

Compliance Assessment Report

Karim Textiles Limited.

09/12/2018

(dd/mm/yyyy)

Assessment date: 26/11/2018 *(dd/mm/yyyy)*

Cycle: 2

Report ID: 30845

Country: Bangladesh

ISIC: C (Manufacturing) - 14 (Manufacture of wearing apparel)

Supplier Name: Karim Textiles Limited.
Supplier Address: Noorbag, Mouchak,
Kalikoir

Previous assessment(s): *(dd/mm/yyyy)*

12/09/2017

Total number of assessment reports available (including this one):

2

This compliance report includes information about this factory's compliance performance at the time of the Better Work assessment. The key compliance results are explained in more detail on the following pages.

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Additional Information

The following section presents additional comments provided by the Enterprise Advisor.

Better Work Clusters and Compliance Points

Full list of clusters and compliance points assessed during a Better Work compliance assessment visit.

Factory Visit Information

The following section includes general information on the factory, on its key strengths, and on the assessment process itself.

Key Strengths and Process Integrity

Key strengths: (Ref 1)

The factory has participated in a national initiative named Mothers@Work jointly implemented by Better Work Bangladesh and UNICEF in collaboration with Ministry of Health and Family Welfare and the Ministry of Labour and Employment in order to support maternity rights of women workers and promote breastfeeding in the industrial sector, especially the ready-made garment sector.

Did the employer grant access to the enterprise and provide requested documents in a timely manner? (Ref 2)

Yes

How many person days were spent on the assessment visit? (Ref 3)

4

Provide the titles of the management staff interviewed. (Ref 4)

Manager Compliance

Senior Officer Compliance

Senior Officer Fire and Safety

Welfare Officer

Doctor

Safety Officer.

Nurse

Medical Assistant

Briefly describe the interviews with workers, union leaders, and worker representatives. (Ref 5)

Number of workers interviewed: 55 (male: 34, female: 21);

Individual: 35 (male-20, female-15);

Group interviews: 20 (male: 14 , Female: 6) of the Participation committee, Safety Committee, Pregnant workers.

Sections covered: Cutting, Sewing and Finishing

Interview location: Interviews were conducted in a separate area free from management presence such as in the workers dining hall, inspection room and meeting rooms.

Sample selection process: Workers were randomly selected from different committee lists, personnel files, payroll, factory tour.

Describe any significant issues not addressed elsewhere in the report. (Ref 6)

None

Describe any significant concerns about process integrity (Ref 7)

None

Discrimination

Is HIV/AIDS status a factor in hiring, employment, or termination? (Ref 15)

Interviews with management and workers confirmed that HIV/AIDS status was not a factor in recruitment, employment or termination.

Freedom of Association and Collective Bargaining

How many active unions are there in the factory? (Ref 54)

0

What percentage of workers are union members? (Ref 55)

0

For each active registered union, provide

- the name of the union,
- the number of union members,
- the union's affiliation status (affiliated or non-affiliated with a federation or confederation),
- the name of the federation or confederation with which it is affiliated, if applicable. (Ref 56)

N/A

How many collective agreements are in effect in the factory? (Ref 57)

0

For each CBA, indicate:

- the parties
- the % of the workforce covered
- the duration of the agreement
- an overview of the issues covered (Ref 58)

N/A

How many strikes have there been since the last visit? (Ref 59)

0

For each strike, indicate:

- why workers went on strike
- whether the strike complied with legal requirements, and if not, which requirements were not complied with
- whether the strike resulted in violence
- the number of days workers were on strike
- the number of person days workers were on strike
- the outcome of the strike (Ref 60)

N/A

Compensation

At what rate are piece rate workers paid for overtime work? (Ref 85)

Management and workers' interview confirmed that there was no piece rate worker in the factory.

Contracts and Human Resources

How many total workers are employed by the factory? (Ref 113)

2067

How many of the workers are men? (Ref 114)

1004

How many supervisors are employed by the factory? (Ref 115)

100

How many of the supervisors are men? (Ref 116)

99

How many of the supervisors are migrants? (Ref 117)

0

How many of the total workforce are migrant workers? (Ref 118)

0

How many of the migrant workers are men? (Ref 119)

0

Does the factory use subcontractors to complete all or part of the production process? (Ref 120)

The factory outsources the embroidery services from the A.R Embroidery and Design Ltd.

How many permanent workers are employed by the factory? (Ref 121)

1717

How many of the permanent workers are men? (Ref 122)

708

How many probationary workers are employed by the factory? (Ref 123)

250

How many of the probationary workers are men? (Ref 124)

47

How many apprentices are employed by the factory? (Ref 125)

0

How many of the apprentices are men? (Ref 126)

0

How many temporary workers are employed by the factory? (Ref 127)

0

How many of the temporary workers are men? (Ref 128)

0

How many casual workers are employed by the factory? (Ref 129)

0

How many of the casual workers are men? (Ref 130)

0

How many substitute/badli workers are employed by the factory? (Ref 131)

0

How many of the substitute/badli workers are men? (Ref 132)

0

How many workers with disabilities are employed by the factory? (Ref 133)

3

How many of the workers with disabilities are men? (Ref 134)

2

Has the factory received any notices of noncompliance from the Inspection Department during last twelve months? (Ref 135)

The factory did not receive any notice of noncompliance from the Inspection Department during the last twelve months.

Does the factory use contractors to provide services at the factory that are not part of the production process? (Ref 136)

None

Does the employer use repeating fixed term contracts in order to avoid providing benefits to workers? (Ref 137)

No. Management and workers interview confirmed that, the factory uses open-term contract for employing the workers.

How many settlements are in effect in the factory? (Ref 138)

0

For each settlement, indicate:

- the parties
- the % of the workforce covered
- the duration of the agreement
- an overview of the issues covered (Ref 139)

N/A

Is there an adequate HR policy that is signed by top management with a clear commitment to meet all legal requirements?
(Ref 140)

No.

The factory has multiple policies on HR. However, the policies were not adequate. The policies did not cover:

- appropriate work for young workers;
- legal requirements in relation to termination;
- preventing sexual harassment;

However, the policies included

- mandatory minimum age requirements;
- freedom of association;
- equal treatment and non-discrimination;
- working hours and compensation

Does the employer have an adequate recruitment procedure? (Ref 141)

No.

The factory has a recruitment procedure, the procedure was not adequate. The procedure did not include:

- verifying the age of workers prior to hiring;
- ensuring compliance with legal requirements for workers under age 18;

However, the procedure included:

- hiring criteria that are applied equally to all job applicants;
- ensuring that workers retain ID documents.

Does the employer have adequate disciplinary and termination procedures?
(Ref 142)

No.

The factory has no adequate disciplinary and termination procedure. The procedure did not cover:

- a step-by-step warning system;
- time frames for warnings and payments.

However, the procedure covered:

- clear specification of unacceptable behaviors or performance and
- legal notice periods and termination payments.
- the right to defend oneself prior to termination, and to representation during disciplinary processes;

Does the employer have adequate grievance handling and dispute resolution procedures? (Ref 143)

No.

The factory has an inadequate grievance mechanism. The mechanism did not cover:

- clear options for submitting grievances and disputes that ensure anonymity and non-retaliation;
- fair review and appeal process;
- communication of changes made and/or resolution of grievance/dispute as appropriate.

However, the procedure stated the commitment to resolve grievances.

Does the employer adequately assign accountability to management for following factory policies and procedures relating to Human Resource management and performance? (Ref 144)

No.

The enterprise has not ensured accountability adequately to management for following up policies and procedures.

However, an organogram was prepared by the enterprise.

Does the employer adequately communicate and implement HR policies and procedures? (Ref 145)

No.

The enterprise has not adequately communicated and implemented HR policies and procedures. The factory has not:

- shared the policies in the recruitment posting;
- trained staff to carry out the policies and
- trained workers effectively.

However, the enterprise has:

- posted the policies and procedures in the notice board; and
- the appointment letters are signed and preserved.

Does the employer adequately investigate performance under HR policies and procedures to identify weaknesses and make necessary adjustments? (Ref 146)

No.

The enterprise does not adequately investigate the performance under HR policies and procedures to identify weaknesses and to make necessary adjustments. For example, the inappropriate payment of overtime and inappropriate procedure of disciplinary procedure was not investigated to make necessary adjustments.

Occupational Safety and Health

How many work-related accidents and diseases have there been in the factory in the last 12 months? (Ref 170)

The enterprise recorded 53 injuries in last 12 months. Most of the injuries were finger cut and leg injuries.

Is there an adequate OSH Policy that is signed by top management? (Ref 171)

No

The enterprise has a written OSH policy and the policy is signed by the top management.

The OSH policy does not include:

- compliance with legal requirements pertaining to OSH in detail;
- establishing measurable objectives and improvement targets;
- the policy was not developed in consultation with workers and their representatives.
- continued improvement aimed at elimination of work-related injury and illness;
- the employer commits to establishing a safe, healthy and risk free work environment.

Is there an adequate emergency preparedness procedure? (Ref 172)

No.

The factory has an emergency preparedness procedure which includes:

- reporting fires and other emergencies; and
- alerting all employees to evacuate.

However, it did not include the following:

- evacuating employees to designated assembly location;
- accounting for all employees after an evacuation.

Is there an adequate hazard/risk management and control procedure? (Ref 173)

No

The factory have a risk management and control procedure which is not adequate. The procedure did not include:

- how to identify hazards systematically,
- prioritize risks based on potential impact and likelihood,
- how to implement control.
- a hierarchy of controls that is used to select effective controls; and
- a risk register that drives the implementation of controls (list of risks with due dates, owners and next steps).

Is there an adequate accident investigation procedure? (Ref 174)

No.

The factory has no accident investigation procedure in place to identify the root causes of accidents/injuries. The factory does not focus on sustainable solutions and no precautionary measures were taken to avoid reoccurrence.

Does the employer adequately assign accountability to management for carrying out health and safety responsibilities? (Ref 175)

No.

The existing health and safety procedure for the workers does not ensure accountability for the employees to carry out the health and safety responsibilities, reporting lines/organizational charts; description of job duties and authority were not included. The Safety Committee members were not given any training on their roles and responsibilities to perform their duties effectively.

Does the employer adequately communicate and implement OSH policies and procedures? (Ref 176)

No.

The enterprise did not communicate and implement policies and procedures through:

- worker training relevant to assigned tasks;
- training of joint OSH committee; and
- work instructions posted and easily accessible in the factory.

However, the enterprise posted the evacuation plans throughout the factory floor.

Does the employer adequately investigate, monitor and measure OSH issues to identify root causes and make necessary adjustments to prevent recurrence?

(Ref 177)

No.

There is no system in place to investigate, monitor or measure the effectiveness of the policy implementation regarding OSH issues, or to make adjustments to prevent recurrence.

Overview of Non-Compliance

The following is an overview of the areas of non-compliance found in the factory during the assessment visit. It is based on the compliance assessment tool, which consists of 199 questions.

Core Labour Standards

Freedom of Association and Collective Bargaining

<i>Collective Bargaining</i>	Consultation with worker representatives
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Working Conditions

Compensation

<i>Social Security and Other Benefits</i>	Proper establishment of Workers' Participation Fund and Welfare Fund and/or employer payment into the funds Use and distribution of the Workers' Participation Fund and Welfare Fund Compensation in the event of a worker's death Compensation for work-related accidents and diseases
<i>Wage Information, Use and Deduction</i>	Payroll records

Contracts and Human Resources

<i>Contracting Procedures</i>	Non-compliance with legal requirements for compensation, contracts, OSH, and/or working time pertaining to non-production workers and/or sub-contracted workers
<i>Dialogue, Discipline and Disputes</i>	Welfare Officer.
<i>Employment Contracts</i>	Workers' understanding of the terms and conditions of employment.
<i>Termination</i>	Timely payment of terminated workers' outstanding wages.

Occupational Safety and Health

<i>Chemicals and Hazardous Substances</i>	Assessing, monitoring, preventing and/or limiting workers' exposure to hazardous substances Training workers who work with chemicals and hazardous substances
<i>Emergency Preparedness</i>	Adequate window exits
<i>Health Services and First Aid</i>	Medical checks for workers
<i>OSH Management Systems</i>	Safety Committee Recording and reporting work-related accidents and diseases Business license
<i>Welfare Facilities</i>	Washing facilities and/or soap
<i>Worker Protection</i>	Providing workers with personal protective clothing and equipment Training and encouragement of workers to use PPE, machines and/or equipment safely Ergonomic requirements Installing, grounding (for equipment), maintaining and/or certifying electrical wires, cables, switches, plugs and equipment (e.g. transformer, generator, electrical panel, circuit breakers electrical boilers)
<i>Working Environment</i>	Workplace cleanliness

Working Time

Leave

Time off for annual leave

Time off for sick leave

Overtime

Limits on overtime hours worked

Written consent from women to work at night

Informing workers about overtime

Time off for compensatory weekly rest days

Detailed Non-Compliance Findings

The following section presents the non-compliance findings recorded by the Enterprise Advisors during the assessment visit.

Core Labour Standards

Freedom of Association and Collective Bargaining

Collective Bargaining

Issue	Consultation with worker representatives
Question	Does the employer consult with worker representatives where legally required? (Ref 76)
Finding	No consultation was made with the workers' representatives of the Participation Committee (functional till 15 July, 2018) in fixing the festival leave days for the year 2018. The existing canteen committee was not formed in consultation with the Participation Committee elected on the 16 July, 2018.
Source Consulted	Documentation, Management, Worker,
Legal Reference	R94; Sections 28(a), 90(a), 108, 205, 235 BLA; Rules 32, 81, 90, 110, 184, 227, 228 BLR

Working Conditions

Compensation

Wage Information, Use and Deduction

Issue	Payroll records
Question	Does the employer keep only one accurate payroll record? (Ref 97)
Finding	<p>Management provided and maintained more than one set of payrolls. Interviewed workers and documents review confirmed that.</p> <p>The provided first set reflected payment for working hours within the legal limit (10 hours in a day and 60 hours in a week).</p> <p>The provided second set reflected payment of monthly overtime hours in beyond of the legal limit (more than 10 hours in a day and 60 hours in a week).</p> <p>Payroll Checked: Pay roll for the months of February, June and October 2018.</p>
Source Consulted	Documentation, Management, Worker,
Legal Reference	Rule 111(1), Form 38, BLR

Social Security and Other Benefits

Issue	Proper establishment of Workers' Participation Fund and Welfare Fund and/or employer payment into the funds
Question	Has the employer properly established a Workers' Participation Fund and Welfare Fund, and paid the required amount into the funds each year? (Ref 106)
Finding	The employer had not established a Workers' Participation Fund or a Welfare Fund and therefore had not paid the required amount into them.
Source Consulted	Documentation, Management,
Legal Reference	Sections 232(1), 233, 234(1)(b), 235, BLA; Rules 227-230, BLR

Issue	Use and distribution of the Workers' Participation Fund and Welfare Fund
Question	Are the Workers' Participation and Welfare Funds used and distributed as required? (Ref 107)
Finding	The employer had not established a Workers' Participation Fund or a Welfare Fund and therefore workers had not received the required distributions.
Source Consulted	Management,
Legal Reference	Sections 232, 233(1)(i), 241-243, BLA; Rule 233, BLR

Issue	Compensation in the event of a worker's death
Question	Does the employer pay the correct compensation in the event of a worker's death? (Ref 109)
Finding	The factory has delayed to pay the service benefit to the deceased worker's nominees. The worker was appointed on the 19th February 2014. The worker died on the 26th April '18 and the compensation was provided on the 27th August '18 instead of the 30 days.
Source Consulted	Documentation, Management, Worker,
Legal Reference	Sections 19, 49, 99, 131, BLA; Rules 101(5), 118, 119, 136, 137 BLR

Issue	Compensation for work-related accidents and diseases
Question	Does the employer pay workers the correct compensation for work-related accidents and diseases? (Ref 111)
Finding	<p>Document review and interview with the management and workers, EAs found that the employer failed to pay compensation properly in case of workplace injuries of the workers. The employer did not pay correct compensation when workers were unable to resume job (partial disability) for more than 3 days after an injury.</p> <p>According to document review, one worker experienced an injury at workplace (injury from fabric roll). The worker had rest for 4 days the for the injury (from 16/04/2017 to 19/04/2018). These 4 days were deducted from worker's account of 14 days sick leave for the year 2018.</p> <p>Document check: Job card, injury register, leave register and payroll.</p>
Source Consulted	Documentation, Management, Worker,
Legal Reference	Sections 30, 89(7), 99, 150-161, Schedule I-V BLA; Rules 134, 142-144 BLR

Contracts and Human Resources

Employment Contracts

Issue	Workers' understanding of the terms and conditions of employment.
Question	Do workers understand the terms and conditions of employment? (Ref 149)
Finding	Worker interviews reflected that approximately 70% of the interviewed workers have no clear idea about the terms and conditions of employment such as disciplinary procedure, reasons of termination, annual leave calculation.
Source Consulted	Management, Worker,
Legal Reference	Sections 5, 111 BLA; Rule 19, BLR

Contracting Procedures

Issue	Non-compliance with legal requirements for compensation, contracts, OSH, and/or working time pertaining to non-production workers and/or sub-contracted workers
Question	Have you found non-compliance with legal requirements for compensation, contracts, OSH, and/or working time pertaining to non-production workers and/or sub-contracted workers? (Ref 153)
Finding	Compensatory days off were not provided to the cleaners for all the weekend works. E.g, weekend work of 09 Feb '18, 01 Jun '18 was not compensated with one day-off, instead the worker was provided with overtime payment for the day's work.
Source Consulted	Documentation, Management, Worker,
Legal Reference	Sections 2(Lxv), 3a, 5, 121, BLA; Rules 7(1), 8, 16, BLR

Termination

Issue	Timely payment of terminated workers' outstanding wages.
Question	Does the employer pay terminated workers their outstanding wages within 7 working days of termination? (Ref 162)
Finding	The outstanding wages for the resigned workers payment were delayed up to 26 days. For example, at least one workers' last date of working was 10th of October and the wage was paid on the 4th of November '18 instead of latest by 17th October '18.
Source Consulted	Documentation, Management, Worker,
Legal Reference	Sections 120, 123(1,3), BLA; Rule 112(4), BLR

Dialogue, Discipline and Disputes

Issue	Welfare Officer.
Question	Does the factory have a qualified welfare officer/s? (Ref 169)
Finding	The factory has recruited welfare officer. The officer has completed graduation. However, the welfare officer did not have: - the officer did not have training on Industrial Relations and Social Dialogue; - the job description of the welfare officers did not included the process of dispute resolution;
Source Consulted	Documentation, Management, Worker,
Legal Reference	Section 89(8), BLA; Rules 79, 185 BLR

Occupational Safety and Health

OSH Management Systems

Issue	Safety Committee
Question	Does the factory have a functioning Safety Committee? (Ref 180)
Finding	<p>The factory management has formed a safety committee on 15 January, 2017. But the committee member were not nominated by elected participation Committee formed on 16 July, 2018.</p> <p>The committee was formed including 05 members from management and 05 members from workers. From the worker members 01 member has resigned on October, 2018 but till assessment date no new member has been recruited.</p> <p>The committee did not meet the following requirements:</p> <ul style="list-style-type: none"> - form the firefighting and emergency rescue teams, and organize evacuation drills - making recommendations on compensation for workplace accidents.
Source Consulted	Documentation, Management, Worker,
Legal Reference	C155 and R164; Section 90(a), BLA; Rules 81-85, Schedule IV, BLR

Issue	Recording and reporting work-related accidents and diseases
Question	Does the employer record work-related accidents and diseases and inform the governmental authorities as required by law? (Ref 181)
Finding	The employer did not record all work related accidents. For example: a worker was injured and treated by facility's own medical staff, but it was not recorded in the injury register.
Source Consulted	Documentation, Management, Worker,
Legal Reference	P155; Sections 80, 82 BLA; Rules 69-74, BLR

Issue	Business license
Question	Does the factory have a valid business license? (Ref 183)
Finding	<p>Factory has 03 generators for power generation. Among those 03 generators, the license for 01 generator has been expired on 16 January, 2017 and 01 generator had no license/ waiver certificate but the factory management has applied for that on 15 June, 2016.</p> <p>However, there is valid waiver certificate for the other generator.</p>
Source Consulted	Documentation, Management,
Legal Reference	Section 325, BLA; Rules 354, 358, BLR; Forms 77, 78

Chemicals and Hazardous Substances

Issue	Assessing, monitoring, preventing and/or limiting workers' exposure to hazardous substances
Question	Has the employer taken action to assess, monitor, prevent and limit workers' exposure to chemicals and hazardous substances? (Ref 188)
Finding	<p>Factory management did not taken action to assess, monitor, prevent and limit workers' exposure to chemicals and hazardous substances following steps such as elimination, substitute, engineering, behavior change and using PPE. For example-</p> <ul style="list-style-type: none"> - annual medical check up was not conducted for spot removers. - workers were not aware about using chemicals or hazardous materials. <p>However, the factory management has posted MSDS, labeling and provided secondary containments for Acetone and spot lifter 833, they have segregated spot removing area from production floor.</p>
Source Consulted	Observation, Documentation, Management, Worker,
Legal Reference	C170; R177; R97; Sections 53, 78, BLA; Rules 46, 80(b), BLR

Issue	Training workers who work with chemicals and hazardous substances
Question	Has the employer effectively trained workers who work with chemicals and hazardous substances? (Ref 189)
Finding	The factory did not provide sufficient training on use of PPE, handling and dispose of chemicals and hazardous substances to the workers in spot removing areas who handled chemicals and hazardous substances (cleansing chemical).
Source Consulted	Observation, Documentation, Management, Worker,
Legal Reference	C170; Section 78A(3), BLA; Rules 67(2), 85, Schedule IV, BLR

Worker Protection

Issue	Providing workers with personal protective clothing and equipment
Question	Does the employer provide workers with all necessary personal protective clothing and equipment? (Ref 193)
Finding	The facility provided fabric masks instead of dust masks to the cutting operators, flat lock and over-lock operators which were unable to protect the workers from dust
Source Consulted	Observation, Management,
Legal Reference	R97; Section 78(a) BLA; Rules 46, 67, BLR

Issue	Training and encouragement of workers to use PPE, machines and/or equipment safely
Question	Are workers effectively trained and encouraged to properly use personal protective equipment, machines and equipment? (Ref 194)
Finding	<p>According to management statement and training documents review, workers were given orientation and awareness training on using PPE and equipment after recruitment. However, the EAs observed that the training was not effective enough to encourage them use personal protective equipment properly. For example:</p> <ul style="list-style-type: none"> - approximately 30% of the over lock and bar-tack operators in the sewing section were not using provided eye guards or goggles; - needle guard of approximately 50% single needle machine were found at inappropriate height which could not protect the workers from injury.
Source Consulted	Observation, Management, Worker,
Legal Reference	R97; Section 78A BLA; Rules 57, 67, BLR

Issue	Ergonomic requirements
Question	Does the employer comply with ergonomic requirements? (Ref 195)
Finding	The factory management did not provide sitting arrangement with back rest for the sitting workers (like, numbering and bundling workers) of cutting section.
Source Consulted	Observation, Management, Worker,
Legal Reference	Recommendation 102; Section 74 BLA; Rule 63, BLR; Ergonomic Checkpoints: Practical and easy-to-implement solutions for improving safety, health and working conditions. 2d ed. ILO 2010, Checkpoints 6, 9, 54, 58, 59

Issue	Installing, grounding (for equipment), maintaining and/or certifying electrical wires, cables, switches, plugs and equipment (e.g. transformer, generator, electrical panel, circuit breakers electrical boilers)
Question	Are electrical wires, cables, switches, plugs and equipment (e.g. transformer, generator, electrical panel, circuit breakers, electrical boilers) properly installed, grounded (for equipment), maintained, and certified? (Ref 197)
Finding	There was no inspection on safe grounding, wiring, and maintenance by a licensed wiring inspector in last 12 months.
Source Consulted	Management,
Legal Reference	<p>Rule 58 (1, 3, 7, 8), BLR;</p> <p>Chapters V & VI, Rule 57, Electricity Rules, 1937; Assessment of Fire and Electrical Safety of Existing RMG Factory Buildings in Bangladesh 4.9.1;</p> <p>Ergonomic Checkpoints: Practical and easy-to-implement solutions for improving safety, health and working conditions. 2d ed. ILO 2010, Checkpoint 90</p>

Issue	Workplace cleanliness
Question	Is the workplace clean and tidy? (Ref 206)
Finding	During floor tour, huge dust was observed at cutting section and sewing section.
Source Consulted	Observation, Management, Worker,
Legal Reference	Sections 51, 60 BLA; Rules 40-43, 52, BLR

Welfare Facilities

Issue	Washing facilities and/or soap
Question	Does the workplace have adequate washing facilities and adequate soap? (Ref 208)
Finding	During factory tour, no soap was found at female washrooms.
Source Consulted	Observation, Management, Worker,
Legal Reference	Section 91, BLA; Rule 86, BLR

Health Services and First Aid

Issue	Medical checks for workers
Question	Does the employer comply with legal requirements regarding medical checks for workers? (Ref 213)
Finding	Annual medical check was not conducted for spot removers, electricians and mechanics.
Source Consulted	Observation, Management, Worker,
Legal Reference	C148, R177, and R156; Section 79(c), BLA; Rules 68(1, 4, 5-8), BLR

Emergency Preparedness

Issue	Adequate window exits
Question	Does the workplace have at least one adequate window exit per floor? (Ref 237)
Finding	The enterprise had window exits but the window exits did not have ladder and strong net.
Source Consulted	Observation, Management, Worker,
Legal Reference	Rule 54(10), BLR

Working Time

Overtime

Issue	Limits on overtime hours worked
Question	Does the employer comply with limits on overtime hours worked? (Ref 248)
Finding	<p>Document review, and interviews with workers and management indicated that the employer did not comply with limits on overtime hours. For example, the maximum working hours were noted as follows, instead of the legal 10 hours daily and 60 hours weekly:</p> <p>In February, 2018:</p> <p>In the cutting section: maximum 12 OT hours (total 20 hours) in a day, 56 OT hours (total 104 hours) in a week</p> <p>In the sewing section: maximum 8 OT hours (total 16 hours) in a day, 46 OT hours (total 84 hours) in a week.</p> <p>In the finishing section: maximum 12 OT hours (total 20 hours) in a day, 45 OT hours (total 93 hours) in a week.</p> <p>In this month workers worked 13 consecutive days (3rd to 14th February '18) in different departments. Often the excessive working hour was up to 7 hours resulting working hour to 15 hours on the dates 3rd to 7th Feb '18.</p> <p>In June, 2018:</p> <p>In the cutting section: maximum 12 OT hours (total 20 hours) in a day, 48 OT hours (total 96 hours) in a week.</p> <p>In the sewing section: maximum 13 OT hours (total 21 hours) in a day, 37 OT hours (total 85 hours) in a week</p> <p>In the finishing section: maximum 8 OT hours (total 16 hours) in a day, 42 OT hours (total 90 hours) in a week</p> <p>In this month workers worked 13 consecutive days (1st to 13th June '18) in different departments. Often the excessive working hour was up to 9 hours resulting working hour to 17 hours on the dates 3rd to 7th Feb '18.</p> <p>In October, 2018:</p> <p>In the cutting section: maximum 3 OT hours (total 11 hours) in a day, 15 OT hours (total 63 hours) in a week</p> <p>In the sewing section: maximum 5 OT hours (total 13 hours) in a day, 18 OT hours (total 66 hours) in a week</p> <p>In the finishing section: maximum 5 OT hours (total 13 hours) in a day, 18 OT hours (total 66 hours) in a week</p> <p>Document checked: Payroll and job card of the month February, June and October 2018.</p>
Source Consulted	Documentation, Management, Worker,
Legal Reference	Sections 100, 102, BLA; Rule 99(1), BLR

Issue	Written consent from women to work at night
Question	Does the employer get written consent from women to work at night? (Ref 250)
Finding	No written consent was collected from the workers those who work after 10 pm during excessive working hour.
Source Consulted	Documentation, Management,
Legal Reference	Section 109, BLA; Rule 103, BLR; Forms 35, 35(a)

Issue	Informing workers about overtime
Question	Does the employer inform workers about overtime at least 2 hours in advance? (Ref 251)
Finding	The workers were not informed about overtime at least two hours before the starting of overtime.
Source Consulted	Documentation, Management,
Legal Reference	Rule 99(1), BLR

Issue	Time off for compensatory weekly rest days
Question	Does the employer provide compensatory days off when workers work on weekly rest days? (Ref 252)
Finding	The factory has not provided a compensatory days off within three days of the weekend work. For example, the weekend work was not compensated within three days for the following weekly rest day (Fridays): 1/6/2018, 9/2/2018. Instead the compensatory days off were provided after 12 to 22 days. Document checked: Time records of January, June and October 2018.
Source Consulted	Documentation, Management, Worker,
Legal Reference	Sections 103, 104, BLA; Rule 101, BLR

Leave

Issue	Time off for annual leave
Question	Does the employer provide required annual leave? (Ref 253)
Finding	The factory has deducted earn leave in addition to Festival leave (Eid) and compensatory days off. However, the leave was not requested by the workers. This resulted a consumption of 6 days of leave in two vacations. Thus 6 days of leave was not available for the worker to avail as needed.
Source Consulted	Documentation, Management, Worker,
Legal Reference	Section 117, BLA; Rules 107(1, 2), 108, BLR

Issue	Time off for sick leave
Question	Does the employer provide 14 days of sick leave per year? (Ref 256)
Finding	<p>The employer did not provide sick leave to workers even though medical certificates from medical practitioner prescribed such leave days. Interviews with the management and workers and document reviews confirmed that the facility management deducted from workers account of sick leave in cases of workplace injury that caused partial disability of the injured worker.</p> <p>For example, one worker experienced an injury at workplace. The factory's registered doctor prescribed the worker medical services for recovery from and treatment of the injury based on which that worker was absent in work from 16 to 19 April, 2018). These 04 days were deducted from the worker's account of 14 days sick leave of the year 2018.</p> <p>Documents checked: personnel file, leave register, time card, and payment records of the maternity benefit applicant workers and injured workers.</p>
Source Consulted	Documentation, Management, Worker,
Legal Reference	Section 116 , BLA; Rule 106, BLR

Additional Information

This section of the report contains additional information provided by the Enterprise Advisors on areas NOT found to be in non-compliance, including on certain issues that require findings in all assessments regardless of their compliance status.

Child Labour

Child Labourers

Question	Have you found any workers under the age of 14? (Ref 8)
Finding	Enterprise Advisor (EA) did not see any workers who appeared to be underage. Workers interviewed were at least 14 years of age. EAs reviewed 15 personnel files, which also confirmed that workers are at least 14 years of age. Document review and management interview indicated that they only hire workers who are at least 18. Document check: 15 personnel files.
Source Consulted	Observation, Documentation, Management, Worker,
Legal Reference	C138; Sections 2(Lxiii), 34(1), BLA

Documentation and Protection of Young Workers

Question	Does the employer have a reliable system in place to verify the age of workers prior to hiring? (Ref 12)
Finding	Management required workers to provide at least one original document to verify their ages prior to hiring (national identification card, birth registration certificate, and school certificate (if any). Also a certificate from a registered physician certifying the age of the person concerned. Interviewed worker, management related with the age verification process confirmed the mentioned age verification process is being practiced in this enterprise. Documents checked: 15 workers' personnel files.
Source Consulted	Observation, Documentation, Management, Worker,
Legal Reference	C138, R146;Section 36, BLA; Rule 34 and Form 15, BLR

Freedom of Association and Collective Bargaining

Freedom to Associate

Question	Can workers freely form and join the union of their choice? (Ref 61)
Finding	Worker and management interview indicated that the enterprise does not have a union. EAs did not find evidence during the assessment to indicate that factory management is opposed to workers exercising their Freedom of Association (FoA) rights. The factory has a policy on Freedom of Association.
Source Consulted	Observation, Documentation, Management, Worker,
Legal Reference	C87; Sections 176(a), 179, 183, 190, 193, BLA; Rules 167, 176, and Forms 55(A), 61(A), BLR

Compensation

Minimum Wages/Piece Rate Wages

Question	Does the employer pay at least minimum wage for ordinary hours of work to permanent full time workers? (Ref 86)
Finding	<p>Based on the payroll, EAs noted that the employer pays the minimum wage as per the Minimum Wage Gazette, 2013. The grading of the workers were defined during the skills verification process at the time of recruitment and the grading were decided as per assigned job. Interviewed workers' statements of payment matched with the payroll.</p> <p>Document checked: Payroll of the month of February, June and October 2018.</p>
Source Consulted	Documentation, Management, Worker,
Legal Reference	Sections 148, 149, BLA; Rule 133(1), BLR; Minimum Wage Gazette, 2013; Textile Wage Circular 2011

Paid Leave

Question	Does the employer pay workers on time and correctly when they take maternity leave? (Ref 103)
Finding	<p>Management provided 112 days paid maternity leave to workers who had worked in the factory for not less than six months immediately preceding the day of her delivery. Workers receive their average monthly earnings during the three months preceding the leave, including overtime pay and bonuses.</p> <p>Workers received these payments within 3 working days of the woman providing proof of the pregnancy/birth as per worker prefers payment mode.</p> <p>Interviewed workers confirmed that they received maternity benefits accordingly. On the day of assessment 76 pregnant worker was working and 12 worker was on leave.</p> <p>Documents checked: 07 personnel files.</p>
Source Consulted	Documentation, Management, Worker,
Legal Reference	Sections 46-49, BLA; Rules 38, 39, Forms 18, 18A, and 19, BLR

Contracts and Human Resources

Employment Contracts

Question	Has the employer provided all workers with a letter of appointment? (Ref 150)
	of probation period and regular workers employed under indefinite duration letter of appointment. All workers' employment contract were in written.
Finding	Management provided all workers with an original copy of their employment letter of appointment. Management stated that they issued letter of appointment on the eve of joining of the worker. Documents checked: HR records of 25 sampled workers and 10 sampled interviewed workers.
Source Consulted	Documentation, Management, Worker,
Legal Reference	Section 5, BLA; Rule 19, BLR

Dialogue, Discipline and Disputes

Question	Does the factory have a functioning Participation Committee? (Ref 168)
	Document review and worker and management interviews indicated the followings about formation and functionality of Participation Committee: Nomination process: Candidates were nominated by their co-workers. Election process: The Participation Committee was formed on 16 July, 2018, composed of 05 members: management-02, workers-03.
Finding	Number of Participation Committee members: 18; Management-06 (Male: 5) , Workers-12 (Male: 07). Election: The entire election was arranged by the facility management under the guidance of Better Work Bangladesh. Roles and responsibilities: The factory and the assigned EA started training the PC members on roles and responsibilities. Meeting and minutes: Last meeting was held on November 07, 2018.
Source Consulted	Observation, Documentation, Management, Worker,
Legal Reference	ILO Convention 135; Sections 205-208, BLA; Rules 183-201, BLR

Occupational Safety and Health

Worker Protection

Question **Are boilers registered or certified, as legally required? (Ref 199)**

Finding The factory has 04 boilers as per management statement. The boilers are located in a separate 1 storied building. 02 boilers were installed in ground floor of the building and 02 were installed in the rooftop. EAs could not observe the boilers installed on rooftop as the stair was narrow and not safe.

Source Consulted Observation, Documentation, Management, Worker,

Legal Reference Sections 6-8 Boiler Act, 1923;
Sec. 27-29 of Bangladesh Energy Regulatory Commission Act, 2003;
Rule 9 of Bangladesh Energy Regulatory Commission License Regulations, 2006;
Rule 8 (1,3) of Bangladesh Energy Regulatory Commission License (amendment) Regulations, 2016

Emergency Preparedness

Question **Does the employer conduct periodic emergency drills? (Ref 239)**

Finding The enterprise conducts periodic emergency drills .The dates of last 3 emergency drills as follows:
25/11/2018, 14/10/2018, 26/09/2108. Workers interview indicated that they know how to react in emergency.

Document check: fire drill record 2018.

Source Consulted Documentation, Management, Worker,

Legal Reference Section 62(7, 8), BLA; Rule 55(14), BLR; Guidelines for Assessment of Fire and Electrical Safety of Existing RMG Factory Buildings in Bangladesh, Section 3.8

Working Time

Regular Hours

Question **Do regular daily or weekly working hours exceed the legal limit (8 hours per day, 48 hours per week)? (Ref 244)**

Finding Normal working hours did not exceed 8 hours per day, 6 days per week (48 hours). Regular working hours were 8.00 am to 5.00 pm, from Saturday to Thursday

Source Consulted Documentation, Management, Worker,

Legal Reference Sections 100, 102, BLA; Rule 99(1), BLR

Better Work Clusters and Compliance Points

Better Work carries out factory assessments to monitor compliance with international core labour standards and national labour law, and where national law either fails to address or lacks clarity around a relevant issue regarding conditions at work, according to benchmarks established by Better Work based on international labour standards and good practices. Better Work organizes reporting into eight areas of labour standards, also known as clusters. Four of the clusters are international core labour standards, based on fundamental rights at work and four are based on national labour law relating to working conditions. As such, factory assessments aim to monitor compliance with these areas.

Core labour standards: Adopted in 1998, the ILO Declaration on Fundamental Principles and Rights at Work commits Member States to respect and promote principles and rights in four categories, whether or not they have ratified the relevant Conventions. These categories are: freedom of association and the effective recognition of the right to collective bargaining, the elimination of forced labour, the abolition of child labour, and the elimination of discrimination in respect of employment and occupation. The relevant ILO Conventions from which the 1998 Declaration derives—29, 87, 98, 105, 100, 111, 138, and 182—provide the framework for assessing non-compliance in the core labour standards clusters across all Better Work country programmes.

National labour law: The four other clusters monitor compliance with standards primarily set by national law, so they vary from country to country. This set consists of compensation, contracts and human resources, occupational safety and health, and working time.

Each of the eight clusters is divided into its key components, known as “compliance points”. Each of these compliance points contains specific questions that may vary from country to country. The detailed list of compliance points can be found at the following link:
<http://links.betterwork.org/compliance>