

# Fair Labor Association: Independent External Factory Assessment

Assessment Date :

**11 Oct 2021**



## Factory Information

FLA Affiliates	The s. Oliver Group
Country	Turkey
Number of Workers	207

## Understanding this Report

Companies that join the FLA agree to uphold the FLA Workplace Code of Conduct throughout their entire supply chain. The Code of Conduct is based on International Labour Organization (ILO) standards, and defines labor standards that aim to achieve decent and humane working conditions.

## FLA Code Element

## Number of Violations

Compensation (C)	1
Employment Relationship (ER)	8
Health, Safety And Environment (HSE)	8
Hours Of Work (HOW)	2
Nondiscrimination (ND)	1

## Assessment Information

Assessor	Sinan Doven
Assessment Date	11 Oct 2021

Assessment Purpose	Factory Assessment (Virtual Compliance Check)
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## ASSESSMENT RESULTS

### Compensation (C)

Benchmark ID	C.12.1
Benchmark Details	All legally mandated deductions for taxes, social insurance, or other purposes shall be deposited each pay period in the legally defined account or transmitted to the legally defined agency. This includes any lawful garnishments for back taxes, etc.
Finding Details	The factory has a double bookkeeping practice. Nearly 20% of overtime compensations are paid on a cash basis and not listed on the actual payroll.
Recommendation for Immediate Action	Ensure that the worker's overtime compensation is listed on social security payroll completely and it is paid through bank deposit.
Compliance Classifications	Immediate Action Required
Local Law	Social Security and General Health Security Law (2006), No.5510, Art.80 and Regulation Related to Payments through the Banks of the Salaries, Bonuses and all Kinds of Remunerations (2008), No.27058, Art.10

### Employment Relationship (ER)

Benchmark ID	ER.11.2
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Benchmark Details	Employers must ensure the following minimum terms and conditions are met in the employment of contract/contingent/migrant/temporary workers: Contract/contingent/migrant/temporary workers shall be provided an employment agreement in their native language setting out the employment terms and conditions. for migrant workers, a copy of their employment contract in their native language shall be provided prior to departure from their country of origin;
Finding Details	The factory does not systematically provide a copy of contracts to the workers after getting their signature. During worker interviews, some of the new workers provided employment contracts during the assessment.
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	There are 5 disabled workers in the factory, which is less than the legal worker requirement of 3% of the 225 workers.
Recommendation for Immediate Action	
Compliance Classifications	Sustainable Improvement Required
Local Law	Labor Law (2003), No. 4857, Art. 30

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 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	<ol style="list-style-type: none"> <li>1. The factory does not have a performance review system in place.</li> <li>2. There are no policies and procedures on performance reviews that include steps and processes, linkages to job grading, nondiscrimination, written feedback, and compliance with legal requirement.</li> </ol>
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 policies and procedures on promotion, demotion and job reassignment. However, some documents or systems exist to manage recruitment and hiring.
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 is not posted on the work floors and FLA Code Elements and Employment Functions are not communicated to workers.
Recommendation for Immediate Action	
Compliance Classifications	Sustainable Improvement Required
Local Law	FLA Code

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 companies workplace standards are not posted and communicated with the workers.
Recommendation for Immediate Action	
Compliance Classifications	Sustainable Improvement Required
Local Law	FLA Code

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 recently created a handbook to replace orientation and refresher trainings which could not be conducted due to Covid 19. Most of the workers are provided this handbook, however, new workers have not yet received it. New workers should receive this employee handbook as well as documentation that substantiates all the issues covered in orientation.
Recommendation for Immediate Action	
Compliance Classifications	Sustainable Improvement Required
Local Law	

## Health, Safety And Environment (HSE)

Benchmark ID	HSE.5.1.4
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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	- One emergency exit door has a 30 cm height from the ground and another one has nearly 10cm height from the ground on the way to the emergency stairs. This might pose a fall risk during an emergency. -There is a pressured vessel that belongs to the neighboring carpenter company located in the factory evacuation route through the emergency stairs. Moreover, there is a garage with a parked car on the way out of the same exit route.
Recommendation for Immediate Action	Ensure that emergency exits are free of obstruction all the time
Compliance Classifications	Immediate Action Required
Local Law	Regulation Regarding the Prevention of Fire in the Buildings, (November 27, 2007), No: 26735, Article 33
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	Two out of the four cafeteria contractor company worker's hygiene certificates were not provided for review.
Recommendation for Immediate Action	Ensure that hygiene certificates are obtained for all workers that are working at the cafeteria.
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	Lighting assessment conducted on 12.12.2018 was conducted only in day time.
Recommendation for Immediate Action	Ensure that lighting 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.14.1
Benchmark Details	All production machinery, equipment and tools shall be properly guarded and regularly maintained.
Finding Details	Several sewing machines are missing lower pulley guards and finger guards.
Recommendation for Immediate Action	Ensure that pulley and finger guards are provided to all sewing machines.
Compliance Classifications	Immediate Action Required
Local Law	Regulation regarding health and safety conditions of the work equipment (April 25, 2013), No: 28628 - Appendix -1 Minimum Requirements at Work Equipment
Benchmark ID	HSE.6.1

Benchmark Details	All safety and medical equipment (e.g. fire fighting equipment, first aid kits) shall be available in sufficient numbers throughout the workplace, maintained and stocked as prescribed, and easily accessible to workers.
Finding Details	1. Two fire extinguishers at the warehouse are not mounted and two extinguishers at the cutting section are not marked. Moreover, 2 fire extinguishers are blocked by garments and 2 fire extinguishers are not marked and mounted at the warehouse of the sister company. 2. Eye wash station is missing in the factory although the MSDS of the chemicals indicate that eyes shall be washed in running water if exposed.
Recommendation for Immediate Action	1. Ensure that all the fire extinguishers are marked, mounted, unblocked. 2. Ensure that eye wash station is provided as instructed at 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, Regulation Regarding the Modification of the Regulation Regarding Prevention of Fire in the Buildings, (August 10, 2009), No: 2009/15316, Article 99, Regulation Regarding the Health and Safety Precautions at the Buildings and the Built on Connections, (July 17, 2013), No: 28710, Article 12
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. Secondary containment is missing for the chemicals stored near the compressor room. 2. There are 10 first aid certified workers in the factory, however, there is a total of 224 workers and there should be 1 first aid certified worker for every 20 workers. 3. Former employees who no longer work at the factory are kept on both the emergency action team list posted on work floors and the worker representative list posted on the announcement board. 4. Five out of 19 sampled workers' periodical health checks are expired as they were conducted in April 2016. Health checks are good for five years for this factory. 5. Ergonomic mats are missing for nearly 20% of the standing workers. 6. Several sister company workers were not using eye guards.
Recommendation for Immediate Action	1. Ensure that secondary containment is implemented for all chemicals, 2. Ensure that there is at least one first aid certified worker for each 20 workers 3. Ensure emergency action teams and worker representative information posted on the work floors is accurate, 4. Conduct periodical health checks of the workers in each 5 years 5. Ergonomic mats should be provided for all standing workers. 5. Ensure eye guards are used by all sewing section workers
Compliance Classifications	Immediate Action Required
Local Law	Regulation Regarding Health & Safety Precautions in Work with Chemical Substances (August 12, 2013), No. 28733, Article 7, Regulation Regarding the Emergency Cases at Workplaces (June 18, 2013), No: 28681, Art. 15, First Aid Regulation (2002), No.24762, Art.16, 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.23.1
Benchmark Details	Safe and clean drinking water shall be freely available at all times, within reasonable distance of the workplace. Drinking water shall be of a reasonable temperature. The means to drink water (e.g. cups) must be safe and sanitary and available in an appropriate number.
Finding Details	The drinking water analysis dated 24.9.2021 indicates that there is coliform bacteria, another report with same date and numbers is provided afterwards indicating that there is no coliform bacteria.

Recommendation for Immediate Action	Recommend obtaining a new analysis to ensure drinking water is safe
Compliance Classifications	Immediate Action Required
Local Law	Occupational Health and Safety Law, (2012), No.6331, Art.4
Benchmark ID	HSE.5.2
Benchmark Details	Workers shall be trained in evacuation procedures.
Finding Details	Buddies are not assigned and trained for the workers that need special protection in the event of an emergency, such as workers who are disabled or pregnant.
Recommendation for Immediate Action	Ensure that buddies are assigned for workers that needs special protection.
Compliance Classifications	Immediate Action Required
Local Law	Regulation Regarding the Emergency Cases at Workplaces, (June 18, 2013), No: 28681, Article 10

## Hours Of Work (HOW)

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	Three out of 19 sampled workers worked 13 hours a day once in September 2021.
Recommendation for Immediate Action	Ensure that working hours do not exceed 11 hours per day as per labor law article 63 and working hours regulation.
Compliance Classifications	Immediate Action Required

Local Law	Labor Law (2003), No. 4857, Art. 63
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	One out of 19 sampled workers worked a total of 15.5 hours of overtime per week once in March 2021 which makes 60.5 hours total. (45 regular hours, 15.5 overtime hours between 22 to 27 March 2021 - 2 hours of overtime per day for 4 days + 7.5 hours Saturday)
Recommendation for Immediate Action	Ensure that working hours do not exceed 60 hours per week.
Compliance Classifications	Immediate Action Required
Local Law	FLA Code

### **Nondiscrimination (ND)**

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	The job application forms include marital status and military service questions.
Recommendation for Immediate Action	
Compliance Classifications	Sustainable Improvement Required

Local Law	
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