

# Fair Labor Association: Independent External Factory Assessment

Assessment Date :

**31 Aug 2021**



## Factory Information

FLA Affiliates	Fanatics Apparel LLC,Hanesbrands
Country	Bangladesh
Number of Workers	410

## 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)	7
Health, Safety And Environment (HSE)	8
Hours Of Work (HOW)	2

## Assessment Information

Assessor	SCSA
Assessment Date	31 Aug 2021
Assessment Purpose	Factory Assessment (In-Person)



## ASSESSMENT RESULTS

### 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	It was noted that staff at the childcare center do not receive any specific health and safety or hygiene related training.
Recommendation for Immediate Action	
Compliance Classifications	Sustainable Improvement Required
Local Law	
Benchmark ID	ER.18.2
Benchmark Details	Employers shall ensure managers and supervisors are fully familiar with the workplace disciplinary system and in applying appropriate disciplinary practices.
Finding Details	It was noted that managers and supervisors were not fully familiar with the workplace disciplinary system and they were having very limited knowledge of it.
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 facility does not have any written policies & procedures to remediate any cases of child labor that is found.
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	(1) The facility has a written disciplinary policy and procedure, but it does not cover the most common disciplinary issues such as the formation of an inquiry committee, the inquiry process, and compensation terms, condition of dismissal cases etc. (2) Based on disciplinary records, it was noted that the facility has issued a warning letter against the workers without maintaining proper disciplinary procedure as per Bangladesh Labor Act 2006 and Bangladesh Labor Rules 2015 . (3) There is no written complaint record, explanation record, or investigation report found in workers' personnel files. There are no records related to the disciplinary action on their service book.

Recommendation for Immediate Action	It is recommended that the facility shall include formation of inquiry committee, inquiry process, and compensation terms ; condition of dismissal case in disciplinary procedure and shall follow & implement proper disciplinary procedure as per Bangladesh Labor Act 2006 and Bangladesh Rules 2016 before impose any disciplinary action against any employee.
Compliance Classifications	Immediate Action Required
Local Law	Bangladesh Labor Act 2006, chapter 2, section 24, Sub-Section 1- No order of punishment under section 23 shall be made against a worker unless- (a) the allegations against him are recorded in writing; (b) he is given a copy thereof and not less than seven days' time to explain; (c) he is given an opportunity of being heard; (d) he is found guilty, after enquiry; (e) the employer or the manager approves of such order. 31 (2) A worker charged for misconduct may be suspended pending enquiry into the charges against him and unless the matter is pending before any court, the period of such suspension shall not exceed sixty days; Provided that during the period of such suspension, a worker shall be paid by his employer a subsistence allowance equivalent to half of his average wages, and dearness allowance and ad-hoc or interim pay, if any
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	Based on document review it was noted that the trade license and Fire License expired on July 1, 2021. The facility has applied for fire license on May 30, 2021 as per records & information provided.
Recommendation for Immediate Action	It is recommended that factory management shall adopt practice and control to have proper renewal and update system in place to ensure that all required license & permission from the concern authority are renewed and updated on timely manner.
Compliance Classifications	Immediate Action Required

Local Law	Fire Protection Act, 2003 (Fire Service & Civil Defiance), Section -4: Every factory or, warehouse should have updated fire licenses. As per The Trade Organizations ordinance 1961, section 3(1) Notwithstanding anything contained in the act or in any other law for the time being in force relating to registration of societies, bodies or associations of person, no trade organization shall be registered under the or such other law unless it holds a license granted by the Government Authorizing nit to be so registered.
Benchmark ID	ER.18.3.4
Benchmark Details	Records of disciplinary action must be maintained in the worker's personnel file.
Finding Details	Based on document review it was noted that the facility does not keep a complete set of disciplinary action records, such as written complaint letters, explanation letters, the reply of letters, records of inquiry proceeding in workers personnel files. They only kept disciplinary records in personnel files.
Recommendation for Immediate Action	
Compliance Classifications	Sustainable Improvement Required
Local Law	
Benchmark ID	ER.18.3.2
Benchmark Details	Workers have the right to participate and be heard in any disciplinary procedure against them.
Finding Details	Based on disciplinary records, it was noted that the facility has issued warning letter against the workers without giving them the opportunity to submit their explanation on the complaint against them and also does not give opportunity for the employee to attend the hearing of the complaint.

Recommendation for Immediate Action	It is recommended that facility shall provide workers with opportunity to submit their explanation on the complaint against them and also give opportunity for the employee to attend hearing of the complaint.
Compliance Classifications	Sustainable Improvement Required
Local Law	Bangladesh Labor Act 2006, chapter 2, section 24, Sub-Section 1- No order of punishment under section 23 shall be made against a worker unless- (a) the allegations against him are recorded in writing; (b) he is given a copy thereof and not less than seven days' time to explain; (c) he is given an opportunity of being heard; (d) he is found guilty, after enquiry; (e) the employer or the manager approves of such order. 31 (2) A worker charged for misconduct may be suspended pending enquiry into the charges against him and unless the matter is pending before any court, the period of such suspension shall not exceed sixty days; Provided that during the period of such suspension, a worker shall be paid by his employer a subsistence allowance equivalent to half of his average wages, and dearness allowance and ad-hoc or interim pay, if any

## Health, Safety And Environment (HSE)

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	It was noted that floor markings were not available at the walkways of the material warehouse and one walkway of the quality inspection area of the embroidery section.
Recommendation for Immediate Action	It is recommended that the facility shall provide proper floor marking at all evacuation routes and walkways, including the walkway at the materials warehouse and quality inspection area.



Compliance Classifications	Immediate Action Required
Local Law	Bangladesh Labor Law 2006, Chapter- 6, Section – 62, Sub section- 4: In every factory every window, door, or other exit affording means of escape in case of fire, other than the means of exit in ordinary use, shall be distinctively marked in a language understood by the majority of the workers and in red letters of adequate size or by some other effective and clearly understood sign.
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	It was noted that (1) The facility does not affix safety label on some chemicals (NK Binder, Kerosene, Diesel, Mobil, Super Spray & others chemical) in usage with content and main hazard (2) It was noted that the facility does not label of the hazardous waste.
Recommendation for Immediate Action	It is recommended that (1) The facility shall provide safely label all chemicals in native language with content and main hazard (2) Hazardous waste shall bel properly labelled with content and hazards.
Compliance Classifications	Immediate Action Required
Local Law	Bangladesh Labor Law 2006, Chapter- 5, Section – 53: in every factory in which, by reason of the manufacturing process carried on, there is given off any dust or fume or other impurity of such a nature and to such an extent as is likely to be injurious or offensive to the workers employed therein. Effective measures shall be taken to prevent it's accumulation in any work-room and its inhalation by workers.
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) It was noted that emergency light was not installed in at least 6 aisles of the printing section, two passageways of the embroidery section, and the passageway of the material warehouse. (2) It was noted that the facility does not conduct thermographic scanning at regular intervals. As per requirement, thermographic scanning should be done once every half year. The latest thermographic scanning was conducted on December 24, 2019.
Recommendation for Immediate Action	Facility shall install emergency light along the evacuation routes and exits. In addition, facility shall conduct thermo graphic scanning on at least a half annual basis to comply with legal requirement.
Compliance Classifications	Immediate Action Required
Local Law	Bangladesh Labor Law 2006, Chapter - 5, Section – 57: In every part of a factory where workers are working or, passing there shall be provided and maintained sufficient and suitable lighting , natural or artificial, or both.
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) It was noted that fire license has expired on July 1, 2021. The facility has applied for renewal on May 30, 2021 as per records provided. (2) The facility does not have permission for ground water extraction or usages. The facility applied for permission with the concern authority on July 12, 2020. (3 ) Two out of three electricians did not have a competency certificate and the facility applied for their examination on April 29, 2021

Recommendation for Immediate Action	(1) The facility shall adopt practice and control to establish proper renew and update system to ensure that fire license is renewed on timely manner. (2) Factory shall properly obtain permission on ground water extraction and usages. (3) Factory shall ensure that all electricians obtain proper and valid competency certificates.
Compliance Classifications	Immediate Action Required
Local Law	Fire Protection Act, 2003 (Fire Service & Civil Defiance), Section -4: Every factory or, warehouse should have updated fire licenses. As per Bangladesh Water Act 2013, section- 24 (1) No person shall, without the permission of the appropriate authority and complying with the provision of the act, store water of any water source in any natural or artificial reservoir As per Bangladesh Labor Rules 2015, chapter 6, section 58(9)- The duty of electric wiring and keeping the same cannot be given any other persons except the person certified from the government or the company approved by the government
Benchmark ID	HSE.1
Benchmark Details	Employers shall comply with all national laws, regulations and procedures concerning health, safety, and the environment.
Finding Details	It was noted that the facility does not separate hazardous and non-hazardous waste at the waste storage area.
Recommendation for Immediate Action	It is recommended that the facility shall separate hazardous and non-hazardous waste at the waste storage area.
Compliance Classifications	Immediate Action Required
Local Law	
Benchmark ID	HSE.30.2

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	It was noted that the facility has tracked all injuries and accidents records but does not conduct any formal investigation of all accidents in an attempt to identify the root cause of injuries and accidents as well as formulate appropriate preventive measures.
Recommendation for Immediate Action	
Compliance Classifications	Sustainable Improvement Required
Local Law	
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	It was noted that the facility does not provide proper protective masks, such as the respiratory mask, to printing operators (There were around 37 operators at the section). The facility has provided only fabric mask to printing section operators.
Recommendation for Immediate Action	It is recommended that the facility shall provide appropriate protective mask to printing operators.
Compliance Classifications	Immediate Action Required

Local Law	Bangladesh Labor Law 2006, Chapter- 5, Section – 79: Where the Government is satisfied that any operation carried on in an establishment exposes any person employed in it to a serious risk of bodily injury, poisoning, or disease, it may make rules applicable to such establishment in which such operation is carried on-. d) providing for the protection of all persons employed in the operation or in the vicinity of the places where it is carried on; and e) providing for notices with regard to careful use of any harmful chemicals in connection with the operation. As per Bangladesh Labor Rules, 2015, chapter 6, section 67 (1) -Safety measures and health safety must be arranged in accordance with the directions of this Rule or the regulations of the concerned govt. department for the workers who are employed in the procedures of manufacturing processes that have high risks of physical injury or loss.
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	It was noted that (1) At least 12 printing workers were without proper chemical protective gloves. (2) Three operators of the curing machine were working without using proper protective hand gloves. (3) Electricians were working without safety hand gloves.
Recommendation for Immediate Action	It is recommended that the facility shall adopt practice and control to ensure that appropriate PPEs are provided to workers and awareness training program shall be provided to workers to use PPE with effective manner to ensure their own safety.
Compliance Classifications	Immediate Action Required

Local Law	Bangladesh Labor Rules, 2015, chapter 6, section 67: (1) Safety measures and health safety must be arranged in accordance with the directions of this Rule or the regulations of the concerned govt. department for the workers who are employed in the procedures of manufacturing processes that have high risks of physical injury or loss. 2) Arrangement of safety and health protection measures mentioned in Sub-section (1), the concerned manufacturing institute must provide necessary equipment's, including safety shoes, helmets, goggles, masks, hand gloves, ear muffs, ear plugs, waist belts, aprons etc. and arrange training programs for the workers in using these materials and ensure their usage. 3) No worker can be employed in the relevant works without ensuring safety and health protection measures and the training related therewith.
<b>Hours Of Work (HOW)</b>	
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	It was noted that daily overtime of workers was at 2 to 4 hours and weekly working hours of workers exceeded 60 hours and maximum weekly working hours was found at 70 hours. For instance, In July 2021, one out of ten sampling workers' weekly working hours exceeded 60 hours, such as 68 hours in the period of July 3 to 9, 2021. In June 2021, seven out of ten sampling workers' weekly working hours exceeded 60 hours, such as 68 hours in the period of June 5 to 11, 2021. In May 2021, seven out of ten sampling workers' weekly work exceeded 60 hours in a week, such as 70 hours in the period of May 22 to 28, 2021. In April 2021, eight out of ten sampling workers' weekly working hours exceeded 60 hours, such as 70 hours in the period of April 2 to 8, 2021. In December 2020, five out of twelve sampling workers' weekly working hours exceeded 60 hours, such as 64 hours in the period of December 4 to 10, 2020.
Recommendation for Immediate Action	It is recommended that the facility shall adopt practice and control to ensure workers' working hours do not exceed the law requirement as well as the limit of 60 hours a week.

Compliance Classifications	Immediate Action Required
Local Law	As per Bangladesh Labor Law, 2006, Chapter-9, Section-102: No adult worker shall be required or allowed to work in a factory for more than forty-eight hours in any week. As per Bangladesh Labor Law, 2006, Chapter-9, Section-102: The total hours of work of an adult worker shall not exceed sixty hours in any week and on the average fifty-six hours per week in any year.
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 the time records provided, it was noted that workers at the facility performed work on rest days. It was found that workers worked consecutively anywhere from 9 to 13 days without a rest day.
Recommendation for Immediate Action	It is recommended that the facility shall adopt practices and controls to ensure that workers are provided one rest day in every every seven-day period shall be provided to workers.
Compliance Classifications	Immediate Action Required
Local Law	Bangladesh Labor Law, Chapter-9, section-103: Any worker working in a factory shall be entitled to get one day off in a week as weekly holiday.

