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

What is a Tracking Chart?

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

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

What a Tracking Chart is NOT -

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

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

- A one-time event
  
  Each monitoring visit is followed by a remediation program, further monitoring and remediation in an ongoing process. The Tracking Charts are updated accordingly.
Note on Language
Please be advised that because FLA independent external monitors are locally-based and English is generally not their native language, the language presented may at times appear unclear to a reader who is a native English speaker. In order to preserve the integrity of the transparency process and the information we receive, our policy is to publish the original text from the monitor and participating company. However, the reader will note that we have taken the precaution to remove any identifying information about the factory that was monitored or the workers interviewed.

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

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

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

Factory name: 10001950C

IEM: ALGI

Date of audit: November 15 & 16, 2004

Days in the facility: 2

Number of workers: 434

Production: Pants

Production processes: Cutting, sewing, packing and shipping

FLA Code/Compliance issue

Country Law/Legal Reference

FLA Benchmark

Monitor’s Findings

Documentation

Best Practice

PC Internal audit findings

PC remediation plan

Target Completion Date

Factory response

PC follow up

Documentation

Best Practice

1. Code Awareness

3. Child Labor

4. Harassment or Abuse

5. Nondiscrimination

6. Health and Safety

7. Freedom of Association and Collective Bargaining

8. Wages and Benefits

9. Hours of Work

10. Reasonable compensation

11. Voice and representation

1. Code Awareness

It is illegal to use any form of forced labor, whether in the form of prison labor or the use of children under 15 years of age, under any circumstances. No worker, male or female, should work in an environment in which the age of the worker is below 15 years.

2. De Facto Labor

No worker, male or female, shall be employed in any job that is below the legal age for employment or is below the legal age for completing compulsory education in the country of manufacture where such age is higher than 15.

3. Harassment or Abuse

No employer shall take part in any discrimination in employment including threats, bullying, harassment, discrimination, termination, harassment, on the basis of gender, race, religion, age, disability, sexual orientation, disability, political opinion, or social or ethnic origin.

4. Nondiscrimination

No employer shall take part in any discrimination in employment including hiring, salary, benefits, advancement, discharge, termination, harassment, on the basis of gender, race, religion, age, disability, sexual orientation, disability, political opinion, or social or ethnic origin.

5. Health and Safety

Employers will provide a safe and healthy working environment to prevent accidents and injuries to health arising out of, linked with, or occurring in the course of work or as a result of the operation of employer facilities.

6. Health and Safety

Pulley guards were missing from sewing machines (approximately 10%).

Health and Safety walkthrough.

Install pulley guards on all machines as required.

2/25/2005 

[Factory] commits to complete the pulley guards installation by the given date.

During the follow up visit conducted on April 5, 2005, this issue has been corrected.

Documentation and photos of this correction are maintained on file at the PC regional office.

7. Freedom of Association and Collective Bargaining

Facilities and equipment are provided for the legal rights of employees to freedom of association and collective bargaining.

2. Reasonable compensation

Employees recognize that wages are essential to earning employee's basic needs. Employees will pay employees a base wage required by local or the prevailing industry wage, whichever is higher, and will provide legally mandated benefits.

3. Voice and representation

Employees recognize that wages are essential to earning employee's basic needs. Employees will pay employees a base wage required by local or the prevailing industry wage, whichever is higher, and will provide legally mandated benefits.

4. Hours of Work

Every employee will be treated with respect and dignity. No employee will be subject to any physical, sexual, psychological or verbal harassment or abuse.

5. Health and Safety

Ventilation/Electrical/facility maintenance.

All ventilation, plumbing, electrical, and lighting services shall be provided and maintained to conform to applicable laws and prevent hazardous conditions to employees in the facility.

6. Health and Safety

Stain removing station is located in production area and ventilation system is not adequate.

Observation of facility.

Factory needs to install a vented hood to improve ventilation.

2/25/2005 Management will analyze the situation to study possible solutions.

During the follow up visit conducted on April 5, 2005, vented hoods have been installed.

Documentation and photos of this correction are maintained on file at the PC regional office.

8. Wages and Benefits

X. Accurate benefit compensation

As per D.R. Dep. Of Labor communication (2004), the practice of ending contracts at the end of the year to rehire the employee few days or weeks later, is a violation inflicted on the employees' rights to use their length of service to increase their benefits calculations.

All employees will be credited with all time worked for an employer for purposes of calculating length of service to determine the benefits to which workers are entitled.

Factory needs to make a written note to improve ventilation.

2/25/2005 Management will analyze the situation to study possible solutions.

During the follow up visit conducted on April 5, 2005, vented hoods have been installed.

Documentation and photos of this correction are maintained on file at the PC regional office.

9. Hours of Work
Art. 155 of the DR Labor Code states that in case of prolonging the normal hours to overtime, the limitation shall be no more than 80 overtime hours per quarter. 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. Employees will be entitled to at least one day off in every seven-day period.

Facility does not maintain a system to track overtime. As a result during peak seasons, as per company management acknowledgement, employee interview and review of time records, the packing department exceeds the 80 overtime hour limitation allowed by law.

Factory needs to discontinue the practice of allowing workers’ hours to exceed the 80 hours of overtime per trimester. Factory monitoring report is being printed every week in order to control and prevent employees from working beyond the 80 hours of overtime per trimester. No employees have been working beyond the 80 hours since the audit.

During the follow up visit conducted on April 5, 2005, auditor reviewed time cards and payroll records to find that there are no workers employed beyond the 80 hours of overtime per trimester.


**OT Compensation**

**Article 147** - The normal duration of the work period is determined in the contract. It cannot exceed eight hours per day or forty-four hours per week. All hours outside of the mentioned limitations are overtime.

**Article 150**

The factory shall comply with applicable law for premium rates for overtime compensation. Managers, employees of direction and supervisors are exempt from overtime compensation.

**Mechanics and maintenance staff** do not log hours of work. Their work goes parallel with production lines that often work overtime. Mechanics, cutters and cleaners are categorized as salaried employees and are not compensated for OT.

Employer & employee interviews and time records observation

Insure all mechanic and maintenance staff clock in and out and that all hours are recorded and all overtime hours are compensated. Article 147 - The normal duration of the work period is determined in the contract. It cannot exceed eight hours per day or forty-four hours per week. All hours outside of the mentioned limitations are overtime.

**10/1/2005**

Discontinue the practice of allowing workers to exceed 60 hours of work per week and overtime hours worked in excess of the regular and overtime hours per week must be compensated at the rate of 1.50 over the regular.

Factories which continue this behavior will be audited. The factory has informed us that it cannot maintain the overtime payroll records. Therefore, the auditor performed a physical count of the employees present during the overtime period. The hours worked were also recorded. The payroll system was used to compute the overtime pay. The audit team observed sporadic conditions that exceeded the 68 hours per week.

Payroll records; employee and management interviews.

Discontinue the practice of allowing workers to exceed 60 hours of work per week and overtime hours worked in excess of the regular and overtime hours per week must be compensated at the rate of 1.50 over the regular.

1/15/2005

During the follow up visit conducted on April 5, 2005, auditor reviewed time cards and payroll records to finalize that all management and maintenance staff have been changed to hourly workers. Records have been reviewed to reflect that these workers are clocking in and out, and are being paid at the appropriate and legal overtime rate. Payroll contracts have also been amended to reflect that these workers are now paid by the hour.

Documentation of this correction are maintained in file at the PC regional office.

**Miscellaneous**

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 the regular hourly compensation rate.

1/14/2005

During the follow up visit conducted on April 5, 2005, auditor reviewed time cards and payroll records to finalize that all workers working overtime hours are paid the legal amount due to them - 100% over the regular pay.

Documentation of this correction are maintained at the PC regional office.