

Fair Labor Association: Independent External Factory Assessment

Assessment Date :

17 Nov 2022



Factory Information

FLA Affiliates	W.L. Gore and Associates, Inc.
Country	Turkey
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

FLA Code Element	Number of Violations
Compensation (C)	3
Employment Relationship (ER)	7
Health, Safety And Environment (HSE)	5
Hours Of Work (HOW)	4
Nondiscrimination (ND)	1

Assessment Information

Assessor	Sinan Doven
Assessment Date	17 Nov 2022

Assessment Purpose	
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ASSESSMENT RESULTS

Compensation (C)

Benchmark ID	C.6
Benchmark Details	All wages, including payment for overtime, shall be paid directly and in full within legally defined time limits. When no time limits are defined by law, compensation shall be paid at least once a month.
Finding Details	15 out of 40 sampled workers have worked 2 hours of overtime in June 30, 2022; however these overtime of workers are paid within July 2022 wages that were paid in August first week, which is over one month after overtime is worked.
Recommendation for Immediate Action	The wages should be paid latest until the 20th of the following month.
Compliance Classifications	Immediate Action Required
Local Law	Labor Law (2003), No. 4857, Art. 34 and FLA Code C.6
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	1 out of 40 sampled workers have worked on October 28, 2022 from 7:00 to 17:00, however the afternoon work from 13:00 to 17:00 which is national holiday is not counted and paid as overtime. According to the payrolls, the worker was not paid at the premium rate for these overtime hours.
Recommendation for Immediate Action	Overtime compensation for national holiday work should be calculated and paid correctly.

Compliance Classifications	Immediate Action Required
Local Law	Labor Law (2003), No. 4857, Art. 47 and FLA Code C.7
Benchmark ID	C.1.1
Benchmark Details	Employers shall comply with all national laws, regulations and procedures concerning the payment of compensation to workers.
Finding Details	Meal and the transportation allowances are not included to the severance payments.
Recommendation for Immediate Action	Meal and transportation allowances should be included to the severance payment.
Compliance Classifications	Immediate Action Required
Local Law	Labor Law, 2003, No: 4857, Art 32 and FLA Code ER.15.4

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 suggestion and complains are addressed through health & safety meetings, however there is no remediation & correction action document for the complains specifically and feedbacks are not shared with workers.
Recommendation for Immediate Action	The factory should establish remediation and correction action document and feedback should be shared with the workers.
Compliance Classifications	Sustainable Improvement Required

Local Law	FLA Code ER 17
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 has 486 workers and have 13 disabled workers which is less than 3%, contrary to local law requirement. (Application to governmental agency is provided during the audit)
Recommendation for Immediate Action	There should be at least 3% disabled workers in the factory.
Compliance Classifications	Immediate Action Required
Local Law	Labor Law, 2003, No: 4857, Art 30 and FLA Code ER.2
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	Retrenchment and termination policies & procedures are missing.
Recommendation for Immediate Action	
Compliance Classifications	Sustainable Improvement Required
Local Law	FLA Code ER.16

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	Procedures regarding Performance is missing in the factory.
Recommendation for Immediate Action	
Compliance Classifications	Sustainable Improvement Required
Local Law	FLA Code ER.7
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.
Recommendation for Immediate Action	
Compliance Classifications	Sustainable Improvement Required
Local Law	FLA Code ER.8
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 & Gore poster is posted however the workers are not aware of the Codes. Nearly 85% of the workers interviewed reported that they have not received CSR training.
Recommendation for Immediate Action	
Compliance Classifications	Sustainable Improvement Required
Local Law	FLA Code ER.3
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 contract clause 1.4 indicates that the worker agrees to change the work place within Istanbul without any additional consent.,
Recommendation for Immediate Action	The contacts should be revised to comply with the law requirements. (Labor Law, Art 22: The employer can make a fundamental change in the working conditions occurring by means of the labour contract or personnel regulations annexed to the labour contract and similar sources or workplace applications only by notifying the worker in writing thereof.)
Compliance Classifications	Immediate Action Required
Local Law	Labor Law, 2003, No: 4867, Art 9 and 22, FLA Code ER.9

Health, Safety And Environment (HSE)

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 warehouse aisles are blocked due to excessive storage at that area. It was reported that factory purchased garment prior to production early to get it cheaper, however they don't receive much work orders to use these garment and cannot find any place to store them.
Recommendation for Immediate Action	The aisles should not be blocked.
Compliance Classifications	Immediate Action Required
Local Law	Regulation Regarding the Prevention of Fire in the Buildings, (November 27, 2007), No: 26735, Article 33 and FLA Code 5.1.4
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	The lighting assessment by And Analiz company dated 30.11.2020 was conducted on day time only.
Recommendation for Immediate Action	Lighting assessment should be 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.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	Six fire extinguishers are not mounted on the walls.
Recommendation for Immediate Action	All the fire extinguishers should be mounted on the walls.
Compliance Classifications	Immediate Action Required
Local Law	Regulation Regarding the Modification of the Regulation Regarding Prevention of Fire in the Buildings, (August 10, 2009), No: 2009/15316, Art 99, FLA Code HSE.6
Benchmark ID	HSE.4.1
Benchmark Details	Employers shall at all times be in possession of all legally required and valid permits and certificates related to health, safety, and environmental issues, such as: Purchase and storage of chemicals; Fire safety inspections; Machinery inspections; Waste disposal; Environmental licenses/permits; Sanitation permits, including those required for canteens; and Vehicle inspection and driver permits for all employer provided transportation.
Finding Details	Working permission area and the construction permission area are not consistent. (8500 m2 according to the working permission dated 4.11.2022 – 12,942 m2 according to the construction permission dated 15.4.2003 - 10,000 m2 according to the capacity report valid until 5.10.2023) Moreover, building usage permission is missing in the factory.

Recommendation for Immediate Action	Working permission should be revised to cover all factory area.
Compliance Classifications	Immediate Action Required
Local Law	Working Permission Regulation (2005), Art. 6 and FLA Code HSE.4
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	Recently hired 3 workers reported not receiving health and safety training. Moreover, health and safety awareness was inadequate for 60% of the workers interviewed.
Recommendation for Immediate Action	Health & Safety training should be provided to all workers effectively.
Compliance Classifications	Immediate Action Required
Local Law	Occupational Health and Safety Law, (2012), No.6331, Art. 17 and FLA Code HSE 14

Hours Of Work (HOW)

Benchmark ID	HOW.22.2
Benchmark Details	Accurate time records shall be maintained by employers, including overtime, breaks, and leave.
Finding Details	It is noted that the time records are missing finish times for some workers and the management reported that they manually enter the hours as per the supervisor and HR statements.
Recommendation for Immediate Action	Time records should not be manually changed.

Compliance Classifications	Immediate Action Required
Local Law	FLA Code HOW 22
Benchmark ID	HOW.8.2
Benchmark Details	All overtime work shall be consensual, and employers shall enact a voluntary overtime system, including for overtime utilized in exceptional circumstances*.
Finding Details	Nearly 45% of the workers reported feeling pressured to work overtime. (All the workers reported that they are able to take permission not to work overtime)
Recommendation for Immediate Action	Overtime should be voluntary at all times.
Compliance Classifications	Immediate Action Required
Local Law	Labor Law, 2003, No: 4857 Art 41
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	Saturday overtime is conducted from 8:00 to 13:15 with 15 minutes break which is insufficient as per law article 68.
Recommendation for Immediate Action	The workers should receive 30 minutes for jobs lasting longer than four hours but shorter than seven and a half hours.
Compliance Classifications	Immediate Action Required
Local Law	Labor Law, 2003, No: 4857, Art 68
Benchmark ID	HOW.11.1

Benchmark Details	Employers shall provide workers with paid annual leave as required under national laws, regulations and procedures.
Finding Details	Annual leave register is maintained on yearly basis and the total annual leave rights are not maintained on documents properly, therefore it was not possible to verify if the leaves are used on time or not.
Recommendation for Immediate Action	Annual leave register should be available properly for review.
Compliance Classifications	Immediate Action Required
Local Law	Labor Law (2003), No. 4857, Art. 56 and FLA Code HOW.11

Nondiscrimination (ND)

Benchmark ID	ND.4
Benchmark Details	Employers may not request the disclosure of any personal, non-job related information during the application, recruitment, or hiring process, including but not limited to gender, race, religion, disability, sexual orientation, nationality, political opinion, social group, ethnic origin, or marital status.
Finding Details	The work application form indicates private information such as gender, nationality, birth date and location, military service status, marital status, the wife / husband's occupation, number of children, smoking or not, health status.
Recommendation for Immediate Action	The work application forms should not have private information.
Compliance Classifications	Immediate Action Required
Local Law	FLA Code ND.3

