COMPANIES: Lakeshirts, Inc.
COUNTRY: China
ASSESSMENT DATE: 12/22/16
ASSESSOR: Openview
PRODUCTS: Apparel
NUMBER OF WORKERS: 550
Summary of Code Violations

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.

While it is important to note when violations of the FLA Workplace Code of Conduct occur, the purpose of these assessments is not simply to test compliance against a particular benchmark, but rather to develop an understanding of where and how improvements can be made to achieve sustainable compliance. Code of Conduct violations can be found throughout the course of an assessment of the employment and management functions, and are addressed in companies’ action plans.

Findings and Action Plans

FINDING NO.1

SUSTAINABLE IMPROVEMENT REQUIRED

FINDING TYPE: Policies & Procedures (Macro)

Finding Explanation
The factory does not have any written policies or procedures on Recruitment, Hiring & Personnel Development, Termination & Retrenchment, or Industrial Relations.

Local Law or Code Requirement
FLA Workplace Code (Employment Relationship Benchmark ER.1, ER.28, ER.29, and ER.32)

COMPANY ACTION PLANS

Action Plan no 1.

Description
Must provide employee handbook referencing Recruitment, Hiring & Personnel Development, Termination & Retrenchment, or Industrial Relations. Rough draft needs to be completed in 1 month.

The Factory already issued the written policies for Recruitment procedures, Hiring & Personnel Development, Termination & Retrenchment, or Industrial Relations.

Planned completion date
03/17/17

Action Plan no 2.

Description
Must provide employee handbook referencing Recruitment, Hiring & Personnel Development, Termination & Retrenchment, or Industrial Relations. Rough draft needs to be completed in 1 month

factory already issue the written policies for Recruitment procedures, Hiring & Personnel Development, Termination & Retrenchment, or Industrial Relations.

Planned completion date
03/17/17
FINDING NO.2

SUSTAINABLE IMPROVEMENT REQUIRED

FINDING TYPE: Review Process (Macro)

Finding Explanation
Since the factory does not have any written policies and procedures on Recruitment, Hiring & Personnel Development, Termination & Retrenchment, or Industrial Relations, there is also no defined review period or process for these policies and procedures.

Local Law or Code Requirement
FLA Workplace Code (Employment Relationship Benchmark ER.1)

COMPANY ACTION PLANS

Action Plan no 1.

Description
Once employee handbook is established it will need to be reviewed every 6 months until 2020.

Planned completion date
03/17/17

Company Action Plan Update
04/19/17: The Factory defined review period/process for these policies and procedures.

Action Plan no 2.

Description
Once employee handbook is established it will need to be reviewed every 6 months until 2020.

the factory defined review period or process for these policies and procedures.

Planned completion date
03/17/17

FINDING NO.3

SUSTAINABLE IMPROVEMENT REQUIRED

FINDING TYPE: Responsibility & Accountability (Macro)

Finding Explanation
The factory does not clearly define, in writing, the person(s) responsible for any of the Employment Functions.

Local Law or Code Requirement
FLA Workplace Code (Employment Relationship Benchmark ER.1, ER.29, and ER.30)

COMPANY ACTION PLANS

Action Plan no 1.

Description
A job description needs to be create for every position in their factory. i.e. Quality Control, human resource manager, machine operator, etc.

The factory clearly defined in writing the person(s) responsible for the Employment Functions.

Planned completion date
Action Plan no 2.

Description
A job description needs to be create for every position in their factory. i.e. Quality Control, human resource manager, machine operator, etc.

the factory clearly define, in writing, the person(s) responsible for the Employment Functions.

Planned completion date
03/17/17

Finding No.4
SUSTAINABLE IMPROVEMENT REQUIRED

FINDING TYPE: Training (Macro)

Finding Explanation
1. The factory does not provide specific training for the relevant supervisors on the following Employment Functions: Recruitment, Hiring & Personnel Development, Compensation, Termination & Retrenchment, and Industrial Relations. Although supervisors are trained on the Grievance System, they are not trained on the principle of non-retaliation against workers who make complaints.
2. The factory does not provide ongoing training to workers, supervisors, or managers on any of the Employment Functions except Environmental Protection and Health & Safety.

Local Law or Code Requirement
FLA Workplace Code (Employment Relationship Benchmarks ER.1, ER.15, ER.17, and ER.25)

Company Action Plans

Action Plan no 1.

Description
Implement a training for key supervisors on non-retaliation against workers who make complaints/suggestions/etc.

1. The factory now has provided specific training for the relevant supervisors on the following Employment Functions: Recruitment, Hiring & Personnel Development, Compensation, Termination & Retrenchment, and Industrial Relations.
2. The factory also provides ongoing training to workers, supervisors, or managers on any of the Employment Functions except Environmental Protection and Health & Safety.

Planned completion date
03/17/17

Finding No.5
SUSTAINABLE IMPROVEMENT REQUIRED

FINDING TYPE: Communication & Worker Involvement (Macro)

Finding Explanation
1. Since the factory does not have written policies and procedures for Recruitment, Hiring & Personnel Development, Termination & Retrenchment and Industrial Relations, it does not communicate these policies and procedures or their updates to the workforce.
2. The worker integration component is missing across all Employment Functions. This indicates that the factory has not established procedures to request and/or receive workers’ input/feedback regarding the creation, implementation and updating of its policies and procedures. Workers are neither systematically integrated nor consulted in decision-making processes.

Local Law or Code Requirement
FLA Workplace Code (Employment Relationship Benchmarks ER.1, ER.16 and ER.25)
COMPANY ACTION PLANS

Action Plan no 1.

Description
Implement an employee suggestion program, even if it’s as easy as a suggestion box that employees could submit via paper.

The factory established procedures to request and/or receive workers’ input/feedback regarding the creation, implementation and updating of its policies and procedures. Workers will be in systematically integrated & consulted in decision-making processes.

Planned completion date
03/17/17

FINDING NO.6

SUSTAINABLE IMPROVEMENT REQUIRED

FINDING TYPE: Recruitment, Hiring & Personnel Development

Finding Explanation
The factory has not hired any disabled workers, which is in violation of legal requirements that state at least 1.5% of the total workforce should be composed of disabled workers. Although the factory contributes to the Employment Security Fund in lieu of employing disabled workers as allowed under the local law, this practice carries the risk of discrimination based on FLA Workplace Code.

Local Law or Code Requirement
Regulation on the Employment of the Disabled (2007); FLA Workplace Code (Employment Relationship Benchmark ER.1; Nondiscrimination Benchmark ND.2)

COMPANY ACTION PLANS

Action Plan no 1.

Description
We recommend the factory to meet the legal requirements for the FLA workplace code.

The factory has posted information for recruitment for disabled workers.

Planned completion date
03/17/17

Action Plan no 2.

Description
We recommend the factory to meet the legal requirements for the FLA workplace code.

disabled people are very few locally, and not willing attend garment apparel work, so we don’t have disabled worker in factory, but the factory pay the Employment Security Fund continuously

We have selected some suitable for disabled personnel work post, had warned in some recruitment information at the same time.

Planned completion date
03/17/17

FINDING NO.7

IMMEDIATE ACTION REQUIRED

FINDING TYPE: Compensation
Finding Explanation
1. A review of social insurance payments from December 2015 to November 2016, and interviews with workers and management, showed that the factory does not provide workers with sufficient social insurance. In November 2016, only 57.1% of workers were covered by pension, unemployment and medical insurance; 72.2% of workers were covered by maternity insurance; and 73.5% of workers were covered by work-related injury insurance. Only 51% of workers were covered by all five types of mandatory social insurance (pension, unemployment, medical, maternity, and work-related injury). The factory provides commercial accidental injury insurance for the remaining 26.5% of workers not covered by social work-related injury insurance, however this is not a legal substitution since all are eligible for social insurance coverage.

2. The factory does not use a contribution base for the five types of social insurances that is in line with legal requirements. The contribution should be based on workers' average monthly wage from the previous year, which is between CNY 2,879 to CNY 4,500 (USD 414 to USD 647) per month for about 70% workers in the factory. However, the factory bases social insurance contributions on the local minimum contribution base of CNY 2,878 (USD 414) per month.

3. The factory does not contribute to the legally required Housing Provident Fund.

Local Law or Code Requirement
China Labor Law, Articles 72 and 73; China Social Insurance Law, Article 12 and 58; The Regulations on Management of Housing Provident Fund, Article 2, 3 and 15; FLA Workplace Code (Employment Relationship Benchmark ER.22; Compensation Benchmarks C.1, C.5, and C.10)

Recommendations for Immediate Action
Provide all five types of social insurance to all eligible workers based on workers’ actual monthly wages.

COMPANY ACTION PLANS

Action Plan no 1.

Description
Provide all five types of social insurance to all eligible workers based on workers' actual monthly wages. If ineligible documentation of when that employee becomes eligible must be developed.

1. The factory will accomplished 100% social insurance and 14% housing provident fund coverage by 2017.12 and will be calculated according to workers’ actual income.
2. The accumulation fund is not as the government enforce the requirements for enterprise, coupled with the worker voluntarily pay consciousness is low, so the growth proportion they said helplessly, of course, they will actively communicate with the workers, and realize the increase accumulation fund to pay.

Planned completion date
03/17/17

Company Action Plan Update
06/28/18: The factory will accomplished 100% social insurance and 14% housing provident fund coverage by 2017.12 and will be calculated according to workers' actual income.

Action Plan no 2.

Description
Provide all five types of social insurance to all eligible workers based on workers' actual monthly wages. If ineligible documentation of when that employee becomes eligible must be developed.

1. The factory will accomplish 100% social insurance and 14% housing provident fund coverage by 2017.12 and will be calculated according to workers’ actual income.
2. The accumulation fund is not as the government enforce the requirements for enterprise, coupled with the worker voluntarily pay consciousness is low, so the growth proportion we said helplessly, of course, we will actively communicate with the workers, and realize the increase accumulation fund to pay.

Outside the training of workers to strengthen the social security, we also made the progress schedule of rates of social security in 2017, the plan by 12 months of efforts ultimately reached the rate of 100%.

1. We have updated our social insurance and housing provident fund growth plans, and will also be calculated according to workers' actual income.
2. The accumulation fund is not as the government enforce the requirements for enterprise, coupled with the worker voluntarily pay consciousness is low, so the growth proportion we said helplessly, of course, we will actively communicate with the workers, and to realize the increase accumulation fund to pay.
FINDING NO.8

NOTABLE FEATURE

FINDING TYPE: Compensation

Finding Explanation
1. The factory provides meals and dormitories to workers for free.
2. The factory has installed air conditioners in both the dormitory rooms and production workshops.

COMPANY ACTION PLANS

Action Plan no 1.

Description

Notable Feature

FINDING NO.9

IMMEDIATE ACTION REQUIRED

FINDING TYPE: Hours of Work

Finding Explanation
1. The factory obtained a Cumulative Hours Working System approval, with a limit of 1,216 working hours per worker, including overtime hours, for each of the periods from October 21, 2015 to April 21, 2016, April 22, 2016 to October 21, 2016, and October 22, 2016 to April 21, 2017. However, the total working hours of 80% of production workers had exceeded the limit. For example, in the most extreme cases, one worker worked up to 1,381 hours during the period from October 21, 2015 to April 21, 2016 and 1,520 during the period from April 22, 2016 to October 21, 2016.
2. The production plan always includes overtime. The factory’s production plan is 48 to 60 hours per week, which includes eight to twenty hours of overtime a week; total weekly working hours remains within 60.

Local Law or Code Requirement
The Instruction on the Implementation of the China Labor Law, Article 65; FLA Workplace Code (Employment Relationship Benchmark ER.24; Hours of Work Benchmark HOW.1, HOW.7, and HOW.8)

Recommendations for Immediate Action
Ensure workers’ working hours do not exceed the Comprehensive Working Hour System limit.

COMPANY ACTION PLANS

Action Plan no 1.

Description

Ensure workers’ working hours do not exceed the Comprehensive Working Hour System limit.

1. The company will hire more workers and use more machines to solve overtime problem.
2. They are committed to working with customers to shorten the preparation time of before production orders.
3. They will pay attention to monthly overtime and will make sure not to exceed 36 hours.
The factory stated they will not exceed the Comprehensive Working Hour System limit in the future.
*documented that follow up on their working hours will be reviewed monthly.
FINDING NO. 10

SUSTAINABLE IMPROVEMENT REQUIRED

FINDING TYPE: Industrial Relations

Finding Explanation
1. The factory has a trade union under the ACFTU (All-China Federation of Trade Union). However, instead of being directly elected by workers, the leader of the union is appointed by senior management.

2. The factory pays union dues on behalf of the workers.

3. FLA Comments: The Chinese constitution guarantees Freedom of Association; however, the Trade Union Act prevents the establishment of trade unions independent of the sole official trade union – the All-China Federation of Trade Unions (ACFTU). According to the International Labor Organization (ILO), many provisions of the Trade Union Act are contrary to the fundamental principles of freedom of association, including the non-recognition of the right to strike. As a consequence, all factories in China fall short of the ILO standards on the right to organize and bargain collectively. Recently, however, the government has introduced new regulations that could improve the functioning of the labor relations' mechanisms. The Amended Trade Union Act of October 2001 stipulates that union committees have to be democratically elected at members' assemblies and trade unions must be accountable to their members. The trade union has the responsibility to consult with management on key issues of importance to their members and to sign collective agreements. It also grants the trade union an enhanced role in dispute resolution. In December 2003, the Collective Contracts Decree introduced the obligation for representative trade unions and employers to negotiate collective agreements, in contrast to the previous system of non-negotiated administrative agreements.

Local Law or Code Requirement
China Labor Union Law, Article 9 and Article 45; FLA Workplace Code (Freedom of Association Benchmarks FOA.2, FOA.10, and FOA.11)

COMPANY ACTION PLANS

Action Plan no 1.
Description
Develop union committees which should be democratically elected at members' assemblies and trade unions must be accountable to their members.

1. The factories union membership dues consensus after concurrent files notice, inform all employees starting in October 2017, the company will start to collect membership dues from the new union members and old members.
2. If the old members in six consecutive months after October do not pay membership fees, they will be done automatically from the processing of the union.

Planned completion date
03/17/17

Action Plan no 2.

Description
Develop union committees which should be democratically elected at members' assemblies and trade unions must be accountable to their members.

1. Our trade union chairman is elected by the union, and have the legal approved from the higher level trade union guidance and appointment.
2. This is a common phenomenon in China
3. Workers stop working because of unfair treatment is legal in china

1. All the members to join our union is a consent form, the union in the factory and have obvious signs, independent office, and in the local and has a certain influence.
2. Trade union membership is borne by the factory in full at the moment, this is the factory as a worker welfare in the execution, of course, we trade unions and the vast majority of members are willing to accept.

1. The things we've union membership dues consensus after concurrent files notice, inform all employees starting in October 2017, the company will start to the new union members and old members collect membership dues.
2. If the old members in six consecutive months after October not pay membership fees, will be done automatically from the processing of the union.

Planned completion date
03/17/17

FINDING NO.11
SUSTAINABLE IMPROVEMENT REQUIRED

FINDING TYPE: Workplace Conduct & Discipline

Finding Explanation
1. The factory's current disciplinary procedures do not include an appeal process or include workers' right to have a third party witness present during imposition of disciplinary action.

2. The records of disciplinary actions were maintained in a centralized file but not in workers' personnel files.

3. Workers do not sign all written records of disciplinary actions taken against them.

Local Law or Code Requirement
FLA Workplace Code (Employment Relationship Benchmarks ER.2 and ER.27)

COMPANY ACTION PLANS

Action Plan no 1.

Description
Develop a procedure for disciplinary procedures making sure to involve third party witness, placing records in each personnel files and making sure all records are signed.

1. The factory added workers right to have a third party witness present during imposition of disciplinary action.
2. The factory has maintain the disciplinary record in individuals workers' personal files in addition to the centralized log.

**Planned completion date**
03/17/17

**Action Plan no 2.**

**Description**
Develop a procedure for disciplinary procedures making sure to involve third party witness, placing records in each personnel files and making sure all records are signed.

1. added workers right to have a third party witness present during imposition of disciplinary action.
2. Fty rarely happen workers disciplinary actions and even if happens we will teach them on side and keep training afterwards ,so we dont have record written on the workers personnel files

Has put the FLA information update to the individual files at the same time.

**Planned completion date**
03/17/17

**FINDING NO.12**

**IMMEDIATE ACTION REQUIRED**

**FINDING TYPE:** Environmental Protection

**Finding Explanation**
1. The factory stores hazardous waste, such as fluorescent lighting tubes and empty chemical containers, together with non-hazardous waste.

2. The factory does not collect and treat the air emissions from the screen printing process as per Environmental Protection Acceptance Check report.

**Local Law or Code Requirement**
China Law of Prevention and Treatment of Environmental Pollution by Solid Wastes, Article 58; China Law of Prevention and Treatment of Air Pollution, Article 45; FLA Workplace Code (Health, Safety & Environment Benchmark HSE.1)

**Recommendations for Immediate Action**
Ensure hazardous waste is stored at a separate storage area.

**COMPANY ACTION PLANS**

**Action Plan no 1.**

**Description**
Provide proof hazardous waste is stored at a separate storage area.

1. A special hazardous waste storage area has been set up to store fluorescent tubes and related chemicals and other hazardous wastes.
2. An annual inspection of the air emissions in the screen printing process has been developed.

**Planned completion date**
03/17/17

**Action Plan no 2.**

**Description**
1. A special hazardous waste storage area has been set up to store fluorescent tubes and related chemicals and other hazardous wastes.
2. An annual inspection of the air emissions in the screen printing process has been developed.
FINDING NO.13

IMMEDIATE ACTION REQUIRED

FINDING TYPE: Health & Safety

Finding Explanation
1. Cable conduit and lighting switch in the chemical warehouse for the screen printing workshop are not explosion-proof.

2. Screen printing workers do not wear the provided gloves while handling chemicals.

3. The factory does not conduct annual testing on the building’s lightning protection system, as legally required.

4. The factory does not have the Assessment of Current Condition of Occupational Disease Hazards for the factory’s operation, as legally required.

5. The Occupational Disease Hazard Factor test results are not publically available to workers.

6. The factory has not registered either of the two compressed air tanks with the local Special Appliance Quality Safety Monitoring Department. Additionally, the factory does not have the safety inspection report for the compressed air tanks.

7. The factory does not have license for the operator of the air compressor, as legally required.

8. The factory has not established a procedure for canteen management to keep food samples. The factory does not have the Report on Inspection and Acceptance of Completed Construction Project for the single-story dormitory, which is approximately 150 square meters and constructed in 2001.

9. The factory does not conduct ergonomics management for workers by taking steps to reduce repetitive-motion stress or injuries and providing adjustable workstations for sitting workers. The factory does not provide chairs with removable armrests or proper backrests for seated workers, anti-fatigue mats for standing workers, or lifting belts for loading workers.

Local Law or Code Requirement
Regulation for Safety of Dangerous Chemical, Article 20; Law of the China on Work Safety, Article 42; GBT21431-2008 Technical specifications for inspection of lightning protection system in building, Article 6; Provisions on the Supervision and Administration of Occupational Health at Work Sites, Article 20; Special Appliance Quality Safety Monitoring Regulation, Article 25 and Article 38; Standard of Catering and collective meal distribution unit [2005]260, Article 35; Construction Law of the People’s Republic of China, Article 61; FLA Workplace Code (Health, Safety & Environment Benchmarks HSE.1, HSE.2, HSE.4, HSE.8, HSE.13, HSE.17, and HSE. 22)

Recommendations for Immediate Action
1. Install explosion-proof cable conduit and explosion-proof lighting switch in the chemical warehouse.

2. Train screen printing workers on how to properly use and maintain PPE. Regularly monitor for compliance.

3. Ensure the pressure vessels are registered and inspected as per legal requirement.
4. Ensure that pressure vessel operator holds the legally required certificate.

5. Reserve food samples in the canteen for at least 48 hours, as per legal requirement.

6. Provide lifting belts for loading workers and train them on their use.

**COMPANY ACTION PLANS**

**Action Plan no 1.**

**Description**

1. Install explosion-proof cable conduit and explosion-proof lighting switch in the chemical warehouse.
2. Train screen printing workers on how to properly use and maintain PPE. Regularly monitor for compliance.
3. Ensure the pressure vessels are registered and inspected as per legal requirement.
4. Ensure that pressure vessel operator holds the legally required certificate.
5. Reserve food samples in the canteen for at least 48 hours, as per legal requirement.
6. Provide lifting belts for loading workers and train them on their use.

1. They will all be using chemical warehouse cable duct and the dismantled doesn't need the cable and socket, they will be incorporated into the explosion-proof lighting switch control switch.
2. Use the shops early meeting time of all printing workshop workers to communicate the education of normal use of protective equipment including gloves, and arrange security officer for regular routine checks.
3. The factory has hired testing on the buildings lighting protection system, and the test report is provided in the attachment.
4. On March 27 the factory had an operating field present situation of occupational hazards assessment, and issued the evaluation results attached.
5. The occupational disease hazard factor test results are posted on the public announcement bulletin board for all employees and public to review.
6. The two compressed air tanks have a capacity of less than 1 cubic meters, they don't need to enforce safety inspection by the regulation, but have asked the company security officer for a month to check on the surface of tank, at the same time requirements to ensure the effective use period. Additionally they provide the safety training for all loading workers (providing them with lifting belts as well) and arrange the security officer for regularly checks and correct their safe operations as needed.
7. The factory’s free press operators of special equipment operating certificate, failed to timely provide the auditor with present audit day. Certificate attached.
8. The factory has been established the canteen management procedures and demanded that the dining room to save samples of food every day, as well as food samples save the configuration of the cooler.
9. Single-story dormitory building because of some historical reasons caused the factory failed to obtain the completion acceptance report, but has the construction safety inspection by the fire department every year, in the case of by checking to ensure safe factory has used as workers living's storage room. Certificate attached.
10. Have completed the workers to work in March, then the assessment of human body engineering; at that same time will continue to improve within 60 days will be down some relating to the human body engineering seat and table to be modified.

**Planned completion date**

03/17/17

**Action Plan no 2.**

**Description**

1. Dismantled some cable channels and lighting switch which is not in conformity with the requirements in the chemical warehouse.
2. All screen printing workers for the training of labor protection articles, and arrange security officer for regularly check.
3. According to the national laws, less than 1 cubic meters of pressure vessel don't need to be tested periodically, but cannot be used beyond the time limit. Our pressure vessel is not beyond the time limit, it's allow to use.
4. Our pressure vessel has factory certificate.
5. Food samples have been saved in the restaurant according to the requirement for 48 hours.
6. We provide the safety training for all loading workers and arrange the security officer for regularly check and correct their safe operation.

1. We'll all be using chemical warehouse cable duct, and dismantled don't need the cable and socket, will be incorporated into the explosion-proof lighting switch control switch.
2. Use the shop early meeting time all printing workshop workers for the education of normal use of protective equipment including gloves, and timing of inspections in the routine workshop director to correct.
3. On the building lightning protection has hired detection department detection, and the test report.
4. Has been in the March 27 for a factory operating field present situation of occupational hazards assessment, and issue the evaluation results.
5. The recent posted on the bulletin board on the occupational-disease-inductive factors of test result to all employees for public announcement.

6. The two compressed air tank has a capacity of less than 1 cubic meters, don’t need to enforce safety inspection by the regulation, but has asked the company security officer for a month to check on the surface of tank, at the same time requirements to ensure the effective use period.

7. The factory's free press operators of special equipment operating certificate, failed to timely provide the auditor with present audit day.

8. The factory has been established the canteen management procedures and demanded that the dining room to save samples of food every day, as well as food samples save the configuration of the cooler.

9. Single dormitory building because of some historical reasons caused the factory failed to obtain the completion acceptance report, but at present the construction safety inspection by the fire department every year, in the case of by checking to ensure safe factory has used as workers livings storage room.

10. Have completed the workers to work in March, the assessment of human body engineering: At the same time will continue to improve within 60 days will be down some relating to the human body engineering seat and table to be modified.

**Planned completion date**

03/17/17