

Fair Labor Association: Independent External Factory Assessment

Assessment Date :

24 Aug 2023



Factory Information

FLA Affiliates	Gymshark Ltd.
Country	Turkey
Number of Workers	231

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)	1
Employment Relationship (ER)	15
Forced Labor (F)	1
Harassment Or Abuse (H/A)	1
Health, Safety And Environment (HSE)	5
Hours Of Work (HOW)	2
Nondiscrimination (ND)	1

Assessment Information

Assessor	Sinan Doven
Assessment Date	24 Aug 2023
Assessment Purpose	

ASSESSMENT RESULTS

Compensation (C)

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	The factory provides workers with a meal & shuttle daily. The factory also provides a food allowance of 500 TL (in the form of vouchers) once every 2 months. The meal and shuttle allowances are included in the calculation of severance payments, while the food allowance is not. Under local law, all in-kind benefits should be included.
Recommendation for Immediate Action	Include the food allowance vouchers when calculating severance payments.
Compliance Classifications	Immediate Action Required
Local Law	In accordance with Turkish Labor Law, 2003, 4857, Article 32

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	Factory management does not follow up on grievances submitted by workers. The assessment noted that workers have made suggestions/complaints about the quality of meals and about ventilation since August 2022, according to the suggestion box records and employee testimonies. Employee testimonies indicated that these grievances have not been followed up.
Recommendation for Immediate Action	Process and respond to all grievances submitted through the factory's channels.
Compliance Classifications	Immediate Action 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	The factory does not provide any ongoing training to workers on all Code elements and Employment Functions.
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	At the time of the assessment, the factory had only assigned buddies for the disabled workers at the factory, not for the 3 pregnant workers as is legally required. Factory management assigned buddies to the pregnant workers during the assessment.
Recommendation for Immediate Action	Buddies should be assigned for all workers that need special protection under local law.
Compliance Classifications	Immediate Action Required
Local Law	In accordance with Regulation Regarding the Emergency Cases at Workplaces (June 18, 2013), No: 28681, Art. 10
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 factory does not provide any specific training to the relevant supervisors on the Code elements and Employment Functions.
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	The factory does not have written policies and procedures on recruitment & hiring, nor on all aspects of termination and retrenchment.
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	The assessment found that the factory does not request formal defense letters from workers who receive a disciplinary warning. Evidence from the factory's security cameras is used to give disciplinary warnings without notice. There is no sign at the factory indicating that cameras are installed. Furthermore, per management interviews, the factory's disciplinary committee is not involved with the warnings or with any discipline cases.
Recommendation for Immediate Action	Collect defense letters from the workers when they receive a disciplinary warning. Ensure that the disciplinary committee is involved with warnings and discipline cases. Do not rely on cameras to keep discipline and provide warnings. Install a sign in the proper language/s indicating that cameras are installed at the factory.

Compliance Classifications	Immediate Action Required
Local Law	In accordance with Personal Protection Law, No: 6698, 07.04.2016, Article 6
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	The factory does not have policies and procedures on performance reviews that include steps and processes, linkages to job grading, nondiscrimination, written feedback, and compliance with legal requirements. There is no procedure for promotion, demotion and job assignments; performance reviews are not conducted for all workers.

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.
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	The factory does not provide regular communication or training to workers on the Code elements and Employment Functions (neither the FLA Code nor the member company's code).

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	Neither the FLA Code nor the relevant FLA member company's written workplace standards are made available to workers, managers and supervisors.
Recommendation for Immediate Action	Post either the FLA or Gymshark code and make it available to workers, managers and supervisors in the proper language/s.
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	The factory's orientation training only covers some Code elements and Employment Functions including health and safety, wages, and hours of work.
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 factory's policies and procedures do not include all FLA's Code elements and do not include any Employment Functions, therefore these are not regularly reviewed.
Recommendation for Immediate Action	
Compliance Classifications	Sustainable Improvement Required
Local Law	
Benchmark ID	ER.18.1.1
Benchmark Details	The disciplinary system shall be applied in a fair and nondiscriminatory manner and include a management review of the actions by someone senior to the manager who imposed the disciplinary action.
Finding Details	The assessment found that in June 2023, two workers received warnings over 'inappropriate behavior.' This issue was identified by the cameras installed at the factory; workers had not been informed of the use of cameras for disciplinary purposes.
Recommendation for Immediate Action	Do not rely upon cameras for disciplinary warnings. Clearly inform workers of the camera usage at the factory.
Compliance Classifications	Immediate Action Required

Local Law	In accordance with Personal Protection Law, No: 6698, 07.04.2016, Article 6
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 disciplinary procedures do not include workers' right to appeal the disciplinary action or workers' ability to have a third-party witness during the imposition of disciplinary actions
Recommendation for Immediate Action	Incorporate procedures that make effective workers' right to appeal the disciplinary action and workers' ability to have a third party witness during the imposition of disciplinary actions.
Compliance Classifications	Immediate Action Required
Local Law	

Forced Labor (F)

Benchmark ID	F.8
Benchmark Details	The imposition of overtime where workers are unable to leave the work premises constitutes forced labor.
Finding Details	Nearly 35% of the workers interviewed reported that overtime was conducted on mandatory basis. They were threatened by the supervisors that they would be issued disciplinary warning if they do not accept overtime work. No written warnings regarding overtime work were found during the assessment. According to the grievance box and suggestion box records, complaints about overtime work were noted in August and November 2022. Factory records indicated that overtime was necessary to ship products on time.
Recommendation for Immediate Action	Conducted all overtime work on a voluntary basis and do not use any threat of discipline for not accepting overtime work. Process and respond to all grievances received, including those regarding overtime work.

Compliance Classifications	Immediate Action Required
Local Law	

Harassment Or Abuse (H/A)

Benchmark ID	H/A.6
Benchmark Details	Employers shall not use any form – or threat – of psychological abuse, such as forcing workers to sign letters of self-criticism or posting names of workers subject to disciplinary measures as a means to maintain labor discipline.
Finding Details	Two workers received discipline warnings for 'inappropriate behaviours' and were not asked for a defense letter (see finding ER.18.1.1.). The disciplinary rules do not clearly indicate what kinds of 'inappropriate actions' are prohibited. Interviews with managers and the workers in question confirmed that there is no common understanding of which actions led to the discipline.
Recommendation for Immediate Action	Follow the full disciplinary procedure and request defense letters whenever workers are disciplined. Clarify disciplinary rules and train workers on them.
Compliance Classifications	Immediate Action Required
Local Law	

Health, Safety And Environment (HSE)

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 factory has not conducted a lighting assessment to determine if lighting is sufficient during the night hours, as is legally required.
Recommendation for Immediate Action	Conduct a lighting assessment for the night hours.
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	<ol style="list-style-type: none"> 1. There is no eyewash station installed at the maintenance section, although the MSDS of oils at the section indicates that there should be an eye wash station with running water for at least 15 minutes. 2. The assessment found used single-use eyewash solution bottles in the maintenance section. A new single-use bottle was put out during the assessment.
Recommendation for Immediate Action	<ol style="list-style-type: none"> 1. Provide an eyewash station with enough running water to meet the safety requirements of all chemicals. 2. Train workers on proper use and disposal of eyewash solution.
Compliance Classifications	Immediate Action Required
Local Law	In accordance with Regulation Regarding Health & Safety Precautions in Work with Chemical Substances (August 12, 2013), No. 28733, Article 7
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 factory has more than 150 female workers, and therefore under local law should provide child care services for workers' children aged birth to 66 months. The factory has an agreement with a school to provide childcare for children aged 36 to 66 months only. There is no child care center to cover younger children. 2. Ergonomic mats are not provided for workers who stand up while working, except for the ironing section workers. 3. A prayer room is not provided in the factory. The assessment noted that this was requested by the workers through the suggestion box and raised during worker interviews.
Recommendation for Immediate Action	1. Provide childcare service for all workers' children aged birth to 66 months, as local law requires. 2. Provide ergonomic mats for all workers who must stand while working.
Compliance Classifications	Immediate Action Required
Local Law	1. Regulation regarding working conditions of pregnant and breastfeeding women and child care centers, Article 13
Benchmark ID	HSE.29
Benchmark Details	Employers shall provide all necessary protection for workers when working at heights, confined spaces, and other high-risk areas.
Finding Details	During the assessment, a worker was observed climbing and jumping down from racks without wearing any PPE or using fall protection.
Recommendation for Immediate Action	Train workers on safe work in elevated spaces, fall protection, and associated PPE. Ensure all work done in elevated spaces is properly guarded.
Compliance Classifications	Immediate Action Required
Local Law	

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	1. Steel-toed shoes are provided for the workers that use pallet jack, but the workers did not wear them. 2. A mask with a filter was not provided for workers working in the stain removal section. Only a dust mask was provided.
Recommendation for Immediate Action	Provide proper PPE for all work functions and ensure that it is utilized.
Compliance Classifications	Immediate Action Required
Local Law	In accordance with Regulation regarding usage of Personal Protective Equipment at the work places, (July 2, 2013), No: 28695, Article 6

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	A sampled worker (1 out of the sample of 20) worked 15 hours on July 24, 2023. Upon further review, the assessment found a total of 5 workers worked 15 hours on the same day due to an urgent shipment.
Recommendation for Immediate Action	Control working hours not to exceed 11 hours per day, as required under local law.
Compliance Classifications	Immediate Action Required
Local Law	In accordance with Labor Law, 2003, No: 4857, Article 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	A sampled worker (1 out of the sample of 20) worked 62.5 hours total once in the week of July 24, 2023. Upon further review, the assessment found a total of 5 workers worked up to 62.5 hours that week.
Recommendation for Immediate Action	Control working hours not to exceed 60 hours per week.
Compliance Classifications	Immediate Action Required
Local Law	

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 job application form contains personal questions related to health conditions and smoking habits. The assessment did not find evidence of discrimination along these grounds in the recruitment process.
Recommendation for Immediate Action	Make all recruitment decisions based solely on the candidate's merit related to the job's needs. Remove personal questions related to health status from application materials.
Compliance Classifications	Immediate Action Required

Local Law

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