

The factual information set forth on the Tracking Charts was submitted to the FLA by each Independent External Monitor and Participating Company and reviewed by FLA staff. It is being made available to the public pursuant to the FLA Charter in order to strengthen the monitoring process. The FLA Charter provides for regular public disclosure of the factual results of independent monitoring and the resulting specific actions taken by Participating Companies.

What is a Tracking Chart?

Compliance is a process, not an event. A Tracking Chart outlines the process involved in FLA independent external monitoring and remediation. It is used by the accredited independent external monitor, the participating company and the FLA staff to do the following:

- **Record Findings:** The independent external monitor uses the Tracking Chart to report noncompliance with FLA Code standards. The monitor should also cite the specific Code benchmark or national/local law that was used to measure compliance.
- **Report on Remediation:** The FLA participating company uses the Tracking Chart to report on the remediation program that was implemented in order to resolve the noncompliance and prevent any future violations.
- **Evaluate Progress:** The FLA uses the Tracking Chart for purposes of collecting and analyzing information on the compliance situation of a particular factory and for publication on our website. This information is updated on an ongoing basis.

What a Tracking Chart is NOT -

- An exhaustive assessment of factory conditions

Working conditions - in any type of workplace - are dynamic. Each Tracking Chart represents a survey of the factory's conditions on a specific day. Over time, a fuller picture emerges as we compile information from various sources to track the compliance progress of a factory.

- A pass or fail evaluation

The Tracking Charts do not certify whether or not factories are in compliance with the FLA Code. Monitoring is a measurement tool. The discovery of noncompliance issues is therefore not an indication that the participating company should withdraw from a factory. Instead, the results of monitoring visits are used to prioritize capacity building activities that will lead to sustainable improvements in the factory's working conditions.

- A one-time event

Each monitoring visit is followed by a remediation program, further monitoring and remediation in an ongoing process. The Tracking Charts are updated accordingly.

Note on Language

Please be advised that because FLA independent external monitors are locally-based and English is generally not their native language, the language presented may at times appear unclear to a reader who is a native English speaker. In order to preserve the integrity of the transparency process and the information we receive, our policy is to publish the original text from the monitor and participating company. However, the reader will note that we have taken the precaution to remove any identifying information about the factory that was monitored or the workers interviewed.

For example, in cases where monitors and/or participating companies have cited the actual number of workers in reference to a noncompliance issue, in order to protect the workers' identities, we have replaced the numbers with generic wording in brackets (i.e. "[some]", "[worker interviews revealed that]", etc.).

We do not disclose the name of the factory that was monitored in order to ensure that the FLA's efforts to encourage and reward transparency do not have detrimental consequences for the factory and the workers.

Instructions for Printing

The information contained in the Tracking Charts is organized by columns and rows in a table format. Due to the number and width of the columns, the charts have been formatted for legal size (8.5 x 14in.) paper. To print the charts, please make sure to select "legal" size paper from Print properties.

FLA Monitoring Visit Profile	
Country	Thailand
Factory name	20074131B
IEM	Kenan Institute Asia
Date of audit	September 23-24, 2003
Days in the facility	2
PC(s)	Eddie Bauer
Number of workers	300
Product(s)	Jeans / Skirts/ Jacket
Production processes	Cutting, Sewing, Buttoning, Ironing, Finishing, and Packing

FLA Code/ Compliance issue	Legal Reference	FLA Benchmark	Findings			PC Internal audit findings	Remediation				Updates	
			Monitor's Findings	Documentation	Best Practice		PC remediation plan	Target Completion	Factory Response	PC follow up	Documentation	Factory Response
1. Code Awareness												
Code posting/information		FLA Principles of Monitoring, Obligations of Companies: Establish and articulate clear, written workplace standards. Formally convey those standards to Company factories as well as to licensees, contractors and suppliers.	There is no information and code posting in the factory.	None		EB poster distributed and posted. Eddie Bauer Asia onsite audit conducted on 11-24-2003.	Post EB Code of Conduct.	11/24/03	Resolved	Resolved	Resolved	Completed
Worker/management awareness of Code		FLA Principles of Monitoring, Obligations of Companies: Ensure that all Company factories as well as contractors and suppliers inform their employees about the workplace standards orally and through the posting of standards in a prominent place (in the local languages spoken by employees and managers) and undertake other efforts to educate employees about the standards on a regular basis.	Management presented a knowledge of the code. However all of workers had no awareness of the elements of the code.	None		Workers interviews indicated certain level of awareness.	Workers training on code awareness.	2/24/03	On-going training with documentation.	Eddie Bauer to conduct follow up visit to verify completion.	Training manuals in preparation.	On-going
Confidential non-compliance reporting channel		FLA Principles of Monitoring, Obligations of Companies: Develop a secure communications channel, in a manner appropriate to the culture and situation, to enable Company employees and employees of contractors and suppliers to report to the Company on non-compliance with the workplace standards, with security that they shall not be punished or prejudiced for doing so.	There is no communication channel for the workers to report non-compliance issues to the Company.	None		Workers interviews revealed knowledge of reporting any non-compliance issues to supervisors/management.	Establish formal communications channel/suggestion box.	2/24/03	Policies/procedures for complaint channel in progress.	Eddie Bauer to conduct follow up visit to verify completion.	Written policies/procedures in progress.	Policies/procedures to be formalized.
Other			There is no orientation or training about code of conduct provided to the workers.	None		Workers interviews revealed informal orientation at the time of hire.	Establish formal orientation program for new hires.	2/24/03	Orientation for new workers to occur with proper documentation.	Eddie Bauer to conduct follow up visit to verify completion.	Orientation materials in progress.	Orientation materials in preparation.
2. Forced Labor												
There will not be any use of forced labor, whether in the form of prison labor, indentured labor, bonded labor or otherwise												
Employment Records	Labor Protection Act B.E. 2541: Chapter 9, Section 113: The register of employees' register shall contain at least the following particulars: 1) Name and family name 2) sex 3) nationality 4) date of birth or age 5) present address 6) date of commencement of employment 7) position or duty 8) wage or other remuneration which the employer agrees to pay the employees 9) date of termination of employment If it is necessary t change in any particulars of the employees' register, the employer shall amend such register completely within fifteen days from the date of such change or within fifteen days from the date the employee informs the employer of any changes.	Employers will maintain sufficient hiring and employment records to demonstrate and verify compliance with this Code provision	Some of employee records do not comply with the applicable legislation.	No written evidence (The factory did not allow us to make copies of any document).	N/A							
Recruitment Contracts		There can be no employment terms (including contracts, recruitment arrangements, or any other instruments) which specify that employees can be confined or be subjected to restrictions on freedom of movement; allow employers to hold wages already earned; provide for penalties resulting in paying back wages already earned; or, in any way punish workers for terminating employment. (It is acceptable to provide bonuses to workers who stay for a term of contract and meet reasonable conditions, such as regular attendance, punctuality, good quality, etc	Some of employment contracts have no signature of company representative and some do not have complete terms and conditions.	Worker interviews	N/A							

FLA Code/ Compliance issue	Legal Reference	FLA Benchmark	Findings				Remediation				Updates
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3. Child Labor											
No person will be employed at an age younger than 15 (or 14 where the law of the country of manufacture allows) or younger than the age for completing compulsory education in the country of manufacture where such age is higher than 15.											
Age Documentation		Employers will maintain proof of age documentation for all workers, such as a birth certificate, which verifies date of birth.	Some personnel files are missing identification age proof and some employment applications are not consistent with the ID.	No written evidence (The factory did not allow copies of any documents).	N/A	Personnel files reviewed did not indicate non-compliance issues / Eddie Bauer Asia onsite audit 11-24-2003.					
4. Harassment or Abuse											
Every employee will be treated with respect and dignity. No employee will be subject to any physical, sexual, psychological or verbal harassment of abuse.											
Training of Management in Disciplinary Practices		Employers will provide training to managers and supervisors in appropriate disciplinary practices	Some workers were informed by their supervisors that they will be fined if late more than 30 minutes.	worker interviews	N/A	Workers interviews did not indicate fines incurred for tardiness; factory policy is in line with FLA code.					
Verbal abuse		Employers will prohibit screaming, threatening, or demeaning verbal language	Workers stated that some of supervisors use demeaning and threatening verbal language.	Worker interview	N/A	No such reports from workers interviews / Eddie Bauer Asia onsite audit 11-24-2003.					
Monetary Fines and Penalties		Employers will not use monetary fines and penalties for poor performance	Some workers reported that the factory uses monetary fines and a one hour leave policy as a penalty for tardiness.	Worker interview	N/A	No such reports from workers interviews / Eddie Bauer Asia onsite audit 11-24-2004.					
Other	The Labor Protection Act B.E. 2541, Chapter 2, Section 32; The employee shall be entitled to take sick-leave for such days as the employee is actually ill. If sick-leave is taken for three or more working days, the employer may require that the employee produce a medical certificate from a first class modern physician or from a government clinic. If the employee cannot produce a medical certificate from a first class modern physician or from a government clinic, the employee shall give an explanation to the employer.		Workers stated that they must present a medical certificate after only one day of sick leave.	Worker interview	N/A	EBI HK does not consider this as a violation to code.					
5. Nondiscrimination											
No person will be subject to any discrimination in employment, including hiring, salary, benefits, advancement, discipline, termination or											
Hiring Discrimination Practices		Employment decisions will be made solely on the basis of education, training, demonstrated skills or abilities. All employment decisions will be subject to this provision. They include: hiring, job assignment, wages, bonuses, allowances, and other forms of compensation, promotion, discipline, assignment of work, termination of employment, provision of retirement.	No information provided	No information provided	N/A	Management interview indicated non-discriminatory hiring practices / Eddie Bauer Asia onsite audit 11-24-2003.					
Pregnancy Testing		Employers will not use pregnancy tests or the use of contraception as a condition of hiring or of continued employment. Employers will not require pregnancy testing of female employees, except as required by national law.	Some workers stated that they are encouraged not to get pregnant during the probation period.	Worker interview	N/A	No such reports from workers interviews; pregnant workers viewed on work floor / Eddie Bauer Asia onsite audit 11-24-2003.					
Pregnancy Discrimination		Information arising from pregnancy testing undertaken voluntarily will not be used as a factor in involuntarily reassigning, firing or making any other employment decision that disadvantages a pregnant woman	Some worker was instructed to submit a medical certificate stating pregnancy status during her application process.	Worker interview	N/A	No such reports from workers interviews; no evidence of medical certificate regarding pregnancy status found / Eddie Bauer onsite audit 11-24-2003.					

FLA Code/ Compliance issue	Findings						Remediation					Updates
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6. Health and Safety												
Employers will provide a safe and healthy working environment to prevent accidents and injury to health arising out of, linked with, or occurring in the course of work or as a result of the operation of employer facilities												
Fire Safety Health and Safety legal compliance	Notifications of Ministry of Interior, RE: Safety at Work Related to Fire Prevention and Protection of Workplace for Employee's Safety.	Employer will comply with applicable health and safety laws and regulations. In any case where laws and code of conduct are contradictory, the higher standards will apply. The factory will possess all legally required permits	Instruction of fire extinguisher is not presented in local language (presented in English). Fire extinguisher is not inspected adequately as per Thai law. The fire extinguisher is inspected only 1 time in this year from January to September, meanwhile Thai law states that fire extinguisher shall be inspected every six months. The factory doesn't inspect fire alarm regularly. The inspection record of fire alarm was not demonstrated as required.	Inspection tag for fire extinguisher.	NA	Fire extinguishers were in good working conditions.	Inspection of fire extinguishers to be done twice a year as per Thai law. Inspection tag to be posted.	6-15-2004 (inspection next due).	Inspection of fire extinguishers to be done twice a year as per Thai law. Inspection tag to be posted.	Eddie Bauer to conduct follow up visit to verify completion.	Inspection tag	
Document Maintenance/ Accessibility	Notifications of Ministry of Interior, Notification of Ministry of Interior, Re: Safety at Work in Work related to hazardous Chemicals	All documents required to be available to workers and management by applicable laws (such as policies, MSDS, etc.) shall be made available in the prescribed manner and in the local language or language spoken by majority of the workers if different from the local language	There is no MSDS for spot cleaning reagent used in the factory.	NA	NA	MSDS reviewed / Eddie Bauer Asia onsite audit 11-24-2003.		Resolved	Resolved		MSDS	
Evacuation Procedure	Notifications of Ministry of Interior, RE: Safety at Work Related to Fire Prevention and Protection of Workplace for Employee's Safety.	All applicable legally required or recommended elements of safe evacuation (such as posting of evacuation plans, unblocked aisles/exits, employee education, evacuation procedures, etc.) shall be complied with and workers shall be trained in proper safety, first aid, and evacuation procedures	The evacuation map is presented in English (not presented in local language). In ironing department, the aisle that is defined as escape route by painting with double yellow lines and red directional arrow - in between these two yellow lines is used for placing of permanent ironing workstations.	Posted evaluation map	NA	All evacuation plans viewed were in Thai language with clear and legible directions / Eddie Bauer Asia onsite audit 11-24-2003.						
Safety Equipment	Notifications of Ministry of Interior, RE: Safety at Work Related to Fire Prevention and Protection of Workplace for Employee's Safety.	All safety and medical equipment (such as fire fighting equipment, first aid kits, etc.) shall be in place, maintained as prescribed and accessible to the employees	Some fire extinguishers in ironing department is inaccessible because of blocking by material and carts. Some emergency lighting in ironing department is out of order.	NA	NA	All fire extinguishers viewed were accessible. Emergency lights tested were in working order / Eddie Bauer onsite audit 11-24-2003.						
PPE	Notification of Ministry of Interior, RE: Labor Protection, Notifications of Ministry of Interior, Notification of Ministry of Interior, Re: Safety at Work in Work related to hazardous Chemicals	Workers shall wear appropriate protective equipment (such as gloves, eye protection, hearing protection, respiratory protection, etc.) to prevent unsafe exposure (such as inhalation or contact with solvent vapors, noise, dust, etc.) to hazardous elements including medical waste.	The workers have to pay for PPE such as cloth mask and apron. Necessary PPE for chemical operator (spot cleaning operator) such as appropriate mask, apron, goggles and gloves is not provided. We did not see the objective evidence during visual inspection.	NA	NA	No reports or evidence of PPE being paid by workers. Other PPE not considered to be necessary for the type of operations viewed / Eddie Bauer HK onsite audit 11-24-2003.						
Chemical Management	Notification of Ministry of Interior, RE: Labor Protection, Notifications of Ministry of Interior, Notification of Ministry of Interior, Re: Safety at Work in Work related to hazardous Chemicals	All chemicals and hazardous substances should be properly labeled and stored in accordance with applicable laws. Workers should receive training, appropriate to their job responsibilities, in the safe use of chemicals and other hazardous substances	There is no MSDS for spot cleaning reagent used in the factory. The chemical labeling on the chemical container (small container of spot cleaning reagent) is presented in Chinese. The chemical operator is not provided annual health examination for chemical hazard exposure assessment (In case the factory utilizes hazardous chemical defined by Thai law).	Visual Inspection	NA	MSDS reviewed / no evidence of factory utilizing hazardous chemical defined by Thai law.						

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Ventilation/Electrical/facility maintenance	Notification of Ministry of Interior, Re: Safety at Work in Work related to Electricity	All ventilation, plumbing, electrical, and lighting services shall be provided and maintained to conform to applicable laws and prevent hazardous conditions to employees in the facility	In the ironing department, the restricted floor area below the electrical box hung against the wall, painted by a red rectangular line, is used for placing of material containers. The electrical switchboard box located next to main stairwell needs repair because the steel cover is not functioning and missing. The rubber insulation of electrical plug of spot removal machine is broken and the copper wire inside is exposed.		Overhead electrical wiring system in rigid electrical conduit . Lighting reflection sheet is installed over the fluorescent lamp. Proper natural and mechanical ventilation and heat insulation in the workplace to maintain comfortable working atmosphere/temperature	Same as FLA findings	Fix electric switchbox and rubber insulation of electric plug.	1/24/04	Fix electric switchbox and rubber insulation of electric plug.	Eddie Bauer to conduct follow up visit to verify completion.		
Machinery Maintenance	Notifications of Ministry of Interior, RE: Safety at Work in Work Related to Radiators. Notifications of Ministry of Interior, RE: Safety at Work in Work Related to Machinery	All production machinery and equipment shall be maintained, properly guarded, and operated in a safe manner	There is no annual safety certification/safety inspection record for boiler. Some sewing machines don't have needle guard and the workers don't use needle guard attached to the sewing machine.	visual Inspection	NA	Missing safety guards for machinery.	Install appropriate safety guards.	1/24/04	Install needle guard and educate workers to utilize them.	Eddie Bauer to conduct follow up visit to verify completion.		
Sanitation in Facilities	Notification of Ministry of Interior, RE: Prescribing Welfare in Connection With Health and Sanitation of Employee	All facilities including factory buildings, toilets, canteens, kitchens, and clinics, shall be kept clean and safe and be in compliance with applicable laws	The toilet sink in male toilet on second floor is broken and the worker can be hurt by shape edge. The factory has not provided physician to temporarily attend and offer medical service in the factory.	NA	NA	Male toilet not viewed	Fix toilet sink.	1/24/04	Fix toilet sink.	Eddie Bauer to conduct follow up visit to verify completion.		
Other	Dept. of Industrial Work's Regulation RE: Hazard Identification, Risk Assessment and Risk Management Plan (B.E. 2543). Notification of Ministry of Labor and Social Welfare, RE: Safety at Work of Employee . Notification of Ministry of Labor and Social Welfare, RE: Occupational Health, Safety and Working Environment Committee . B92	NA	The factory has never conducted a risk assessment as per Notification of Ministry of Industry. The factory doesn't have accident investigation report that presents cause of accident and injury and corrective action to prevent of reoccurrence. The factory safety committee doesn't conduct safety committee meeting as required by local law. There is no minute of meeting to be presented. The workers don't know and recognize who is the member of factory SHE committee and safety officer. The name of factory SHE committee is not notified to the workers.	No written evidence	NA	Same as FLA findings	Document all safety trainings/committee meetings	1/24/04	Document all safety trainings/committee meetings	Eddie Bauer to conduct follow up visit to verify completion.		
7. Freedom of Association and Collective Bargaining												
Employers will recognize and respect the right of employees to freedom of association and collective bargaining												
Compliance to local collective bargaining laws	Labor Protection Act B.E. 2541: Chapter 7, Section 97: The welfare committee in the business establishment shall have the power and duty as follows; 1) to jointly discuss with the employer so as to provide welfare to the employees. 2) to give advice and recommendations to the employer regarding the provision of welfare to the employees. 3) to inspect, control, oversee the provision of welfare that the employer provides for the employees. 4) to give opinions and guidelines in the provision of welfare for the benefit of the employees to the Labor Welfare Committee. Section 98; The employer shall hold meeting the welfare committee in the business establishment at least once every three months, or when requested by more than one half on the total members of the welfare committee or when reasonably requested by the labor union.	Employers will comply with all national and local laws and regulations concerning collective bargaining and free association. Where conflicts are known to exist, employers will use the standard that provides the greatest protection for workers.	There is a welfare committee in the factory but they are not active in the factory. Only a few workers know who the representative is and some representatives no longer work in the factory and there has not been an election for replacement..	Only welfare committee announcement was present but there is no minutes of committee meeting or collective bargaining record.	N/A							

FLA Code/ Compliance issue	Findings						Remediation				Updates	
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Victimization	See the law above. (Chapter 7 , Section 97 and 98)	Employers and employees will honor in good faith, for the term of the agreement the terms of any collective bargaining agreement they sign. Employees shall be able to raise issues regarding CBA compliance by the employer without retaliation	No meeting or collective bargaining were ever presented in this factory.	no documents presented	N/A							
8. Wages and Benefits												
Employers recognize that wages are essential to meeting employees' basic needs. Employers will pay employees, as a base, at least the minimum wage required by local law or the prevailing industry wage, whichever is higher, and will provide legally mandated benefits												
Wage Benefits Awareness		Employers will communicate orally and in writing to all employees in the language of the worker the wages, incentive systems, benefits and bonuses to which all workers are entitled in that company and under the applicable law	The worker were not explained verbally or in writing about the wages and incentive system. The incentive benefit is paid occasionally and there is no policy or company rules explaining the procedures.	Worker interview and no written document presented.		Workers interviewed indicated that wages and benefits policies are verbally communicated / Eddie Bauer Asia onsite audit 11-24-2003.						
Wage and Benefits Posting		All notices that are legally required to be posted in the factory work areas will be posted. All legally required documents, such as copies of legal code or law, will be kept at the factory and available for inspection	There is no wage and benefit posting for clarification.	Visual Inspection		Wage/benefit posting viewed. / EBI HK onsite audit 11-24-2003.						
Deduction for Services/Equipment		Deductions for services to employees will not exceed the cost of the service to the employer. If questioned, employers will demonstrate the reasonableness of these charges	The worker needs to pay for their tools such as scissors and cotton mask.	Worker interview		No such report from workers interviews / management interviews.	Issue written/verbal announcement to clarify that all tools are free of charge.	1/24/04	Issue written/verbal announcement to clarify that all tools are free of charge.	Eddie Bauer to conduct follow up visit to verify completion.		
Legal Compliance for holiday/leave	Labor Protection Act B.E. 2541 (A.D. 1998) Chapter 2, Section 30, states that the employer and employee may agree in advance that the annual vacation be accumulative and postponed and taken together with that of following year.	Workers will be paid for holidays and leave as required by law	Remaining holiday leave are not transferable to the following year and not compensated.	Worker interview		No such report from workers interviews / evidence from documentation reviewed / Eddie Bauer Asia onsite audit 11-24-2004.	Issue written/verbal announcement to clarify policy on holidays/leave.	1/24/04	Issue written/verbal announcement to clarify policy on holidays/leave.	Eddie Bauer to conduct follow up visit to verify completion.		
9. Hours of Work												
Except in extraordinary business circumstances, employees will (i) not be required to work more than the lesser of (a) 48 hours per week and 12 hours overtime or (b) the limits on regular and overtime hours allowed by the law of the country of manufacture or, where the laws of such country will not limit the hours of work, the regular work week in such country plus 12 hours overtime; and (ii) be entitled to at least one day off in every seven day period												
Reasonable Maintaining of Staff		Employer personnel practices will demonstrate an effort to maintain a level of staffing that is reasonable in view of predictable or continuing fluctuations in business demand	The turn over rate since February 2003 is very high.	Turn over rate record exists, but the factory did not allow us to make a copy.	N/A	Judgment on turnover rate is relative. No evidence of unreasonable maintaining of staff was indicated / Eddie Bauer Asia onsite audit 11-24-2003.						
Overtime Limitations	Labor Protection Act. B.E. 2541. Chapter 2, Section 28: The employer shall let the employee have at least one day per week as a weekly holiday and the interval between each weekly holiday shall not be longer than six days. The employer and employee may agree in advance to fix any day as a weekly holiday.	Except in extraordinary business circumstances, employees will (i) not be required to work more than the lesser of (a) 48 hours per week and 12 hours overtime or (b) the limits on regular and overtime hours allowed by the law of the country of manufacture or, where the laws of such country will not limit the hours of work, the regular work week in such country plus 12 hours overtime; and (ii) be entitled to at least one day off in every seven day period. An extraordinary business circumstance is a temporary period of extra work that could not have been anticipated or alleviated by other reasonable efforts	In the time cards of November 2002, December 2002 and September 2003, some of the workers were required to work more than 60 hours/week and over a seven day period.	Time card but the factory did not allow to make a copy.		October 2003 time cards viewed indicated a less than 60-hour workweek / Eddie Bauer Asia onsite audit 11-24-2003.						

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Overtime Explanation		Employers shall be able to provide explanation for all periods when the extraordinary business circumstances exception has been used. Employers shall take reasonable steps to inform workers about the nature and expected duration of the circumstances	The worker was not informed and provided explanation for the extraordinary business circumstances .	N/A	N/A	Same as FLA findings	Inform workers and provide explanation for extraordinary business circumstances with supporting documents	1/24/04	Inform workers and provide explanation for extraordinary business circumstances.	Eddie Bauer to conduct follow up visit to verify completion.	Written policy/procedures in progress.	
10. Overtime Compensation												
In addition to their compensation for regular hours of work, employees will be compensated for overtime hours at such premium rate as is legally required in the country of manufacture or, in those countries where such laws will not exist, at a rate at least equal to their regular hourly compensation rate.				The factory did not allow us to make a photo copy any of document.								
OT Compensation Awareness		Workers shall be informed about overtime compensation rates, by oral and printed means	The worker was not informed nor explained about overtime compensation rates by oral and printed means. Most of them confer with each other to remember the overtime earned.	Worker interview.	N/A	Workers interviewed were aware of OT payment.						
Miscellaneous												