

Fair Labor Association: Independent External Factory Assessment

Assessment Date :

30 Aug 2023



Factory Information

FLA Affiliates	PopSockets LLC
Country	United States of America
Number of Workers	141

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)	2
Employment Relationship (ER)	10
Freedom Of Association And Collective Bargaining (FOA)	1
Health, Safety And Environment (HSE)	2
Hours Of Work (HOW)	1

Assessment Information

Assessor	Rodriguez Compliance Group
Assessment Date	30 Aug 2023

Assessment Purpose

Factory Assessment (In-Person)

ASSESSMENT RESULTS

Compensation (C)

Benchmark ID	C.19.1.5
Benchmark Details	Employers shall communicate orally and in writing to all workers all relevant information in the local language or language spoken by the workers, if different from the local language.
Finding Details	The company does not provide details or information in the languages of the workers; many of the workers speak Spanish, Somali, or Arabic, and must rely on other workers for explanation of information provided.
Recommendation for Immediate Action	
Compliance Classifications	Sustainable Improvement Required
Local Law	
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	Management did not grant access to actual documentation of payroll records, ascertaining that as a government contractor to the Dept of Defense, the Corp HQ will not allow the facility to provide such documents to a third party as an external auditor. The auditor was not able to review payroll records to validate or confirm compliance with legal requirements related to the compensation or hours of work, benefits, holidays, etc. The HR manager did provide an example of her compensation statement, however, she is an exempt employee from the managerial/supervisory band of compensation.

Recommendation for Immediate Action	
Compliance Classifications	Sustainable Improvement Required
Local Law	

Employment Relationship (ER)

Benchmark ID	ER.14.1
Benchmark Details	Employers shall use standard contract language with employment agencies or intermediaries that specifically imparts power to employers to directly pay wages to migrant/ contract/ contingent/ temporary workers and ensures equality of compensation and workplace standards as set under the FLA Workplace Code and national laws and regulations.
Finding Details	The labor agency pay the temporary labor directly. The facility did not provide any evidence that they review or monitor the pay practices of the labor agencies.
Recommendation for Immediate Action	
Compliance Classifications	Sustainable Improvement Required
Local Law	

Benchmark ID	ER.11.2
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	1) The labor agency makes an initial verbal offer, and during orientation a new hire acknowledgment is presented. The documents are in English, but there are workers who speak Spanish, Somali or Arabic and may not read or understand English sufficiently to understand the terms of employment. 2) The labor agency makes an initial verbal offer, and during orientation a new hire acknowledgment is presented. The documents are in English, but there are workers who speak Spanish, Somali or Arabic and may not read or understand English sufficiently to understand the terms of employment. Furthermore, the employment is "at will". During the audit, the labor agency did not provide access to documents such as personnel files or payroll records. However, the labor agency did provide standard new hire packet, as an example, but all documentation is in English.
Recommendation for Immediate Action	A copy of employment contract in their native language should be provided to workers
Compliance Classifications	Immediate Action 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	Management did not provide any evidence of training given or required of supervisors on disciplinary policy or procedures.
Recommendation for Immediate Action	
Compliance Classifications	Sustainable Improvement 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	1) There are no written policies or procedures. However, some documents or systems exist to manage workplace conduct and discipline. 2) A review of the current employee handbook (revision Feb 2020) identified no commentary or explanation on the progressive discipline process or procedures.
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	A review of posted information and materials located on the company bulletin and announcement boards did not identify the posting of the FLA Code and in worker interviews, none of the worker recognized the FLA Code or the participating brand's Code of Conduct.
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	<p>1) A review of posted information and materials located on the company bulletin and announcement boards did not identify the posting of the FLA Code or of the participating brand's Code of Conduct, and in worker interviews, none of the worker recognized the FLA Code or the participating brand's Code of Conduct. In addition, the current employee handbook does not communicate the policies related to such benchmarks of Progressive Discipline or Freedom of Association. 2) The auditor observed that the facility has set aside an area by filing cabinets [which has a curtain] in the work area for practicing Muslim employees to conduct religious activities. The Muslim employees place their prayer rugs on top of the file cabinets. During worker interviews, the Muslim employees advised that they do not have time to conduct prayers and take a 15-minute break. In reference to the area set aside for praying, the space is sandwiched between file cabinets and a wall, the Muslim workers has not raised a concern to management due to perceptions of their faith within the community.</p>
Recommendation for Immediate Action	<p>1) The company should post the Code of Conduct of the participating brand or the FLA and provide training as appropriate whether at new hire or annual refresher. 2) Management should ask employees to help identify a space or area which will afford privacy and is respectful to religious practices. The area can be labeled as a prayer or meditation room to be used by all employees.</p>
Compliance Classifications	Immediate Action Required
Local Law	Religious Accommodation - 1605.2 Reasonable accommodation without undue hardship as required by section 701(j) of title VII of the Civil Rights Act of 1964.
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	Management did not provide evidence of new hire orientation or onboarding materials. Through worker interviews, none of the workers recognized the FLA Code or the participating brand's Code of Conduct.
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) Management did not provide evidence of annual or periodic review of the Code Benchmarks. In addition, the current employee handbook does not communicate the policies related to such benchmarks of Progressive Discipline or Freedom of Association. 2) Management did not provide evidence of worker engagement in policy or procedures review. However, employees utilize the suggestion box, and are members of the facility's active Health and safety committee.
Recommendation for Immediate Action	
Compliance Classifications	Sustainable Improvement Required
Local Law	

Benchmark ID	ER.12
Benchmark Details	For any contract/contingent/temporary worker who becomes a permanent employee, seniority and other fringe benefits eligibility must be dated from the first date as a contract/contingent/temporary worker and not from the first day of permanent employment.
Finding Details	The current practice of the facility in reference to the conversion of temporary labor to permanent employment does not recognize the first day of temporary work, which negatively affects the seniority and fringe benefits of the worker. Per the interview with the on-site manager for the temporary labor agency, in this calendar year, the facility has converted approximately 10 to 15 workers to permanent status. The facility HR representative did confirm and provided an example of new hire document for a converted worker in which the hire date/seniority date was registered as the date of hire as a permanent employee. In this case, the difference in dates is approximately 4 months.
Recommendation for Immediate Action	The company has to implement a policy to govern cases of contract/contingent/ temporary workers who become permanent employees, and to calculate for seniority and fringe benefits from the first day as a contract/contingent/ temporary worker.
Compliance Classifications	Immediate Action 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	A review of the current form or document, identified as Employee Corrective Action Form (Carrollton H5551 7/17/2020) does not list the appeal process, nor the third-party witness if requested by the worker.

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	Management did not provide any evidence of policy or procedure concerning freedom of association or collective bargaining. The facility does not display the federal poster on employee rights such as the NLRB, which is a requirement of federal contractor. In addition, the current employee handbook does not communicate the policies related to such benchmarks of Freedom of Association.
Recommendation for Immediate Action	The facility to display the appropriate federal poster on employee rights.
Compliance Classifications	Immediate Action Required
Local Law	Title 29, Chapter 7, Subchapter II, United States Code - NLRA

Health, Safety And Environment (HSE)

Benchmark ID	HSE.13
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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	During the physical review of the facility, identified an electrical panel located within a closed room which lacks the markings of 3 feet of clearance as per OSHA regulations (Section 1910.303(g)(1)) NOTE: This room has been designated for mothers who request lactation accommodation, and the electrical panel is on the main wall of the room. Presently, no employee has requested accommodation for lactation purposes.
Recommendation for Immediate Action	The facility should ensure all electrical panels are appropriately identified with clearance markings, as well as review the requirements of arc flashing as identified by the manufacturer of the electrical panel. The facility should review if there is a more appropriate room which can accommodate the purposes of lactation.
Compliance Classifications	Immediate Action Required
Local Law	OSHA regulations (Section 1910.303(g)(1))
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 FM Global Risk Report (a third party service provider) has recommended an automatic sprinkler protection for the Main Plant. Currently the sprinkler system protects the area of paint booths and ignitable flammable storage rooms. At the time of this SCI audit, management has not installed such a system and is reviewing the options or the capital improvement of such an investment.
Recommendation for Immediate Action	
Compliance Classifications	Sustainable Improvement Required

Local Law	
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	Management did not grant access to actual documentation of payroll records, ascertaining as government contractor to the Dept of Defense, the Corp HQ will not allow the facility to provide to an auditor. The auditor was not able to review payroll to validate or confirm the compensation or hours of work, benefits, holidays, etc.
Recommendation for Immediate Action	
Compliance Classifications	Sustainable Improvement Required
Local Law	

