

<b>FLA Audit Profile</b>	
Country	India
Factory name	420032400E
IEM	International Resources for Fairer Trade
Date(s) in facility	August 21 - 22, 2006
PC(s)	Ashworth, Inc.
Number of workers	438
Product(s)	Garments
Production processes	Cutting, Sewing, Embroidery, Finishing, Packing

			IEM Findings					Remediation		Updates	
FLA Code/ Compliance Issue	Country Law/Legal Reference	FLA Benchmark	Noncompliance	Risk of Noncompliance	Evidence of Noncompliance (Uncorroborated)	If Not Corroborated, Explain Why	Sources/ Documentation Used for Corroborating	Notable Features Implemented by Management or Company	PC Remediation Plan	Target Completion Date	Company Follow up (11/19/2007)
<b>1. Code Awareness</b>											
Code Posting/Information		<b>FLA Principle of Monitoring, Obligation of Companies:</b> Establish and articulate clear, written workplace standards. Formally convey those standards to Company factories as well as to licensees, contractors and suppliers.	The Code of Conduct (COC) of Ashworth was provided to the factory management through [Learning Center name]. The code posting was small in size, was posted only in the production areas and was found to be in English and not Kannada, the language spoken by majority of the workers.				Visual Observation Management & worker Interviews		Now the COC has been displayed in big size in both English and Kannada language.	Already been posted	Corrected. Posting large and also in local language.
Worker/Management Awareness of Code		<b>FLA Principle of Monitoring, Obligation of Companies:</b> 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.	The code posting was small in size, was posted only in the production area and was found to be in English and not Kannada, the language spoken by majority of the workers. There was no effort taken by the company to educate employees about the COCs.				Visual Observation Management & worker Interviews		The factory shall hold Awareness Meeting periodically to create awareness amongst the workers about the buyer's COC and the postings of COC in local language will be prominently displayed at various places of work.	By 7/10/2007	Corrected. Posting is large and workers better educated.
Confidential Noncompliance Reporting Channel		<b>FLA Principle of Monitoring, Obligation of Companies:</b> 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 noncompliance with the workplace standards, with security that they shall not be punished or prejudiced for doing so.	There was no secure communication channel established (noncompliance reporting mechanism) by the company for employees to report noncompliance with the workplace standards.				Visual Observation Management & worker Interviews		The factory workers can always approach the supervisors or the Welfare Officer regarding any noncompliance issue, which shall be taken up to the next level for discussion. If the worker needs to maintain secrecy, there are suggestion boxes at several places where the workers can drop their suggestions or grievances to be addressed.	Immediate	Corrected. Suggestion boxes put up. Lady Welfare Officer active.
<b>2. Forced Labor</b>											
There will not be any use of forced labor, whether in the form of prison labor, indentured labor, bonded labor or otherwise.											
<b>3. Child Labor</b>											
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.											
<b>4. Harassment or Abuse</b>											
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.	There was no training given to managers and supervisors with regard to appropriate disciplinary practices.				Record review, management interviews, interviews with supervisors		Managers, Supervisors and Welfare Officers will be given orientation on disciplinary practices in factory on a regular basis. Workers feedback on factory conditions, behavior of fellow workers and superiors also shall be taken periodically to observe proper working environment.	7/15/2007	Not Corrected. No documentary proof for such training present. Management claims daily meetings at the end of the day.
Verbal Abuse		Employers will prohibit screaming, threatening, or demeaning verbal language.		(Confidential Worker Communication) Personnel department, production managers and supervisors, harass the workers.			Confidential worker Communication				No such information given by workers during this visit.
<b>5. Nondiscrimination</b>											
No person will be subject to any discrimination in employment, including hiring, salary, benefits, advancement, discipline, termination or retirement, on the basis of gender, race, religion, age, disability, sexual orientation, nationality, political opinion, or social or ethnic origin.											
Hiring Discrimination Practices		Employment decisions will be made solely on 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.						The factory had a substantial number of women supervisors.			
Other - Lack of Policy				The factory does not have a policy on Non-Discrimination and procedure regarding promotion /increment to workers.			Record Review, Management Interview		We have displayed the Policy of Non Discrimination	7/10/2007	Corrected. Policy is displayed in English and local language.

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<b>6. Health and Safety</b>												
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		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.	The Facility does not have a Fire Permit.					Record Review, Management Interview		We will apply for fire permit at the earliest.	7/15/2007	Not corrected.
Evacuation Procedure	Chapter IV, Section 38 of The Factories Act says that Factories should provide safe means of escape for all persons in the event of a fire.	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.	1) Fire Evacuation Plan posted in the Production areas were small in size and not very visible. 2) The first aid trained personnel had no armbands and were not easy to identify. 3) During the audit it was found that aisles were cluttered and many of the Fire Alarms were blocked by cartons and packaging materials. 4) The emergency exit door was found to be locked, was opening to the inside, and was blocking the emergency exit. Emergency door was leading to a passage with the gate and the gate was found to be locked. 5) The facility was found to be overcrowded. 6) Edges of worktables were protruding into the aisles, resulting in inadequate movement space. 7) The last row of newly recruited tailors had no easy exit.					Visual observation		We have posted the fire evacuation plan, which is visible. For identity of first aid persons, we have given the arm badges indicating first aid trained persons. We have marked the proper aisles; henceforth there will be no blockage. We have made all emergency doors open outside and kept unlocked during working hours. Now all the workstations have been re-aligned and decongested; all the aisles in this area have now been kept cleared without any blockade.	Completed	Corrected. This may be better reviewed during an unannounced visit.
Evacuation Procedure		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 fire drill timings were constant at 3 minutes. In records committee, members who were involved in providing training were not aware of the timing or gave 4-5 minutes as time taken for evacuation.				Record Review, Interview with committee members		Orientation program will be given to employees regarding the fire evacuation.	Completed	Corrected. Time varies by a few seconds. The workers interviewed could relate the exercise.
Safety Equipment		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.	First Aid Box was found to be locked and the Key was with the personnel Department.					Visual Observation Management Interview		First aid boxes have now been kept open.	Implemented	Corrected.
PPE		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.	Even though Management had provided Masks, majority of the workers were found not using the PPE.					Visual Observation Workers Interview Management Interview		Our welfare officer will be educating all the employees on the usage of PPE.	Implemented	Corrected. The workers were using the PPE provided.
Chemical Management		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.	The chemical was stored in a makeshift storage area, which is a bathroom, and this facility was also used by the residing security guards for bathing purposes.					Visual Observation Security Workers Interview Management Interview		Segregated the area for chemical storage.	Completed	Corrected. No chemical stored now, except diesel, which is separately kept.
Machinery Maintenance		All production machinery and equipment shall be maintained, properly guarded, and operated in a safe manner.	The steam boiler unit was unprotected and closed to the work area.					Visual Observation		This boiler area will be covered with the metal mesh, segregated from the other work areas.	7/15/2007	Not corrected.
Sanitation in Facilities		All facilities including factory buildings, toilets, canteens, kitchens, and clinics, shall be kept clean and safe and be in compliance with applicable laws.	All the washrooms had western-style toilets and toilet seats were missing in most of them.					Visual Observation		Provided all the seat covers on these toilets.	Completed	Corrected.
Sanitation in Dining Area		All food preparation shall be prepared, stored, and served in a sanitary manner in accordance with applicable laws. Safe drinking water should be available in each building.	1) The Canteen had insufficient seating facility and many workers were sitting on the floor to have their food. 2) Lot of wastage was found on the terrace above the canteen area.					Visual inspection		1. Seating capacity will be increased over the period. 2. Wastage has been removed and area is kept clean.	7/15/2007; completed of the wastage removal	Corrected. Additional tables added. No waste kept in terrace.
Sanitation in Dormitories		All dormitories shall be kept secure, clean and have safety provisions (such as fire extinguishers, first aid kits, unobstructed emergency exits, emergency lighting etc.). Emergency evacuation drills should also be conducted at least annually.	2 security guards were staying within the factory premises. They were given separate rooms near the canteen area. Emergency evacuation was not conducted for this area.					Visual observation Record Review Worker Interview		Emergency evacuation has now been posted in this area.	Completed	Corrected.
Worker Participation		Workers should be involved in planning for safety, including through worker safety committees.	The Health and Safety Committee was chosen by the Management and not by the workers. The workers strength in the committee was almost non-existent and the workers were not aware of the committee's role and activities.					Record Review, Workers Interview Management Interview, Interview with the committee Members		Now the committee representatives have been elected by the workers from various departments. The strength has been enhanced and orientation has been given to all employees.	7/15/2007	Corrected. Workers adequately represented.

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Other	Factories Act: Crèches to be provided: • In factory where more than 30 women are employed and should have separate clean and maintained room. • Children should be under the charge of trained women.		1) There was no crèche at the facility. 2) The nurse visited the factory premises but management and workers were not aware of the days when she visited.				Visual observation Management interview; Worker interview Management interview		1. Due to constraints of space on ground floor, we are planning to have the same in terrace. 2. The employee strength being less than 500, its not mandatory. Nurse from the ambulance room located in our sister concerned factory visits this unit on call.	Two months; Implemented for the (2).	Not corrected. Nurse's visit awareness created. No crèche provided.
<b>7. Freedom of Association and Collective Bargaining</b>											
Employers will recognize and respect the right of employees to freedom of association and collective bargaining.											
Right to Freely Associate		Workers will have the right to establish and, subject only to the rules of the organization concerned, to join organizations of their own choosing without previous authorization. The right to freedom of association begins at the time that a worker seeks employment, and continues through the course of employment.		Factory does not have a policy on Freedom of Association. During the closing meeting it was noted that Management was not very comfortable with the idea of Freedom of the Association and worker representation. Said that such committee will result in some workers taking the role of the leaders, influencing other workers, thus affecting productivity.			During the record review and worker interview, it was found that workers committees had minimum worker representatives and factory had no policy on Freedom of Association Management Interview		We respect the legal rights of employees to freely and without harassment participate in worker organization of their choice, we have displayed the policy of Freedom of Association.	Completed	Corrected. Right to Associate displayed in English and the local language.
Employer Interference/Elections		Workers' organizations have the right to elect their representatives and conduct their activities without employer interference.	The members for the various workers committees were chosen by the management and not by the workers. The workers representation in these committees was minimal.				Record Review Management Interview Workers Interview with Committee Members		Now, workers are not selected by the management, but they are chosen by the employees. Now we have increased the strength of worker representation in the committees.	Completed	Corrected. Workers nominated by their peers and adequate representation in committees present.
Other - Lack of Worker Awareness			The workers were not aware of the committees, their roles and responsibilities. Majority of the committee members were from the Management side and there was minimum representative from the workers side. The members of the committee were not clear about their roles and responsibilities, the minutes of the meetings were not conveyed to the workers.				Record Review Workers Interview with the management Interview with the committee members		Now we are giving awareness of committees to the employees and the minutes of meeting are conveyed the workers. Now the members of the committee are clear about their roles and responsibilities.	Completed	Corrected. But the awareness among workers still needs to increase.
<b>8. Wages and Benefits</b>											
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 salary was not mentioned in the appointment letters of the new workers and was decided at the end of the month. New employees were not given orientation with regard to the wages and benefits that they are entitled to.			Record Review, Management Interview, Interview with the welfare officer, Worker Interview		The salary will be fixed on the same day of the appointment. On the same day we give the induction with regard to the wages and benefits and other aspects. Also, we give orientation once in a month to the new employees.	Completed	Corrected. All workers appointed with their wages that are fixed at the time of employment.
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.		Supervisor said that the workers received attendance bonus, but during the workers interview, no worker mentioned about the attendance bonus given by the management.			Workers Interview Management interview		We are paying an attendance bonus to all employees in 2 categories. I.e., Rs. 200 for all operators ad Rs. 100 for helpers who attend the full working days during the month.	Immediate	Corrected. It is part of the pay sheet and pay slip issued.
Pay Statement		Employers will provide workers a pay statement each pay period, which will show earned wages, regular and overtime pay, bonuses and all deductions.	Overtime for Sunday work was not mentioned in the pay slip and pay statement. It was given separately by Cash to the workers.				Record Review Management Interview Workers Interview External information gathering		We have computerized pay roll records in which we have all the details pertaining to the employees, which shows all details as per local law.	7/15/2007	Not corrected. Could not be reviewed due to incorrect and incomplete records produced for audit.
Time-recording System		Time worked by all employees, regardless of compensation system, will be documented by time cards or other accurate and reliable recording systems such as electronic swipe cards.	The out time of the security guards (5.30pm) was pre-recorded in the morning.				Record review Worker Interview Management interview		This happened due to oversight, which will be not be repeated henceforth.	Rectified	Not corrected. Could not be reviewed due to incorrect and incomplete records produced for audit.

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Legal Compliance for Holiday/Leave	Factories Act: Weekly Holiday: Worker should have at least 1 whole day of holiday in a working week. Manager of factory can deliver at office of inspector his intention to require workers to work on the weekly off day. The displayed notice to that effect at the factory. No substitution to be made, which will result in any worker working for more than 10 days consecutively without a holiday for a whole day.	Workers will be paid for holidays and leave as required by law.	The factory was working on a Sunday and instead of giving compensatory off, workers were given Overtime wage. The factory had not sought the permission from the concerned authorities for Sunday work.				Record Review Management Interview Workers Interview External information gathering		Henceforth, we will take the permission of concerned authorities for Sunday work.		Not corrected. Could not be reviewed due to incorrect and incomplete records produced for audit.
False Payroll Records		Employers will not use hidden or multiple payroll records in order to hide overtime, to falsely demonstrate hourly wages, or for any other fraudulent reason.	In and out time was not recorded electronically for Sunday work. Instead, it was recorded manually in a separate sheet called OT requisition form. This document was not shown at beginning to auditors. It was only shown after auditors told management that they would prove that factory was open on previous Sunday.				Record Review Management Interview		Henceforth, it will record electronically and practice of manual recording will be stopped.	Implemented	Not corrected. Could not be reviewed due to incorrect and incomplete records produced for audit.
Other - No ESIC Card				(Confidential worker communication) Worker has been working in factory for almost 2 years, and though ESIC deductions have been made worker has not received his ESIC card.			Confidential worker Communication				Corrected. All workers interviewed admitted having received their ESIC cards.
Other								The factory provided subsidized food to its workers.			
<b>9. Hours of Work</b>											
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.											
Overtime Limitations		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.			(Confidential Worker Communication) The Factory had regular overtime and Sunday work; hence, there is a possibility of the OT hours exceeding 12 hours.	There was no proper documentation for Sunday work. Only on auditors' insistence that they had seen factory work on Sunday, sheet for that particular Sunday produced and documents pertaining to earlier Sundays were not given to auditors.	Visual Observation Workers Interview Management Interview external information gathering Confidential Worker Communication				Not corrected. Could not be reviewed due to incorrect and incomplete records produced for audit.
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.	There was no system in place to inform workers about the nature and duration of extra work in case of extraordinary circumstances. The workers were informed about the overtime in the evening, an hour before closing time of the factory.				Management Interview Workers interview		Overtime is voluntary; henceforth, we inform the worker 1 day in advance and nature of jobs will be detailed to them. Also, we have displayed the policy on overtime in English and local language in all work areas.	Implemented	Not corrected. Could not be reviewed due to incorrect and incomplete records produced for audit.
Voluntary OT		Overtime hours worked in excess of code standard will be voluntary.		Though workers mentioned that overtime was not compulsory, there was no system in place that showed that overtime was voluntary.			Management Interview Workers interview record review		Now policy on overtime is being displayed, stating that the overtime work is voluntary.	Implemented	Corrected. Notices displayed that overtime was voluntary. Workers also admitted to it being voluntary.

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<b>10. Overtime Compensation</b>										
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.										
OT Compensation		The factory shall comply with applicable law for premium rates for overtime compensation.	Security guards did not get overtime wage.	(Confidential worker communication) The company pays overtime wages (double rate), but it is not regular. Often, overtime is not paid, saying that the production has not reached the target.			workers interview record review-out timings for some of security guards were found pre-recorded Confidential Worker communication			Not corrected. Could not be reviewed due to incorrect and incomplete records produced for audit.
OT Breaks	Factories Act 1948: The workers should get at least held hour rest after 5 hours of work	Employers will ensure reasonable meal and rest breaks, which, at a minimum, must comply with local laws.	OT starts at 5.30pm and no OT break is given.				Workers Interview Management Interview	Will be implemented.		Not corrected. Could not be reviewed due to incorrect and incomplete records produced for audit.
<b>Miscellaneous</b>										
Illegal Subcontracting			During audit, it was found that Liz Claiborne work was being carried out at the site. When asked, the management said that unit was exclusively doing Ashworth's job, but since Ashworth's order was small, production of other brands were being carried out. They said that buying agent for both companies were aware of this arrangement. There was no COC of Liz Claiborne posted in the factory.				Visual Inspection, Management interviews	If and when there is no sufficient production programme for Ashworth, we undertake work for our other customers.		Corrected. No other buyer's work was being carried on.