



2011

## FAIR LABOR ASSOCIATION INDEPENDENT EXTERNAL MONITORING REPORT

**COMPANY:** H&M Hennes & Mauritz

**COUNTRY:** Turkey

**FACTORY CODE:** 440076171J

**MONITOR:** Level Works

**AUDIT DATE:** December 14, 2011

**PRODUCTS:** Denim

**PROCESSES:** Sewing, Ironing

**NUMBER OF WORKERS:** 71



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**Forced Labor: Other - Forced Labor**

Other

**Noncompliance**

**Explanation:** It is noted that the factory does not take written confirmation of overtime work from workers. Further, as per the disciplinary procedures, the overtime is not voluntary. Article 8.5 mandates verbal warnings such that a worker who refuses overtime shall be warned verbally.

Legal Reference: As per the regulation issued in the official newspaper dated April 6, 2004 describing Turkish Labor Law 4857, Article 63 - Companies will get written confirmation of overtime working from workers annually.

**Plan Of Action:** H&M requires suppliers to follow the relevant regulation regarding overtime work. Written confirmation for overtime work should be taken from each worker and overtime should always be voluntary.

**Deadline Date:** 01/31/2012

**Supplier CAP:** Written confirmation for overtime work was taken from all employees. The above-mentioned article was added to our disciplinary procedure in the past, but this has never been the general practice in our factories. We have not forced our workers to work overtime when they did not want to. However, we have revised our disciplinary procedure in response to the FLA audit and removed the above-mentioned article.

**Supplier CAP Date:** 01/31/2012

**Action Taken:** During our audit on May 2012, we saw that the disciplinary procedures were revised as mentioned above and written overtime consent was taken from workers.

**Plan Complete:** Yes

**Plan Complete Date:** 05/31/2012

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## Child Labor: Employment of Young Workers

CL.6 Employers shall comply with all relevant laws that apply to young workers (i.e., those between the minimum working age and the age of 18) including regulations relating to hiring, working conditions, types of work, hours of work, proof of age documentation, and overtime. (P)

### Noncompliance

**Explanation:** 1. It was noted that the regular working hours for young workers is 9 hours per day and 45 hours per week. Further, the young workers work overtime when needed. The most consecutive hours noted for young workers was 10.5 hours per day (regular & O.T.), and the most weekly working hours noted was 62.5 hours per week.

Legal Reference: According to Turkish Labor Law 4857, Article 71 - Young workers who are at least 15 years old shall work maximum 8 hrs. per day, and 40 hours per week, and shall not work overtime.

2. It was noted that written consent documents from parents of the young workers were not obtained.

Legal Reference: According to the regulation issued in the official newspaper dated April 6, 2004 regarding Turkish Labor Law 4857, Article 71 - Written permission from the parents of young workers shall be taken prior to employing a young worker.

**Plan Of Action:** 1. H&M requires the factory to follow the Labor Law concerning working conditions of young workers. We will further encourage the factory to systematically implement the H&M Code of Conduct and Labor Law requirements for young workers.

2. Written consent document should be taken from young workers' parents as required by the law.

**Deadline Date:**

**Supplier CAP:** 1. Young workers are working as helpers. In the past, we arranged young workers' working schedule according to labor law and we made them leave the factory one hour earlier than other workers. But as they were living in different destinations, they preferred to wait for the shuttle busses. We realized that they were hanging out in cafeterias and began smoking or other bad habits during this waiting time. Then we tried to re-arrange the working hours by increasing the break times within the day and we arranged rooms where they can read books, play chess etc. But then we had to replace them by Machine operators during this extended break time, to whom we are normally paying much higher salaries than helpers. Finally, we saw that this arrangement damaged the communication between employees and also affected the efficiency of production. That is why we made the working hours the same for every worker and young workers are working 45 hours per week.

2. Written permission was taken from all young workers' parents. Until now, we were only taking a document from their parents, in order to be able to open an account for these young workers.

**Supplier CAP Date:**

**Action Taken:**

**Plan Complete:** No

**Plan Complete Date:** 01/01/2013

**Follow-up Plan of Action:** H&M comment: The factory management decided not to hire any young workers from now on. There are no young workers at the factory beginning in January 2013, and the factory management will not be hiring any new young workers.

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**Code Awareness:**

GEN.2 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.

**Noncompliance**

**Explanation:** The H&M Code of Conduct was neither provided to the factory, nor posted on the work floor.

**Plan Of Action:** We are requiring our suppliers to incorporate our code (which is aligned with FLA's), applicable laws, internal regulations and our own internal policies, preferably written in worker handbooks. We require them to hold training and education sessions on a regular basis for all employees (due to high staff turnover) and for training on these policies to be in new employees' orientation.

**Deadline Date:**

**Supplier CAP:** We have our company Code of Conduct, which is in line with H&M Code of Conduct, posted on the work floor.

**Supplier CAP Date:** 12/31/2012

**Action Taken:** During our audit on May 2012, we have seen that factory's own Code of Conduct was posted on the work floor.

**Plan Complete:** Yes

**Plan Complete Date:** 05/31/2012

## Health and Safety: Evacuation Requirements and Procedure

H&S.9 All applicable legally required or recommended elements of safe evacuation (such as posting of evacuation plans, the installation and maintenance of an employee alarm and emergency lighting systems, ensuring aisles/exits are not blocked and that workers are not blocked within their workstations, employee education, evacuation procedures, etc.) shall be complied with. Workers shall be trained in evacuation procedures. Alarm systems shall be regularly tested and evacuation drills shall be undertaken at least annually. (S)

### Noncompliance

**Explanation:** 1. It was noted that the 2 emergency exit doors on the production floor open inwards.

Legal Reference: As per Turkish Occupational Health & Safety Regulation (7/7583) Article 113 - The facility shall have all exit doors opening outwards in case of emergency.

2. Factory executed the last fire evacuation drill in March 2011, but workers did not participate in fire safety training.

Legal Reference: As per Turkish Occupational Health & Safety Regulation (7/7583), Article 131 - Emergency evacuation drills shall be conducted every 6 months.

**Plan Of Action:** H&M requires factories to follow local regulations about Health & Safety related issues. All emergency exits should open outwards. Evacuation drills should be conducted twice a year, preferably every 6 months.

**Deadline Date:** 01/10/2012

**Supplier CAP:** 1. All exit doors are arranged to open outwards.  
2. Fire evacuation drills were normally conducted on a regular basis, every 6 months. In 2010, 1 evacuation drill was conducted once because of lack of knowledge (Supplier was informed that evacuation drills should be conducted once a year). Then in 2011, the municipality asked the factory to add 3 fire stairs and evacuation drill could not be done due to ongoing construction. Factory conducted the most recent evacuation drill in January 2012. Fire training was given to workers the same day.

**Supplier CAP Date:** 01/10/2012

**Action Taken:** According to our last follow-up audit on May 30, 2012, factory conducts evacuation drills regularly every 6 months. It was verified that all exits open outwards. According to info given by supplier, last audit in the factory was conducted on March 13, 2013.

**Plan Complete:** Yes

**Plan Complete Date:** 05/31/2012

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### **Health and Safety: Safety Equipment and First Aid Training**

H&S.10 All safety and medical equipment (such as fire fighting equipment, first aid kits, etc.) shall be available in sufficient numbers throughout the factory, maintained and stocked as prescribed and easily accessible to workers. A sufficient number of workers shall be trained in first aid and fire fighting techniques. (S)

#### **Noncompliance**

**Explanation:** It was noted that there were no workers with first aid certificates.

Legal Reference: According to regulation issued in the official newspaper dated May 22, 2002 regarding Article 9 of Basic Health Services Law 3359 and Article 179 of General Health Law 1593 - Companies shall have 1 first aid certified employee for every 20 employees.

**Plan Of Action:** H&M requires that factories follow local laws about Health and Safety related issues. Enough workers should be trained and certified in first aid according to related regulation. As the number of workers in the factory is nearly 90, there should be 5 people certified.

**Deadline Date:** 10/31/2012



**Supplier CAP:** We are taking offers from companies authorized to give first aid trainings. However, a new training class/date is arranged only if there is a minimum of 15 attendees. We asked our employees if any of them are willing to join the training, and we decided on the attendees from the volunteers. We are still trying to find a company.

**Supplier CAP Date:** 10/31/2012

**Action Taken:** It was verified that 5 workers have attended first aid training and received certificates.

**Plan Complete:** Yes

**Plan Complete Date:** 11/30/2012

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### Health and Safety: Food Preparation

H&S.25 All food made available to workers shall be prepared, stored, and served in a safe and sanitary manner in accordance with all applicable laws. All workers handling food shall be provided with the tools and equipment necessary to do so in a safe and sanitary manner. (S)

#### Noncompliance

**Explanation:** It was noted that 1 out of the 2 canteen personnel who deliver the lunch and dinner does not have proper health checks.

Legal Reference: According to Turkish Labor Health & Safety Regulation (7/7583) Article 57/7, kitchen personnel must be checked for contagious diseases every six months.

**Plan Of Action:** H&M requires that the factories follow both the health and safety regulations of local law and of the H&M Code of Conduct. Factory needs to establish a system to ensure health checks for canteen personnel are done periodically and the physical conditions of kitchen and canteen are in line with the law.

**Deadline Date:** 01/31/2012

**Supplier CAP:** Canteen personnel's checks are performed every 6 months. At the time of FLA audit, there was one personnel who was newly hired to replace our retired canteen personnel. Application was done to the health unit but the report was not yet taken. Now the missing check report is completed and porter checks are done regularly for all canteen personnel.

**Supplier CAP Date:** 01/31/2012

**Action Taken:** We have seen during our audit in May 2012 that porter checks are being done every 6 months for canteen personnel.

**Plan Complete:** Yes

**Plan Complete Date:** 05/31/2012

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**Hours of Work: Annual Leave**

HOW.14 Employers shall provide workers with paid annual leave as required under local laws, regulations and procedures. (S)

**Noncompliance**

**Explanation:** It was noted that missing days are compensated from workers' annual leaves.

Legal Reference: According to regulation issued in Official Newspaper dated March 3, 2004 referring to Turkish Labor Law 4857, Article 53, the annual leave cannot be divided to more than 3 periods, each period being at least 10 days.

**Plan Of Action:** H&M requires that the workers' basic right of leave is respected and the factory should provide legal paid leave to workers as per related regulation.

**Deadline Date:** 01/31/2012

**Supplier CAP:** All our sub-contractors close their factory for 10 days. All staff, regardless of entitlement to annual leave, use this period as annual leave. This year, workers demanded to use the Religious Holiday as 1 week, using 1 working day between the holiday and weekend as annual leave. As there was such a demand, this 1 day was compensated from workers' annual leaves. Some of our employees also demand to compensate their absence days from their annual leaves, in order not to lose from salary or overtime payment. The employer was taking these kinds of demands into consideration in order to motivate the workers. But after FLA audit, a decision was made in order not to compensate absence days from annual leaves.

**Supplier CAP Date:** 01/31/2012

**Action Taken:** During our audit in May 2012 we have seen that absence days are not compensated from annual leaves.

**Plan Complete:** Yes

**Plan Complete Date:** 05/31/2012