, ie: hazardous and non-hazardous 2. Provide child care facility for the workers 3. Provide ergonomic mats to all standing workers, 4. Label all tagging guns and scissors with the user's names, 5. Ensure that buddies are assigned for workers that needs special protection. |
| Compliance Classifications | Immediate Action Required |
| Local Law | Regulation Regarding the Pregnant or Breastfeeding Women and Breastfeeding Rooms and Child Care Centers (August 16, 2013), No: 28737, Article 13; Labor Law (2003), No. 4857, Art. 30, Regulation Regarding the Emergency Cases at Workplaces (June 18, 2013), No: 28681, Art. 10 |
| Benchmark ID | HSE.30.2.6 |
| Benchmark Details | The health, safety, and environmental policies shall contain the framework for a comprehensive health, safety, and environmental management system including a HS&E risk assessment within which the following are clear and regularly tested and reviewed:protections to workers who allege health, safety, and environmental violations; |
| Finding Details | The covid risk assessment document dated 24.3.2020 is missing workers that needs special protection, e. g. pregnant workers. Disabled workers are included. Other workers that need special protection were added during the audit. |
| Recommendation for Immediate Action | Ensure that risk assessment includes also workers that needs special protection such as pregnant workers. |
| Compliance Classifications | Immediate Action Required |
| Local Law | Risk assessment regulation, 29.12.2012, No: 28512, Art 8.1 |
| Benchmark ID | HSE.30.2 |

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| Benchmark Details | The health, safety, and environmental policies shall contain the framework for a comprehensive health, safety, and environmental management system within which the following are clear and regularly tested and reviewed; procedures for reporting death, injury, illness and other health and safety issues (for instance, near-miss accidents) and environmental emergencies |
| Finding Details | 2 out of the 20 sampled worker's periodical health check forms do not indicate a date, and one worker's periodical health check is expired, as it was conducted on 8.4.2016. |
| Recommendation for Immediate Action | Ensure that periodical health checks of workers are conducted on time. |
| Compliance Classifications | Immediate Action Required |
| Local Law | Regulation Regarding the Duties, Authorities, Responsibilities and Trainings of Workplace Doctor and Other Health Officers (July 20, 2013), No: 28713, Article 9 |
| 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 | Masks were not used properly as per the observation during the walkthrough. |
| Recommendation for Immediate Action | Raise awareness on using face masks in the factory |
| Compliance Classifications | Immediate Action Required |
| Local Law | |

Hours Of Work (HOW)

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| Benchmark ID | HOW.1.1 |
| Benchmark Details | Employers shall comply with all national laws, regulations and procedures concerning hours of work, public holidays and leave. |
| Finding Details | Out of 20 sampled workers, working hours exceeded 11 hours per day for 4 workers at least once, occurring at most two times in April 2021. The maximum amount of hours worked was 16 hrs. |
| Recommendation for Immediate Action | Ensure that working hours do not exceed 11 hours per day. |
| Compliance Classifications | Immediate Action Required |
| Local Law | Labor Law (2003), No. 4857, Art. 63 |
| Benchmark ID | HOW.22.1 |
| Benchmark Details | Employers shall have in place policies for managing all working hour, overtime, and leave records in normal and exceptional circumstances. |
| Finding Details | Although factory does not imply any mandatory overtime, according to the personnel regulations document, article 12, overtime work is agreed on in advance and missing voluntary overtime information. |
| Recommendation for Immediate Action | |
| Compliance Classifications | Sustainable Improvement Required |
| Local Law | |
| Benchmark ID | HOW.3 |
| Benchmark Details | Employers shall provide reasonable meal and rest breaks, which, at a minimum, must comply with national laws. |

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| Finding Details | Out of 20 sampled workers, two workers who work in the embroidery section worked without 11 hours of rest between shifts (at most 3 times) in April 2021, and one worker worked without 11 hours of rest at least once in June 2021 and July 2021. |
| Recommendation for Immediate Action | Ensure that 11 hours of rest between shifts is provided to all workers. |
| Compliance Classifications | Immediate Action Required |
| Local Law | Labor Law (2003), No. 4857, Art. 69 |
| Benchmark ID | HOW.11.1 |
| Benchmark Details | Employers shall provide workers with paid annual leave as required under national laws, regulations and procedures. |
| Finding Details | Annual leave days have not been used completely in previous years by 71 workers. 1 to 65 days are accumulated in the previous years. |
| Recommendation for Immediate Action | Ensure that annual leave days are used on time. |
| Compliance Classifications | Immediate Action Required |
| Local Law | Labor Law (2003), No. 4857, Art. 53 |
| 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 | Out of 20 sampled workers, working hours exceeded 60 hours per week for one worker once in April 2021 (65 hours 45 minutes) and for one worker once in June 2021 (62 hours). |
| Recommendation for Immediate Action | Ensure that working hours do not exceed 60 hours per week |

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| Compliance Classifications | Immediate Action Required |
| Local Law | |
| Benchmark ID | HOW.12.2 |
| Benchmark Details | The time at which annual leave is taken is determined by employers in consultation with workers, taking into account work requirements and the opportunities for rest and relaxation available to workers. |
| Finding Details | The legally required annual leave committee is missing in the factory. |
| Recommendation for Immediate Action | |
| Compliance Classifications | Sustainable Improvement Required |
| Local Law | Annual leave regulation, 03.03.2004, No: 25391, Art 15 |
| 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 | Out of 20 sampled workers, one day of rest in one week is not guaranteed to two workers at least once, at most three times in April 2021. This also occurs two workers at least once, at most twice in June 2021 and to one worker once in July 2021. |
| Recommendation for Immediate Action | Provide at least one day rest to all workers. |
| Compliance Classifications | Immediate Action Required |
| Local Law | Labor Law (2003), No. 4857, Art. 46 |

Nondiscrimination (ND)

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| 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 | Although no discrimination case is observed in the factory, there are some documents including clauses that may cause discrimination. This includes: 1. Job application forms include questions on marital status, military service, any physical disability and other income sources 2. The hiring and termination procedure dated 11.11.2015, no: PR1601.1.10 indicates that the factory does not accept young workers. |
| Recommendation for Immediate Action | 1. Remove all questions in job application forms that may lead to discrimination 2. Ensure that there is no discrimination to young workers |
| Compliance Classifications | Immediate Action Required |
| Local Law | Turkish Labor Law, Article:5 |

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