

Fair Labor Association: Independent External Factory Assessment

Assessment Date :

07 Sep 2022



Factory Information

FLA Affiliates	47 Brand, LLC
Country	United States of America
Number of Workers	100

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

FLA Code Element	Number of Violations
Employment Relationship (ER)	15
Freedom Of Association And Collective Bargaining (FOA)	1
Health, Safety And Environment (HSE)	3
Hours Of Work (HOW)	3

Assessment Information

Assessor	Rodriguez Compliance Group
Assessment Date	07 Sep 2022
Assessment Purpose	

ASSESSMENT RESULTS

Employment Relationship (ER)

Benchmark ID	ER.1.2
Benchmark Details	Employers shall assign responsibility for the administration of human resources to a clearly defined and adequately qualified staff member or staff members and ensure workers at all levels receive communication and training about existing policies and procedures or any revisions.
Finding Details	Macro to ER1.2, ER1.3 and ER.4 1. While the factory reviews both the employee handbook and safety policies regularly, the review does not include the FLA Benchmarks to align the factory current policies with FLA requirements. Therefore, the factory does
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 lacks ongoing communication of the elements of the FLA Code of Conduct and employment functions at least annually for all supervisors.
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	Macro to ER17.2 The grievance management process has the following deficiencies: -The company has communicated the "problem resolution procedure" on page 5 of the current employee handbook used by embroidery and warehouse sites. This policy describes the
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 facility does not have a policy and procedure regarding lactation accommodation for nursing mothers as required by California law. 2. The factory does not have in the current employee handbook or any other policy document, a policy and procedures w

Recommendation for Immediate Action	1. Create a written policy on lactation accommodation that includes the following: -a statement about an employee's right to request accommodation. -the process by which the employee makes the request and the location. -the employer obligation to respond
Compliance Classifications	Immediate Action Required
Local Law	
Benchmark ID	ER.18.1
Benchmark Details	Employers shall have written disciplinary rules, procedures and practices that embody a system of progressive discipline (e.g. a system of maintaining discipline through the application of escalating disciplinary action moving from verbal warnings to written warnings to suspension and finally to termination).
Finding Details	Macro to ER18.4 and ER18.6 The disciplinary action policy found on page 17 of the current employee handbook used by both the embroidery and warehouse sites, does not comply with FLA requirements. -The policy lacks the appeal procedure in case a worker d
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	Macro to ER6.1 1.The factory does not have a written, formal policy, whether in the employee handbook or another document on personnel development that encourages training of workers with the goal of raising or expanding their skills so they can advance i
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	Macro to ER6.1 1.The factory does not have a written, formal policy, whether in the employee handbook or another document on personnel development that encourages training of workers with the goal of raising or expanding their skills so they can advance i
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 a policy in the current employee handbook or any other document that defines the procedures and criteria for promotions, demotions and job reassignments.
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	Macro to ER1.2, ER1.3 and ER.4 1. While the factory reviews both the employee handbook and safety policies regularly, the review does not include the FLA Benchmarks to align the factory current policies with FLA requirements. Therefore, the factory does
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	During the review of documents, the auditor identified the following errors, in the sample of 10 personnel files: a total of three (3) I-9 forms were incomplete and missing legally required information: - For one employee from the warehouse site, the sec
Recommendation for Immediate Action	The factory shall correct the I-9 forms that are incomplete. Once the forms have been corrected, the factory shall review all I-9s to make any necessary updates and corrections. if necessary, provide training for the staff member responsible for I-9 forms
Compliance Classifications	Immediate Action 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	Macro to ER1.2, ER1.3 and ER.4 1. While the factory reviews both the employee handbook and safety policies regularly, the review does not include the FLA Benchmarks to align the factory current policies with FLA requirements. Therefore, the factory does
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	Macro to ER1.2, ER1.3 and ER.4 1. While the factory reviews both the employee handbook and safety policies regularly, the review does not include the FLA Benchmarks to align the factory current policies with FLA requirements. Therefore, the factory does
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	Macro to ER18.1 and ER18.4 The disciplinary action policy found on page 17 of the current employee handbook used by both the embroidery and warehouse sites, does not comply with FLA requirements. -The policy lacks the appeal procedure in case a worker d
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	Macro to ER18.1 and ER18.4 The disciplinary action policy found on page 17 of the current employee handbook used by both the embroidery and warehouse sites, does not comply with FLA requirements. -The policy lacks the appeal procedure in case a worker d
Recommendation for Immediate Action	
Compliance Classifications	Sustainable Improvement Required
Local Law	
Benchmark ID	ER.17.2
Benchmark Details	There shall be a mechanism that allows workers to report harassment and grievances confidentially, including any concerns or problems they may be experiencing around legally owed payments during a retrenchment process.
Finding Details	Macro to ER17.2 The grievance management process has the following deficiencies: -The company has communicated the "problem resolution procedure" on page 5 of the current employee handbook used by embroidery and warehouse sites. This policy describes the
Recommendation for Immediate Action	
Compliance Classifications	Sustainable Improvement Required
Local Law	

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 factory does not have in the current employee handbook or any other policy document, a policy on 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.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	There are no trained first responders with a current certification in the embroidery and warehouse buildings. The last training on First Aid/CPR was conducted on 12/5/2016 but the certificate or training is valid for 2 years and expired in 2018. The fir
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	Although the factory has a policy and procedure on bloodborne pathogens, the required training on Bloodborne Pathogens was not conducted in 2021 and 2022. There are workers exposed to sharp objects such as needles, in the embroidery area, and box cutters
Recommendation for Immediate Action	The factory shall conduct training on bloodborne pathogens for all workers as they are exposed directly or indirectly to sharp objects such as needles and box cutters. The training shall explain what are bloodborne pathogens, what is the risk of exposure
Compliance Classifications	Immediate Action Required
Local Law	
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	While the facility provides adjustable chairs and anti fatigue mats, an assessment to determine ergonomic risks has not been conducted. There is no stretching/exercise program or structure rotation of workers to different positions to minimize the time wo
Recommendation for Immediate Action	
Compliance Classifications	Sustainable Improvement Required
Local Law	

Hours Of Work (HOW)

Benchmark ID	HOW.22.1
Benchmark Details	Employers shall have in place policies for managing all working hour, overtime, and leave records in normal and exceptional circumstances.
Finding Details	Macro to HOW.2 and HOW.22.1 1.The company's current employee handbook or any other policy document does not communicate a Hours of Work policy which aligns with FLA requirements regarding the voluntary nature of overtime, or the limit of 60 hours in one
Recommendation for Immediate Action	1. The factory shall create a policy in the employee handbook that complies the FLA requirements: a statement on voluntary overtime, the limit of 60 hours in one week (including regular and overtime) and the limit of maximum 6 consecutive working days. 2
Compliance Classifications	Immediate Action Required
Local Law	
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	Macro to HOW.2 and HOW.22.1 1.The company's current employee handbook or any other policy document does not communicate a Hours of Work policy which aligns with FLA requirements regarding the voluntary nature of overtime, or the limit of 60 hours in one
Recommendation for Immediate Action	1. The factory shall create a policy in the employee handbook that complies the FLA requirements: a statement on voluntary overtime, the limit of 60 hours in one week (including regular and overtime) and the limit of maximum 6 consecutive working days. 2
Compliance Classifications	Immediate Action Required
Local Law	

Benchmark ID	HOW.2
Benchmark Details	Workers shall be entitled to at least 24 consecutive hours of rest in every seven- day period. If workers must work on a rest day, an alternative consecutive 24 hours must be provided within that same seven-day period or immediately following.
Finding Details	Macro to HOW.2 and HOW.22.1 1.The company's current employee handbook or any other policy document does not communicate a Hours of Work policy which aligns with FLA requirements regarding the voluntary nature of overtime, or the limit of 60 hours in one
Recommendation for Immediate Action	1. The factory shall create a policy in the employee handbook that complies the FLA requirements: a statement on voluntary overtime, the limit of 60 hours in one week (including regular and overtime) and the limit of maximum 6 consecutive working days. 2
Compliance Classifications	Immediate Action Required
Local Law	

