



COMPANIES: PVH Corp
COUNTRY: Guatemala
ASSESSMENT DATE: 01/23/19
ASSESSOR: Elevate
PRODUCTS: Apparel
NUMBER OF WORKERS:

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

IMMEDIATE ACTION REQUIRED

FINDING TYPE: Recruitment, Hiring & Personnel Development

Finding Explanation

1. The factory's job application forms for all positions include questions regarding the applicant's age, gender, and marital status. Although there is no evidence that such information is requested for discriminatory purposes, this practice poses a risk of discrimination. [ER.3, ND.2]

Local Law or Code Requirement

FLA Workplace Code (Employment Relationship Benchmark ER.3; Non-Discrimination Benchmark ND.2)

Recommendations for Immediate Action

1. Remove questions about age, gender, and marital status from the job application forms to ensure that Recruitment & Hiring decisions are based solely on an applicant's qualifications. Revise the current Recruitment & Hiring procedures to ensure that information related to workers' age, gender, and marital status is collected only after workers have been hired.

COMPANY ACTION PLANS

Action Plan no 1.

Description

.

Planned completion date

02/25/19

Company Action Plan Update

Remediated: The management updated the job application form, and the new template does not include questions related to gender, age and marital status of applicants.

FINDING NO.2

IMMEDIATE ACTION REQUIRED

FINDING TYPE: Hours of Work

Finding Explanation

1. Assessors reviewed a sample of 15 time records and pay slips from August 12 - 18, 2018 and found 13 cases in which production workers from the sewing department worked more than 60 hours per week, with a maximum of 67.5 hours per week. During worker interviews, workers confirmed that they could refuse overtime. [HOW.1, HOW.8]

Local Law or Code Requirement

FLA Workplace Code (Hours of Work Benchmarks HOW.1 and HOW.8)

Recommendations for Immediate Action

1. Do not allow working hours to exceed 60 hours per week.

COMPANY ACTION PLANS

Action Plan no 1.

Description

.

Planned completion date

02/25/19

Company Action Plan Update

Remediated: Assessor reviewed a sample of time records corresponding to the first bi-weekly period of March 2019, and no instances of work exceeding 60 hours per week were found. Workers confirmed during interviews that they are not performing too much overtime hours.

FINDING NO.3

IMMEDIATE ACTION REQUIRED

FINDING TYPE: Workplace Conduct & Discipline

Finding Explanation

1. The factory conducts body searches on all workers whenever they enter or leave the premises. The searches are undertaken on a daily basis rather than when there is a legitimate reason to do so, and factory management has not documented the workers' consent since 2016. [H/A.10]

Local Law or Code Requirement

FLA Workplace Code (Harassment or Abuse Benchmark H/A.10)

Recommendations for Immediate Action

1. Cease the practice of conducting intrusive body searches on workers on a daily basis. Body searches and physical pat downs shall only be undertaken when there is a legitimate reason to do so and with the consent of workers, unless a state official with the power to do so (e.g. police officer) has ordered the search.

COMPANY ACTION PLANS

Action Plan no 1.

Description

Quit the pat down practice.

Planned completion date

02/25/19

Company Action Plan Update

Not remediated: Management has provided training to the four guards that conduct the pat-downs (two male guards and two female guards). The last training was provided on April 23, 2019, and previous to it, another training was provided to all same four guards on January 11, 2019. The assessor reviewed training material, pictures, and list of attendees. PVH will work with the factory

to ensure the pat-downs are only conducted when there is a legitimate reason.

FINDING NO.4

IMMEDIATE ACTION REQUIRED

FINDING TYPE: Health & Safety

Finding Explanation

1. There is no alarm activation lever in the fabric warehouse. The nearest lever is located two rooms away, between the cutting area and sewing area. [HSE.5]
2. There are no fire extinguishers in the fabric warehouse or the canteen. [HSE.1, HSE.6]
3. The evacuation aisles in the sewing area are partially obstructed by benches holding products. [HSE.1, HSE.5]

Local Law or Code Requirement

Artículos 24 y 130 del Reglamento de Salud y Seguridad Ocupacional AG 229-2014; FLA Workplace Code (Health, Safety & Environment Benchmarks HSE.1, HSE.5, and HSE.6]

Recommendations for Immediate Action

1. Install alarm activation levers in all areas throughout the factory, including the fabric warehouse.
2. Provide fire extinguishers in the fabric warehouse and the canteen. Train supervisors and workers to identify missing firefighting equipment and report it immediately.
3. Remove the obstructions from the evacuation aisles in the sewing area. Monitor the area to ensure that evacuation aisles remain clear at all times.

COMPANY ACTION PLANS

Action Plan no 1.

Description

.

Planned completion date

02/25/19

Company Action Plan Update

1. Remediated: There is alarm activation lever and horn at the fabric warehouse. It was corroborated during the factory walkthrough.
2. Remediated: During the factory walkthrough, the assessor verified that fabric warehouse and canteen are equipped with fire extinguishers.
3. Remediated: During the different times the assessor walked through the sewing production lines, no aisle was seen blocked.

FINDING NO.5

IMMEDIATE ACTION REQUIRED

FINDING TYPE: Health & Safety

Finding Explanation

1. The factory does not have an effective system for controlling dust accumulation. There is a lot of dust on the walls, equipment, signposts, and personnel. This poses a health risk to the workers. [HSE.1, HSE.13, HSE.19]
2. The first aid kits do not contain red bags for the disposal of biohazard waste. [HSE.1, HSE.6, HSE.18]

3. Assessors observed one out of 20 female workers wearing open-toe shoes in areas where closed-toe shoes are required. [HSE.8]
4. There is no medical staff on duty during working hours. [HSE.1, HSE.18]
5. The ventilation systems are not adequate to maintain a safe temperature on the work floor. This was confirmed during interviews with production workers. [HSE.1, HSE.13]

Local Law or Code Requirement

Artículos 169, 172, 302, y 304 del Reglamento de Salud y Seguridad Ocupacional AG 229-2014; FLA Workplace Code (Health, Safety & Environment Benchmarks HSE.1, HSE.6, HSE.8, HSE.13, HSE.18, and HSE.19)

Recommendations for Immediate Action

1. Regularly clean the workplaces to prevent the buildup of dust. Establish and implement a system to control dust accumulation.
2. Stock all first aid kits with red biohazard waste disposal bags.
3. Train workers on the importance of wearing closed-toe shoes in areas where they are required. Monitor to ensure compliance.
4. Hire the appropriate medical staff and ensure that they are present during all working hours
5. Install a ventilation system that is capable of keeping the working areas at a safe temperature.

COMPANY ACTION PLANS

Action Plan no 1.

Description

Some employees were still found to be working with open shoes.

Planned completion date

03/25/19

Company Action Plan Update

1. Remediated: Since March 2019, the factory is conducting daily cleaning activities at production areas, performed by designated staff in charge of vacuum the dust. The factory keeps logs of the daily cleaning at the different production areas, and workers confirmed the cleaning activities during interviews. During the factory walkthrough, the assessor did not notice excessive levels of dust at equipment, machinery, walls, or on workers' body.

2. Remediated: From a review of a sample of three first aid kits the assessor noted that all of them contain red bags for the disposal of biohazard waste.

3. Not remediated: Policy prohibiting the use of open shoes has been posted on different prominent areas of production floor. Assessor communicated with three female workers who were found wearing open shoes. Workers confirmed during the interviews that they have been communicated the policy on the type of shoes to wear at the factory and they wear open-toe shoes due to preference.

4. Remediated: There is a doctor present at the factory during the factory's regular hours of work. Assessor corroborated this during the factory walkthrough. He was hired by the factory on March 04, 2019, according to the employment contract reviewed by the assessor. Interviewed workers confirmed his presence at the factory.

SUSTAINABLE IMPROVEMENT REQUIRED

FINDING TYPE: Termination & Retrenchment

Finding Explanation

1. The orientation training provided to new workers does not cover Termination & Retrenchment. [ER.1, ER.15]

Local Law or Code Requirement

FLA Workplace Code (Employment Relationship Benchmarks ER.1 and ER.15)

COMPANY ACTION PLANS

Action Plan no 1.

Description

Include information about termination and retrenchment on the induction training.

Company Action Plan Update

Partially remediated: Assessor reviewed the training material used during orientation training for new workers, it does not cover termination and retrenchment. PVH will work with the factory to ensure that orientation training will comprehensively cover retrenchment and termination policies and written documentation of the training content is maintained.

FINDING NO.7

SUSTAINABLE IMPROVEMENT REQUIRED

FINDING TYPE: Industrial Relations

Finding Explanation

1. The factory does not provide ongoing training to workers on Industrial Relations. [ER.1, ER.15]

Local Law or Code Requirement

FLA Workplace Code (Employment Relationship Benchmarks ER.1 and ER.15)

COMPANY ACTION PLANS

Action Plan no 1.

Description

.

Company Action Plan Update

Remediated: Assessor reviewed documentary evidence of training provided to workers on Jan 31 and Feb 01, 2019. The training sessions lasted 30 minutes and were held by the Factory's Compliance Officer. A total of 530 workers were trained, which is the 100% of the workforce. Groups were organized by work areas or production lines. Topics delivered referred to the topics on PVH and other clients Code of Conduct, including freedom of association and collective bargaining, and grievance system. According to the factory's annual training plan, next refresh training on these same topics will be delivered in July 2019. The management keeps list of attendees, pictures of training activities, and training material. Previous training was performed in July 2018, and it covered 100% of total workforce either.