



2010

FAIR LABOR ASSOCIATION INDEPENDENT EXTERNAL MONITORING REPORT

COMPANY: Colosseum Athletics
COUNTRY: Vietnam
FACTORY CODE: 5500841040I
MONITOR: Global Standards
AUDIT DATE: June 14, 2010
PRODUCTS: Garments
PROCESSES: Cutting, Sewing, Finishing
NUMBER OF WORKERS: 659

FLA Comment: This report was submitted to the FLA and the FLA-affiliated company by the accredited independent external monitor. Despite deadline reminders and extensions for submission of a corrective action plan, the FLA has not received a plan to address the noncompliances raised in the report. Therefore, the report is posted in its current state and will be updated once a corrective action plan has been submitted to and reviewed by the FLA.



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Freedom of Association: General Compliance Freedom of Association

FOA.1 Employers shall comply with all local laws, regulations and procedures concerning freedom of association and collective bargaining. (S)

Noncompliance

Explanation: Trade Union has been established only temporarily and its term expired in 2008.

Legal reference: Decree No.96/2006/ND-CP and Circular No.01/2007/TTLT-TLDDVN - BLDTBXH

**Plan Of
Action:**

**Deadline
Date:**

**Action
Taken:**

Plan Complete: No

**Plan Complete
Date:**

Freedom of Association: Right to Freely Associate

FOA.2 Workers, without distinction whatsoever, shall 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, including eventual termination of employment, and is applicable as well to unemployed and retired workers. (S)

Noncompliance

Explanation: FLA comment: Vietnam has not ratified ILO Conventions 87 or 98. Under Vietnamese law, all unions are required to affiliate with the single trade union, the Vietnam General Confederation of Labor (VGCL), which is affiliated with the Communist Party. With respect to such union monopolies, the ILO Committee on Freedom of Association has stated that "the rights of workers to establish organizations of their own choosing implies . . . the effective possibility of forming . . . [trade unions] independent both of those which exist already and of any political party." Vietnam's legal framework is therefore not compatible with the ILO Principles on Freedom of Association and, as such, all factories in Vietnam fail to comply with the FLA Code standard on Freedom of Association.

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Freedom of Association: Grievance Procedure

FOA.26 Employer shall have in place written grievance procedures that allow first an attempt to settle grievances directly between the worker and the immediate supervisor but that, where this is inappropriate or has failed, it is possible for the worker to have the grievance considered at one or more steps, depending on the nature of the grievance and the structure and size of the enterprise. Employers shall ensure that the grievance procedures and applicable rules are known to workers. (P)

Noncompliance

Explanation: Suggestion boxes and grievance procedures are posted for workers to use, but workers are not aware of the system. No letters or concerns received so far.

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Health and Safety: General Compliance Health and Safety

H&S.1 Employers shall comply with all local laws, regulations and procedures concerning health and safety. (S)

Noncompliance

Explanation: 1. Work accident investigations do not follow the form and procedures set by law.

Legal Reference: Joint Circular No. 14/2005/TTLT/BLDTBXH-BYT-TLDDVN

2. Official fire inspection in February 2010 requested the factory to build a partition wall to separate the material warehouse and install protective shields for lights in the warehouse. Both issues are still pending. (Note that 1 extinguisher outside the clinic was not checked since April 2010 either.)

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Health and Safety: Worker Consultation

H&S.4 The health and safety policy shall be developed and implemented in consultation with workers or their representatives. (P)

Noncompliance

Explanation: Safety Committee was formed but does not meet regularly in accordance with code or local law.

Legal Reference: Joint Circular No. 14/1998/TTLT-BLDTBXH-BYT-TLDDVN.

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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: [First aid boxes are empty and not re-stocked.](#)

[Legal reference: Decree No. 06/CP, Clause 5.](#)

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Health and Safety: Personal Protective Equipment

H&S.11 Workers shall be provided with effective and all necessary personal 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 health and safety hazards, including medical waste. (S)

Noncompliance

Explanation: Workers are provided personal protective equipment (PPE), including cutting gloves and masks, but do not always wear these unless supervised.

Plan Of Action:

Deadline Date:

Action Taken:

Plan Complete: No

Plan Complete Date:

Health and Safety: Material Safety Data Sheets/Worker Access and Awareness

H&S.14 Material Safety Data Sheets (MSDS) for all chemicals used in the factory must be available at the usage and storage sites of the chemicals, in the local language and the language(s) spoken by workers, if different from the local language. Workers shall have free access to MSDS. (P)

Noncompliance

Explanation: MSDS unavailable for spray spot-lifter/grease remover.

Legal reference: Chemical Law, Clause 30.d.

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Health and Safety: Sanitation in Factory Facilities

H&S.22 All facilities including factory buildings, toilets, canteens, kitchens, and clinics, shall be kept clean and safe and be in compliance with all applicable laws, including relevant sanitation, medical and safety and health regulations. (S)

Uncorroborated Evidence of Noncompliance

Explanation: Factory does not have child care facility; monitors observed 3 small children in the canteen area whose mothers work for the canteen contractor. Canteen area contains many potential hazards and is not safe or suitable for children.

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