

Fair Labor Association: Independent External Factory Assessment

Assessment Date :

12 Sep 2023



Factory Information

| | |
|-------------------|------------------------|
| FLA Affiliates | The Antigua Group, inc |
| Country | India |
| Number of Workers | 1182 |

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) | 5 |
| Employment Relationship (ER) | 8 |
| Freedom Of Association And Collective Bargaining (FOA) | 1 |
| Harassment Or Abuse (H/A) | 1 |
| Health, Safety And Environment (HSE) | 15 |
| Hours Of Work (HOW) | 2 |

Assessment Information

| | |
|----------|--------|
| Assessor | Insync |
|----------|--------|

| | |
|--------------------|--------------------------------|
| Assessment Date | 12 Sep 2023 |
| 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 assessment could not verify proper wage payments to outsourced security guards due to the lack of payment evidence, such as a bank statement of the bank transfer to the guards. The factory did produce a letter from the security agency to the bank requesting wage transfers for period of June and July 2023, to be done by July 10, 2023, but whether these transfers were executed could not be verified. Factory management explained that they do not monitor wage payment of outsourced security guards, as is required by law. |
| Recommendation for Immediate Action | Ensure that documentary evidence of wage payments for outsourced/third-party workers is maintained on-site and that the process is monitored. |
| Compliance Classifications | Immediate Action Required |

| | |
|-------------------------------------|--|
| Local Law | <p>Contract labour (Regulation and Abolition) Act 1970 – Chapter VII- section 29. Registers and other records to be maintained. —(1) Every principal employer and every contractor shall maintain such registers and records giving such particulars of contract labour employed, the nature of work performed by the contract labour, the rates of wages paid to the contract labour and such other particulars in such form as may be prescribed. Chapter V-Section. 21. Responsibility for payment of wages.—(1) A contractor shall be responsible for payment of wages to each worker employed by him as contract labour and such wages shall be paid before the expiry of such period as may be prescribed. (2) Every principal employer shall nominate a representative duly authorised by him to be present at the time of disbursement of wages by the contractor and it shall be the duty of such representative to certify the amounts paid as wages in such manner as may be prescribed. (3) It shall be the duty of the contractor to ensure the disbursement of wages in the presence of the authorized representative of the principal employer.</p> |
| Benchmark ID | C.7 |
| Benchmark Details | All payments to workers, including hourly wages, piecework, fringe benefits and other incentives shall be calculated, recorded, and paid accurately. |
| Finding Details | Childcare workers do not leave their work station immediately after the completion of regular working hours. They must wait for 10 to 15 minutes every day for mothers to pick up their children. This additional time is not recorded and compensated at all. |
| Recommendation for Immediate Action | Ensure that the actual and complete working hours of childcare workers are recorded and compensated. |
| Compliance Classifications | Immediate Action Required |
| Local Law | Factories Act, 1948- Section 59 (1): Where a worker works in a factory for more than nine hours in any day or for more than 48 hours in any week, he shall, in respect of overtime work, be entitled to wages at the rate of twice his ordinary rate of wages. |
| 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 | <p>Management interviews revealed practices at the factory that present potential risks for workers related to fair remuneration: 1. The factory considers a workers' last day of working to be the day that s/he stops reporting for work. In some cases, workers go long periods of time without reporting for work and then return to the factory to resign officially. The factory calculates final payouts using the day they become absent rather than the day of resignation. Although this practice does not currently impact workers' rights to gratuity payments for 5 years of employment, considering that the factory only started operation 2 years ago, it can be a potential risk in the future. 2. Workers who work the evening (B shift) and night (C shift) shifts are paid a monthly shift allowance of INR 200. Workers in the morning (A shift) shift do not receive this allowance. Factory management could not provide a reason for the different practices. 3. Workers' monthly shift allowances are calculated by dividing INR 200 by the number of working days in the month, multiplied by number of night shifts worked. With this calculation, the amount that workers earn for each shift varies depending on the month. For example, one evening/night shift in February will earn a higher allowance than one in May. 4. The shift allowance is paid to workers on the 16th day after the pay period, instead of within 10 days after the pay period as is legally required.</p> |
| Recommendation for Immediate Action | <p>1. Ensure that the date of resignation is considered to be the last date of employment in calculating pay and tenure. 2. Pay allowances to all workers working in shifts. 3. Calculate the daily rate for the monthly shift allowance using a standard 26-day month. 4. Make all payments within 10 days of the end of the pay period, as legally required.</p> |
| Compliance Classifications | Immediate Action Required |

| | |
|-------------------------------------|---|
| Local Law | Payment of wages act 1936- Section 5 (1): Time of payment of wages The wages of every person employed upon or in-- (a) any railway, factory or industrial or other establishment upon or in which less than one thousand persons are employed, shall be paid before the expiry of the seventh day, (b) any other railway, factory or industrial or other establishment, shall be paid before the expiry of the tenth day after the last day of the wage-period in respect of which the wages are payable. |
| Benchmark ID | C.21.1 |
| Benchmark Details | Employers shall provide all legally mandated benefits, including holidays, leave, bonuses, severance payments and 13th month payments to all eligible workers within legally defined time periods. |
| Finding Details | 1. The factory does not pay the termination payouts to workers within the legally required periods. The assessment found 10 cases of workers who resigned during the period of June-July 2023, but received their final wages and unused annual leave after 22 to 45 days instead of two days after the last working day. 2. The factory pays an annual bonus in the period of September-October, but not all resigned workers who were entitled to this bonus received it. The factory only paid 59 out of 445 workers from period of April 2021 to March 2022. According to factory management, they could not contact the remaining 386 workers to confirm their bank account number and transfer the bonus. |
| Recommendation for Immediate Action | 1. Ensure that wages for days worked and for unused leave are paid to workers within two working days from their last working day. 2. Ensure that the legally mandated bonus is paid to workers with their terminal dues when they resign. |
| Compliance Classifications | Immediate Action Required |

| | |
|-------------------------------------|---|
| Local Law | <p>1. Item 13(3) of Schedule 1 appended to Industrial Employment (Standing Orders) Rules 1946: Where the employment of any workmen is terminated, the wages earned by him and other dues, if any, shall be paid before the expiry of the second working day from the day on which his employment is terminated. Factories Act 1948, Chapter VIII section 79. Annual leave with wage (3)- If a worker is discharged or dismissed from service or quits his employment or is superannuated or dies while in service, during the course of the calendar year, he or his heir or nominee, as the case may be, shall be entitled to wages in lieu of the quantum of leave to which he was entitled immediately before his discharge, dismissal, quitting of employment, superannuation or death calculated at the rates specified in sub-section (1), even if he had not worked for the entire period specified in sub-section (1) or sub-section (2) making him eligible to avail of such leave, and such payment shall be made-- i) where the worker is discharged or dismissed or quits employment, before the expiry of the second working day from the date of such discharge, dismissal or quitting. 2. Payment of Bonus Act 1965- Section 10: Payment of minimum bonus- Subject to the other provisions of this Act, every employer shall be bound to pay to every employee in respect of the accounting year commencing on any day in the year 1979 and in respect of every subsequent accounting year, a minimum bonus which shall be 8.33 per cent of the salary or wage earned by the employee during the accounting year or one hundred rupees, whichever is higher, whether or not the employer has any allocable surplus in the accounting year.</p> |
| Benchmark ID | C.3.1.3 |
| Benchmark Details | Where probationary employment is legally allowed, no workers shall work more than three months in this employment category. |
| Finding Details | The work appointment letter and factory standing orders state that the probation period is 6 months (Clause #3). In addition, the period can be extended up to 1 year. Although the standing orders have been legally approved, under local law and FLA standards, this period should be no more than 3 months. |
| Recommendation for Immediate Action | Revise the use of probationary periods so that they are strictly limited to three months or fewer. |
| Compliance Classifications | Immediate Action Required |

| | |
|-------------------------------------|--|
| Local Law | Industrial employment (standing orders) rules 1946- Rule 2(C) of schedule 1: A “probationer” is a workman who is provisionally employed to fill a permanent vacancy in a post and has not completed three months’ service therein. |
| Employment Relationship (ER) | |
| 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 | Managers and supervisors are aware of managing day-to-day work and disciplinary practices, but they are not fully aware of the relevant legal requirements, as this is managed by the HR Team. |
| 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. |

| | |
|--|---|
| <p>Finding Details</p> | <p>1. The written procedures on the grievance system provides information on addressing grievances reported confidentially, but there is no information on the following: a) procedures for reporting and handling grievances through other channels like supervisors or managers; b) procedures on addressing grievances reported through multiple channels - no information on defined timelines or the documentation to be maintained. c) procedures to provide periodic training for employees. d) procedures on formation of a grievance committee and the need to designate and rotate the chairman of the committee every alternate year, as legally required.</p> <p>2. The factory's OD (Organization Development) team open grievance boxes once every 15 days. All grievances received are sealed in an envelope and sent to the OD centralized team at the head office. After review of grievances by the head of the OD department, grievances are sent to the Human Resources department head. The HR department head reviews and shares the reported grievances to the HR and OD teams located at the factory to being addressing the grievances. This process takes approx. 7 to 10 days; the complete process from reporting to addressing a grievance lasts 20 to 25 days. This long timeline may discourage workers from using the channels. 4. The chairman of the grievance committee was not designated until January 2023 and has not been rotated between management and worker representatives every other year, as is legally required.</p> |
| <p>Recommendation for Immediate Action</p> | |
| <p>Compliance Classifications</p> | <p>Sustainable Improvement Required</p> |
| <p>Local Law</p> | <p>Industrial Disputes Act 1947- Section 9C (3) : Setting up of Grievance Redressal Machinery- The chairperson of the Grievance Redressal Committee shall be selected from the employer and from among the workmen alternatively on rotation basis every year.</p> |
| <p>Benchmark ID</p> | <p>ER.1.1</p> |

| | |
|-------------------------------------|--|
| 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. Job descriptions are available, but they are not communicated or provided to workers during recruitment. 2. The policy and procedures on recruitment and hiring do not define the need for periodic training of employees (including managers and supervisors). Furthermore, they only cover workers directly hired by the factory, but not indirect workers (security guards, canteen and housekeeping workers). 3. The factory does not have written procedures on: a) non-discrimination; b) forced labor; c) termination and retrenchment; d) compensation. |
| 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 factory's written procedure on workplace conduct and discipline provides general information on actions to be taken in response to minor and major misconducts. However, it does not list out minor and major misconducts and the corresponding actions to be taken. |
| 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 written procedures for performance reviews. |
| 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 | 1. The factory does not have a written policy on promotions, demotions, and job reassignments. In practice, a system is in place to promote workers. There were no demotions or job reassignments noted during the assessment. 2. When workers are promoted as supervisors, the results of the final evaluation prior to promotion are not discussed or signed by workers. |

| | |
|-------------------------------------|--|
| 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. |

| | |
|--|---|
| <p>Finding Details</p> | <p>1. The factory's shift approval for working hours does not include sewing operators. 2. Job descriptions are not provided for workers who become supervisors. Therefore, they are not immediately clear on their job responsibilities and expectations as supervisors. 3. Picture of worker is not attached with job application form when recruiting workers. 4. Factory policy states that if a worker remains absent without authorization for 8 days or more, it will be deemed that worker has left employment voluntarily. There is no accompanying information regarding if the factory will provide a notice of termination of employment to that worker, as is legally required. 5. Clause no. 11 in the outsourced security guards' appointment letter states that 30 days' notice must be provided if a guard wishes to leave employment, and the worker is required to work in the 30-day notice period in order to receive terminal dues immediately after resigning. If the guard does not work 30 days after giving notice, s/he will receive terminal dues after 60 days. This practice does not comply with legally defined timelines for payment of terminal dues. This practices poses a risk of forced labour. All security guards interviewed were hired in the past 6 months and were unaware of this clause. 6. Clause no. 12 in outsourced security guards' appointment letter states that the "agency holds the right to terminate the candidates found inefficient, undisciplined, faulty and medically unfit during the service, with immediate effect without stating any reasons." The clause does not define 'medically unfit' and does not comply with legal requirements for terminating employment. 7. The outsourced security guards' appointment letter does not include information on working hours, rest days, and legally-required leave time. 8. The factory workers' appointment letter does not include information on legally-required leave time, weekly rest days, and legally-mandated paycheck deductions for the labor welfare fund. 9. A letter to confirm employment at end of the probationary period is not provided for the outsourced security guards.</p> |
| <p>Recommendation for Immediate Action</p> | <p>1. Ensure shift approval for working hours includes all production processes. 2. Ensure job description is provided to all workers when hired and promoted. 3. Ensure picture of worker is attached on job application form when recruiting workers. 4. Ensure employment provides clarity on procedures. 5 &6. Ensure employment terms comply with legal requirements. 7 &8. Ensure appointment letter incudes all information on terms of employment. 9.Ensure letter to confirm employment at end of probationary period is provided to outsourced security guards as well.</p> |

| | |
|-------------------------------------|---|
| Compliance Classifications | Immediate Action Required |
| Local Law | <p>1. Factories Act 1948- Section 61 (1): Notice of periods of work for adults. There shall be displayed and correctly maintained in every factory in accordance with the provisions of sub-section (2) of section 108, a notice of periods of work for adults, showing clearly for every day the periods during which adult workers may be required to work. 2. No direct legal reference. 3. No direct legal reference. 4. No direct legal reference. 5. Item 13(3) of Schedule 1 appended to Industrial Employment (Standing Orders) Rules 1946: Where the employment of any workmen is terminated, the wages earned by him and other dues, if any, shall be paid before the expiry of the second working day from the day on which his employment is terminated. 6. Item 13(1) of Schedule 1 appended to Industrial Employment (Standing Orders) Rules 1946: For terminating employment of a permanent workmen, notice in writing shall be given either by the employer or the workmen - one month's notice in the case of monthly-rated workmen and two weeks' notice in the case of other workmen: one month's or two week's pay, as the case may be, may be paid in lieu of notice. 7.No direct legal reference. 8. The Industrial Employment (SO) Act, 1946-Item 2 of Schedule 1B: The employer under terms and conditions stipulated in the letter of appointment, confirm the eligible workman and issue a letter of confirmation to him. Whenever a workman is confirmed, an entry with regard to the confirmation shall also be made in his service card within a period of thirty days from the date of such confirmation.</p> |
| 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 | Workers are not consulted or integrated in the decision-making processes that concern the workplace and working conditions (e.g., creation or revision of policies and procedures, changes on production processes, hours of work, etc.) |
| 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's written procedures on freedom of association do not cover the formation of worker committees with defined steps of the election process. |
| Recommendation for Immediate Action | |
| Compliance Classifications | Sustainable Improvement Required |
| Local Law | |

Harassment Or Abuse (H/A)

| | |
|-------------------|---|
| Benchmark ID | H/A.1.1 |
| Benchmark Details | Employers shall comply with all national laws, regulations and procedures concerning discipline, violence, harassment and abuse, including that which is gender-based |

| | |
|-------------------------------------|---|
| Finding Details | 1. The NGO representative who serves as a member of the Internal Complaints Committee is not familiar with issues related to sexual harassment, as local law requires. This representative also attends meetings every 2 months rather than every month. 2. The penal consequences of harassment at workplace are not posted in the factory, as is required by local law. |
| Recommendation for Immediate Action | 1. Ensure that the NGO representative on the Internal Complaints Committee has the legally-required qualifications. 2. Post the penal consequences of harassment at workplace in the factory. |
| Compliance Classifications | Immediate Action Required |
| Local Law | 1. Sexual Harassment of women at workplace (prevention, prohibition & redressal) act 2013- Section 4(2)(c): Internal Committee shall consist of the following members to be nominated by the employer namely-one member from amongst non-governmental organizations or association committed to cause of women or a person familiar with issues related to sexual harassment. 2. Sexual harassment of women (prevention, prohibition & redressal) at workplace act 2013- section 19(b): Every employer shall display at any conspicuous place, the penal consequences of sexual harassment. |

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 | The factory has only provided general training on operating firefighting equipment to the fire brigade team. Important responsibilities of the firefighting team such as evacuating pregnant and disabled workers or assigning specific persons to operate firefighting equipment are not defined. No specific training has been provided regarding these responsibilities. |

| | |
|-------------------------------------|---|
| Recommendation for Immediate Action | |
| Compliance Classifications | Sustainable Improvement Required |
| Local Law | |
| 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 | The main exit doors from all work areas, the child care room, and the medical room are rolling shutter doors that are lifted up to open/pulled down to close. The doors are kept open in a locked position during working hours, but local law requires push doors that open outwards. |
| Recommendation for Immediate Action | Ensure exit doors open outwards. |
| Compliance Classifications | Immediate Action Required |
| Local Law | Karnataka Factories Rules 1969 - Rule 16. Precautions in case of Fire, Section 38:- Every factory shall be provided with adequate means of escape in case of fire for the persons employed therein. The doors affording exit from any room shall, unless they are of the sliding type, be constructed to open outwards. |
| 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 factory does not conduct an assessment after the fire drill to evaluate the process and identify areas of improvement. |
| Recommendation for Immediate Action | |
| Compliance Classifications | Sustainable Improvement Required |
| Local Law | |
| 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 factory has not conducted an assessment for thermal comfort in work areas. 2. The assessment observed dust on an overhead electrical installation in the cutting and sewing section. |
| Recommendation for Immediate Action | 1. Conduct an assessment for thermal comfort in work areas periodically, especially during summer months. 2. Ensure that dust is cleaned periodically and overhead electrical installation in the cutting and sewing section are kept clear of dust accumulation. |
| Compliance Classifications | Immediate Action Required |
| Local Law | Factories Act, 1948-Section 7A (2b): Every occupier should have arrangement in the factory for ensuring safety and absence of risk to health in connection with the use, handling, storage and transport of articles and substances. |
| Benchmark ID | HSE.14.1 |
| Benchmark Details | All production machinery, equipment and tools shall be properly guarded and regularly maintained. |

| | |
|-------------------------------------|--|
| Finding Details | 1. Traffic lanes and walk paths are not marked in the factory. A small area of the walk path from factory gate No. 2 to the canteen is marked to direct workers to the electronic timecard machines. 2. Around 80% of the sewing machines had the needle guards pushed upward at the time of the assessment, rendering them ineffective to prevent injuries. 3. The finger guard is not installed in 4 snap button machines. |
| Recommendation for Immediate Action | 1. Ensure that all traffic lanes and walk paths are marked in the factory. 2. Ensure that needle guards are maintained in place to prevent injury to finger of sewing machine operators. 3. Ensure that finger guards are installed on all snap button machines to prevent injury. |
| Compliance Classifications | Immediate Action Required |
| Local Law | Factories Act, 1948-Section 7A (2b): Every occupier should have arrangement in the factory for ensuring safety and absence of risk to health in connection with the use, handling, storage and transport of articles and substances. |
| 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. Proper PPE such as breathing apparatuses was not provided for fire fighting team in the factory. 2. Contact information for medical response is not posted throughout the factory. The information is only posted in the canteen, security post, and office reception area. |
| Recommendation for Immediate Action | 1. Ensure that PPE such as breathing apparatuses is provided for the workers trained in using firefighting equipment. 2. Ensure that contact information for medical response is posted throughout the factory. |
| Compliance Classifications | Immediate Action Required |

| | |
|-------------------------------------|--|
| Local Law | Factories Act, 1948-Section 7A (2b): Every occupier should have arrangement in the factory for ensuring safety and absence of risk to health in connection with the use, handling, storage and transport of articles and substances. |
| Benchmark ID | HSE.1 |
| Benchmark Details | Employers shall comply with all national laws, regulations and procedures concerning health, safety, and the environment. |
| Finding Details | <p>1. The factory does not provide training to health and safety committee members. 2. The factory does not provide a canteen facility as legally required. Lunch made by an external caterer is served in the dining area, and workers pay the cost of the lunch directly to the caterer. There is no evidence to show that the lunch is subsidized. There is no provision available for workers to buy dry snacks, fruits or beverages in the dining area. 3. The childcare facility does not comply with legally provided guidelines: a) Bathing, washing and cleaning area is not provided; b) No nursing area is designated; c) Fenced and shady open playground is not provided. 4. Childcare staff are not provided with uniforms for work. 5. The doors of the power generators are kept open to improve ventilation and avoid overheating when generators are operated. Leaving the doors open exposes workers in the nearby sewing section to continuous noise, which may be a risk for their health. 6. The cook who prepares lunch in the factory's kitchen for executives uses a cloth apron which comes close to the stove's flames and may be a risk for burn injuries. The cook also uses open shoes which may be a risk for burn injuries from accidental spill of hot oil or water while cooking. 7. Sanitary pads are not provided in the toilets for female workers. They are available with the nurse and workers need to request for it when needed.</p> |
| Recommendation for Immediate Action | <p>1. Ensure that training is provided to Health and Safety committee members. 2. Ensure that the canteen facility as legally required is provided. 3. Ensure that the childcare facility provided complies with legally provided guidelines. 4. Ensure that childcare staff are provided with uniforms for work. 5. Ensure that the doors of the power generators are kept closed when in operation to avoid workers being exposed to noise. 6. Ensure that the cook who prepares lunch in the factory's kitchen for executives uses a fire resistant cloth apron and closed shoes. 7. Ensure that sanitary pads are provided in toilets for female workers.</p> |

| Compliance Classifications | Immediate Action Required |
|----------------------------|---------------------------|
|----------------------------|---------------------------|

Local Law

1. Factories Act, 1948-Section 7A (2b): Every occupier should have arrangement in the factory for ensuring safety and absence of risk to health in connection with the use, handling, storage and transport of articles and substances. 2. Karnataka Factories Rules 1969 - Chapter V -Welfare- Rule 93-Canteen -(1) The occupier of every factory notified by the State Government, and wherein more than two hundred and fifty workers are ordinarily employed shall provide in or near the factory an adequate canteen according to the standards prescribed in these rules. 95. Canteen Equipment:- (1) There shall be provided and maintained sufficient utensils, crockery, cutlery, furniture and any other equipment necessary for the efficient running of the canteen. Suitable clean clothes for the employees serving in the canteen shall also be provided and maintained. (2) The furniture, utensils and other equipment shall be maintained in a clean and hygienic condition. A service counter as provided, shall have a top of smooth and impervious material. Suitable facilities including an adequate supply of hot water shall be provided for the cleaning of utensils and equipment. 96. Prices to be charged in canteen -(1) Food, Drink and other items served in the canteen shall be sold on a non-profit basis and the prices charged shall be subject to the approval of the Canteen Managing Committee. 3. Karnataka Factories Rules 1969 - Chapter V - Welfare- Rule 101 - Creche-(5) The creche shall be adequately furnished and equipped and in particular there shall be one suitable cot or cradle with the necessary bedding for each child (Provided that for children over two years of age it will be sufficient if suitable bedding is made available), at least one chair or equivalent seating accommodation for the use of each mother while she is feeding or attending to her child, and a sufficient supply of suitable toys for the older children. (6) A suitably fenced and shady open air playground shall be provided for the older children, provided that the Chief Inspector may by order in writing exempt any factory from compliance with this sub-rule if he is satisfied that there is not available, sufficient space for the provision of such a playground. 102. Washroom - (1) There shall be in or adjoining the creche a suitable washroom for the bathing of the children and washing their clothing. 4. Karnataka Factories Rules 1969 - Chapter V -Welfare- Rule 104. Creche Staff - (4) The creche staff shall be provided with suitable clean clothes for use while on duty in the creche. 5. Factories Act, 1948-Section 7A (2b): Every occupier should have arrangement in the factory for ensuring safety and absence of risk to health in connection with the use, handling, storage and transport of articles and substances. 6. Factories Act, 1948-Section 7A (2b): Every occupier should have arrangement in the factory for

ensuring safety and absence of risk to health in connection with the use, handling, storage and transport of articles and substances. 7. Model Factories Rules, section 19 (3) and section 112 of Factories Act 1948 – Rule 44c- Sanitary napkins of adequate quantity conforming to Indian standards shall be provided and maintained in women’s toilet for their use and the same replenished on daily basis. (d) – Disposable bins with lids shall be provided within the women’s toilets for collection of used napkins. Used napkins shall be disposed off as per procedure approved by inspector.

| | |
|-------------------------------------|---|
| Benchmark ID | HSE.28 |
| Benchmark Details | Employers shall create a system to ensure that all necessary Health and Safety protections are provided for external contractors; including protection when working within , confined spaces, maintenance issues, and general Health and Safety Issues. |
| Finding Details | The factory does not provide safety information to contractors. |
| Recommendation for Immediate Action | Provide safety information to all contractors. |
| Compliance Classifications | Immediate Action Required |
| Local Law | Factories Act, 1948-Section 7A (2b): Every occupier should have arrangement in the factory for ensuring safety and absence of risk to health in connection with the use, handling, storage and transport of articles and substances. |
| 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 | Except for some information on the band knife cutting machines, safety instructions are not displayed on or near machines, including boilers, compressors, power generators, maintenance equipment, and production machinery. |

| | |
|-------------------------------------|--|
| Recommendation for Immediate Action | Ensure that safety instructions are displayed in local language near all machines used in the factory. |
| Compliance Classifications | Immediate Action Required |
| Local Law | Factories Act, 1948-Section 7A (2b): Every occupier should have arrangement in the factory for ensuring safety and absence of risk to health in connection with the use, handling, storage and transport of articles and substances. |
| 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 | 1. Not all confined spaces at the factory are properly protected: the water tank used to store water for fighting fires is covered with a wire mesh, but there are no warning signs and the area is not fenced off. The confined space used to store water for other uses is covered, but access is not restricted. 2. The ladder used to climb to the top of boiler does not have hand rails. 3. Maintenance equipment and tools are not inspected periodically to ensure safe usage. 4. Pointed drill bits and fasteners are not removed from the portable drilling machines when not in use, posing a risk of injury. |
| Recommendation for Immediate Action | 1. Install warning signs and fences near all confined spaces. 2. Ensure that handrails are installed on ladder connected to the top of boiler. 3. Inspect maintenance equipment and tools periodically to ensure safe usage. 4. Ensure that drill bits and fasteners are removed from portable drilling machines when not in use and stored safely. |
| Compliance Classifications | Immediate Action Required |
| Local Law | Factories Act, 1948-Section 7A (2b): Every occupier should have arrangement in the factory for ensuring safety and absence of risk to health in connection with the use, handling, storage and transport of articles and substances. |
| Benchmark ID | HSE.18.1 |

| | |
|-------------------------------------|--|
| Benchmark Details | Medical facilities shall be established and maintained in factories as required by applicable laws. |
| Finding Details | <p>1. The factory does not employ a full-time doctor in the medical facility. A doctor visits the factory for 2 hours a day, 2 days in a week. 2. The factory employs only one nurse in the medical room. In her absence, there is no backup. Management explained that workers trained in first aid procedures attend to medical requirements when needed, posing a risk to those who need medical attention beyond these workers' abilities. 3. The factory does not have a dedicated ambulance. The factory depends on the use of a common ambulance maintained by the industrial park's management. This could be a risk in cases where the common ambulance is not available. 4. The medical room has one male and one female bed. An examination bed is not provided and this could be a risk when both beds are occupied and a patient needs to be examined. 5. Arrangements for sterilizing medical equipment are not available. Tools are only cleaned/sterilized with antiseptic lotion. This could present a risk for infection due to improperly sterilized tools.</p> |
| Recommendation for Immediate Action | <p>1. Ensure a doctor is available in the medical facility during all working hours. 2. Ensure adequate medical staff are employed in the medical room. 3. Ensure a dedicated ambulance is available for use at any time. 4. Ensure medical room is equipped with an examination bed. 5. Ensure adequate arrangement for sterilizing medical equipment is available in the medical room.</p> |
| Compliance Classifications | Immediate Action Required |

| | |
|-------------------------------------|--|
| Local Law | Karnataka Factories Rules 1969 - Chapter V - Welfare - Rule 92. Ambulance Room- (1) Every ambulance room shall be under the charge of at least one whole-time qualified medical practitioner (hereinafter referred to as Medical Officer) assisted by at least one qualified nurse or dresser-cum-compounder and one nursing attendant in each shift. Rule 92 (5) The occupier of every factory to which these rules apply shall for the purpose of removing serious cases of accident or sickness, provide in the premises and maintain in good condition an Ambulance Van. Rule 92 (4) The ambulance room shall be separate from the rest of the factory and shall be used only for the purpose of first-aid treatment and rest. It shall have a floor area of at least twenty-four square metres and smooth, hard and impervious walls and floors, and shall be adequately ventilated and lighted by both natural and artificial means. There shall be attached to it at least one latrine and urinal of sanitary type. An adequate supply of wholesome drinking water shall be laid on and the room shall contain at least,—(iii) Means for sterilizing instruments (iv) A couch |
| Benchmark ID | HSE.23.1 |
| Benchmark Details | Safe and clean drinking water shall be freely available at all times, within reasonable distance of the workplace. Drinking water shall be of a reasonable temperature. The means to drink water (e.g. cups) must be safe and sanitary and available in an appropriate number. |
| Finding Details | Drinking water stations have 1 or 2 common glasses for workers' use. |
| Recommendation for Immediate Action | Ensure hygienic arrangements are made for workers to drink water. |
| Compliance Classifications | Immediate Action Required |
| Local Law | Karnataka Factories Rule 1969 - Health - Rule 6. Drinking water, Section 18: - In every factory effective arrangement shall be made to provide and maintain at suitable points, conveniently situated for all workers employed therein sufficient supply of wholesome drinking water. |
| 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 conducted a risk assessment in April 2023. The assessment does not include information for the "frequency" of possible injuries/accidents or the number of persons that may be impacted. Hazards are identified, but possible sources of these hazards are not identified. The information provided in the risk assessment is incomplete, for example: a) No information on fire risk or risk of food contamination from non-usage of hair caps, nose masks, hand gloves and aprons; b) No information on risks associated with use of untrained childcare workers; c) No information on risks associated with inadequately stocked first aid kits; d) No information on risks associated with entering confined spaces; e) No information is provided on risks associated with storage of hazardous waste. |
| Recommendation for Immediate Action | |
| Compliance Classifications | Sustainable Improvement Required |
| Local Law | |
| 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 | 1. Eye shields are not provided for the operators of snap button machines. 2. The factory does not inspect the helmets used by maintenance workers, stackers, and forklift operators periodically to ensure safe condition. |

| | |
|-------------------------------------|--|
| Recommendation for Immediate Action | 1. Ensure eye shields are provided for snap button machine operators. 2. Inspect helmets periodically to ensure they are in safe condition. |
| Compliance Classifications | Immediate Action Required |
| Local Law | Factories Act, 1948-Section 7A (2b): Every occupier should have arrangement in the factory for ensuring safety and absence of risk to health in connection with the use, handling, storage and transport of articles and substances. |
| 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 | Work stations in the ironing, checking, and packing areas are not adjustable in height. |
| 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 | The factory does not have written procedures on hours of work. |

| | |
|-------------------------------------|---|
| Recommendation for Immediate Action | |
| Compliance Classifications | Sustainable Improvement Required |
| Local Law | |
| Benchmark ID | HOW.9.2 |
| Benchmark Details | Employers shall take reasonable steps to inform workers about the nature and expected duration of the circumstances sufficiently in advance to allow workers to make alternative plans. |
| Finding Details | The factory informs workers that overtime work is needed only an hour prior to the end of a shift, instead of at beginning of the shift. |
| Recommendation for Immediate Action | |
| Compliance Classifications | Sustainable Improvement Required |
| Local Law | |

