



COMPANIES: PVH Corp
COUNTRY: Tunisia
ASSESSMENT DATE: 06/15/16
ASSESSOR: FLA EMEA
PRODUCTS: Apparel
NUMBER OF WORKERS: 550

FLA Comments

The PVH Corporation ended their affiliation with the Fair Labor Association in February 2020. Therefore, there will be no further updates to the Company Action Plans plans contained in this report.

Due to this disaffiliation PVH Corporation is no longer listed on the Fair Labor Association Website, however, their Independent External Assessment reports can still be found at: <https://www.fairlabor.org/transparency/workplace-monitoring-reports>

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: Communication & Worker Involvement (Macro)

Finding Explanation

1. The worker integration component is missing for all Employment Functions. The factory has not established procedures for receiving worker input/feedback on the creation, implementation, and revision of its policies and procedures. Workers are neither systematically integrated nor consulted in the decision-making process.

Local Law or Code Requirement

FLA Workplace Code (Employment Relationship Benchmarks ER.1, ER.16, ER.29, and ER.30)

COMPANY ACTION PLANS

Action Plan no 1.

Description

Immediate action: The factory will reinforce the feedback from the workers, via the legally required consultative committee, H&S committee (both with elected workers representatives) and from the union members.

Sustainable action: The factory will arrange periodic meetings with worker representatives in order to evaluate the feedback mechanism available to workers.

FINDING NO.2

SUSTAINABLE IMPROVEMENT REQUIRED

FINDING TYPE: Review Process (Macro)

Finding Explanation

1. The factory does not have a review system in place for policies and procedures for any of the Employment Functions; however, most of the policies and procedures were created recently (3 months ago) so there has not yet been a reason to review them.

COMPANY ACTION PLANS

Action Plan no 1.

Description

Immediate Action: The factory will implement a review system for all its procedures and policies. The review process shall take into account feedback received from workers, shareholders and external parties, including third party audits

Sustainable action: External evaluation of the review system will be conducted monthly.

FINDING NO.3

SUSTAINABLE IMPROVEMENT REQUIRED

FINDING TYPE: Health & Safety

Finding Explanation

1. The factory provides clean drinking water for its employees, however, especially during the summer the workers do not usually drink it because the water is too hot. This issue was not included in the risk assessment.
2. One first aid kit (out of 14 placed throughout the factory) is missing at least one component.
3. There is no sink in the factory's Health Clinic.
4. There is no soap in the one bathroom in the sewing area of one of the buildings.
5. The factory's doctor only visits once per month; according to local law, a factory of this size should have a doctor on-site 23 hours or 4 times per month. Moreover, the doctor completes all visits at the end of the year to avoid suspension.
6. Besides the facility doctor, there is also private doctor who comes to the factory and provides training to the workers on PPE, blood illnesses, and Health & Safety; however, this training is not provided to all workers.
7. The factory doctor's visit dates are not known by the workers and not posted anywhere.
8. The factory has not implemented a mechanism/program to identify, evaluate, and control employee exposure to physically demanding work, such as manual handling, heavy lifting, highly repetitive tasks, and other physically demanding jobs in order to prevent work-related injuries.
9. The factory has not performed a risk assessment for one of the three factory buildings.

Local Law or Code Requirement

Tunisian Law, Decree No:68-328 (22 October 1968), Chapter 5, Tunisian Law, Decree n° 2000-1985 of September 12th 2000, Chapter 1, Article 5 & Chapter 4, Article 30; Tunisian Labour Code, Article 152-2 Master Collective Agreement, Article 46; FLA Workplace Code (Health, Safety & Environment Benchmarks HSE.2, HSE.6.1, HSE.18, HSE.19, and HSE.23.1.1)

COMPANY ACTION PLANS

Action Plan no 1.

Description

Immediate Action: The factory will install at least one refrigerated water fountain in each site.

Sustainable Action: The factory will improve both the Health and Safety checklists and trainings for the H&S manager.

Action Plan no 2.

Description

Immediate Action: The factory will implement a system whereby first-aid kits are inspected. Inspection logs will be kept to ensure monitoring has been completed.

Sustainable Action: The factory will improve both the Health and Safety checklists and trainings for the H&S manager.

Action Plan no 3.

Description

Immediate Action: The factory will install a sink in the factory's Health Clinic.

Sustainable Action: The factory will improve both the Health and Safety checklists and trainings for the H&S manager.

Action Plan no 4.

Description

Immediate Action: The factory will provide soap for all bathrooms and has instituted a new procedure whereby bathrooms are routinely checked to ensure that all bathrooms are stocked with soap.

Sustainable Action: The factory will improve both the Health and Safety checklists and trainings for the H&S manager.

Company Action Plan Update

Pending PVH Verification.

Action Plan no 5.

Description

Immediate Action: The factory will review the labor medicine schedule and request monthly visits.

Sustainable Action: The factory will improve both the Health and Safety checklists and trainings for the H&S manager.

Action Plan no 6.

Description

Immediate Action: As the training provided by the private doctor is ongoing, workers will continue to be trained on other health and safety issues. For example, all employees were trained on pathogens transmitted by blood.

Sustainable Action: The factory will improve both the Health and Safety checklists and trainings for the H&S manager.

Action Plan no 7.

Description

Immediate Action: As the doctor will now come on a weekly basis the dates workers will be aware of the date in advance.

Sustainable Action: The factory will improve both the Health and Safety checklists and trainings for the H&S manager.

Action Plan no 8.

Description

Immediate Action: The factory will ask the labor medicine and facility's doctor to implement a mechanism to identify, evaluate, and control employee exposure to physically demanding work, such as manual handling, heavy lifting, highly repetitive tasks, and other physically demanding jobs in order to prevent work-related injuries. This is typically part of the ergonomic training provided to the workers.

Sustainable Action: The factory will improve both the Health and Safety checklists and trainings for the H&S manager.

Action Plan no 9.

Description

Immediate Action: The factory will request a risk assessment for the remaining building.

Sustainable Action: The factory will improve both the Health and Safety checklists and trainings for the H&S manager.

FINDING NO.4

SUSTAINABLE IMPROVEMENT REQUIRED

FINDING TYPE: Health & Safety

Finding Explanation

1. The thermal comfort measurements were performed in November, which doesn't accurately represent the factory's working conditions since it is approximately 45 degrees C outside during the summer.

2. The factory has not provided standing workers, such as those in the quality control section and the ironing section, with anti-fatigue mats which should be used to reduce fatigue caused by standing for long periods on a hard surface.

Local Law or Code Requirement

Tunisian Law, Decree No: 68-328 of October 22nd, 1968, Chapter 5, Article 11; Tunisian Labor Code, Article 152-2 and 46; FLA Workplace Code (Health, Safety & Environment Benchmarks HSE.1, HSE.17 and HSE.7)

COMPANY ACTION PLANS

Action Plan no 1.

Description

Immediate Action: The factory will perform the temperature assessment in August 2016 (the hottest month in Tunisia).

Sustainable Action: The facility will conduct health and safety self-assessment to ensure compliance with the relevant standards.

Action Plan no 2.

Description

Immediate Action: The factory will provide anti-fatigue mats to all relevant employees.

Sustainable Action: The facility will conduct health and safety self-assessment to ensure compliance with the relevant standards.

Company Action Plan Update

Pending PVH Verification.

FINDING NO.5

IMMEDIATE ACTION REQUIRED

FINDING TYPE: Health & Safety

Finding Explanation

1. The 5 kg powder fire extinguisher installed in a warehouse is not the correct size and volume for an area with high fire risk.

2. The arrows on the floor in one evacuation aisle located in a sewing area are difficult to see and lead away from the emergency exit.

3. Several exit doors have thresholds which pose a fall-risk in case of an emergency.

4. There are iron bars for hanging garments in one of the sewing areas on which workers could hit their heads during an evacuation.

5. The factory does not have the legally required fire safety permit.

Local Law or Code Requirement

Tunisian Law No: 2009-11 of March 2nd 2009, Article 3; Law No: 2009-11 of March 2nd 2009, Article 4; Law No: 2009-11 of March 2nd 2009, Article 6; Tunisian Labor Code, Article 152-2 and 46; FLA Workplace Code (Health, Safety & Environment Benchmarks HSE.1, HSE.4, HSE.6.1, and HSE.5.1)

Recommendations for Immediate Action

1. Install more fire extinguishers or a higher-capacity (50 kg) fire extinguisher in this warehouse.
2. Renew and invert the arrows in the evacuation aisles so that they are easily visible and lead to the current emergency exit.
3. Remove thresholds and obstacles from exit doors and install "push bar systems" where necessary.
4. Remove any obstacles, such as the iron bars in the sewing section.
5. Obtain a fire safety permit as legally required.

COMPANY ACTION PLANS

Action Plan no 1.

Description

Immediate Action: The factory will install more extinguishers or a higher capacity fire extinguisher in this warehouse.

Sustainable Action: The factory will improve both the Health and Safety checklists and trainings for the H&S manager.

Company Action Plan Update

Pending PVH Verification.

Action Plan no 2.

Description

Immediate Action: The factory will redraw and invert the arrows in the evacuation aisles so that they are easily visible and lead to the current emergency exit.

Sustainable Action: The factory will improve both the Health and Safety checklists and trainings for the H&S manager.

Company Action Plan Update

Pending PVH Verification.

Action Plan no 3.

Description

Immediate Action: The factory will remove the thresholds and obstacles from the exit doors and install a "push bar system" where necessary.

Sustainable Action: The factory will improve both the Health and Safety checklists and trainings for the H&S manager.

Company Action Plan Update

Pending PVH Verification.

Action Plan no 4.

Description

Immediate Action: The factory will remove any items which may cause injury to workers in the sewing section, including the iron bars for hanging garments.

Sustainable Action: The factory will improve both the Health and Safety checklists and trainings for the H&S manager.

Company Action Plan Update

Pending PVH Verification.

Action Plan no 5.

Description

Immediate Action: The factory will obtain a fire safety permit as legally required. The process to attain a fire safety permit can take more than two years. The factory has currently completed all security plans required for the permit and is conducting a fire risk assessment analysis which is 50% completed to obtain a risk classification from the Ministry of Industry. This is the first step in obtaining the required safety permit.

Sustainable Action: The factory will improve both the Health and Safety checklists and trainings for the H&S manager.

FINDING NO.6

IMMEDIATE ACTION REQUIRED

FINDING TYPE: Health & Safety

Finding Explanation

1. There are no protection barriers on a high shelf in one of the warehouses from which goods could fall, posing a risk to workers.
2. In one of the warehouses there is a ladder without a barrier to protect workers from falls.

Local Law or Code Requirement

Tunisian Labour Code, Articles 152-2, 46; FLA Workplace Code (Health, Safety & Environment Benchmark HSE.14)

Recommendations for Immediate Action

1. Install protection barriers on all high shelves which pose a fall-risk.
2. Install protection barriers on all ladders.

COMPANY ACTION PLANS

Action Plan no 1.

Description

Immediate Action: The factory will install protection barriers on all shelves where there is a high-risk of goods falling and injuring workers.

Sustainable Action: The factory will improve both the Health and Safety checklists and trainings for the H&S manager.

Action Plan no 2.

Description

Immediate Action: The factory will install protection barriers on all ladders.

Sustainable Action: The factory will improve both the Health and Safety checklists and trainings for the H&S manager.

FINDING NO.7

IMMEDIATE ACTION REQUIRED

FINDING TYPE: Environmental Protection

Finding Explanation

1. The factory has not conducted an internal or external environmental risk assessment to evaluate the environmental impact of its sites and processes. Under Tunisian law, clothing factories are not required to conduct environmental risk assessments; they only have to sign an official environmental commitment and file it with the National Environmental Protection Agency. The factory has not yet signed this document.
2. Oil-contaminated water from the dryer and compressor is directly discharged to the outside environment.

Local Law or Code Requirement

Tunisian Law No. 96-41 (10 June 1996) Article 2, Decree N° 97-1102 of 2 June 1997, modified by Decree N° 2001-843 of 10/04/2001; Official Bulletin No. 49 of 18 June 1996 on the Management and Control of the Waste and Disposal; Decree No. 2000-2339 of 10 October 2000; FLA Workplace Code (Employment Relationship Benchmark ER.31; Health, Safety & Environment Benchmark HSE.1)

Recommendations for Immediate Action

1. Conduct an environmental risk assessment and sign/file the required government documents.
2. Dispose of oil-contaminated water properly.

COMPANY ACTION PLANS

Action Plan no 1.

Description

Immediate Action: The factory will conduct an environmental risk assessment as part of the company's classification process and will file the appropriate documentation with the ANPE.

Sustainable Action: The factory will conduct an environmental self-assessment to ensure compliance with all relevant environmental requirements

Action Plan no 2.

Description

Immediate Action: The factory will install a second containment chamber under the compressor and when filled, will be disposed of in a service station. The disposal will be logged to ensure compliance.

Company Action Plan Update

Pending Verification from PVH.

FINDING NO.8

SUSTAINABLE IMPROVEMENT REQUIRED

FINDING TYPE: Grievance System

Finding Explanation

1. Because the factory does not provide workers with specific training on the Grievance System, during the assessment 28 out of 35 workers interviewed did not fully understand the Grievance System. They did not know how to use the suggestion box or how to communicate with supervisors and administration.

2. One of the seven complaint and suggestion boxes is installed in a visible place instead of in a location that would ensure confidentiality, such as a dressing room or restroom.

Local Law or Code Requirement

FLA Workplace Code (Employment Relationship Benchmarks ER.1 and ER.25.3)

COMPANY ACTION PLANS

Action Plan no 1.

Description

Immediate Action: The factory will provide periodic training the grievance procedures to all employees.

Sustainable Action: The factory will evaluate the grievance training to ensure that the grievance mechanism as explained is understood by the workers.

Action Plan no 2.

Description

Immediate Action: The grievance box which is located in a visible place will be moved to one of the restrooms to ensure confidentiality.

Sustainable Action: The factory will evaluate the grievance training to ensure that the grievance mechanism as explained is understood by the workers

Company Action Plan Update

Pending Verification from PVH.

FINDING NO.9

SUSTAINABLE IMPROVEMENT REQUIRED

FINDING TYPE: Workplace Conduct & Discipline

Finding Explanation

1. The factory does not provide new workers a copy of the workplace rules during orientation, however, they are posted on display boards.

Local Law or Code Requirement

FLA Workplace Code (Employment Relationship Benchmark ER.15)

COMPANY ACTION PLANS

Action Plan no 1.

Description

Immediate Action: The factory will provide all existing and new workers a copy of the IRR during orientation.

Sustainable Action: The factory will include a summary of the IRR in the welcome leaflet. Additionally, all employees and new hires will be provided with a copy of this leaflet and a log will be maintained to confirm receipt of these documents.

FINDING NO.10

SUSTAINABLE IMPROVEMENT REQUIRED

FINDING TYPE: Termination & Retrenchment

Finding Explanation

1. The factory has policies and procedures on Termination but not Retrenchment.

Local Law or Code Requirement

FLA Workplace Code (Employment Relationship Benchmarks ER.1, ER.16, and ER.32)

COMPANY ACTION PLANS

Action Plan no 1.

Description

Immediate Action: The factory will roll-out and inform all relevant workers of the retrenchment procedures.

Sustainable Action: The factory will provide periodic trainings to workers on the retrenchment procedure.

FINDING NO.11

SUSTAINABLE IMPROVEMENT REQUIRED

FINDING TYPE: Compensation

Finding Explanation

1. The factory does communicate its Compensation policies, procedures, and possible updates to the general workforce; however, during the assessment 60% of the workers interviewed had a hard time understanding the details of their monthly payslips.
2. Pay slips are in French, not Arabic (the language most workers speak). There is no translation posted anywhere.

Local Law or Code Requirement

FLA Workplace Code (Employment Relationship Benchmark ER.16.1; Compensation Benchmarks C.1 and C.17.1)

COMPANY ACTION PLANS

Action Plan no 1.

Description

Immediate Action: The factory will explain the details of the pay slip items to workers on a monthly basis to ensure that workers understand all pay slip components.

Sustainable Action: The details of the pay slip will be added to the welcome leaflet which will be provided to all employees.

Action Plan no 2.

Description

Immediate Action: The factory will ensure that a pay slip in Arabic is posted for workers reference.

Company Action Plan Update

Pending PVH Verification.

FINDING NO.12

IMMEDIATE ACTION REQUIRED

FINDING TYPE: Compensation

Finding Explanation

1. The factory does not provide lactating workers one paid hour daily to breastfeed their children. At the time of the assessment, there were 12 lactating women working at the factory.
2. The working hours records do not identify lactating workers.

Local Law or Code Requirement

Tunisian Labour Law, Article 64.b; FLA Workplace Code (Hours of Work Benchmarks HOW.5; Non-Discrimination Benchmark ND.8.1)

Recommendations for Immediate Action

1. Provide lactating workers one paid hour daily so that they can breastfeed their children.
2. Properly identify all lactating workers in the working hours records.

COMPANY ACTION PLANS

Action Plan no 1.

Description

Immediate Action: The factory will provide lactating workers one paid hour daily so that they may breastfeed their children.

Sustainable Action: The factory will implement an HR system to identify, communicate and relay all relevant information and benefits to lactating women.

Action Plan no 2.

Description

Immediate Action: The factory will work to properly identify all lactating workers in the working hours records.

Sustainable Action: The factory will implement an HR system to identify, communicate and relay all relevant information and benefits to lactating women.

FINDING NO.13

IMMEDIATE ACTION REQUIRED

FINDING TYPE: Compensation

Finding Explanation

1. The factory employs 8 apprentices who are paid less than the national minimum legal wage (338 TND (151.94 USD)). The apprentices' contracts are for 2 years (four 6-month periods). They are paid 30, 40, 50, and 60% of the minimum wage respectively for every period (e.g. 100 TND (44.95 USD) during the first 6 months, 135 TND (60.69 USD) during the second 6 months, etc.). This is allowed under Tunisian law.

Local Law or Code Requirement

FLA Workplace Code (Employment Relationship Benchmark ER.13.1; Compensation Benchmark C.3)

Recommendations for Immediate Action

1. Pay all apprentices the legal minimum wage.

COMPANY ACTION PLANS

Action Plan no 1.

Description

Immediate Action: The factory will ensure that all 8 apprentices are paid a full legal minimum salary starting in August 2016.

FINDING NO.14

IMMEDIATE ACTION REQUIRED

FINDING TYPE: Compensation

Finding Explanation

1. The factory employs 8 apprentices who are paid less than the national minimum legal wage (338 TND (151.94 USD)). The apprentices' contracts are for 2 years (four 6-month periods). They are paid 30, 40, 50, and 60% of the minimum wage respectively for every period (e.g. 100 TND (44.95 USD) during the first 6 months, 135 TND (60.69 USD) during the second 6 months, etc.). This is allowed under Tunisian law.

Local Law or Code Requirement

FLA Workplace Code (Employment Relationship Benchmark ER.13.1; Compensation Benchmark C.3)

Recommendations for Immediate Action

1. Pay all apprentices the legal minimum wage.

FINDING NO.15

SUSTAINABLE IMPROVEMENT REQUIRED

FINDING TYPE: Recruitment, Hiring & Personnel Development

Finding Explanation

1. The factory only has prepared job descriptions for management and administrative positions. There are no job descriptions available for factory floor workers when new personnel are hired.
2. The factory does not employ any disabled workers. Local law requires that if a factory has more than 100 employees, disabled workers must make up at least 1% of its staff.

Local Law or Code Requirement

Tunisian Labour Law, Article 15-5, 81-46 (29 May 1981) completed by Law No: 89-52 (14 March 1989); FLA Workplace Code (Employment Relationship Benchmarks ER.1.1 and ER.14)

COMPANY ACTION PLANS

Action Plan no 1.

Description

Immediate Action: The factory will draft job descriptions for factory floor workers.

Sustainable Action: The factory will implement a review system for job descriptions to ensure that all positions have up-to-date job descriptions.

Action Plan no 2.

Description

Immediate Action: The factory will officially request that the national employment agency provide the factory with at least 5 disabled employees and will maintain the records for its correspondence with the agency.

Sustainable Action: The factory will work to on-board the requisite number of disabled workers to comply with legal requirements.

FINDING NO.16

SUSTAINABLE IMPROVEMENT REQUIRED

FINDING TYPE: Recruitment, Hiring & Personnel Development

Finding Explanation

1. The factory has a policy for a performance review system that complies with legal requirements, however, it does not demonstrate linkages to job grading, prohibit discrimination, or provide written feedback.

Local Law or Code Requirement

FLA Workplace Code (Employment Relationship Benchmark ER.29)

COMPANY ACTION PLANS

Action Plan no 1.

Description

Immediate Action: The factory will work with the elected workers' representatives and union members to better explain the grading system used to determine the end of year bonus. Additionally, a form for written feedback on the grading system has been implemented and will be explained to workers before the payment of the end of year bonus. Factory management will also explain

how the grading system works to ensure that no discrimination has taken place.

Sustainable Action: The grievance procedure will be modified in order to include feedback from workers on their grading.

FINDING NO.17

SUSTAINABLE IMPROVEMENT REQUIRED

FINDING TYPE: Training (Macro)

Finding Explanation

1. The factory does not provide any orientation training to workers regarding Recruitment, Hiring & Personnel Development, Compensation, Hours of Work, Industrial Relations, Grievance System, Workplace Conduct & Discipline, Termination & Retrenchment, and Environmental Protection. According to worker interviews, only basic skill training is provided during the hiring process.

2. The factory conducts ongoing training, but not systematically. A new worker may have to wait several months before being trained.

3. The factory does not provide workers with written documentation of the issues covered in the orientation training. Workers only receive a copy of their contract, which includes some information regarding Compensation, Hours of Work, Termination & Retrenchment, and Workplace Conduct & Discipline.

Local Law or Code Requirement

Tunisian Labour Law (30.04.1966), Article 66-27; FLA Workplace Code (Employment Relationship Benchmarks ER.1 and ER.15)

COMPANY ACTION PLANS

Action Plan no 1.

Description

Immediate Action: The factory will reinforce orientation training which will include information on the topics mentioned in the FLA finding. Additionally, the factory will ensure that a signed log for these trainings is maintained.

Sustainable Action: The factory will draft a welcome leaflet which will contain information on all issues covered in the orientation training. These leaflets will be explained and provided to all employees and new hires. Receipt of these leaflets will be confirmed through use to a signed log.

Action Plan no 2.

Description

Immediate Action: New employees will receive training on the hiring day. A log will be maintained to ensure appropriate documentation of such training. Additionally, the factory will provide the new employees with a copy of the IRR.

Sustainable Action: The factory will draft a welcome leaflet which will contain information on all issues covered in the orientation training. These leaflets will be explained and provided to all employees, new hires. Receipt of these leaflets will be confirmed through use to a signed log.

Action Plan no 3.

Description

Immediate Action: The factory will provide all employees with a copy of the IRR.

Sustainable Action: The factory will draft a welcome leaflet which will contain information on all issues covered in the orientation training. These leaflets will be explained and provided to all employees, new hires. Receipt of these leaflets will be confirmed through use to a signed log.

FINDING NO.18

SUSTAINABLE IMPROVEMENT REQUIRED

FINDING TYPE: Compensation

Finding Explanation

1. The factory does not have a breastfeeding room, although local law requires factories to provide one regardless of the number of female workers. At the time of the assessment, there were 12 lactating women working in the factory.

Local Law or Code Requirement

Tunisian Law, Article 64; FLA Workplace Code (Non-Discrimination Benchmark ND.8.1)

COMPANY ACTION PLANS

Action Plan no 1.

Description

Factory Structure 1

Details

Immediate Action: Factory management will establish a breastfeeding room, equipped with chairs and a sink and will inform all relevant workers of this option.

Sustainable Action: The factory will implement an HR system to communicate all relevant information and benefits relevant to lactating women.

Company Action Plan Update

Pending Verification by PVH.