

Fair Labor Association: Independent External Factory Assessment

Assessment Date :

21 Sep 2021



Factory Information

FLA Affiliates	Columbia Sportswear Company
Country	Vietnam
Number of Workers	918

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

Child Labor (CL)	1
Compensation (C)	3
Employment Relationship (ER)	13
Freedom Of Association And Collective Bargaining (FOA)	2
Health, Safety And Environment (HSE)	13
Hours Of Work (HOW)	2
Nondiscrimination (ND)	3

Assessment Information

Assessor	SCSA
Assessment Date	21 Sep 2021
Assessment Purpose	Factory Assessment (Virtual Compliance Check)

ASSESSMENT RESULTS

Child Labor (CL)

Benchmark ID	CL.1
Benchmark Details	Employers shall comply with all national laws, regulations and procedures concerning the prohibition of child labor.
Finding Details	The factory does not define a minimum employment age in any policy or internal regulation. The factory's remediation plan for cases of underage workers is not integrated with any other factory policies or procedures, such as the recruitment and hiring policy.
Recommendation for Immediate Action	
Compliance Classifications	Sustainable Improvement Required
Local Law	

Compensation (C)

Benchmark ID	C.21.2
Benchmark Details	All benefits shall be calculated correctly
Finding Details	(1) When calculating the employer's contribution to social insurance for the captain and vice-captain of the firefighting team and for members of the factory committee on safety and hygiene, the factory does not include the compulsory monthly allowance for these roles in the workers' salaries. (2) The factory did not provide the monthly allowance for at least one member of the factory committee on safety and hygiene for 3 months (June, July, and August 2021).

Recommendation for Immediate Action	(1) Include all monthly allowances in workers' salaries when calculating the employer's social insurance contribution. (2) Pay the compulsory monthly allowance for all members of the factory committee on safety and hygiene
Compliance Classifications	Immediate Action Required
Local Law	(1) In accordance with the Labor Code (2019), Article 137. Maternity protection 2. Whenever an employer is informed of the pregnancy of an female employee who is doing a laborious, toxic or dangerous work, a highly laborious, toxic or dangerous work or any work that might negatively affect her maternity, the employer shall assign her to a less laborious or safer work, or reduce the working hours by 01 hour per day without reducing her salary, rights or benefits until her child reaches 12 months of age. 4. During her menstruation period, a female employee shall be entitled to a 30 minute break in every working day; a female employee nursing a child under 12 months of age shall be entitled to 60 minutes breaks in every working day with full salary as stipulated in the employment contract. (2) Insurance Law 2014, Article 89, Clause 2: For employees who pay social insurance premiums according to the employer-decided salary regime, their monthly salary on which social insurance premiums are based is their basic wage and wage allowance as prescribed in the labor law. Since January 1, 2018, the monthly salary on which social insurance premiums are based will be the basic wage, wage allowance and other amounts as prescribed in the labor law
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	Payment records for September 2020-August 2021 indicate that when female employees who performed heavy, toxic, or dangerous work while raising a child under 12 months of age worked during their break periods, the factory paid them for this overtime at 200% of their base wage, rather than 250% as local law requires.

Recommendation for Immediate Action	When female workers who perform heavy, toxic, or dangerous work while raising a child under 12 months of age work during their statutory break, pay these overtime hours at 250% of normal rate, as per local law requirement.
Compliance Classifications	Immediate Action Required
Local Law	In accordance with the Labor Code (2019), Article 137. Maternity protection 2. Whenever an employer is informed of the pregnancy of an female employee who is doing a laborious, toxic or dangerous work, a highly laborious, toxic or dangerous work or any work that might negatively affect her maternity, the employer shall assign her to a less laborious or safer work, or reduce the working hours by 01 hour per day without reducing her salary, rights or benefits until her child reaches 12 months of age. 4. During her menstruation period, a female employee shall be entitled to a 30 minute break in every working day; a female employee nursing a child under 12 months of age shall be entitled to 60 minutes breaks in every working day with full salary as stipulated in the employment contract.
Benchmark ID	C.22
Benchmark Details	Employers must establish a system through which workers can dispute compensation and receive clarifications in this respect in a timely manner.
Finding Details	The factory has established a policy and procedure on grievances and complaints. The policy establishes a suggestion box as the only channel for lodging grievances. Worker interviews revealed that not all workers are aware of the grievance system. The factory could not provide any records related to the complaints and grievances system, such as a suggestion box log.
Recommendation for Immediate Action	
Compliance Classifications	Sustainable Improvement Required
Local Law	

Employment Relationship (ER)

Benchmark ID	ER.17.5
Benchmark Details	Employers shall have in place procedures to track the number, types, and timing and resolution of grievances, and to communicate the resolution of grievances to the workforce.
Finding Details	The factory does not maintain any records to indicate that management reviews complaints and grievances. No grievance tracking records, logs of opening the suggestion box, etc. were available.
Recommendation for Immediate Action	
Compliance Classifications	Sustainable Improvement Required
Local Law	
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's policies stipulate that all female employees who are raising a child under 12 months of age are entitled to a 1-hour break with full salary. Local law, however, requires separate arrangements for female employees with young children based on their work assignments, with those who perform heavy, toxic, or dangerous work entitled to special protection.
Recommendation for Immediate Action	Provide female workers who perform heavy, toxic, or dangerous work responsibilities and are raising a child under 12 month of age with all protections required by local law.

Compliance Classifications	Immediate Action Required
Local Law	In accordance with the Labor Code (2019), Article 137. Maternity protection 2. Whenever an employer is informed of the pregnancy of an female employee who is doing a laborious, toxic or dangerous work, a highly laborious, toxic or dangerous work or any work that might negatively affect her maternity, the employer shall assign her to a less laborious or safer work, or reduce the working hours by 01 hour per day without reducing her salary, rights or benefits until her child reaches 12 months of age. 4. During her menstruation period, a female employee shall be entitled to a 30 minute break in every working day; a female employee nursing a child under 12 months of age shall be entitled to 60 minutes breaks in every working day with full salary as stipulated in the employment contract.
Benchmark ID	ER.17.1
Benchmark Details	Employers shall have a clear and transparent system of worker and management communication that enables workers to consult with and provide input to management. This might include suggestion boxes, worker committees, designated spaces for worker meetings, union representatives, and meetings between management and workers' representatives.
Finding Details	The factory's grievance policy establishes a suggestion box as the only channel for lodging grievances. Worker interviews revealed that not all workers are aware of the grievance system. The factory could not provide any records related to the complaints and grievances system.
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	(1) The factory's remediation plan for cases of underage workers is not integrated with any other factory policies or procedures, such as the recruitment and hiring policy. (2) The factory does not have and policy or procedures on termination and 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 not have 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	(1) The factory does not have policies and procedures on performance reviews that include steps and processes, linkages to job grading, nondiscrimination, written feedback, and compliance with legal requirement. (2) The factory has no policy or procedures for conducting performance reviews.
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 conduct performance reviews. The assessment found nothing to indicate that the factory promotes workers based on their job performance.
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	The factory does not provide regular communication to workers and superiors on the FLA Code and employment functions, nor does it communicate the FLA Code to 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	The factory does not make the FLA-affiliated company's written workplace standards available to workers, managers, and supervisors.
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	(1) The assessment found nothing to indicate that the factory regularly reviews its policies and procedures related to the FLA Code elements and Employment Functions. (2) The factory does not consult or integrate workers in decision-making processes regarding the workplace, working conditions, or factory policies.
Recommendation for Immediate Action	
Compliance Classifications	Sustainable Improvement Required
Local Law	
Benchmark ID	ER.18.3.4
Benchmark Details	Records of disciplinary action must be maintained in the worker's personnel file.
Finding Details	The factory does not save disciplinary records in workers' personnel files.
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 assessment found nothing to indicate that the factory would consult with worker representatives prior to making the final decision on retrenchment.
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	Workers did not receive written documentation to substantiate the topics covered in orientation.
Recommendation for Immediate Action	
Compliance Classifications	Sustainable Improvement Required
Local Law	

Freedom Of Association And Collective Bargaining (FOA)

Benchmark ID	FOA.10
Benchmark Details	Employers shall refrain from any acts of interference with the formation or operation of workers' organizations, including acts which are designed to establish or promote the domination, financing or control of workers' organizations by employers.

Finding Details	<p>"FLA Comment: Vietnam has not ratified ILO Convention 87. Under Vietnamese law, all unions are required to affiliate with the single trade union, the Vietnam General Confederation of Labor (VGCL), which is affiliated with the Communist Party. With respect to such union monopolies, the ILO Committee on Freedom of Association has stated that "the rights of workers to establish organizations of their own choosing implies... the effective possibility of forming... [trade unions] independent both of those which exist already and of any political party." Vietnam's legal framework is therefore not compatible with the ILO Principles on Freedom of Association and, as such, all factories in Vietnam fail to comply with the FLA Code standard on Freedom of Association."</p>
Recommendation for Immediate Action	
Compliance Classifications	Sustainable Improvement Required
Local Law	
Benchmark ID	FOA.15
Benchmark Details	Worker representatives shall have the facilities necessary for the proper exercise of their functions, including access to workplaces and office space where required by law.
Finding Details	The factory does not provide an office space for the trade union.
Recommendation for Immediate Action	
Compliance Classifications	Sustainable Improvement Required
Local Law	
Health, Safety And Environment (HSE)	
Benchmark ID	HSE.5.3

Benchmark Details	Alarm systems shall be regularly tested and evacuation drills shall be undertaken at least annually.
Finding Details	The records of evacuation drills performed on 18 February 2021 and 21 August 2021 indicate that the factory's canteen and cleaning staffs did not participate in these drills and have not participated in any such drills for the past 12 months.
Recommendation for Immediate Action	Regularly train all workers, including the canteen and cleaning staffs, on evacuation procedures and include them in drills. Maintain proper records to indicate their training and participation.
Compliance Classifications	Immediate Action Required
Local Law	In accordance with The Law amending and adding a number of Articles of the Law on Fire Prevention and Fighting, No. 40/2013/QH13, Article 1. Amending and adding a number of articles of the Law on fire prevention and fighting: 20. Article 31 is amended and added as follows: "Article 31. Formulation and practice of fire fighting plan 4. The fire fighting plan must be approved by the competent authority. The forces and means stated in the plan upon practice must take full participation.
Benchmark ID	HSE.5.1.5
Benchmark Details	All applicable, legally required or recommended elements of safe evacuation shall be complied with, including all of the following elements: employee education and training
Finding Details	The records of evacuation drills performed on 18 February 2021 and 21 August 2021 indicate that the factory's canteen and cleaning staffs did not participate in these drills and have not participated in any such drills for the past 12 months.
Recommendation for Immediate Action	Regularly train all workers, including the canteen and cleaning staffs, on evacuation procedures and include them in drills. Maintain proper records to indicate their training and participation.
Compliance Classifications	Immediate Action Required

Local Law	
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	(1) The water reserves in the factory's firefighting tank were 3.1 meters deep, whereas local law requires the level to be kept no lower than 3.5 meter. The tank's maximum water level is 4 meters. (2) Several floor markings and directional arrows in the sewing area and the material and accessories warehouse were faded.
Recommendation for Immediate Action	(1) Ensure that firefighting tanks have sufficient water. (2) Re-apply faded floor markings and ensure that all floor markings and directional arrows are clearly visible.
Compliance Classifications	Immediate Action Required
Local Law	(1) 10.7. For industrial parks or industrial works, in which production class C, D, E has an area of not more than 200,000m ² , the water flow used for fire fighting outside the house is not more than 20 liters/second and for other buildings. In residential areas with no more than 8,000 people, then not more than 8,000 people, it is not necessary to design an external fire-fighting water supply pipe system, but a fire pump or pump truck can be used to draw water from natural water sources such as: rivers, lakes or reservoirs, artificial lakes for fire fighting with the following conditions: a) There is enough reserve water for fire fighting in the prescribed seasons b) The water absorption depth is not more than 4m from the ground to the water surface and the water level is not more than 0.5m; c) There must be a secure place for the pump truck or fire pump to collect water.) (2) In accordance with the TCVN 2622:1995 on Fire prevention and protection for buildings and structure - Design requirements (1995), Article 7. Emergency exits 7.5 Exits must be visible and path leading to exit must be marked clearly by guiding sign

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	The evacuation routes in the material and accessories warehouse and in the sewing workshops have insufficient emergency lighting. Per local law, emergency lights must be installed at least every 30 meters.
Recommendation for Immediate Action	Install sufficient emergency lights along all evacuation routes. Install at least 1 light every 30 meters, as required by law.
Compliance Classifications	Immediate Action Required
Local Law	In accordance with the Decision No. 2726/BKHCN, Article 10. Equipment, placement, checking and maintenance of means of rescue, means of emergency lighting and emergency exit instructions, conventional demolition tools and protection means against smoke 10.1.5. The emergency light and exit light should have a redundant power supply to ensure a minimum operation time of at least 2 hours. The emergency light has initial light intensity of 10 lux on average and the minimum light intensity at any point of time along the escape way measured not less than 1 lux. The exit light must be clearly visible to the word "EXIT" or other appropriate word from a minimum distance of 30 meters in normal lighting conditions (300 lux) or upon occurrence of incident (10 lux). 10.1.6. The emergency light and exit light are installed and placed above the doors, corridors, staircases, fire escape staircases, turnouts on the fire escape way for lighting and instruction of passage-way and easy observation. The installation placement between emergency lights and exit lights must be visible to escape and the distance is not larger than 30 m
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	It was noted that factory did not install a visual alarm system at high-noise areas where workers used hearing protection while working
Recommendation for Immediate Action	Install a visual alarm system in high-noise areas.
Compliance Classifications	Immediate Action Required
Local Law	In accordance with the Vietnam Standard No. TCVN 5738:2001 on Fire detection and alarm system - Technical requirements, Part 7: Fire alarm buttons must be installed in the prominent areas and with clear signs. Distance between fire alarms installed inside the buildings must not be more than 50 meters and outside the buildings 150 meters at maximum
Benchmark ID	HSE.14.1
Benchmark Details	All production machinery, equipment and tools shall be properly guarded and regularly maintained.
Finding Details	The factory does not implement the proper logout-tagout safety system for all relevant equipment.
Recommendation for Immediate Action	Fully implement a lockout-tagout safety system for relevant equipment.
Compliance Classifications	Immediate Action Required
Local Law	
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	Local law requires that the number of reserve fire extinguishers be at least 10% of the number of main fire extinguishers in the facility. The factory has 401 main fire extinguishers, but only 12 reserve extinguishers.
Recommendation for Immediate Action	Maintain a sufficient number of reserve fire extinguishers (at least 10% of the number of principal fire extinguishers).
Compliance Classifications	Immediate Action Required
Local Law	In accordance with the Decision No. 2726/BKHCN, 5.1.7: Reserving fire extinguishers are not less than 10% total of fire extinguishers which replace in need
Benchmark ID	HSE.1
Benchmark Details	Employers shall comply with all national laws, regulations and procedures concerning health, safety, and the environment.
Finding Details	The factory has not provided health and safety training for all members of the occupational safety and hygiene network, as required by local law.
Recommendation for Immediate Action	Provide health and safety training to all members of the occupational safety and hygiene network.
Compliance Classifications	Immediate Action Required

Local Law	<p>(In accordance with the No. 140/2018/ND-CP, Article 1. Amendments to some Articles of the Government's Decree No. 44/2016/ND-CP dated May 15, 2016 on guidelines for some Articles of the Law on Occupational Safety and Hygiene on occupational safety inspection, occupational safety and hygiene training and occupational environment monitoring 5. Article 17 is amended as follows: "Article 17. Persons eligible to join the occupational safety and hygiene training course 6. Group 6: Occupational safety and hygiene officers specified in Article 74 of the Law on Occupational Safety and Hygiene." In accordance with the Decree No. 44/2016/ND-CP, Article 24. Managing the issue of training Certificate, safety Card and Certificate of professional occupational health 1. Issue of training Certificate a) Training organization and the enterprises eligible for organizing the self-training shall issue the training Certificate to the trainees of the groups 1, 2, 5 and 6 after they pass an examination and testing. b) The training Certificate is under the Form No.08 of Appendix II issued with this Decree. In accordance with the No. 140/2018/ND-CP, Article 1. Amendments to some Articles of the Government's Decree No. 44/2016/ND-CP dated May 15, 2016 on guidelines for some Articles of the Law on Occupational Safety and Hygiene on occupational safety inspection, occupational safety and hygiene training and occupational environment monitoring 9. Title of Article 24 is changed into "Management of issuance of certificate of completion of training course and safety card" and regulations on occupational health certificate specified in Article 24 are repealed)</p>
Benchmark ID	HSE.18.1
Benchmark Details	Medical facilities shall be established and maintained in factories as required by applicable laws.
Finding Details	The factory's clinic lacks a hand sink, in violation of local law.
Recommendation for Immediate Action	Install a hand sink at the clinic.
Compliance Classifications	Immediate Action Required

Local Law	In accordance with Joint Circular No. 01/2011/TTLT-BLDTBXH-BYT dated on January 10, 2011 on Guiding The Organization Of Labor Safety And Sanitation Work In Labor-Employing Establishments, Article 7: Organization of health units in labor-employing establishments: 1. A labor-employing establishment shall set up a health unit according to the following minimal regulations: a/ If the establishment employs between 500 and 1.000 direct workers, it must have at least 1 health worker possessing an intermediate medicine degree; b/ If the establishment employs more than 1.000 direct workers working together in the same place, it shall organize a health station or unit or an infirmary staffed with at least 1 assistant medical doctor or general medical doctor. 2. In case a labor-employing establishment cannot set up a health unit under Clause I of this Article or employs under 500 direct workers, it shall sign a healthcare contract with any of the following local health establishments: a/ Health station of commune, ward or township; b/ Regional general clinic; c/ Hospital of district or provincial city (below collectively referred to as district) or district-level health center.
Benchmark ID	HSE.18.3.1
Benchmark Details	Medicines of which the expiration date has passed must be replaced immediately and disposed of in a safe manner.
Finding Details	The assessment checked 3 first aid kits and found that all 3 were missing supplies, such as band aids of various size. The latex tourniquets in the kits were not in clean condition.
Recommendation for Immediate Action	Regularly replenish the first aid kits to ensure that supplies are sufficient. Regularly inspect all kit supplies to ensure that they are in good condition.
Compliance Classifications	Immediate Action Required
Local Law	In accordance with the Annex 4 Issued together with the Circular No.19/2016/TT-BYT Regulation on first aid kits in workplaces 3. Items included in a first aid kit shall be complied with the attached on this regulation
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	The factory does not provide training on PPE usage and maintenance.
Recommendation for Immediate Action	
Compliance Classifications	Sustainable Improvement Required
Local Law	
Benchmark ID	HSE.5.2
Benchmark Details	Workers shall be trained in evacuation procedures.
Finding Details	The factory does not provide training for all employees about their duties in the event of an emergency or natural disaster.
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	(1) At least 2 air compressor operators at the factory do not have the legally-required occupational certification. (2) The factory has not provided safety training for designated workers with special or high-risk work responsibilities, including those who work in confined spaces (fire pumps, boiler), those who work at heights (warehouse workers), and maintenance workers who work with logout-tagout devices.
Recommendation for Immediate Action	Ensure that air compressor operators receive proper training and obtain the respective license. Provide training to all designated workers with special or high-risk responsibilities.
Compliance Classifications	Immediate Action Required
Local Law	In accordance with the Decree No. 44/2016/ND-CP, Article 16. Responsibility of organizations and individuals using machine, equipment and materials with strict requirements on occupational safety 1. Select the technical inspecting organization of occupational safety to conduct the first inspection before using them or periodic inspection during the course of using the machine, equipment and materials with strict requirements on occupational safety; only put into use the machine, equipment and materials with strict requirements on occupational safety that are inspected and meet the requirements. In accordance with the list of machinery, equipment, materials and substances subject to strict occupational safety and health requirements (Enclosed with the Circular No. 36/2019/TT-BLDTBXH dated December 30, 2019 of the Ministry of Labor, War Invalids and Social Affairs)

Hours Of Work (HOW)

Benchmark ID	HOW.20
Benchmark Details	Employers shall have in place practices that conduct regular analysis of hours of work in their workplaces and procedures that demonstrate a commitment to progressively reducing excessive hours of work.
Finding Details	The factory's production plan assumes that workers will perform both regular hours and overtime hours.

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.
Finding Details	Time records for September 2020-September 2021 indicate that the factory grants female employees who are raising a child under 12 months of age and perform heavy, toxic, or dangerous work with 1-hour paid breaks, rather than 2-hour breaks as required by local law.
Recommendation for Immediate Action	Provide female employees who are raising a child under 12 months of age and perform heavy, toxic, or dangerous work with 2-hour paid daily breaks, as required by local law.
Compliance Classifications	Immediate Action Required
Local Law	In accordance with the Labor Code (2019), Article 137. Maternity protection 2. Whenever an employer is informed of the pregnancy of an female employee who is doing a laborious, toxic or dangerous work, a highly laborious, toxic or dangerous work or any work that might negatively affect her maternity, the employer shall assign her to a less laborious or safer work, or reduce the working hours by 01 hour per day without reducing her salary, rights or benefits until her child reaches 12 months of age. 4. During her menstruation period, a female employee shall be entitled to a 30 minute break in every working day; a female employee nursing a child under 12 months of age shall be entitled to 60 minutes breaks in every working day with full salary as stipulated in the employment contract)

Nondiscrimination (ND)

Benchmark ID	ND.2.1
Benchmark Details	All employment decisions shall be made solely on the basis of a person's qualifications, in terms of education, training, experience, demonstrated skills and/or abilities, as they relate to the inherent requirements of a particular job.
Finding Details	The factory lacks any policies or procedures governing termination/retrenchment to prevent discrimination in layoff decisions.
Recommendation for Immediate Action	
Compliance Classifications	Sustainable Improvement Required
Local Law	
Benchmark ID	ND.8.1
Benchmark Details	Employers shall abide by all protective provisions in national laws and regulations benefitting pregnant workers and new mothers, including provisions concerning maternity leave and other benefits; prohibitions regarding night work, temporary reassignments away from work stations and work environments that may pose a risk to the health of pregnant women and their unborn children or new mothers and their new born children, temporary adjustment of working hours during and after pregnancy, and the provision of breast-feeding breaks and facilities.
Finding Details	Time records for the period September 2020-September 2021 indicate that the factory provides female employees who are raising a child under 12 months of age and perform heavy, toxic, or dangerous work with 1-hour paid breaks, rather than the 2-hours breaks required by local law. Payment records also indicate that when these female employees worked during their paid break times, the factory paid them at 200% of their normal wage rate, rather than at 250% of normal rate as required by local law.

Recommendation for Immediate Action	Provide female employees who are raising a child under 12 months of age and perform heavy, toxic, or dangerous work with 2-hour paid daily breaks and pay overtime for work performed during this break at 250% of normal rate, as required by local law.
Compliance Classifications	Immediate Action Required
Local Law	In accordance with the Labor Code (2019), Article 137. Maternity protection 2. Whenever an employer is informed of the pregnancy of an female employee who is doing a laborious, toxic or dangerous work, a highly laborious, toxic or dangerous work or any work that might negatively affect her maternity, the employer shall assign her to a less laborious or safer work, or reduce the working hours by 01 hour per day without reducing her salary, rights or benefits until her child reaches 12 months of age. 4. During her menstruation period, a female employee shall be entitled to a 30 minute break in every working day; a female employee nursing a child under 12 months of age shall be entitled to 60 minutes breaks in every working day with full salary as stipulated in the employment contract)
Benchmark ID	ND.2.2
Benchmark Details	Employment decisions shall not be made on the basis of gender, race, religion, age, sexual orientation, nationality, political opinion, social group, ethnic origin, marital status, or union affiliation or sympathy.
Finding Details	The factory lacks any policies or procedures governing termination/retrenchment to prevent discrimination in termination decisions.
Recommendation for Immediate Action	
Compliance Classifications	Sustainable Improvement Required
Local Law	

