FLA Comment: This report was submitted with a corresponding corrective action plan to the FLA and was reviewed by FLA staff. In an effort to improve the effectiveness of remediation, the FLA has provided feedback and recommendations to the company. The FLA has not yet received a response from the company. Therefore, the report is posted in its current state and will be updated once a finalized report has been received.
CONTENTS:

Wages, Benefits and Overtime Compensation: Holidays, Leave, Legal Benefits and Bonuses _________ 3
Wages, Benefits and Overtime Compensation: Employer Provided Services* ______________________ 4
Non-Discrimination: Protection and Accommodation of Pregnant Workers and New Mothers ________ 4
Non-Discrimination: Other - Non-Discrimination _____________________________________________ 5
Health and Safety: Safety Equipment and First Aid Training*____________________________________ 7
Health and Safety: Ventilation/Electrical/Facility Installation and Maintenance*____________________ 7
Health and Safety: Sanitation in Factory Facilities______________________________________________ 8

*Denotes a Notable Feature
Wages, Benefits and Overtime Compensation: Holidays, Leave, Legal Benefits and Bonuses

WBOT.5 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)

Noncompliance

Explanation: The factory is not respecting the rights of nursing mothers by not allowing them a daily paid break of up to 1 hour to breastfeed their infants. This right is based on Article 312 of the Code of Labor. Also, the factory does not have a childcare facility, which is mandated by the Constitution of El Salvador (Article 42).

Plan Of Action: The factory will adopt a breastfeeding policy and then inform all employees about this policy. The breastfeeding hour will be respected and supported, including a special area for nursing mothers. In regards to the childcare facility, according to our legal department, the state of El Salvador has not passed the respective laws regulating childcare facilities as mandated by the constitution of El Salvador. (Art 42) Please find a document attached with an explanation from our legal department.

Deadline Date: 08/15/2010

Supplier CAP: The factory will adopt a breastfeeding policy and all employees will be informed about this policy. The breastfeeding hour will be respected and supported, including a special area for nursing mothers. In regards to the childcare facility, according to our legal department, the state of El Salvador has not passed the respective laws regulating childcare facilities as mandated by the constitution of El Salvador. (Art 42) Please find a document attached with an explanation from our legal department.

Supplier CAP Date:

Action Taken:

Plan Complete: No

Plan Complete Date:
Wages, Benefits and Overtime Compensation: Employer Provided Services

WBOT.16 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)

Notable Feature

Explanation: Workers can buy meals at the factory for a very low price.

Non-Discrimination: Protection and Accommodation of Pregnant Workers and New Mothers

D.9 Employers shall abide by all protective provisions in local laws and regulations benefiting pregnant workers and new mothers, including maternity leave/benefits, prohibitions regarding night work, temporary reassignments away from work that pose risk to the health of women and their children, temporary adjustment of working hours during and after pregnancy, and the provision of breastfeeding breaks and facilities. Where such legal protective provisions are lacking, employers to 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)

Noncompliance

Explanation: In not allowing nursing mothers a paid daily interruption of up to 1 hour for breastfeeding their infants, the factory is not respecting their rights (Article 312 of the Code of Labor). Factory does not allow women to receive the break; therefore, it is not possible to assure if this time would be paid or not.

Plan Of Action: The factory will adopt a breastfeeding policy and all employees will be informed about this policy. The breastfeeding hour will be respected and supported, including a special area for nursing mothers. In regards to the childcare facility, according to our legal department, the state of El Salvador has not passed the respective laws regulating childcare facilities as mandated by the constitution of El Salvador. (Art 42) Please find a document attached with an explanation from our legal department.

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Supplier CAP: The factory will adopt a breastfeeding policy and all employees will be informed about this policy. The breastfeeding hour will be respected and supported, including a special area for nursing mothers. In regards to the childcare facility, according to our legal department, the state of El Salvador has not passed the respective laws regulating childcare facilities as mandated by the constitution of El Salvador. (Art 42) Please find a document attached with an explanation from our legal department.

Supplier CAP
Date:

Action Taken:

Plan Complete: No

Non-Discrimination: Other - Non-Discrimination
Other

Noncompliance

Explanation: According to the Law of Equal Opportunities for Disabled Persons, there must be at least 1 disabled worker for every 25 workers. Given the factory size there should be at least 83 disabled workers, currently the factory only employs 15.

Plan Of Action: The factory will contact the Ministry of Labor, Instituto Salvadoreno del Seguro Social (ISSS), Instituto Salvadoreno de Rehabilitacion de Invalidos (ISRI) and other organizations that work with disabled people to hire the required amount of disabled personnel. The plant will enhance its selection and recruiting policy to make sure that this law is always followed.

Deadline Date: 12/31/2010

Supplier CAP: The factory will contact the Ministry of Labor, ISSS, ISRI and other organizations that work with disabled people to hire the required amount of disabled personnel. The plant will enhance its selection and recruiting policy to make sure that this law is always followed.
Code Awareness:
GEN.2 Ensure that all Company factories as well as contractors and suppliers inform their employees about the workplace standards orally and through the posting of standards in a prominent place (in the local languages spoken by employees and managers) and undertake other efforts to educate employees about the standards on a regular basis.

Noncompliance

Explanation: Workers are orally informed about the provisions of the code of conduct, which are known as "Global Principles." However, Hanesbrands’ Code of Conduct was not seen posted in the facilities.

Plan Of Action: GSP (Generalized System of Preferences) posters will be installed and be part of the required communications that need to be permanently posted at the plant.

Deadline Date: 05/12/2010

Supplier CAP: GSP posters will be installed and be part of the required communications that need to be permanently posted at the plant.

Supplier CAP Date:

Action Taken:

Plan Complete: No
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)

Notable Feature
Explanation: Factory provides medical services to the workers in its own clinic.

Health and Safety: Ventilation/Electrical/Facility Installation and Maintenance
H&S.17 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)

Notable Feature
Explanation: Management provides an air conditioning system for all facilities.
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)

Noncompliance

Explanation: From the observation tour, it was corroborated that toilets are dirty most of the time. This could be due to the number of workers the factory has; therefore, it is necessary that management takes measures in order to ensure the restrooms keep clean.

Plan Of Action: The factory has asked the cleaning company to add two more employees. These employees will be responsible for cleaning the bathrooms more frequently; there will also be weekly housekeeping inspections.

Deadline Date: 05/15/2010

Supplier CAP: The factory has asked the cleaning company to add two more employees. These employees will be responsible for cleaning the bathrooms more frequently; there will also be weekly housekeeping inspections.

Supplier CAP Date:

Action Taken: No

Plan Complete: No

Plan Complete Date: