

Fair Labor Association: Independent External Factory Assessment

Assessment Date :

06 Sep 2021



Factory Information

FLA Affiliates	Peter Millar LLC
Country	Turkey
Number of Workers	466

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

Employment Relationship (ER)	10
Harassment Or Abuse (H/A)	1
Health, Safety And Environment (HSE)	11
Hours Of Work (HOW)	1

Assessment Information

Assessor	Sinan Doven
Assessment Date	06 Sep 2021
Assessment Purpose	Factory Assessment (Hybrid)

ASSESSMENT RESULTS

Employment Relationship (ER)

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	There are 7 disabled workers in the factory which is less than 3% of 273 workers. The factory has already applied to hire one more disabled worker.
Recommendation for Immediate Action	Ensure that there is at least 3% disabled workers in the factory
Compliance Classifications	Immediate Action Required
Local Law	Labor Law (2003), No. 4857, Art. 30
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 does not have policies and procedures on retrenchment.

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 does have a performance evaluation system, however, the process and its effect on the workers are not documented clearly in policies and procedures. Therefore there are no written policies and procedures on personnel development that encourage ongoing training with the goal of raising or broadening workers' skills so they can advance in their 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	The factory does have a performance evaluation system, however, the process and its effect on the workers are not documented clearly in policies and procedures. Therefore, there are no procedures on performance reviews that include steps and processes, linkages to job grading, nondiscrimination, written feedback, and compliance with legal requirements.
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 does not have procedures on promotion, demotion, and job reassignment.
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 and Peter Miller Code of Conduct are not posted or made available for workers.
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. Working permission needs to be updated, as the ground floor was rented to another company within April 2021, and the working permission of this factory includes that floor, although it is a separate company. (Listed as 16,000m2 while it is actually 12,000m2 at both working permission and capacity report) 2. Employment contracts include a clause (13-h) that mentions overtime work is agreed by workers in advance, which may lead to mandatory overtime. Another clause (15) indicates that in case of termination, workers need to compensate for all training or other costs paid by the factory in the last year.
Recommendation for Immediate Action	1. Ensure that working permission list the actual situation of the factory. 2. Update all inappropriate clauses to be in compliance with the FLA code and legal requirements.
Compliance Classifications	Immediate Action Required

Local Law	Labor Law, 2003, 4857, Art 9 and 22
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 factory does not have a systematic review system for its policy and procedures.
Recommendation for Immediate Action	
Compliance Classifications	Sustainable Improvement Required
Local Law	
Benchmark ID	ER.16.4
Benchmark Details	The plan should be clearly communicated and posted, and include feedback channels for workers to ask questions and seek clarifications.
Finding Details	The factory notified workers of unavoidable layoffs, however, workers are not informed that they can raise their concerns or provide feedback. Although worker representatives are in place, they are not actively in the retrenchment process in August 2021.
Recommendation for Immediate Action	
Compliance Classifications	Sustainable Improvement Required
Local Law	
Benchmark ID	ER.16.2

Benchmark Details	When employers are faced with major changes in production, program, organization, structure, or technology and those changes are likely to result in temporary or permanent layoffs, employers shall communicate any alternatives to retrenchment that have been considered and consult any workers' representatives as early as possible with a view to averting or minimizing layoffs.
Finding Details	The factory retrenched around 73 workers in August and notified workers of this retrenchment. However, there is no evidence that the factory consulted worker representatives or took the opinion of the workers on the retrenchment decision. There is no system that shows how the workers were selected to be terminated. The factory applied all legal requirements during termination.
Recommendation for Immediate Action	Consult with worker representatives during the retrenchment process and ensure that the factory has clear criteria on the retrenchment process including involving workers and selecting workers to be terminated.
Compliance Classifications	Immediate Action Required
Local Law	

Harassment Or Abuse (H/A)

Benchmark ID	H/A.8.3
Benchmark Details	Employers, shall develop, implement and monitor policy and procedures for eliminating the risk of violence, harassment, and abuse in the workplace. Policies and procedures shall include a clear statement that violence, harassment, and abuse will not be tolerated, procedures for the investigation of allegations, and measures to protect any complainants, victims, and witnesses.
Finding Details	The factory has procedures on only sexual harassment and abuse, however, other forms such as physical and psychological abuse are not included in procedures. There is no system defined to discipline supervisors, managers, and workers who engage in any form of harassment or abuse.

Recommendation for Immediate Action	
Compliance Classifications	Sustainable Improvement Required
Local Law	

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	Two emergency action team members have not been trained for evacuation or firefighting.
Recommendation for Immediate Action	Ensure that emergency action team members are trained specifically for their duties.
Compliance Classifications	Immediate Action Required
Local Law	Regulation Regarding the Emergency Cases at Workplaces (June 18, 2013), No: 28681, Art. 15
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	Secondary emergency exit is missing at the cafeteria, although the total number of workers is more than 60.

Recommendation for Immediate Action	Ensure that a secondary exit is provided to the cafeteria.
Compliance Classifications	Immediate Action Required
Local Law	Regulation Regarding the Prevention of Fire in the Buildings, (November 27, 2007), No: 26735, Article 39
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	Secondary containment is missing for some oils in the hazardous waste area.
Recommendation for Immediate Action	Ensure that secondary containment is implemented for all chemicals in the hazardous area.
Compliance Classifications	Immediate Action Required
Local Law	Regulation Regarding Health & Safety Precautions in Work with Chemical Substances (August 12, 2013), No. 28733, Article 7.f.
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	One out of 5 cafeteria contractor workers' hygiene certificates is missing. (The hygiene training of this worker would be done on 24.9.2021 according to the letter sent by the cafeteria contractor.)
Recommendation for Immediate Action	Ensure that hygiene certificate is obtained for cafeteria workers on a timely basis.

Compliance Classifications	Immediate Action Required
Local Law	Hygiene Training Regulation (July 5, 2013), No: 28698, Art. 5
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	Internal lighting assessment that was conducted on 9.6.2021 was only applied to 2 locations, which is below the limit. There was also no assessment conducted at night time.
Recommendation for Immediate Action	Ensure that sufficient lighting is provided to all areas and assessment is conducted at night time as well.
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
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	The eyewash station is missing at the stain removal and maintenance sections, although the MSDS indicates that the eyes shall be washed in running water for at least 15 minutes. There was an eyewash solution in the maintenance room, however, it was used.
Recommendation for Immediate Action	Ensure that the eyewash station is provided in accordance with MSDS.

Compliance Classifications	Immediate Action Required
Local Law	Regulation Regarding Health & Safety Precautions in Work with Chemical Substances (August 12, 2013), No. 28733, Article 7.f.
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	The waste management approval process is missing for the hazardous wastes in the factory.
Recommendation for Immediate Action	Ensure that waste management approval is obtained
Compliance Classifications	Immediate Action Required
Local Law	Waste Management Regulation, (No: 29314); (April 2, 2015); Article 9
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. There were cracks at the connection point of 3 factory buildings. The factory has provided a document from an engineer with a construction integrity test with no conclusion. 2. Buddies are not assigned for workers that need special protection. 3. Emergency contact information is not posted on the work floors.

Recommendation for Immediate Action	1. Ensure that all buildings in the factory are constructed safely. 2. Ensure that buddies are assigned for workers that need special protection. 3. Ensure to post emergency contact information on the work floors.
Compliance Classifications	Immediate Action Required
Local Law	Regulation regarding Emergency Cases in the workplace, June 18, 2013, No: 28681, Art 10/4, Regulation Regarding the Emergency Cases at Workplaces (June 18, 2013), No: 28681, Art. 15
Benchmark ID	HSE.10.1
Benchmark Details	Material Safety Data Sheets (MSDS) for all chemicals and hazardous substances used in the workplace must be available at the usage and storage sites of the chemicals and hazardous substances, in the local language and the language spoken by workers, if different from the local language.
Finding Details	MSDS of the smoke detector is only in English and not in the local language.
Recommendation for Immediate Action	Ensure that MSDS is in the local language.
Compliance Classifications	Immediate Action Required
Local Law	Regulation Regarding Health & Safety Precautions in Work with Chemical Substances (August 12, 2013), No. 28733, Article 6.b.
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	HSE procedures do not include protection against retaliation for workers who raise health, safety, or environmental concerns.
Recommendation for Immediate Action	
Compliance Classifications	Sustainable Improvement Required
Local Law	
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	Health and safety training records are missing for workers who had work accidents and from near-miss reports (the risk identified before an accident occurs).
Recommendation for Immediate Action	Ensure that workers who had accidents and from near-miss reports are additionally trained.
Compliance Classifications	Immediate Action Required
Local Law	Health & Safety training regulation, 15.5.2013, 28648, Art. 6.5

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	Annual leave days have not been used completely and accumulated from previous years for 0.5 to 70.5 days for 116 workers.

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

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