

Fair Labor Association: Independent External Factory Assessment

Assessment Date :

11 Oct 2021



Factory Information

FLA Affiliates	Fanatics Apparel LLC
Country	United States of America
Number of Workers	

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)	2
Employment Relationship (ER)	17
Forced Labor (F)	1
Freedom Of Association And Collective Bargaining (FOA)	1
Health, Safety And Environment (HSE)	29
Hours Of Work (HOW)	3
Nondiscrimination (ND)	1

Assessment Information

Assessor	Rodriguez Compliance Group
Assessment Date	11 Oct 2021
Assessment Purpose	Factory Assessment (In-Person)

ASSESSMENT RESULTS

Compensation (C)

Benchmark ID	C.16.1
Benchmark Details	All compensation records, including wages and benefits whether in cash or in-kind, must be properly documented and their receipt and accuracy must be confirmed by the relevant worker in writing (e.g. signature, thumbprint).
Finding Details	The factory performs all compensation through bank transfers, without a step in which the worker verifies receipt and accuracy with a signature.
Recommendation for Immediate Action	
Compliance Classifications	Sustainable Improvement Required
Local Law	
Benchmark ID	C.10
Benchmark Details	Workers shall be informed, orally and in writing, in language(s) spoken by workers about overtime wage rates prior to undertaking overtime.
Finding Details	Worker interviews indicated that the factory does not effectively inform workers of overtime wage rates. Interviewed workers could not immediately state the correct wage to be paid if they worked overtime.
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 could not provide documentation of any grievances that management had received and addressed through the grievance channels.
Recommendation for Immediate Action	
Compliance Classifications	Sustainable Improvement Required
Local Law	
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	(1) The factory does not provide any ongoing training to workers on the FLA Code or the company affiliate's code. (2) The person responsible for HR issues at the factory was not present during the assessment. (3) The company communicated its COVID-19 plan to workers, but did not solicit feedback.

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	The company has not communicated its workplace disciplinary system to workers or trained them on the topic.
Recommendation for Immediate Action	
Compliance Classifications	Sustainable Improvement Required
Local Law	
Benchmark ID	ER.5.1
Benchmark Details	Employers shall ensure that all supervisors are trained in national laws, workplace regulations, and the FLA Code, workplace grievance systems, and the appropriate practices to ensure compliance.
Finding Details	The company did not provide evidence that it trains supervisors on the FLA Code or the company affiliate's code.
Recommendation for Immediate Action	
Compliance Classifications	Sustainable Improvement Required
Local Law	

Benchmark ID	ER.17.1
Benchmark Details	Employers shall have a clear and transparent system of worker and management communication that enables workers to consult with and provide input to management. This might include suggestion boxes, worker committees, designated spaces for worker meetings, union representatives, and meetings between management and workers' representatives.
Finding Details	(1) The factory's employee handbook discusses complaint procedures for reports of harassment, but not for other types of grievances. (2) The company has not instituted a suggestion box, phone line, worker committee, or any other method to receive complaints and grievances.
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 does not have a written policy or procedure on forced labor. (2) The factory does not have a policy or procedure on child labor or a stated minimum hiring age. (3) The factory has no procedures in place to remediate a potential case of child labor. (4) The factory has no policy or procedures on termination or retrenchment.
Recommendation for Immediate Action	

Compliance Classifications	Sustainable Improvement Required
Local Law	Florida Child labor 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	The factory's workplace conduct and discipline system does not include a progressive discipline plan with escalating actions.
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 company did not provide evidence of written policies or procedures on personnel development.
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 assessment found no written documentation to indicate any policy or procedure on performance reviews. (2) The assessment found no indication that the factory conducts performance reviews in practice.
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 did not provide evidence of any policies and procedures on promotion, demotion, or job reassignment.
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 have the relevant FLA affiliates' workplace standards posted.
Recommendation for Immediate Action	
Compliance Classifications	Sustainable Improvement Required
Local Law	
Benchmark ID	ER.3.1
Benchmark Details	Employers shall provide an orientation to new employees at the time of hiring, which includes explanations of the employers' rules, compensation package and policies for human resources, grievance systems, industrial relations, including respect of the right to freedom of association, workers' rights and responsibilities, FLA Code of Conduct, health and safety, and environmental protection.
Finding Details	The company did not provide evidence of an orientation training to explain company policies and procedures to new hires.
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	The company does not consult with workers or integrate them into decision-making regarding decisions that affect working conditions.
Recommendation for Immediate Action	
Compliance Classifications	Sustainable Improvement Required
Local Law	
Benchmark ID	ER.18.4
Benchmark Details	The disciplinary system shall include a third party witness during imposition, and an appeal process.
Finding Details	The factory's disciplinary procedure does not include the workers' right to have a third-party witness present during imposition of disciplinary action.
Recommendation for Immediate Action	
Compliance Classifications	Sustainable Improvement Required
Local Law	
Benchmark ID	ER.18.6
Benchmark Details	The workplace shall commit to non-retaliation for all steps of the disciplinary process, including for a worker requesting a witness and filing an appeal of disciplinary action.
Finding Details	The factory's disciplinary procedure does not commit to non-retaliation if workers appeal disciplinary decisions or request a third-party witness.

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 company did not provide evidence of a communication process to advise or consult with workers prior to layoffs.
Recommendation for Immediate Action	
Compliance Classifications	Sustainable Improvement Required
Local Law	
Benchmark ID	ER.3.3
Benchmark Details	Workers should be provided with written documentation that substantiates all the issues covered in orientation briefings.
Finding Details	The company did not provide evidence that workers receive written documentation of topics covered in orientation.
Recommendation for Immediate Action	
Compliance Classifications	Sustainable Improvement Required

Local Law	
Forced Labor (F)	
Benchmark ID	F.2.1
Benchmark Details	All workers shall have the right to enter into and to terminate their employment freely.
Finding Details	Although the company communicates that all employment is “at will,” the current EMPLOYEE SEPARATION PROCEDURES (Employee handbook v. 2015, page 19) state: “[Factory] requests that employees who choose to terminate their employment provide written notice to their supervisor or Human Resources, stating their last date of employment and the reason for leaving.” This request does not conform with the at-will employment guidelines of the state of Florida.
Recommendation for Immediate Action	
Compliance Classifications	Sustainable Improvement Required
Local Law	"At will" guidelines of the State of Florida.
Freedom Of Association And Collective Bargaining (FOA)	
Benchmark ID	FOA.1.1
Benchmark Details	Employers shall comply with all national laws, regulations and procedures concerning freedom of association and collective bargaining. national laws, rules, and procedures protecting the rights of workers to organize and bargain collectively. Where local laws and FLA standards differ, the employer is expected to follow the highest applicable standard.

Finding Details	The company has not developed a policy or procedures on freedom of association and collective bargaining. Furthermore, the facility does not display the NLRB poster communicating workers' rights to freedom of association and collective bargaining.
Recommendation for Immediate Action	
Compliance Classifications	Sustainable Improvement Required
Local Law	

Health, Safety And Environment (HSE)

Benchmark ID	HSE.30.1
Benchmark Details	Employers shall develop, maintain, and regularly review health, safety, and environmental policies to ensure that they comply with all national laws, regulations and the FLA Workplace Code concerning health, safety, and environmental standards, regulations and procedures.
Finding Details	The company did not provide evidence of record or maintain OSHA Log accident or injury.
Recommendation for Immediate Action	
Compliance Classifications	Sustainable Improvement Required
Local Law	OSHA 29CFR 194.07 (300 OSHA log)
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	The factory last last conducted a fire extinguisher training more than 2 years ago, according to an invoice dated April 5, 2019 from a fire extinguisher inspection company (A.B Fire Equipment Inc). The invoice shows a charge for fire extinguisher training class. During the worker interviews, the auditor confirmed that this training was held approximately 2 years ago.
Recommendation for Immediate Action	
Compliance Classifications	Sustainable Improvement Required
Local Law	OSHA 29 CFR 1910.157(g)(1) - training on fire extinguishers
Benchmark ID	HSE.5.3
Benchmark Details	Alarm systems shall be regularly tested and evacuation drills shall be undertaken at least annually.
Finding Details	1. 5 out of 10 workers interviewed could not recall participating in a fire drill in the last 12 months. The company advised that an evacuation drill was conducted on August 10, 2021. The company did not, however, document the details or outcome of the drill, such as the time of day when the drill occurred, how much time lapsed for the drill to be completed, or if the drill was announced or unannounced. Nor did the facility record any observations, results, or opportunities for improvements for future drills. After the date of this audit, the company presented an attendance roster of employees who participated in the August 2021 drill. 2. Employees hired after Aug 10, 2021 have not been trained nor informed on the evacuation process. NOTE: The primary language of the majority of the workforce, approximately 75%, is Spanish.
Recommendation for Immediate Action	
Compliance Classifications	Sustainable Improvement Required
Local Law	OSHA 1910.38(e): evacuation procedures

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 factory does not conduct formal training on fire prevention, the use of fire extinguishers, or workers' duties in case of a fire, including emergency coordinators or personnel responsible to assist in an emergency and take a head count.
Recommendation for Immediate Action	Designate and train employees to assist in a safe and orderly evacuation of other employees. Document and provide training on the emergency evacuation process.
Compliance Classifications	Immediate Action Required
Local Law	OSHA 1910.38(e): An employer must designate and train employees to assist in a safe and orderly evacuation of other employees.
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 company states in the employee handbook that the assembly or meeting point for emergencies is in the parking lot, but has not marked the area with signage or set it apart to prevent parking at the meeting point. (2) The assessment observed that the factory's emergency exits are not clearly identified. The emergency exit door of the ink mixing room (located in building 2380) is not marked with an exit sign. (3) The facility's emergency exit doors do not have fire resistant smoke-sealed doors. (4) The assessment found that the factory does not have clear floor markings for the footpaths/walkways, no markings for emergency exit paths, and no clear markings/definitions of aisles.
Recommendation for Immediate Action	Clearly identify all emergency exits. Clearly mark footpaths, ensuring that emergency exit paths are plainly labeled.
Compliance Classifications	Immediate Action Required
Local Law	OSHA 1910.37(b)(2): Each exit must be clearly visible and marked by a sign reading "Exit." Refer to NFPA 101 Life Safety Code Chapter 7: aisles leading directly to every exit shall be maintained and shall be arranged to provide access for each occupant.
Benchmark ID	HSE.5.1.6
Benchmark Details	All applicable, legally required or recommended elements of safe evacuation shall be complied with, including all the following elements: evacuation procedures and fire drills
Finding Details	The company did not provide evidence of any such post-drill assessment and review.
Recommendation for Immediate Action	
Compliance Classifications	Sustainable Improvement Required
Local Law	
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	There are no emergency lights at the factory's points of exit.
Recommendation for Immediate Action	Ensure that all emergency exits have lighting with backup power to guide workers in an emergency evacuation.
Compliance Classifications	Immediate Action Required
Local Law	OSHA 29 CFR 1910.36(b)(6)
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	The facility does not have a fire alarm. The company's emergency action plan states that the factory will use its public address system or a verbal announcement to alert workers.
Recommendation for Immediate Action	Install the appropriate fire alarm, including a visual element, for the building and train workers on its application.
Compliance Classifications	Immediate Action Required
Local Law	OSHA 29 CFR1910.165 fire alarms
Benchmark ID	HSE.5.1.4
Benchmark Details	All applicable, legally required or recommended elements of safe evacuation shall be complied with, including all the following: ensuring aisles/exits are not blocked and that workers are not blocked within their workstations

Finding Details	The assessment observed that work stations, fans, or equipment block multiple emergency exits. Access to one emergency exit door in building 2380 was partially blocked by a standing fan in the screen printing area.
Recommendation for Immediate Action	Keep all emergency exits free from obstruction at all times.
Compliance Classifications	Immediate Action Required
Local Law	OSHA 1910.37(a)(3)
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	The company permits to use secondary containers which do not have proper labels to identify the chemicals being stored. The "gun" device used for applying the spot remover chemical is not labeled. The assessment observed other small containers with chemicals in the screen printing area that were not properly labeled. The facility did not provide a process or procedure for spills.
Recommendation for Immediate Action	Train workers on chemical handling and the proper usage of secondary containment. Label all chemical containers, including dispensers and secondary containment.
Compliance Classifications	Immediate Action Required
Local Law	Refer to OSHA 1910.1200(f)(6) requires chemical labeling.
Benchmark ID	HSE.2

Benchmark Details	All documents required to be available to workers and management by applicable laws (e.g. health and safety policies, MSDS, environmental emergency plans) shall be made available in the prescribed manner and in the local language or language spoken by the workers, if different from the local language.
Finding Details	(1) The company did not provide evidence that management maintains records such as the OSHA 300 Log to document workplace accidents or injuries and communicate them to local authorities, as required by law. (2) Health and safety documentation is kept in English. The majority of workers at the facility, however (approx. 75%), speak Spanish.
Recommendation for Immediate Action	Maintain documentation of workplace accidents or injuries, communicate these records to local authorities, and where applicable, provide this information to workers in both English and Spanish, as required by law.
Compliance Classifications	Immediate Action Required
Local Law	29 CFR 1910.1200 (h) language requirement
Benchmark ID	HSE.19
Benchmark Details	All facilities including workplace buildings, toilets, canteens, kitchens, and clinics, shall be kept clean and safe and be in compliance with all applicable laws, including relevant sanitation, medical, and safety and health regulations.
Finding Details	(1) The assessment observed general poor housekeeping in the facility, including dirt, lint, trash, machinery without protective plates affixed in position, scattered boxes, overflowing waste baskets in toilet area, and commodes without seat covers. (2) In Building #1 (2300), the Women's restroom requires repair to mud patches while the men's restroom requires repair to replace the sink and toilet. In Building #2 (2380) the unoccupied bathroom should be fully converted into a storage room by installing a mop sink and shelving. (3) The factory does not have adequate soap or hand drying installations.

Recommendation for Immediate Action	(3) Provide adequate soap and hand drying installations in all restrooms.
Compliance Classifications	Immediate Action Required
Local Law	The facility does not comply with OSHA 29 CFR 1915.081 [housekeeping]
Benchmark ID	HSE.13
Benchmark Details	All necessary ventilation, plumbing, electrical, noise and lighting services shall be installed and maintained to conform to applicable laws and to prevent or minimize hazardous conditions to workers in the facility.
Finding Details	(1) The company did not provide evidence of a recent dosimetry or noise survey. (2) The company did not provide evidence of any assessments to determine thermal comfort. However, there are fans throughout the facility. (3) The compressor and the top of the screen printing machines have excessive accumulation of dust and grime. (4) The assessment observed that 2 small electrical panels in the facility were completely blocked by work tables and a water cooler. Another electrical panel in the same building was blocked by a lawn mowing machine.
Recommendation for Immediate Action	(3) Clean the compressor and the screen printing machine. Ensure that these machines remain dust-free over time. (4) Keep electrical equipment clear of obstructions at all times and comply with the legal requirement to maintain a frontal clearance of 36 inches.
Compliance Classifications	Immediate Action Required
Local Law	Refer to OSHA 1910.141(a)(3)(i): All places of employment shall be kept clean to the extent that the nature of the work allows. Refer to NFPA 70, electrical equipment shall have a frontal clearance of 36 inches
Benchmark ID	HSE.14.1

Benchmark Details	All production machinery, equipment and tools shall be properly guarded and regularly maintained.
Finding Details	(1) The factory has not marked footpaths and aisles clearly. (2) The fan belt located in the compressor room lacks a protective cover or guard. Throughout the facility, there is general lack of protective covers or guards over pulleys.
Recommendation for Immediate Action	(1) Clearly mark all footpaths. (2) Install all necessary protective covers and guards on machines.
Compliance Classifications	Immediate Action Required
Local Law	Refer to OSHA 1917.151(h): requires guards for moving parts and pulleys.
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) The factory does not inspect fire extinguishers on a monthly basis, are not inspected every month. Yearly inspections are conducted by a service provider (the last such inspection was held on May 14, 2021). (2) The factory does does inspect emergency lights on a monthly basis. (3) The factory has several eye wash stations. The auditor tested one eye wash station, which functioned normally. The facility does not conduct regular monthly tests to ensure all eye wash stations functioning properly.
Recommendation for Immediate Action	Conduct monthly inspection of fire extinguishers and emergency lighting as required by law. Document all inspections, or corrective action to repair, if necessary. Identify and train individuals on such procedures.
Compliance Classifications	Immediate Action Required

Local Law	OSHA 1910.157(e)(2): fire extinguishers shall be visually inspected monthly NFPA 101 Life Safety Code, Chapter 7: emergency lights shall be inspected monthly for 30 seconds and annually for 90 seconds Refer to ANSI/ISEA Z358.1: Eye wash stations must be inspected weekly.
Benchmark ID	HSE.1
Benchmark Details	Employers shall comply with all national laws, regulations and procedures concerning health, safety, and the environment.
Finding Details	(1) The company did not provide evidence of any fire risk assessment. (2) The assessment observed cracks and other damage in the facility walls caused by a forklift. (3) The company did not provide evidence of a recent dosimetry or noise survey. (4) The factory does not separate hazardous and non-hazardous waste. (5) The factory has not organized a safety committee. (6) The facility does not have an emergency action plan that includes procedures in case of inclement weather. The facility is located in an area prone to hurricanes between June and November.
Recommendation for Immediate Action	(6) Ensure that the Emergency Action Plan covers all potential risk factors.
Compliance Classifications	Immediate Action Required
Local Law	OSHA 1910.38(c)(1): emergency action plans should include as a minimum, procedures for reporting a fire or other emergency. According to OSHA, companies with more than 10 employees should have a written EAP.
Benchmark ID	HSE.14.3
Benchmark Details	Employers shall ensure safety instructions are either displayed or posted near all machinery or are readily accessible to the workers in language(s) spoken by workers.
Finding Details	The factory's machine safety signing is predominantly printed in English. The majority of workers (approx. 75%) at the factory, however, speak Spanish.

Recommendation for Immediate Action	Provide machine safety information in both English and Spanish.
Compliance Classifications	Immediate Action Required
Local Law	OSHA Training Standards Policy Statement (April 2010)
Benchmark ID	HSE.3.1
Benchmark Details	Employers shall notify the relevant national and/or local authorities of all illnesses and accidents and environmental emergencies as required by applicable laws.
Finding Details	The company did not provide evidence that management maintains records to document workplace accidents or injuries and communicate them to local authorities, as required by law.
Recommendation for Immediate Action	Maintain documentation of workplace accidents or injuries and communicate these records to local authorities.
Compliance Classifications	Sustainable Improvement Required
Local Law	OSHA 29CFR 1904 -Recordkeeping and Reporting requirements
Benchmark ID	HSE.17.2
Benchmark Details	Employers shall train workers in proper lifting techniques, and items such as lifting belts shall be provided.
Finding Details	The factory does not conduct formal training on ergonomic risks, repetitive motion risks, and safe lifting techniques.
Recommendation for Immediate Action	
Compliance Classifications	Sustainable Improvement Required
Local Law	

Benchmark ID	HSE.30.3
Benchmark Details	Environmental policies shall include procedures to minimize environmental impacts with respect to energy, air emissions, water, waste, hazardous materials, and other significant environmental risks.
Finding Details	Refer HSE.30.1
Recommendation for Immediate Action	
Compliance Classifications	Sustainable Improvement Required
Local Law	
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	The factory's MSDS are printed in English. The majority of workers (approx. 75%) at the factory, however, speak Spanish.
Recommendation for Immediate Action	Provide MSDS and other health and safety information in both English and Spanish.
Compliance Classifications	Immediate Action Required
Local Law	OSHA 29 CFR 1910.1200(h) training in the language workers understand
Benchmark ID	HSE.5.4

Benchmark Details	The emergency evacuation plan (EEP) includes procedures for notifying local community authorities in case of accidental discharge or release of chemical/waste products or any other environmental emergency.
Finding Details	The facility does not have an emergency action plan that includes procedures in case of chemical spills.
Recommendation for Immediate Action	
Compliance Classifications	Sustainable Improvement Required
Local Law	OSHA 1910.38(c)(1): emergency action plans should include as a minimum, procedures for reporting a fire or other emergency. According to OSHA, companies with more than 10 employees should have a written EAP.
Benchmark ID	HSE.30.2.6
Benchmark Details	The health, safety, and environmental policies shall contain the framework for a comprehensive health, safety, and environmental management system including a HS&E risk assessment within which the following are clear and regularly tested and reviewed:protections to workers who allege health, safety, and environmental violations;
Finding Details	The factory has not conducted a risk assessment that includes machine hazards, exposure to chemicals, exposure to noise, or required PPE. The embroidery machines generate noise; the exact noise levels are unknown.
Recommendation for Immediate Action	
Compliance Classifications	Sustainable Improvement Required

Local Law	OSHA 1910.132(d)(1): The employer shall assess the workplace to determine if hazards are present, or are likely to be present, which necessitate the use of personal protective equipment (PPE). OSHA 1910.132(d)(2): the required workplace hazard assessment shall be performed through a written certification.
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	The company did not provide evidence of any record-keeping regarding the OSHA 300 requirement to log all accidents, injuries, or near misses.
Recommendation for Immediate Action	
Compliance Classifications	Sustainable Improvement Required
Local Law	OSHA 29CFR1904.29 requirements for accident log (300 Log)
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	The facility has not conducted a PPE risk assessment to determine which, if any, PPE must be used for each task and operation.
Recommendation for Immediate Action	

Compliance Classifications	Sustainable Improvement Required
Local Law	Refer to OSHA 1910.132(d)(1): The employer shall assess the workplace to determine if hazards are present, or are likely to be present, which necessitate the use of personal protective equipment (PPE). OSHA 1910.132(d)(2): the required workplace hazard assessment shall be performed through a written certification.
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 conduct formal/documented training on PPE usage and maintenance.
Recommendation for Immediate Action	
Compliance Classifications	Sustainable Improvement Required
Local Law	Refer to OSHA 1910.132(f)(1): The employer shall provide training to each employee who is required To use PPE.
Benchmark ID	HSE.5.2
Benchmark Details	Workers shall be trained in evacuation procedures.
Finding Details	The factory does not conduct formal/documented training on workers' duties of workers in the event of an emergency, including emergency coordinators or personnel responsible to assist in an emergency and take a head count.
Recommendation for Immediate Action	Designate and train employees to assist in a safe and orderly evacuation of other employees.
Compliance Classifications	Immediate Action Required

Local Law	29 OSHA 1910.38(e): evacuation procedures
Benchmark ID	HSE.9.2
Benchmark Details	Workers shall receive training, appropriate to their job responsibilities, concerning the hazards, risks and the safe use of chemicals and other hazardous substances.
Finding Details	(1) The facility has not conducted formal/documented training on the potential hazards of chemical handling, chemical storage and labeling, or MSDSs. Some worker interviews indicate that the factory gave instructions on PPE usage, but that workers are not aware of the contents of the chemicals in the facility or first aid measures.
Recommendation for Immediate Action	Provide appropriate training to all workers who handle, use or store chemicals. Provide this training during new-hire orientation and annual refreshers. Document all training. If a new chemical is introduced to the work process, provide training on the new chemical product
Compliance Classifications	Immediate Action Required
Local Law	OSHA 1910.1200 (h): requirements on chemical training for employees
Benchmark ID	HSE.17.1
Benchmark Details	Workstations, including seating and standing arrangements and reach required to obtain tools, shall be designed and set-up in such a manner as to minimize bodily strains.
Finding Details	The factory has not conducted an ergonomic assessment to identify risks related to repetitive motion and lifting. The company has not communicated with workers about ergonomic exercises or provided ergonomic breaks. The factory does not provide proper anti-fatigue mats to workers who are in a standing position for the entire work shift. The factory has not implemented training on correct posture, lifting, avoidance of repetitive motion, and stretching exercises.

Recommendation for Immediate Action	Provide anti-fatigue mats to employees who work in a standing position.
Compliance Classifications	Immediate Action Required
Local Law	

Hours Of Work (HOW)

Benchmark ID	HOW.5
Benchmark Details	Employers shall maintain necessary records identifying all women workers and all workers under the age of 18 entitled to legal protection concerning work hours.
Finding Details	The company did not provide evidence of a tracker to monitor juvenile workers' or female workers' (particularly pregnant workers of new mothers) 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	The auditors observed that workers eat lunch at their work tables with the work in process next to them. The facility has not provided an area for workers to enjoy a 30-minute uninterrupted meal break. The current employee handbook does not discuss nor highlight the 30 minutes of lunch to which workers are entitled. The time cards reviewed indicate that the employer deducts 30 minutes from the each day, presumably for the lunch period. If a worker sits at their work table and does not have a full uninterrupted break time, however, then the deduction of 30 minutes for meal period does not meet federal guidelines on compensated time. Although neither federal or state law requires a meal break, federal requirements are applicable if one is provided.
Recommendation for Immediate Action	The facility management must fully compensate workers for all time worked, including overtime pay, If the worker does not take a full 30 minutes uninterrupted for meal periods, then the employer should not deduct for 30 minutes of lunch.
Compliance Classifications	Immediate Action Required
Local Law	Fair Labor Standards Act (Section 6 and 7)
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	In the sample review of 10 workers over 3 months (March, June and September 2021) of payroll, the assessment found that one employee worked 61.30 hours the week of June 24 -30, 2021. Another worked 60.45 hours the week of Sept 27-Oct 3, 2021.
Recommendation for Immediate Action	Control working hours to not exceed 60 per week.
Compliance Classifications	Sustainable Improvement Required
Local Law	

Nondiscrimination (ND)

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 company did not provide evidence of a policy or procedure on retrenchment/termination including a guarantee of non-discrimination.
Recommendation for Immediate Action	
Compliance Classifications	Sustainable Improvement Required
Local Law	

