

Fair Labor Association: Independent External Factory Assessment

Assessment Date :

04 Sep 2023



Factory Information

FLA Affiliates	GOREWEAR and SITKA Gear
Country	Guatemala
Number of Workers	884

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

Compensation (C)	2
Employment Relationship (ER)	2
Freedom Of Association And Collective Bargaining (FOA)	1
Health, Safety And Environment (HSE)	4
Nondiscrimination (ND)	1

Assessment Information

Assessor	VeLar International
Assessment Date	04 Sep 2023

Assessment Purpose	
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ASSESSMENT RESULTS

Compensation (C)

Benchmark ID	C.22
Benchmark Details	Employers must establish a system through which workers can dispute compensation and receive clarifications in this respect in a timely manner.
Finding Details	There are no confidential established channels for employees to report concerns or problems regarding payments obligated by law during personnel reduction.
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	Based on the local regulation, the factory should either sign an agreement with a childcare center for employees' children use or enable an area for this purpose inside the facilities. During the visit it was confirmed that the factory has not completed either as required by law.
Recommendation for Immediate Action	Provide employees with childcare services, as required by law.
Compliance Classifications	Immediate Action Required

Local Law	Article 155, Guatemala Labor Code Fourth Title "Work subject to special regimes" Second Chapter (Work of women and minors).
Employment Relationship (ER)	
Benchmark ID	ER.17.1
Benchmark Details	Employers shall have a clear and transparent system of worker and management communication that enables workers to consult with and provide input to management. This might include suggestion boxes, worker committees, designated spaces for worker meetings, union representatives, and meetings between management and workers' representatives.
Finding Details	<ol style="list-style-type: none"> 1. The procedures related to the grievance system do not specify confidentiality or anonymity. In addition, the box observed during the factory tour is named "suggestion box" and workers are not aware that this box should be used to voice complaints or concerns. 2. One of the suggestion boxes at the emergency exit is located under the scope of a CCTV camera. 3. The factory did not present evidence that demonstrates an invitation to workers to participate or elect participants in the complaints' committee, as required by law. 4. The factory does not maintain all documentation in relation to grievance processes. Factory managers did not provide records of employee grievances received, and the follow-up and feedback related to these grievances.
Recommendation for Immediate Action	<ol style="list-style-type: none"> 1. Update the grievance procedure to include measures and declarations to protect workers' confidentiality and anonymity. Ensure that workers receive training on the grievance system and that there are infographics posted to ensure worker understanding of the suggestion box. 2. Relocate the suggestion box to a non-monitored and non-conspicuous area that enables confidentiality and anonymity. 3. Invite all workers to participate in the complaints' committee and ensure that all participants are elected by the workers. 4. Record all received grievances of employee and set up a proper system to follow-up them and inform workers for the resolution period.
Compliance Classifications	Immediate Action Required

Local Law	Article 60 F of the Guatemala Labor Code Second Title "Contracts and Labor Agreements" Chapter Four (Internal Labor Regulations).
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	1.The Development Evaluation Procedure does not include periodic evaluation of employee's development and does not outline steps, criteria, and provide space of employee feedback. The Development Evaluation Procedures only refer to the calculation of production bonuses. 2. There are no records of employees' performance or development evaluation.
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	1. Although workers are trained in the Freedom of Association policy, workers were unable to explain this policy or their associated rights during workers' interviews. 2. Some workers reported they thought they were not allowed to have a union. Workers did not report any specific reason why they thought they could not have a union, they simply were not aware they are able to join or create a union.
Recommendation for Immediate Action	1. Reinforce the Freedom of Association training to ensure worker's understand their rights related to Freedom of Association. 2. Emphasize in training that workers will not be discriminated or retaliated for exercising their right to the Freedom of Association.
Compliance Classifications	Immediate Action Required
Local Law	

Health, Safety And Environment (HSE)

Benchmark ID	HSE.19
Benchmark Details	All facilities including workplace buildings, toilets, canteens, kitchens, and clinics, shall be kept clean and safe and be in compliance with all applicable laws, including relevant sanitation, medical, and safety and health regulations.
Finding Details	1. During the facility tour, it was observed that there was a dryer out of service in the hand washing station in the dining area. 2. During the factory tour, the assessor observed that workers in the food preparation area were not wearing gloves, mouth covers and hair caps. It was also observed that the same workers handled food and money without measures to prevent food contamination.
Recommendation for Immediate Action	1. Ensure that all dryers are in working condition. 2. Ensure a high standard of sanitary conditions in the food preparation area and enforce employee use of PPE.
Compliance Classifications	Immediate Action Required

Local Law	1. Article 197i of the Guatemala Labor Code Fifth Title "Hygiene and Safety at Work" Sole Chapter. 2. Article 197 J of the Guatemala Labor Code Fifth Title "Hygiene and Safety at Work" Sole Chapter.
Benchmark ID	HSE.14.1
Benchmark Details	All production machinery, equipment and tools shall be properly guarded and regularly maintained.
Finding Details	During the facility tour, the daily inspection checklist for one forklift was marked as OK. However, the assessor observed that the fire extinguisher was expired and not marked in the checklist.
Recommendation for Immediate Action	Ensure daily inspections of forklifts and report the accurate conditions of the equipment for effective maintenance.
Compliance Classifications	Immediate Action Required
Local Law	Article 133 of the Occupational Health and Safety Regulations - Government Agreement 229-2014.
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 has not developed or conducted an ergonomic risk assessment.
Recommendation for Immediate Action	Develop the ergonomic risk assessment.
Compliance Classifications	Immediate Action Required
Local Law	Articles 74, Article 87.Occupational Health and Safety Regulation - Government Agreement 229-2014.

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	During the factory tour, the assessor observed that there were workers in the cutting area standing during their shift without anti-fatigue rubber mats.
Recommendation for Immediate Action	Provide and ensure the use of necessary PPE for all workers.
Compliance Classifications	Immediate Action Required
Local Law	Article 78 and 268 K of the Occupational Health and Safety Regulations - Government Agreement 229-2014.

Nondiscrimination (ND)

Benchmark ID	ND.3
Benchmark Details	Recruitment and employment policies and practices, including job advertisements, job descriptions, application and interview questions and job performance/evaluation policies and practices shall be free from any type of discriminatory bias.
Finding Details	1. Even when the local law allows the factory to hire workers between 15 to 18 years old with specific requirements, the factory does not hire employees younger than 18 years. However, there was no risk assessment conducted to support the decision to not hire workers under 18 years old. 2. The factory requires a non-criminal record letter from workers in all positions.
Recommendation for Immediate Action	1. Conduct a risk assessment to evaluate if there are positions that can be filled by workers between 15 to 18 years old. 2. Halt the requirement of a non-criminal records for workers.

Compliance Classifications	Immediate Action Required
Local Law	1.Article 31 of the Guatemala Labor Code - Second title "Contracts and labor agreements" First chapter (General provisions and individual contract work). 2. Article 14 bis of the Guatemala Labor Code.

