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INTRODUCTORY NOTES

The Compliance Benchmarks were revised after the October 2006 FLA Board meeting. New benchmarks were added at that time. All new benchmarks have been labeled accordingly.

Notes Applicable to All Benchmarks

Where reference is made to local laws, regulations or procedures, it is assumed that this includes the provisions of freely negotiated and valid collective bargaining agreements even when not specifically mentioned.

Where laws and the Workplace Code of Conduct are contradictory, the standard that provides the greatest protection for workers shall apply.

Where provisions are lacking, employers shall take measures, such as creating policies and procedures, to reasonably accommodate matters concerning the Code provision.

After each benchmark there is a denotation of either (S) or (P). Substantive benchmarks, which set out the level of compliance required to be in conformity with the rights and duties contained in the FLA Code, are indicated with the letter (S). Procedural benchmarks, which define a course of action to be taken in order to increase the probability that the rights and duties contained in the FLA Code are respected and fulfilled, are indicated with the letter (P).
COMPLIANCE BENCHMARKS

I. FORCED LABOR (F)

WORKPLACE CODE PROVISION: There will not be any use of forced labor whether in the form of prison labor, indentured labor, bonded labor or otherwise.

Benchmarks

F.1 General Compliance Forced Labor (New Benchmark)
Employers shall comply with all local laws, regulations and procedures concerning the prohibition of forced labor. (S)

F.2 Freedom in Employment
All workers shall have the right to enter into and to terminate their employment freely. (P)

F.3 Employment Terms/Voluntary Agreement
Employment terms shall be those to which the worker has voluntarily agreed, in as far as those terms do not fall below provisions of local laws, freely negotiated and valid collective bargaining agreements, or the FLA Code. (P)

F.4 Employment Terms/Prohibitions
There can be no employment terms (including in contracts or any other instruments or in any formal or informal recruitment arrangements) which: specify that employees can be confined or be subjected to restrictions on freedom of movement; allow employers to hold wages already earned; provide for penalties resulting in paying back wages already earned; or in any way punish workers for terminating employment. (P)

F.5 Debt/Bonded Labor
Employers shall not bind workers to employment as a condition of fulfilling terms of a debt to a third party or to the employer. (S)

F.6 Wage Advances
Wage advances shall not exceed three months pay or legal limits, whichever is less. Advances shall only be made following clearly established factory rules which have been communicated to workers. Advances must be properly documented and their receipt and accuracy must be confirmed by the relevant worker in writing (signature, thumbprint, etc.). (P)

F.7 Free Disposal of Wages/Cash and In-Kind Compensation
Employers shall not limit in any manner the freedom of workers to dispose of their wages. Workers shall be compensated for their work directly through the provision of cash or its equivalent. The partial payment of wages in the form of allowances in-kind is permissible when: allowed under local law, and as long as legal limits are complied with; they are appropriate for the personal use and benefit of the worker and his or her family; or the value attributed to such allowances is fair and reasonable and receipt of in-kind compensation is voluntary. Wages must
be paid on regular working days and in principle at or near the workplace. Workers must be free from any coercion to make use of factory or works stores. (P)¹

F.8 Recruitment through Referrals
Workers shall not be engaged to work in a factory by a family member, friend or associate in order for that family member, friend or associate to receive continuing remuneration, consideration, or any other return from the employer. (P) This shall not refer to normal references, referral bonuses or standard employment recruitment practices.

F.9 Employment Records
Employers shall maintain sufficient hiring and employment records to demonstrate and verify compliance with this Code provision. (P)

F.10 Freedom of Movement
If factory entrances are locked or guarded to prevent non-employee access to the premises for security reasons, workers shall have free egress at all times. (S/P)

F.11 Employer Controlled Residence
Employers shall not require workers to live in employer-owned or controlled residences as a condition of recruitment, continued employment or to receive the same terms of employment and working conditions as other workers in the same position. Employers shall not subject workers to any undue influence to persuade workers to live in such residences. (P)

F.12 Freedom of Movement/Employer Controlled Residence
The freedom of movement of workers who live in employer controlled residences shall not be unreasonably restricted. (P)

F.13 Worker Ability to Terminate-Freedom of Movement
Employers shall not utilize practices that restrict a worker’s ability to terminate his or her employment or freedom of movement. Examples of such practices include, but are not limited to:

- (the threat of) physical or mental coercion;
- requiring deposits;
- imposing financial penalties;
- requiring recruitment fees;
- setting production targets or piece rates at such a level that workers need to work beyond normal working hours (excluding overtime) as set under the FLA Code in order to make the legal minimum wage or the prevailing industry wage; and
- denying and hampering access to, and renewal of, identity papers and/or work permits or any other personal legal (identification) documents. (S)

¹ See also WBOT.28
F.14  **Forced Overtime (New Benchmark)**
The imposition of mandatory overtime beyond the limits set by the law, a freely negotiated collective bargaining agreement, and/or the FLA Code, in an environment where a worker is unable to leave the work premises, constitutes forced labor. (S)

F.15  **Personal Worker Identification and Other Documents**
Workers shall retain possession or control of their passports, identity papers, travel documents or any other personal legal documents. Employers shall not retain any such documents to restrict workers’ access to them for any reason whatsoever, including in order to ensure that workers shall remain in employment in the factory. (S) Employers may obtain copies of original documents for record-keeping purposes.

F.16  **Storage for Employee Documents**
Employers shall provide, at employee request, secure storage for employee documents. Such storage shall be freely accessible to workers. (P)

F.17  **Prison Labor (New Benchmark)**
Prison labor shall only be used when the work or service is exacted as a consequence of a conviction in a court of law. The work of prisoners requires the freely given consent of the workers concerned, without the menace of any penalty, such as loss of (prison) privileges or an unfavorable assessment of behavior taken into account for reduction of sentence. Conditions of work by prisoners must approximate conditions of a free employment relationship in terms of wage levels, social security and other benefits, and safety and health. (S)
II. CHILD LABOR (CL)

WORKPLACE CODE PROVISION: 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.

Benchmarks

CL.1 General Compliance Child Labor (New Benchmark)
Employers shall comply with all local laws, regulations and procedures concerning the prohibition of child labor. (S)

CL.2 Child Labor (New Benchmark)
Employers shall not employ children 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. (S)

CL.3 Proof of Age Documentation
Employers shall collect and maintain all documentation necessary to confirm and verify date of birth of all workers, such as birth certificates. In addition, the employers shall take reasonable measures to ensure such documentation is complete and accurate. (P)

CL.4 Other Means of Age Verification
In those cases where proof of age documentation is not readily available or unreliable, employers shall take all necessary precautions which can reasonably be expected of them to ensure that all workers are at least the minimum working age, including requesting and maintaining medical or religious records of workers, or through other means considered reliable in the local context. (P)

CL.5 Government Permits and Parental Consent Documentation
Employers shall abide by all relevant rules and procedures where the law requires government permits or permission from parents as a condition of employment, and shall keep documentation on-site for inspection at all times. (P)

CL.6 Employment of Young Workers
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)

CL.7 Hazardous Work for Young Workers
No person under the age of 18 shall undertake hazardous work, i.e., work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of persons under the age of 18. (S)
CL.8  Young Worker Identification System
Employers shall have a system for identifying work stations and operations that are inappropriate for young workers according to applicable laws. (P)

CL.9  Minimum Working Age (Apprenticeships and Vocational Training)
Apprentices or vocational students shall be at least the higher of (a) the legal minimum working age for work done in schools for general, vocational or technical education or in other training institutions, or (b) at least 14 years of age for work done in factories where such work is carried out in accordance with conditions prescribed under local laws, regulations and procedures. (S)

CL.10  Legal Compliance (Apprenticeships and Vocational Training)
Employers shall comply with all regulations and requirements of apprentice or vocational education programs, and shall be able to document to monitors that these are legally recognized programs. Informal arrangements of any kind are not acceptable. (P)

CL.11  Child Care Facilities
Childcare facilities shall not physically overlap with production areas, and children shall not have access to production areas. (P)

CL.12  Children on Premises
Children under the minimum working age shall not be allowed in factory work areas at any time, unless they are part of a guided school group tour or other such unusual event. Children must not visit parents in factory work areas. (P)
III. HARASSMENT OR ABUSE (H&A)

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

Benchmarks

H&A.1 General Compliance Harassment and Abuse (New Benchmark)
Employers shall comply with all local laws, regulations and procedures concerning discipline, violence, harassment and abuse. (S)

H&A.2 Discipline/Progressive Discipline
Employers shall have a written system of progressive discipline (e.g., a system of maintaining discipline through the application of escalating disciplinary action moving, for instance, from verbal warnings to written warnings to suspension and finally to termination). Any exceptions to this system (e.g., immediate termination for gross misconduct, such as theft or assault) shall also be in writing and clearly communicated to workers. (P)

H&A.3 Discipline/Review of Disciplinary Action (New Benchmark)
The disciplinary system shall include possibilities for workers to have disciplinary action imposed on them reviewed by someone at a higher managerial position than the manager who imposed the disciplinary action. In addition, such a system shall include the ability of a worker to appeal and/or question any disciplinary action against him or her and/or have a third party of his or her choice present when the disciplinary action is being imposed. (P)

H&A.4 Discipline/Fair and Non-discriminatory Application
Employers shall apply disciplinary rules, procedures and practices in a fair and non-discriminatory manner to all workers. (S)

H&A.5 Discipline/Written Disciplinary System
Employers shall maintain a system of written disciplinary rules, procedures and practices. Disciplinary rules, procedures and practices shall be clearly communicated to all workers. (P)

H&A.6 Discipline/Worker Awareness and Participation of Workers
Workers must be informed when a disciplinary procedure has been initiated against them. Workers have the right to participate and be heard in any disciplinary procedure against them. Employers shall maintain written records of all disciplinary actions taken. Workers must sign all written records of disciplinary action against them. Such records must be maintained in the worker’s personnel file. (P)

H&A.7 Discipline/Training of Management
Employers shall ensure managers and supervisors are fully familiar with the factory disciplinary system and trained in applying appropriate disciplinary practices. (P)
H&A.8  Discipline/Monetary Fines and Penalties
Employers shall not use monetary fines and penalties as a means to maintain labor discipline, including for poor performance or for violating company rules, regulations, and policies. (S)

H&A.9  Discipline/Access to Facilities
Access to food, water, toilets, medical care or health clinics or other basic necessities shall not be used as either reward or as a means to maintain labor discipline. (S)

H&A.10  Discipline/Physical Abuse
Employers shall not use any form of – or threat of – physical violence, including slaps, pushes or any other forms of physical contact as a means to maintain labor discipline. (S)

H&A.11  Discipline/Verbal Abuse
Employers shall not use any form of verbal violence, including screaming, yelling, or the use of threatening, demeaning, or insulting language, as a means to maintain labor discipline. (S)

H&A.12  Discipline/Freedom of Movement
Employers shall not unreasonably restrain the freedom of movement of workers, including movement in canteens, during breaks, using toilets, accessing water, or to access necessary medical attention, as a means to maintain labor discipline. (S)

H&A.13  Violence/Harassment/Abuse (New Benchmark)
Employers shall ensure that the workplace is free from any type of violence, harassment or abuse, be it physical, psychological, sexual, verbal, or otherwise. Employers shall refrain from any action – and shall take all appropriate action to ensure that all workers refrain from any action – that would result in an intimidating, hostile or offensive work environment for workers. (S)

H&A.14  Sexual Harassment
Employers shall refrain from: any act of sexual harassment, including any insult or inappropriate remark, joke, insinuation and comment on a person's dress, physique, age, family situation, etc; a condescending or paternalistic attitude with sexual implications undermining dignity; any unwelcome invitation or request, implicit or explicit, whether or not accompanied by threats; any lascivious look or other gesture associated with sexuality; and any unnecessary physical contact such as touching, caresses, pinching or assault. Employers shall not offer – or take any action that may suggest an offer of – recruitment, continued employment, promotion, improved working conditions, preferential work assignments or other preferential treatment of any kind in actual or implied exchange for a sexual relationship, nor subject workers to prejudicial treatment of any kind in retaliation for refused sexual advances or corrected inappropriate behavior. Employers shall refrain from any action – and shall take all appropriate action to ensure that all workers refrain from any action – that would result in a sexually intimidating, hostile or offensive work environment for workers. (S)

H&A.15  Security Practices/Body Searches
All security practices shall be gender-appropriate and non-intrusive, so that the dignity of the worker concerned is protected when a search is undertaken. Searching of bags and other
personal items to prevent theft is acceptable. Body searches and physical pat-downs shall only be undertaken when there is a legitimate reason to do so and upon consent of the worker, unless a state official with the power to do so (such as police officer) has ordered the search. Body searches cannot be undertaken in public and the person who undertakes the search shall be of the same sex as the person who is being searched. (S)

H&A.16 Punishment of Abusive Workers/Supervisors/Managers
Management shall discipline anyone (including managers, supervisors or fellow workers) who engages in any physical, sexual, psychological or verbal violence, harassment or abuse, regardless of whether such action was intended as a means to maintain labor discipline. Such discipline could include (combinations of) compulsory counseling, warnings, demotions and termination. (P)
IV. NON-DISCRIMINATION (D)

WORKPLACE CODE PROVISION: 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.

Benchmarks

D.1 General Compliance Non-Discrimination (New Benchmark)
Employers shall comply with all local laws, regulations and procedures concerning non-discrimination. (S)

D.2 Employment Decisions
All employment decisions shall be made solely on the basis of a person’s qualifications, in terms of education, training, experience, demonstrated skills and/or abilities, as they relate to the inherent requirements of a particular job. (P)

D.3 Recruitment and Employment Practices (Job Advertisements, Job Descriptions and Evaluation Policies)
Recruitment and employment policies and practices, including job advertisements, job descriptions, and performance/job evaluation policies and practices shall be free from any type of discriminatory bias. (S)

D.4 Sex-Based Wage Discrimination
There shall be no differences in remuneration for men and women workers for work of equal value. Remuneration (wages, compensation) includes the basic minimum or prevailing industry wage and any additional payments to be made directly or indirectly, whether in cash or in-kind, by the employer to the worker and arising out of the workers’ employment. Such additional payments include wage differentials or increments based on seniority or marital status, cost of living allowances, housing or residential allowances, family allowances, benefits in-kind such as the allotment and cleaning of work clothes or safety equipment, and social security benefits. (S)

D.5 Marital Discrimination
Employers shall not discriminate on the basis of marital status. (S)

D.6 Pregnancy Testing
Employers shall not use pregnancy tests or the use of contraception as a condition of hiring or of continued employment. Employers shall not require pregnancy testing of female workers, except as required by national law. In such cases, employers shall not use (the results of) such tests as a condition of hiring or continued employment. (S)

D.7 Possible Marriage or Pregnancy (New Benchmark)
Employers shall not threaten female workers with dismissal or any other employment decision that negatively affects their employment status in order to prevent them from getting married or becoming pregnant. (S)
D.8  Pregnancy and Employment Status
Employers shall not, on the basis of a woman’s pregnancy, make any employment decisions that negatively affect a pregnant woman’s employment status, including decisions concerning dismissal, loss of seniority, or deduction of wages. (S)

D.9  Protection and Accommodation of Pregnant Workers and New Mothers
Employers shall abide by all protective provisions in local laws and regulations benefiting pregnant workers and new mothers, including provisions concerning maternity leave and benefits, prohibitions regarding night work, temporary reassignments away from work stations and work environments that may pose a risk to the health of pregnant women and their unborn children or new mothers and their new born children, temporary adjustment of working hours during and after pregnancy, and the provision of breast-feeding breaks and facilities. Where such legal protective provisions are lacking, employers shall take reasonable measures to ensure the safety and health of pregnant women and their unborn children. Such measures shall be taken in a manner that shall not unreasonably affect the employment status, including wages and benefits, of pregnant women. (P)

D.10  Health Status (New Benchmark)
Employers shall not, on the basis of a person’s health status, make any employment decisions that negatively affect the persons employment status, including decisions concerning recruitment, termination, promotion, or assignment of work, unless such decision is dictated by the inherent requirements of the job or a medical necessity to protect the worker and/or other workers. (S)

D.11  Medical Examination (New Benchmark)
Employers are allowed to require routine medical examination for fitness as a condition of recruitment or continued employment. Such examination shall, however, be strictly limited to assess general fitness, and not include testing for any disease or illness, such as HIV/AIDS, that does not have an immediate effect on a person’s fitness and/or is not contagious. (P)

D.12  Confidentiality of Health Status (New Benchmark)
Employers shall respect the confidentiality of workers’ health status and not undertake any action that could lead to breach of said confidentiality, including screening of any kind, whether by direct testing, indirect testing (for instance, by making an assessment of risk behavior) or asking questions about tests already taken or about medication. (P)

D.13  Reasonable Accommodation for Health Reasons (New Benchmark)
Employers shall take measures to reasonably accommodate workers with (chronic) illnesses, including HIV/AIDS-related illnesses, which could include rearrangement of working time, the provision of special equipment, opportunities for rest breaks, time-off for medical appointments, flexible sick leave, part-time work and return-to-work arrangements. (P)

D.14  Discriminatory Violence/Harassment/Abuse (New Benchmark)
Any type of violence, harassment or abuse, be it physical, psychological, sexual, verbal, or otherwise, undertaken on any of the grounds referred to in the Code provision shall constitute discrimination. (S)
V. HEALTH AND SAFETY (H&S)

WORKPLACE CODE PROVISION: 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.

Benchmarks

H&S.1 General Compliance Health and Safety (New Benchmark)
Employers shall comply with all local laws, regulations and procedures concerning health and safety. (S)

H&S.2 Document Maintenance/Worker Accessibility and Awareness
All documents required to be available to workers and management by applicable laws (such as health and safety policies, MSDS, etc.) shall be made available in the prescribed manner and in the local language or language(s) spoken by the workers if different from the local language. (P)

H&S.3 Written Health and Safety Policy (New Benchmark)
Employers are required to develop, maintain and regularly review a written health and safety policy. The policy must, at the very least, be aimed at complying with legal minimum safety and health standards, regulations and procedures. (P)

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

H&S.5 Health and Safety Management System (New Benchmark)
The health and safety policy shall contain the framework for a comprehensive health and safety management system within which employers’ responsibilities and workers’ rights and duties, various responsibilities of designated personnel, procedures that enable workers to raise health and safety concerns and procedures for reporting death, injury, illness and other health and safety issues (for instance, near-miss accidents) are clear and regularly tested and reviewed. (P)

H&S.6 Communication to Workers
The health and safety policy shall be communicated to all workers in the local language or language(s) spoken by workers if different from the local language. (P)

H&S.7 Notification and Record Maintenance
Employers shall notify the relevant authorities of all illnesses and accidents as required by applicable laws. All illness, safety and accident reports shall be maintained on site for at least one year, or longer if required by law. (P)

H&S.8 Permits and Certificates
The employer shall at all times be in possession of all legally required and valid permits and certificates related to health and safety issues, such as those related to the purchase and storage of chemicals, fire safety inspections, inspection of machinery, and (chemical) waste disposal. (P)
**H&S.9  Evacuation Requirements and Procedure**
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)

**H&S.10  Safety Equipment and First Aid Training**
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)

**H&S.11  Personal Protective Equipment**
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)

**H&S.12  Use of Personal Protective Equipment**
Workers shall not incur any costs related to the normal and regular provision and maintenance of personal protective equipment. (P)

**H&S.13  Chemical Management and Training**
All chemicals and hazardous substances shall be properly labeled and stored in accordance with applicable laws. Labels shall be placed in the local language and the language(s) spoken by workers, if different from the local language. Workers shall receive training, appropriate to their job responsibilities, concerning the hazards, risks and the safe use of chemicals and other hazardous substances. (S)

**H&S.14  Material Safety Data Sheets/Worker Access and Awareness**
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)

**H&S.15  Chemical Management for Pregnant Women and Young Workers**
To prevent unsafe exposure to hazardous chemicals, specific appropriate accommodations shall be made for pregnant women and workers under the age of 18 as required by applicable laws or the provisions of the FLA Code in a manner that does not unreasonably disadvantage workers. (S)

**H&S.16  Protection Reproductive Health**
Employers shall ensure that women are not engaged in work that constitutes a substantial risk to their reproductive health. (S)
H&S.17 Ventilation/Electrical/Facility Installation and Maintenance
All necessary ventilation, plumbing, electrical, noise and lighting services shall be installed and maintained to conform to applicable laws and in such a manner as to prevent or minimize hazardous conditions to workers in the facility. (S)

H&S.18 Machinery Maintenance and Worker Training
All production machinery, equipment and tools shall be regularly maintained and properly guarded. Workers shall receive training in the proper use and safe operation of machinery, equipment and tools they use. Employers shall ensure safety instructions are either displayed/posted near all machinery or are readily accessible to the workers. (S)

H&S.19 Proper Use of Machinery
Employers shall only use positive incentives (risk awareness training, demonstration of proper use, awards, bonuses, etc.) to ensure workers use machinery, equipment and tools properly and safely. Workers shall not suffer any negative consequences for refusing to work with machinery, equipment or tools that are not properly guarded or reasonably considered unsafe. (P)

H&S.20 Bodily Strain (New Benchmark)
Workstations, including seating and standing arrangements and reach required to obtain tools, shall be designed and set-up in such a manner as to minimize bodily strains. Employers shall train workers in proper lifting techniques and items such as belts shall be provided. (S)

H&S.21 Medical Facilities
Medical facilities shall be established and maintained in factories as required by applicable laws. Medical staff shall be fully licensed and recognized under applicable local rules and regulations. An appropriate number of medical staff shall be on duty during all working hours, including any type of overtime, as required under local law. An appropriate stock of medical supplies shall be maintained at all times. Medicines of which the expiration date has passed must be replaced immediately and disposed of in a safe manner. (P)

H&S.22 Sanitation in Factory Facilities
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)

H&S.23 Toilets
Employers shall establish the number of toilets required under applicable laws within reasonable distance of the workplace. (S)

H&S.24 Toilets/Restrictions
Employers shall not place any undue restrictions on toilet use in terms of time and frequency. (P)

H&S.25 Food Preparation
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)
H&S.26  Drinking Water
Safe and clean drinking water shall be freely available at all times, within reasonable distance of the workplace. Drinking water shall be of a reasonable temperature and the means to drink water (cups, etc.) must be safe and sanitary and available in an appropriate number. (S)

H&S.27  Drinking Water/Restrictions
Employers shall not place any undue restrictions on drinking water in terms of time and frequency. (P)

H&S.28  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 shall also be conducted at least annually. (S)
VI. FREEDOM OF ASSOCIATION AND COLLECTIVE BARGAINING (FOA)

WORKPLACE CODE PROVISION: Employers will recognize and respect the right of employees to freedom of association and collective bargaining.

Benchmarks

FOA.1 General Compliance Freedom of Association (New Benchmark)
Employers shall comply with all local laws, regulations and procedures concerning freedom of association and collective bargaining. (S)

FOA.2 Right to Freely Associate
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)

FOA.3 Employer Interference and Control
Employers shall refrain from any acts of interference with workers’ organizations, including acts which are designed to establish or promote the domination, financing or control of workers’ organizations by employers. (S)

FOA.4 Deduction of Union Dues and Other Fees (New Benchmark)
Employers cannot deduct union membership fees or any other union fees from workers’ wages without the express and written consent of individual workers, unless specified otherwise in freely negotiated and valid collective bargaining agreements. (S)

FOA.5 Employer Interference/Constitution, Elections, Administration, Activities and Programs
Employers shall not interfere with the right of workers to draw up their constitutions and rules, to elect their representatives in full freedom, to organize their administration and activities and to formulate their programs. (S)

FOA.6 Employer Interference/Registration
The employer shall not attempt to influence or interfere in any other way, to the detriment of worker’s organizations, with government registration decisions, procedures and requirements regarding the formation of workers’ organizations. (S)

FOA.7 Employer Interference/Favoritism
Employers shall not interfere with the right to freedom of association by favoring one workers’ organization over another. (S)

FOA.8 Employer Interference/Formation of Alternative Organizations
In cases where a single union represents workers, the employer shall not attempt to influence or interfere in any way in workers’ ability to form other organizations that represent workers. (S)
FOA.9 Production Shift/Factory Closure to Prevent Exercise of Freedom of Association

Employers shall not (threaten to) shift production or close a factory in an attempt to prevent the formation of a union, in reaction to the formation of a union, in reaction to any other legitimate exercise of the right to freedom of association and collective bargaining, including the right to strike, or in an effort to break up a union. (S) If a factory is closing and is suspected of doing so to prevent or hamper the legitimate exercise of the right to freedom of association, the employer shall provide proof that can be assessed by a third party to determine the validity of these reasons given for closure. (P)

FOA.10 Anti-Union Violence/Harassment/Abuse

Employers shall not in any way use violence against, threaten, intimidate, harass or abuse workers seeking to form or join workers’ organizations or workers participating or intending to participate in union activities, including strikes. (S)

FOA.11 Employer Interference/Police and Military Forces

The employer shall not in any way threaten the use of or use the presence of police or military, to prevent, disrupt or break up any activities that constitute a peaceful exercise of the right to freedom of association, including union meetings, assemblies and strikes. (S)

FOA.12 Anti-Union Discrimination/Dismissal, Other Loss of Rights, and Blacklisting

The employer shall not engage in any act of anti-union discrimination, i.e., shall not make any employment decisions which negatively affect a worker, based wholly or in part on a workers’ union membership or participation in union activity, including the formation of a union, previous employment in a unionized facility, participation in collective bargaining efforts or participation in a legal strike. Employment decisions include: hiring; termination; job security; job assignment; wages; bonuses; allowances; all other forms of compensation and benefits (social security, retirement, health insurance, etc.); promotion; downgrading; transfer; (vocational) training; discipline; and assignment of work and conditions of work including hours of work, rest periods, annual holidays with pay, and occupational safety and health measures. The use of blacklists used to contravene the exercise of the right to freedom of association, for instance blacklists based on union membership or participation in union activity, also constitutes anti-union discrimination. (S)

FOA.13 Protection of Union Officials (New Benchmark)

Employers shall comply with all relevant provisions where local laws provide special protection to workers or worker representatives engaged in a particular union activity (such as union formation) or to worker representatives with a particular status (such as union founding members or current union office holders). (S)

FOA.14 Severance Pay

Employers shall not offer or use severance pay in any form or under any other name as a means of contravening the right to freedom of association, including attempts to prevent or restrict union formation or union activity, including strikes. (S)
FOA.15  Right to Strike (New Benchmark)
Employers shall respect all laws, rules and procedures protecting the rights of workers to organize, bargain collectively, and participate in strikes consistent with ILO principles and jurisprudence. (S)

FOA.16  Right to Strike/Sanction for Organizing or Participating in Legal Strikes (New Benchmark)
Employers shall not impose any sanction on workers organizing or having participated in a legal strike. (S)

FOA.17  Right to Strike/Replacement Workers
Employers shall not hire replacement workers in order to prevent or break up a legal strike or to avoid negotiating in good faith. (S)

FOA.18  Right to Collective Bargaining (New Benchmark)
Employers shall recognize the rights of workers to free and voluntary collective bargaining with a view to the regulation of terms and conditions of employment by collective agreements. (S)

FOA.19  Right to Collective Bargaining/Good Faith
Employers and worker representatives shall bargain in good faith, i.e. engage in genuine and constructive negotiations and make every effort to reach an agreement. (S)

FOA.20  Right to Collective Bargaining/Exclusive Bargaining and Other Recognized Unions
Employers shall bargain with any union that has been recognized by law or by agreement between the employer and that union, provided such agreement does not contravene local law, as a – or the exclusive – bargaining agent for some or all of its workers. (S)

FOA.21  Right to Collective Bargaining/Unorganized Workers (New Benchmark)
Employers can only engage in collective bargaining with representatives of unorganized workers when no workers’ organization exists. (S)

FOA.22  Right to Collective Bargaining/Compliance with Collective Bargaining Agreement
Employers, unions and workers shall honor in good faith, for the term of the agreement, the terms of any collective bargaining agreement they have agreed to and signed. Worker representatives and workers shall be able to raise issues regarding compliance with a collective bargaining agreement by the employer without retaliation or any negative effect on their employment status. (S)

Collective bargaining agreements that have not been negotiated freely, voluntarily and in good faith shall be considered not applicable. Provisions in collective bargaining agreements that contradict national laws, rules and procedures or offer less protection to workers than provisions of the FLA Code shall also be considered not applicable. (S)
FOA.24 Rights of Minority Unions and their Members
Trade unions not recognized as a bargaining agent of some or all of the workers in a facility shall have the means for defending the occupational interests of their members, including making representations on their behalf and representing them in cases of individual grievances, within limits established by applicable law. (S)

FOA.25 Facilities for Worker Representatives
Workers’ representatives shall have the facilities necessary for the proper exercise of their functions, including access to workplaces. (S)

FOA.26 Grievance Procedure (New Benchmark)
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)

FOA.27 Restoration of Worker Rights/Reinstatement (New Benchmark)
Workers who have been unjustly dismissed, demoted or otherwise suffered a loss of rights and privileges at work due to an act of union-discrimination shall, subject to local laws, be entitled to restoration of all the rights and privileges lost, including reinstatement, if they so desire. (S)
VII. HOURS OF WORK (HOW)

WORKPLACE CODE PROVISIONS: 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.

Benchmarks

HOW.1 General Compliance Hours of Work (New Benchmark)
Employers shall comply with all local laws, regulations and procedures concerning hours of work, public holidays and leave.

HOW.2 Rest Day (New Benchmark)
Workers shall be entitled to at least one day off in every seven-day period. If workers must work on a rest day, an alternative day off must be provided within that same seven-day period or immediately following the seven-day period. (P)

HOW.3 Meal and Rest Breaks
Employers shall provide reasonable meal and rest breaks, which, at a minimum, must comply with local laws. (S)

HOW.4 Protected Workers (Women and Young Workers)
The factory shall comply with all applicable laws governing work hours regulating or limiting the nature, frequency and volume of work performed by women or workers under the age of 18. (S)

HOW.5 Protected Workers (Women and Young Workers)/Record Keeping
Employers shall maintain necessary records identifying all women workers and all workers under the age of 18 entitled to legal protection concerning work hours. (P)

HOW.6 Time Recording System
Time worked by all workers, regardless of compensation system, shall be fully documented by time cards or other accurate and reliable recording systems such as electronic swipe cards. Employers are prohibited from maintaining multiple time-keeping systems and/or false records for any fraudulent reason, such as to falsely demonstrate working hours. Time records maintained shall be authentic and accurate. (P)

HOW.7 Maintenance of Reasonable Levels of Staff
Employer personnel practices shall demonstrate an effort to maintain a level of staffing that is reasonable in view of predictable or continuing fluctuations in business demand. (P)
HOW.8 Overtime/Reduced Mandated Overtime
The employer shall demonstrate a commitment to reduce overtime and to enact a voluntary overtime system, including for overtime mandated to meet extraordinary business circumstances. (P)

HOW.9 Overtime/Positive Incentives
Employers shall use positive incentive schemes to induce overtime and shall ensure such incentive schemes are known by workers. (P)

HOW.10 Overtime/Calculation over Period Longer than One Week (New Benchmark)
Employers are allowed to calculate normal hours of work as an average over a period of longer than one week where local laws, regulations and procedures provide for such a possibility but only when all formal and procedural requirements attached to such calculation (for instance, obtaining official permission from the relevant authorities or limits to the period during which such calculations can be made) are met. The basis for such calculation shall, however, remain at all times the lesser of 48 hours per week or legal limits on hours of work in the country of manufacture or, where such legal limits do not exist, the regular work week in such country. (S)

HOW.11 Extraordinary Business Circumstance/Forced Overtime
In case of extraordinary business circumstances, employers shall make reasonable efforts to secure voluntary overtime work prior to mandating involuntary overtime. Employers must get workers voluntary consent periodically for all overtime that is above the 12 hours as provided for in the Code and that is not due to extraordinary business circumstances. (P)

HOW.12 Extraordinary Business Circumstance/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 sufficiently in advance to allow workers to make alternative plans. (P)

HOW.13 Public Holidays (New Benchmark)
Employers shall provide workers with all official public holidays as required under local laws, regulations and procedures. (S)

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

HOW.15 Annual Leave/Determination (New Benchmark)
Employers shall not impose any undue restrictions on workers’ use of annual leave. The time at which annual leave is taken is determined by the employer in consultation with the worker, taking into account work requirements and the opportunities for rest and relaxation available to the worker. (S)
HOW.16 Annual Leave/Restrictions (New Benchmark)
Any factory restrictions or procedures applicable to taking annual leave, such as requiring a minimum period of service before being allowed to use annual leave, written requests to be submitted a certain time before the annual leave would be taken, etc., must be in line with local laws, regulations and procedures and must be communicated in full to all workers. (S)

HOW.17 Leave/Retaliation (New Benchmark)
Employers shall not impose any sanction on workers for requesting or taking any type of leave, such as annual, sick, maternity or other leave, in line with all applicable rules and procedures. (S)

HOW.18 Annual Leave/Wage Payments (New Benchmark)
Employers shall provide workers taking annual leave their normal or average wages for the full period of annual leave in advance, unless specified differently under local laws, regulations and procedures. (S)

HOW.19 Sick Leave (New Benchmark)
Employers shall provide workers with sick leave as required under local laws, regulations and procedures. (S)

HOW.20 Sick Leave/Restrictions (New Benchmark)
Employers shall not impose any undue restrictions on sick leave. Any factory restrictions or procedures regarding sick leave, such as informing the employer as soon as possible, the provision of medical certificates, the use of designated doctors or hospitals, etc., must be in line with local laws, regulations and procedures and must be communicated in full to all workers. (S)

HOW.21 Calculation of Absences (New Benchmark)
Absences from work for reasons beyond the control of workers, such as sick leave or periods during which factory operations are suspended, shall not be counted as annual leave nor shall they be deducted from calculations concerning length of service, unless specified differently under local laws, regulations and procedures. (S)

HOW.22 Suspension of Work (New Benchmark)
Employers can only suspend work in accordance with local laws, regulations and procedures. Workers shall be paid in full during periods of suspension, unless local laws stipulate otherwise, workers and their representative organizations (temporarily) agree otherwise, and the relevant national authorities authorize the alternative arrangement. (S)
VIII. WAGES, BENEFITS AND OVERTIME COMPENSATION (WBOT)

WORKPLACE CODE PROVISIONS:

WAGES AND BENEFITS: 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.

OVERTIME COMPENSATION: 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.

Definition of Wages, Compensation, etc.

The terms wages, compensation, etc. include the basic minimum or prevailing industry wage and any additional payments to be made directly or indirectly, whether in cash or in-kind, by the employer to the worker and arising out of the workers’ employment. Such additional payments include wage differentials or increments based on seniority or marital status, cost of living allowances, housing or residential allowances, family allowances, benefits in-kind such as the allotment and cleaning of work clothes or safety equipment, and social security benefits.

Benchmarks

WBOT.1 General Compliance Wages, Benefits and Overtime Compensation (New Benchmark)
Employers shall comply with all local laws, regulations and procedures concerning the payment of wages and benefits, including overtime compensation. In any case where laws and the FLA Code are contradictory, the standard that provides the greatest protection for workers shall apply. Where provisions are lacking, employers shall take measures to reasonably accommodate matters concerning the payments of wages and benefits, including overtime compensation.

WBOT.2 Minimum Wage
Employers shall pay workers at least the legal minimum wage or the prevailing industry wage, whichever is higher. (S)

WBOT.3 Training and Probation Wage
Where probation or training wages are legally allowed, no worker shall be paid a probation or training wage for more than three months cumulatively. (S)

WBOT.4 Timely Payment of Wages
All wages, including overtime compensation shall be paid within legally defined time limits. When no time limits are defined by law, compensation shall be paid at least once a month. (S)
WBOT.5  Holidays, Leave, Legal Benefits and Bonuses
Employers shall provide all legally mandated holidays, leave, benefits and bonuses, such as official holidays, annual leave, sick leave, severance payments and 13th month payments, to all eligible workers within legally defined time periods. In addition, all leave and bonuses shall be calculated correctly. (S)

WBOT.6  Production and Incentive Schemes
Employers shall not set production targets, piece rates or any other incentive or production system at such a level that workers need to work beyond normal working hours as set under the FLA Code, excluding overtime, in order to make the legal minimum wage or the prevailing industry wage, whichever is higher. (S)

WBOT.7  Payment for All Hours Worked
Workers shall be paid for all hours worked in a workweek. Calculation of hours worked must include all time that the employer allows or requires the worker to work. (S)

WBOT.8  Calculation Basis for Overtime Payments
Employers shall compensate workers for all hours worked. For workers on a piece rate payment scheme or any other incentive scheme, payments for overtime hours worked shall be calculated by applying the premium rate required by law or this Code on the same payment scheme as is used for calculating wages for normal working hours, unless the payment scheme used leads to higher wages for workers. (S)

WBOT.9  Non Payment of Incentives
Regardless of any production quotas, incentives shall not be reduced or not paid if the result shall be wages below the legal minimum wage or the prevailing industry wage, whichever is higher. (S)

WBOT.10  Premium/Overtime Compensation
The factory shall comply with all applicable laws, regulations and procedures governing the payment of premium rates for work on holidays, rest days, and overtime. (S)

WBOT.11  Overtime Compensation Awareness
Workers shall be informed, orally and in writing, about overtime compensation rates prior to undertaking overtime. (P)

WBOT.12  Overtime Compensation for Piece Rates and Other Incentive Schemes
Employers shall not set production targets, piece rates, or any other incentive or production system at such a level that the payment for overtime work performed is less than the premium pay required by law. (S)

WBOT.13  Deposit of Legally Mandated Deductions
All legally mandated deductions for taxes, social insurance, or other purposes shall be deposited each pay period in the legally defined account or transmitted to the legally defined agency. This includes any lawful garnishments for back taxes, etc. The employer shall not hold over any of these funds from one pay period to the other unless the law specifies that deposits are to be made
less frequently than pay periods (e.g., monthly deposits, weekly pay). If the law does not specify, then deposits shall be made before the next pay period in all cases. (S)

**WBOT.14 Voluntary Wage Deductions**
Voluntary wage deductions for savings clubs, loan payments, etc. can only be made with the express and written consent of workers and shall be documented in employee files. All such voluntary deductions shall be credited to proper accounts and funds shall not be held illegally or inappropriately by employers. (S)

**WBOT.15 Voluntary Wage Deduction/Worker Access to Information**
Workers shall have access to regular and full information concerning the status of relevant accounts and the status and level of their payments thereto. (P)

**WBOT.16 Employer Provided Services**
All workers have a right to use or not to use employer provided services, such as housing or meals. Deductions for services to workers shall not exceed the cost of the service to the employer. Employers must be able to demonstrate the accuracy or reasonableness of these charges. (P)

**WBOT.17 Accurate Calculation and Recording of Wage Compensation**
All payments to workers, including hourly wages, piecework, benefits, bonuses, and other incentives shall be calculated and recorded accurately. (S)

**WBOT.18 Accurate Length of Service Calculation**
All workers shall 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. (S)

**WBOT.19 False Payroll Records**
Employers shall not use hidden or multiple payroll records in order to hide overtime, to falsely demonstrate hourly wages, or for any other fraudulent reason. Payroll records maintained shall be authentic and accurate. (P)

**WBOT.20 Payroll Record Maintenance/Worker Acknowledgement**
All compensation records shall be maintained accurately and shall be acknowledged by the worker as accurate. (P)

**WBOT.21 Record Maintenance**
Employers shall ensure that all legally required payroll documents, journals and reports are available, complete, accurate and up-to date. (P)

**WBOT.22 Worker Wage Awareness**
Employers shall make every reasonable effort to ensure workers understand the wages, including the calculation of wages, incentives systems, benefits and bonuses they are entitled to in a factory and under applicable laws. To this end, employers shall communicate orally and in writing to all workers all relevant information in the local language or language(s) spoken by the workers, if different from the local language. (P)
WBOT.23  Posting Notices
All notices that are legally required to be posted in the factory work areas shall be posted. All legally required documents, such as copies of legal code or law, shall be kept at the factory and available for inspection. (P)

WBOT.24  Contestation of Wage Payments (New Benchmark)
Employers must establish a system through which workers can contest wage payments and receive clarifications in this respect in a timely manner. (P)

WBOT.25  Worker Wage Awareness
Workers shall have access to understandable information from their employer about their wages and benefits. (P)

WBOT.26  Pay Statement
Employers shall provide workers a pay statement each pay period, which shall show earned wages, wage calculations, regular and overtime pay, bonuses, all deductions and final total wage. (P)

WBOT.27  Wage Receipt (New Benchmark)
All payments of wages and benefits in cash and in-kind made directly to the worker must be properly documented and their receipt and accuracy must be confirmed by the relevant worker in writing (signature, thumbprint, etc.). No one can receive wages on behalf of a worker, unless the worker concerned has, in full freedom, authorized in writing for another person to do so. (P)

WBOT.28  Free Disposal of Wages/Cash and In-Kind Compensation
Employers may not limit in any manner the freedom of workers to dispose of their wages. Workers shall be compensated for their work directly through the provision of cash or its equivalent. The partial payment of wages in the form of allowances in-kind is permissible, when: allowed under local law, and as long as legal limits are complied with; they are appropriate for the personal use and benefit of the worker and her or his family; the value attributed to such allowances is fair and reasonable; and receipt of in-kind compensation is voluntary. Wages must be paid on regular working days and in principle at or near the workplace. Workers must be free from any coercion to make use of factory or works stores. (S)