



FAIR LABOR
ASSOCIATION[®]

INDEPENDENT EXTERNAL ASSESSMENT REPORT



COMPANIES: Dallas Cowboys Merchandising, Ltd.

COUNTRY: Guatemala

ASSESSMENT DATE: 12/08/16

ASSESSOR: Francisco Chicas

PRODUCTS: Apparel

NUMBER OF WORKERS: 182

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

1. The factory does not have written policies for the following Employment Functions: Recruitment, Hiring & Personnel Development, Compensation, Hours of Work, Termination & Retrenchment, Industrial Relations, Workplace Conduct & Discipline, and the Grievance System.
2. The factory does not have written procedures on the following Employment Functions: Recruitment, Hiring & Personnel Development, Compensation, Hours of Work, Termination & Retrenchment, Industrial Relations, Workplace Conduct & Discipline, and the Grievance System.
3. The factory does not have written procedures for Personnel Development that include: a) criteria for promotion, demotion, and job reassignment, demonstrate linkages to job grading, and prohibit discrimination or use of demotion or job reassignment as a form of penalty or punishment; b) encourage the 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, and; c) performance review steps and process, demonstrate linkages to job grading, prohibit discrimination, and provide written feedback to workers. The factory does not have procedures on Retrenchment that: a) include methods of calculating final payouts in accordance with legal requirements; b) require communication and consultation with workers' representatives in cases of retrenchment and before reaching a final decision on a layoff, with the purpose of averting or minimizing its effects; and, c) include a mechanism that allows workers to report any concerns or problems they may experience with regard to legally-owed payments during the retrenchment process.
4. The factory is missing disciplinary procedures; as a result, there is no appeals process or third party witnesses during the imposition of a disciplinary actions.
5. There are no procedures for workers to report health, safety and environmental concerns or environmental emergencies. Neither the Environmental Protection or Health & Safety procedures include protections against retaliation to workers who raise such concerns or allege health, safety or environmental violations.
6. The Environmental Protection policy does not include a commitment to reduce impacts with respect to solid waste and hazardous waste.
7. The factory is missing procedures to protect the reproductive health of female workers.
8. The factory has not developed any emergency procedures, including fire safety procedures.

Local Law or Code Requirement

FLA Workplace Code (Employment Relationship Benchmarks ER.1.1, ER.19.1, ER.23.1, ER.25, ER.27.4, ER.28.1, ER.29.1, ER.30.1, ER.31.1, ER.31.2.4, ER.31.2.5, ER.31.2.6, ER.31.3, ER.32.1, and ER.32.3; Nondiscrimination Benchmark ND.8.1; Health, Safety & Environment Benchmark HSE.5.4)

FINDING NO.2

SUSTAINABLE IMPROVEMENT REQUIRED

FINDING TYPE: Training (Macro)

Finding Explanation

1. The factory does not provide any ongoing training for workers or specific training for the relevant supervisors on the following Employment Functions: Recruitment, Hiring & Personnel Development, Compensation, Hours of Work, Termination & Retrenchment, Industrial Relations, Workplace Conduct & Discipline, Grievance System and Environmental Protection.
2. The factory does not provide any orientation training for new workers; moreover workers do not receive any written information on workplace rules before starting the job.

Local Law or Code Requirement

FLA Workplace Code (Employment Relationship Benchmarks ER.1.2, ER.15.1, ER.15.2, ER.15.3, ER.17.1, ER.17.3, and ER.27.1; Compensation Benchmarks C.17.1, C.17.1.1, C.17.1.2, C.17.1.3, and C.17.1.4)

FINDING NO.3

SUSTAINABLE IMPROVEMENT REQUIRED

FINDING TYPE: Communication & Worker Involvement (Macro)

Finding Explanation

1. As the factory is missing policies and procedures on the following Employment Functions, no communication is provided to workers on these policies or their possible updates: Recruitment, Hiring & Personnel Development, Compensation, Hours of Work, Termination & Retrenchment, Industrial Relations, Workplace Conduct & Discipline, and the Grievance System.
2. There is no communication on the existing documents to manage Environmental Protection. Communication on Health & Safety is only partially provided.
3. The Worker Involvement component is missing across all Employment Functions. This indicates that the factory has not established procedures to request and/or receive workers' input and feedback regarding the creation, implementation, and updating of its policies and procedures. Workers are neither systematically involved nor consulted in the decision-making processes.
4. The factory does not have a system through which workers can submit questions or grievances regarding Compensation and therefore the factory also does not provide protection to workers who allege violations of compensation laws, regulations, or procedures.

Local Law or Code Requirement

FLA Workplace Code (Employment Relationship Benchmarks ER.1.2, ER.16.1, ER.25.1, ER.25.2, ER.27.2, ER.29.1.1, and ER.30.2; Compensation Benchmarks C.8, C.17, and C.19)

FINDING NO.4

SUSTAINABLE IMPROVEMENT REQUIRED

FINDING TYPE: Review Process (Macro)

Finding Explanation

1. As the factory does not have written policies there is no review process or defined review period for the following Employment Functions: Recruitment, Hiring & Personnel Development, Compensation, Hours of Work, Termination & Retrenchment, Industrial Relations, Workplace Conduct & Discipline, and Grievance System. The existing policies on Environmental Protection and Health & Safety policies are not regularly reviewed either.
2. As the factory does not have written procedures, there is no review process or defined review period for the following Employment Functions: Recruitment, Hiring & Personnel Development, Compensation, Hours of Work, Termination & Retrenchment, and Industrial Relations. The existing documents to manage practices on Workplace Conduct & Discipline, Grievance System, Environmental Protection, and Health & Safety are not regularly reviewed either.

Local Law or Code Requirement

FLA Workplace Code (Employment Relationship Benchmarks ER.1.3, ER.29.1.1, ER.30.2, and ER.31.1)

FINDING NO.5

SUSTAINABLE IMPROVEMENT REQUIRED

FINDING TYPE: Responsibility & Accountability (Macro)

Finding Explanation

1. The factory does not define in writing the person(s) accountable for any of the Employment Functions.
2. The factory only informally identifies the person with ultimate responsibility within the factory.

Local Law or Code Requirement

FLA Workplace Code (Employment Relationship Benchmark ER.1)

FINDING NO.6

IMMEDIATE ACTION REQUIRED

FINDING TYPE: Recruitment, Hiring & Personnel Development

Finding Explanation

1. The employment application form asks for information related to the applicant's gender and marital status, which may lead to discrimination during the recruitment process. Although there is no evidence that in practice such information is requested or later used to discriminate, factory management should only collect this data once the applicant has been hired.
2. Based on worker interviews, the factory requires female job applicants to show the results of pregnancy tests during the recruitment process in order to avoid hiring pregnant workers. Furthermore, applicants are responsible for finding a lab to conduct the pregnancy test and pay for the tests. (Note: Female applicants who underwent the pregnancy test with negative results have been hired and reimbursed for the cost of the test.)

Local Law or Code Requirement

FLA Workplace Code (Employment Relationship Benchmarks ER.1.1 and ER.3.2; Nondiscrimination Benchmarks ND.1, ND.2.1, ND.5.1 and ND.5.2)

Recommendations for Immediate Action

1. Discard questions about gender and marital status from the employment application form. Ensure recruitment and hiring decisions are based solely on the qualifications of the applicant. Revise the current Recruitment & Hiring procedures to ensure that information related to worker's gender and marital status is collected only after workers have been hired.
2. Stop the practice of requesting pregnancy tests during recruitment process for female job applicants.

FINDING NO.7

SUSTAINABLE IMPROVEMENT REQUIRED

FINDING TYPE: Recruitment, Hiring & Personnel Development

Finding Explanation

1. The factory does not have any job descriptions for production positions, as required by the FLA Code.
2. The factory does not conduct performance reviews.
3. The factory did not provide documentary evidence regarding promotions or reassignments conducted in the last 12 months. Nevertheless, two out of the 15 workers interviewed mentioned that promotions and reassignments are unfair, not conducted in a transparent way and are never based on performance; rather promotions and reassignments are based on workers' personal relationships with HR and Production managers. Nine of the workers interviewed stated they do not have any idea how promotions are managed and the other four workers stated they were not aware of any promotions.
4. The factory does not provide workers any written outcomes regarding decisions made on promotion, demotion, or job reassignment.

Local Law or Code Requirement

FLA Workplace Code (Employment Relationship Benchmarks ER.29.1, ER. 29.1.1 and ER.30.1.2)

FINDING NO.8

IMMEDIATE ACTION REQUIRED

FINDING TYPE: Compensation

Finding Explanation

1. The factory did not provide documentary evidence (e.g., proof of payment) of compliance with the legal minimum wage. Although the factory management provided assessors with payslips, signed by workers, that showed payments were at the minimum wage, onsite and offsite interviews confirmed that the amounts of money specified in the payslips are not the actual amount workers receive. According to worker interviews, workers actually receive a salary between GTQ 800 and GTQ 900 (USD 106 and USD 119) every two weeks, which falls short of the legal minimum wage. The current monthly legal minimum wage is GTQ 2,534.15 (USD 336).
2. Based on worker interviews, the factory does not calculate and pay workers legal benefits such as the Fourteenth Bonus, Christmas Bonus, and Annual Leave according to the legal requirements. Workers indicated that the payments they had received were lower than legally required. The factory management did not provide assessors with documentation – such as a proof of payment or other records showing the final amounts paid to workers – showing compliance.
3. The factory has not enrolled all workers into the Guatemalan Institute of Social Security (IGSS). Through documentation review and onsite worker interviews, assessors identified seven eligible workers (out of 80) who have not been enrolled in the mandatory social insurance scheme. Moreover, during offsite interviews with former workers, three women who became pregnant while working at the factory, mentioned that for the duration of their employment with the factory, they did not have any social security coverage.
4. The factory has not designated an appropriate room for lactating women to pump and store breast milk, as required by law.
5. The factory does not have a childcare facility on site for workers' children below the age of three. The legal requirement states that a childcare facility is required if there are more than 30 female workers; currently there are 66 female workers (52% of the workforce). The factory had a written agreement with a municipal childcare center, but did not have any other documents demonstrating the implementation of the agreement (e.g., number of workers that have used the municipal childcare, any financial or other type of support provided by the factory).
6. According to worker interviews, over the past 12 months, the factory has experienced some work suspension (on June and July 2016) but the management did not follow the relevant national laws and regulations applicable to work suspension. Approximately 15% of production workers were suspended without notice and did not receive any compensation during this period, although it is required by law. Management did not have any documentation related to work suspension to demonstrate compliance, but admitted that they had some instances of work suspension during 2016.

Local Law or Code Requirement

Annual Bonus Law for employees of the private and public sector, Articles 1 and 2; Guatemalan Labor Code, Articles 70, 103, 152, 153, 154, and 155; Registration Regulations for Employers in the Social Security Regime, Articles 2 and 3; Regulatory Law for Christmas Bonus in the Private Sector, Articles 1 and 2; FLA Workplace Code (Employment Relationship Benchmarks ER.2.1, ER.2.1.1, ER.14, ER.18 and ER.22.1; Nondiscrimination Benchmarks ND.8.1; Hours of Work Benchmark HOW.11, HOW.14, and HOW.19; Compensation Benchmarks C.1, C.2, C.5, C.15, and C.16.1)

Recommendations for Immediate Action

1. Pay workers the legal minimum wage and other legal benefits, as required by law.
2. Retroactively compensate all workers who have not received the full legal minimum wage and other legally required benefits over the past 12 months.
3. Keep accurate payment records that demonstrate compliance with the legal minimum wage and legally required benefits.
4. Cease the practice of asking workers to sign payslips that do not reflect the true salary and benefits amounts that they have received.
5. Ensure that all workers are immediately enrolled in the IGSS, especially pregnant workers.
6. Identify all pregnant production workers and, for those who have not been enrolled in IGSS, pay the cost of medical care to which they are entitled (e.g., prenatal care, childbirth, well-baby care and postpartum care) until they can receive medical care from IGSS.
7. Designate an appropriate room for lactating women to pump and store their breast milk. Communicate to all workers regarding this facility.
8. Consider establishing a childcare facility nearby that is consistent with local regulations. Furthermore, management should also consider creating a mechanism to foster dialogue with industry associations, government institutions, workers' advocacy groups, and other stakeholders to develop strategies to comply with this regulation.
9. Engage with the FLA affiliate for support and assistance to engage with CSOs, private associations from the garment and textile sector, and other companies that are interested in addressing childcare needs at factories.
10. Compensate workers who were suspended between June and July 2016 for owed backpay.

FINDING NO.9

IMMEDIATE ACTION REQUIRED

FINDING TYPE: Hours of Work

Finding Explanation

1. The factory has an individual and electronic time tracking system; nevertheless, this system is not accurate and does not provide authentic and reliable information. Some specific situations noted by assessors were the following: (a) Workers might have more than

one starting time and more than one ending time. For example, records showed that some workers clocked in at 7:57:20 am, but also at 7:58:46 am. When situations like this occur, management manually manipulates the system to delete one of the duplicate times. Management explained that workers sometimes punch in or out twice when they are unsure that the system registered their entry or exit; and (b) On November 11, five different workers clocked in at 7:56:46, took a lunch break from 12:06:49 to 1:30:12, and clocked out at 5:30:07. However, because there is only one time tracking machine, it is impossible for two or more workers to have exactly the same times for clock-in or -out.

2. Through onsite and offsite interviews, workers confirmed that sometimes they worked overtime until 7:00 pm, but the factory does not pay the legally defined premium rate (of 50%) for overtime. Management said workers have not worked overtime for many months. As the time tracking system is not reliable, it is not possible to determine whether workers have actually worked overtime.

3. The current working hours recording system does not identify pregnant or lactating women as required by the FLA Code. (Note: While worker interviews revealed no excessive hours of work beyond legal limits for this group of workers, the absence of a tracking system poses risk of noncompliance.)

Local Law or Code Requirement

Guatemalan Labor Code, Articles 121 and 123; FLA Workplace Code (Employment Relationship Benchmarks ER.2.1, ER.2.1.1, and ER.23.2; Hours of Work Benchmark HOW.5; Compensation Benchmarks C.7 and C.7.1)

Recommendations for Immediate Action

1. Keep accurate and reliable hours of working records that demonstrate compliance with legal requirements and the FLA Code as it relates to working hours and overtime.
2. Compensate workers for all overtime hours worked, according to the legal provisions.

FINDING NO.10

IMMEDIATE ACTION REQUIRED

FINDING TYPE: Termination & Retrenchment

Finding Explanation

Management is inconsistent in the way it manages different types of terminations and how it calculates payouts. The factory manages all terminations as voluntary resignations. Management explained that they have not had instances of termination with or without cause over the past 12 months. However, assessors identified three cases of voluntary resignations in which workers issued a resignation letter and the factory issued severance payments (for amounts of GTQ 15,000, GTQ 12,000 and GTQ 8,500 (USD 1,991, USD 1,593 and USD 1,128 respectively), although, according to the law, workers who resign their jobs are not entitled to severance payment.

Also, according to off-site interviews with former workers who were terminated by the company, some received severance and termination payouts, while others did not. One worker mentioned that she reached a settlement with the factory after she filed a lawsuit with the Ministry of Labor due to her illegal dismissal without severance payment. The factory could not explain the criteria to determine who is entitled to termination payouts or how termination payouts are calculated. Due to the inconsistency of payments, it is possible that other workers have also settled with the factory after disputes over termination.

Local Law or Code Requirement

Guatemalan Labor Code, Articles 78, 80, 83, 86, and 87; FLA Workplace Code (Employment Relationship Benchmarks ER.2.1, ER.19.1 and ER.32.1; Compensation Benchmark C.1)

Recommendations for Immediate Action

Pay all termination payouts to which workers are entitled, following all applicable laws and regulations regarding termination.

FINDING NO.11

IMMEDIATE ACTION REQUIRED

FINDING TYPE: Workplace Conduct & Discipline

Finding Explanation

1. The factory does not keep complete records of disciplinary actions. From a review of workers' personal files, the factory issued some verbal warnings for tardiness, but by factory management's own admission, records of other disciplinary actions have not been maintained.
2. Onsite and offsite interviews with current and former factory workers revealed that supervisor in charge of sewing production Lines 2

and 3 is verbally abusive, as he yells at and insults workers.

3. The factory does not have a punitive system for managers, supervisors or workers who engage in any physical, sexual, psychological, and/or verbal abuse.

4. The factory has not informed workers that any form of harassment and abuse in the workplace will be subject to disciplinary measures. There is also no evidence that supervisors have been instructed not to use any form of harassment or abuse in the workplace.

Local Law or Code Requirement

Guatemalan Labor Code, Article 61 section c); FLA Workplace Code (Employment Relationship Benchmarks ER.2.1, ER.16.1.1, ER.17.2 and ER.27.2.2; Harassment or Abuse Benchmarks H/A.1, H/A.5 and H/A.11)

Recommendations for Immediate Action

1. Ensure the workplace is free from any form of abuse, including verbal abuse, especially on sewing production Lines 2 and 3. Consider the imposition of disciplinary actions on the supervisor who commits verbal abuse and take measures to protect workers from any form of retaliation.

2. Create a punitive system for any manager, supervisor, or worker who engages in any form of physical, sexual, psychological, or verbal abuse. Train managers, supervisors, and workers on the system.

FINDING NO.12

SUSTAINABLE IMPROVEMENT REQUIRED

FINDING TYPE: Grievance System

Finding Explanation

1. The factory does not have a confidential grievance channel that is effective; the only suggestion box is located in the Sewing Department in plain sight of workers and supervisors. The box also does not have instructions for workers on how to submit their suggestions or grievances. Finally, workers outside of the Sewing Department (approximately 35% of the total workforce) do not have access to any confidential grievance channel, as there are no suggestion boxes available to them.

2. The factory does not have any documentation showing that it reviews grievances and suggestions, takes appropriate actions, or communicates resolutions to the workers.

Local Law or Code Requirement

FLA Workplace Code (Employment Relationship Benchmarks ER.2, ER.25.2 and ER.25.3)

FINDING NO.13

IMMEDIATE ACTION REQUIRED

FINDING TYPE: Environmental Protection

Finding Explanation

1. The factory does not have a system to respond to environmental emergencies such as chemical spills or gas leaks.

2. The hazardous waste container at the clinic does not have a lid and as a result exposes hazardous waste (pathogenic agents).

3. There is no designated hazardous waste area to temporarily store hazardous waste prior to its disposal. Currently, the factory uses the chemical storage room to store hazardous waste, without separating hazardous waste from the chemicals.

Local Law or Code Requirement

Occupational Health and Safety Regulations, Governmental Agreement No. 229-2014, Art. 213 and 216; FLA Workplace Code (Employment Relationship Benchmark ER.31; Health, Safety & Environment Benchmark HSE.1, HSE.5, and HSE.9)

Recommendations for Immediate Action

1. Equip waste container at the clinic with a lid, to prevent contamination.

2. Designate an appropriate area to store hazardous waste prior to its final disposal.

FINDING NO.14

IMMEDIATE ACTION REQUIRED

FINDING TYPE: Health & Safety

Finding Explanation

1. In the chemical warehouse, chemical containers have a secondary containment system; however, there is nothing installed to prevent underground discharge through the floor.
2. There is no eyewash station or supplies for spills (e.g., sand or special rags) available in the chemical warehouse.
3. In the stain removal area, one chemical container had the wrong label; it was a stain removal cleaner, but the label said it was disinfectant. Another chemical container (stain removal cleaner) was missing a label and does not specify the name of the chemical.
4. In the stain removal area, Personal Protective Equipment (PPE) is not maintained as required by the data sheet; the mask with filter, glasses, and gloves were inside a plastic bag, which is not an appropriate or safe means of storing PPE. The factory management did not know how frequently the mask filters needed to be changed. There was no documentation showing that the filters had been changed.
5. In the stain removal area, one cleaner chemical was missing a Material Safety Data Sheet (MSDS).
6. In the stain removal area, the instructions for the eyewash stations are in English and not in the local language (Spanish).
7. In addition to a general lack of cleanliness in the boiler room (it was dusty), the factory does not provide the PPE prescribed by the MSDSs for handling chemicals used in this area. Furthermore, the boiler room does not have equipment for spillage, such as sand or special rags, readily available.

Local Law or Code Requirement

Occupational Health and Safety Regulations, Governmental Agreement No. 229-2014, Art. 7(a), 7(b), 7(d), and 259; FLA Workplace Code (Health, Safety & Environment Benchmarks HSE.1, HSE.2, HSE.6, HSE.7, HSE.9.1, HSE.9.1.1 and HSE.10.1)

Recommendations for Immediate Action

1. Equip the chemical warehouse with floor protection, an eyewash station and anti-spillage supplies.
2. Properly label all chemical containers with all legally required information, in the local language.
3. Keep all MSDSs of chemicals at the relevant storing or production areas where chemicals are stored or used.
4. Designate an appropriate and safe place to store PPE in the stain-removal area. Maintain PPE in accordance with the equipment specifications sheet.
5. Ensure that instructions for the eyewash stations are in the workers' local language.
6. Ensure that the boiler room is equipped with the appropriate PPE for the chemicals used in this area in addition to equipment for chemical spillage.

FINDING NO.15

IMMEDIATE ACTION REQUIRED

FINDING TYPE: Health & Safety

Finding Explanation

1. The factory is missing an Occupational Health and Safety Plan signed by an accredited doctor registered with the Ministry of Labor, as legally required.
2. The factory nurse does not investigate accidents, as mandated by law.
3. The factory could not demonstrate that physical conditions at the factory are safe, as the assessments on noise, illumination, thermal comfort and dust in the air have not been conducted by an accredited or a certified third-party. Additionally, the assessments do not describe the scope and methodology used, the specific locations where sample measurements were taken, or the criteria for the sampling method. Finally, the equipment used to perform these assessment was calibrated in 2014, while the assessments took place in 2016.
4. There is no evidence that an accredited or certified company has conducted regular maintenance on the boiler or compressors.
5. The internal risk assessment does not include workers performing maintenance and cleaning activities or the risk of falling for packing workers when unloading and moving boxes of finished goods, from one floor to the other, using a ramp.
6. The factory has not conducted an ergonomic risk assessment, as legally required; as a result, the factory has not taken any proactive steps to reduce repetitive-motion stress injuries, for example ergonomic training (including training workers on proper lifting techniques), ergonomic breaks, or adjusting individual workstations and seats to fit workers.

Local Law or Code Requirement

Occupational Health and Safety Regulations, Governmental Agreement No. 229-2014, Art. 4(a), 17, 79, 87, 167, 267, 268, 269, 302, and 434; FLA Workplace Code (Health, Safety & Environment Benchmarks HSE.1, HSE.2, HSE.13, HSE.17.1 and HSE.17.2)

Recommendations for Immediate Action

1. Commission a certified service provider responsible for providing regular maintenance to the boiler and compressor.
2. Cease unloading and moving boxes of finished goods between floors with the ramp until a risk assessment has been performed.

FINDING NO.16

IMMEDIATE ACTION REQUIRED

FINDING TYPE: Health & Safety

Finding Explanation

1. One sewing operator in the Sewing Department was unaware of how to activate the emergency alarm button, indicating that training on emergency procedures has not been effective.
2. In the Sewing Department, one of the two available alarms did not sound when tested.
3. One evacuation map in the Packing Department was obstructed by Christmas decorations.
4. The factory does not have sufficient equipment for managing fires and first aid needs. There is no firefighting Personal Protective Equipment (PPE, e.g., coats, boots, gloves or pants) that fire brigade members can use in case of fire. There are also no mobile stretchers available on the production floor to provide basic first aid to injured workers who are immobilized.
5. The factory stores flammable material (pieces of cardboard) next to one of the compressors in the compressor room, which is prohibited by law. Furthermore, an unnecessary piece of fabric is hung close to the compressor, which increases the risk of fire, as it is flammable.

Local Law or Code Requirement

Occupational Health and Safety Regulations, Governmental Agreement No. 229-2014, Art. 4(d), 26, 138, 140, and 523(c); FLA Workplace Code (Health, Safety & Environment Benchmarks HSE.1, HSE.5.1, HSE.5.2, HSE.5.3, HSE.6.1 and HSE.13)

Recommendations for Immediate Action

1. Provide effective training to all workers on basic emergency procedures, and ensure all workers are able to activate the alarm button.
2. Ensure that all alarms are functional at all times.
3. Ensure the evacuation maps in the Packing Department are in view and not obstructed.
4. Equip firefighting brigade with the appropriate firefighting PPE. Equip the facility with mobile stretchers on each floor of the building.
5. Remove the pieces of cardboard and the fabric curtain from the compressor room. Ensure compressor room remains free of flammable materials.

FINDING NO.17

IMMEDIATE ACTION REQUIRED

FINDING TYPE: Health & Safety

Finding Explanation

1. There is a general lack of cleanliness in the factory, its machinery, and electrical system, as there is an excessive amount of lint and dust throughout the facilities.
2. Four sewing machines do not have needle guards to protect fingers from needle injuries.
3. Four sewing machine operators do not use the needle guard.
4. The factory has not implemented a lockout-tagout (LOTO) procedure for machinery maintenance.
5. There is a cistern in place, but the factory does not treat it as a confined space; therefore there is no safety procedure implemented when maintenance is conducted on the cistern.
6. The floor on many aisles throughout the factory is uneven, without any warning signs indicating the risk of falling.
7. The factory does not conduct tests on the drinking water to determine if the water is safe for human consumption, as legally required.
8. There is no means for workers to dry their hands in either the male or female bathrooms.
9. Although the factory provides loading workers with lifting belts, the factory does not train workers on proper lifting techniques.
10. The lamp above the stain-removal workstation is unsafely installed with cords, which poses a risk of injury.
11. The lighting system in the factory is not safe, as all ceiling lamps lack any protection to prevent potential broken glass from falling.
12. One electrical panel in the Transfer Warehouse Room was blocked by a table.

Local Law or Code Requirement

Occupational Health and Safety Regulations, Governmental Agreement No. 229-2014, Art. 5(a), 17, 18, 143, 231, 274, 280, 282, 286, and 437; FLA Workplace Code (Health, Safety & Environment Benchmarks HSE.1, HSE.7, HSE.13, HSE.14.1, HSE.17, HSE.19 and HSE.23.1)

Recommendations for Immediate Action

1. Improve cleanliness of all areas – including the machinery, electrical system, and the boiler room area – by removing the excess lint and dust.
2. Equip all sewing machines with the appropriate machine guards and regularly monitor the sewing machine operators' use of guards.
3. Implement a lockout-tagout procedure for maintenance.
4. Designate the cistern as a confined space and develop a comprehensive safety program protect the cistern's maintenance staff.
5. Eliminate uneven floors in the different production and administrative areas.
6. Test the drinking water to determine if it is safe for human consumption.

7. Train all workers who lift weight on proper lifting techniques.
8. Repair the lamp in the stain-removal work area.
9. Install protection mechanism on all ceiling lamps throughout the factory to reduce the risk of injury of falling broken glass.
10. Ensure that all electrical panels are unblocked at all times, including those in the Transfer Warehouse Room.