

Compliance Assessment Report

Paradise Washing Plant Limited.

22/05/2019

(dd/mm/yyyy)

Assessment date: 24/03/2019 *(dd/mm/yyyy)*

Cycle: 2

Report ID: 33667

Country: Bangladesh

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

Supplier Name: Paradise Washing Plant Limited.
Supplier Address: 277/4, Old: 123, Kabi Jashim Uddin Road, Pagar, Tongi,

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

19/11/2017

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)

This enterprise was providing the following facilities to the workers and employees of the factory:

- the enterprise organizes eye campaign annually for workers and staffs to provide them a free eye treatment and medicine;
- the enterprise organizes voluntary blood donation programme for workers and staffs.

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)

- General Manager - Compliance
- General Manager - Wash
- Senior Deputy General Manager - Compliance
- Manager - Administration
- Human Resources and Compliance Executives
- Welfare Officers

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

Number of workers interviewed: 48 (male: 27, female: 21);

Individual: 33 (male-19, female-14);

Three group interviews (Participation Committee, Safety Committee, and pregnant workers): 15 (male: 09, Female: 06);

Sections covered: Washing, Whisker, Finishing, Maintenance, Utility, Administration, and Security.

Interview process: Interview conducted without presence of management and using open ended question.

Interview location: Interviews were conducted in a separate area free from management presence such as in the empty meeting room and corner of the production floor or stairs.

Sample selection process: Workers were randomly selected from different committee lists, personnel files, payroll, and 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)

Management and workers' interview indicated that the employer did not consider HIV/AIDS status a factor in hiring, 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)

637

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

414

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

32

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

32

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)

None

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

622

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

399

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

15

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

15

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)

8

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

4

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

Interview with the management and document review indicated that the facility did not receive any Industry Inspection Check-list report from the Department for Inspection of Factories and Establishments in last 12 months. The Factory Inspectors visited the facility on 12 June, 2018.

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

The facility employed contractors to provide the following services:

- Friends Trade Associate for providing services of wastage fabric disposal; and
- New Life Hospital and Trauma Centre for providing medical services for the workers.

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

No.

The employer did not use repeating fixed term contracts in order to avoid providing benefits to workers. All contracts were open-term.

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)

NA

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

Yes.

The enterprise has several policies relating to HR which was signed by senior management. The policies included the following:

- equal treatment and non-discrimination;
- mandatory minimum age requirements;
- a description of appropriate work for young workers;
- preventing sexual harassment;
- freedom of association.
- working hours and compensation; and
- legal requirements in relation to termination.

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

Yes.

The enterprise has a recruitment procedure that included the following:

- legal requirements for workers under age of 18;
- description on ensuring that workers retain their ID documents;
- verifying the age of workers prior to hiring;
- hiring criteria that are applied equally to all job applicants.

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

No.

The enterprise has disciplinary and termination procedures that did not include the following:

- minimum time frames for warnings and payments;
- legal notice periods and termination payments; and
- the right to defend oneself prior to termination and to representation during disciplinary processes.

However, the policy included the following:

- a step-by-step warning system;
- clear specification of unacceptable behaviors or performance;

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

No.

The enterprise has a grievance handling procedure. But it was not adequate. The grievance handling procedure did not include:

- fair review and appeal process; and
- communication of changes made and/or resolution of grievance as appropriate.

However, the procedure included:

- clear options for submitting grievances; and
- ensure anonymity and non-retaliation of the person/s who submitted grievance.

Besides this, there was no dispute resolution procedure in the factory.

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 employer did not adequately assign accountability to management for following factory policies and procedures relating to Human Resource management and performance. Reporting lines, description of job duties and authority and accountability through evaluation of performance are not clearly stated and described in any document. The Participation Committee (PC) had no understanding on HR policies and procedures.

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

No.

The management has not communicated the Human resource policies and procedures.

- Staff were not trained on how to carry out policies and procedures.
- Approximately 30% of the interviewed workers were not aware of entitlement of leave, termination procedures, reasons for termination and service benefits.
- Not all of the human resource related policies/procedures were posted on the notice board.

However, the enterprise has copies of signed worker contracts.

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

No.

Through the document review and management interview, EAs noted that management did not have human resource performance indicators such as worker satisfaction levels, or staff training targets.

Management could not show any document demonstrating that they investigated violations of human resource policies and procedures to identify weaknesses and make necessary adjustments to prevent recurrence such as non-payment of outstanding wages of job separated workers, inadequate awareness of the workers about terms and conditions of employment.

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 had recorded 18 work related injuries in the last 12 months. The recorded injuries were cut injuries.

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

No.

The enterprise has a health and safety policy which was signed by the Director. However, it did not include:

- establishing measurable objectives and improvement targets;
- continued improvement aimed at elimination of work-related injury and illness.

In addition, the policy was not developed in consultation with workers and their representatives.

However, the policy included written commitment on compliance with legal requirements pertaining to OSH.

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

No.

The factory has an emergency preparedness procedure but not adequate. Because it does not include:

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

However, the procedure includes:

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

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

No.

The enterprise has a risk management and control procedure but it was not adequate. It did not include:

- a hierarchy of controls that is used to select effective controls;
- a risk register that drives the implementation of controls (list of risks with due dates, owners and next steps);
- a structure to prioritize risks based on potential impact and likelihood (e.g., risk matrix).

However, the enterprise has a system to identifying hazards/risks through a specification.

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

No.

The factory has an injury analysis procedure but it is not adequate. It does not include;

- a focus on sustainable solutions;
- changes in order to avoid reoccurrence;
- root cause analysis and taking corrective actions.

However, the procedure includes:

- identifying the types of injury and analyzing injuries.

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

No.

The employer did not adequately assign accountability to management for carrying out health and safety responsibility with the followings:

- safety committee with a mandate to consider safety issues in the workplace.
- define accountability and /or responsibility for safety issues in writing for Fire and Safety officer. However, the enterprise has provided job description for the management staff and organizational chart was available.

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

No.

The enterprise did not adequately communicate and implement OSH policies and procedures.

- OSH policies and procedures were not communicated with the safety committee members;
- general workers were not adequately trained on relevant assigned tasks;
- training was not provided to the OSH committee members on their roles and responsibilities;

However, the enterprise had

- work instructions posted and easily accessible in the factory;
- evacuation plans and the list of the safety committee posted on the floors and notice board.

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

(Ref 177)

No.

The employer did not adequately investigate, monitor and measure OSH issues to identify root causes and make necessary adjustments to prevent recurrence through:

- OSH violation investigation, monitoring and measuring through regular test, surveys and inspections;
- logging and analysis of violations of procedures;
- regular management review of effectiveness of management system including performance on measurable objectives and targets; and
- the accident investigations followed by an actual change in procedure/ practice where required.

However, the enterprise tested quality of drinking water, waste water, and ETP inlet and outlet water.

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.

Working Conditions

Compensation

<i>Minimum Wages/Piece Rate Wages</i>	Payment of minimum wage for permanent workers [subject to public reporting]
<i>Overtime Wages</i>	Overtime payment for all overtime hours worked after working 8 ordinary hours in one day, and/or 48 ordinary working hours in one week for all workers other than piece rate workers [subject to public reporting]
<i>Paid Leave</i>	Payment for annual leave Payment for maternity leave [subject to public reporting]
<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 Compulsory group insurance for workers Compensation for work-related accidents and diseases
<i>Wage Information, Use and Deduction</i>	Payroll records Wage slips [subject to public reporting]

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 Service book for workers
<i>Dialogue, Discipline and Disputes</i>	Disciplinary measures. Resolution of grievances or disputes. Factory Participation Committee [subject to public reporting] Welfare Officer.
<i>Employment Contracts</i>	Specifying terms and conditions of employment in letters of appointment Workers' understanding of the terms and conditions of employment. Letter of appointment provided to all workers.
<i>Termination</i>	Opportunity for workers to defend themselves before dismissal or punishment based on conduct or performance.

Occupational Safety and Health

<i>Chemicals and Hazardous Substances</i>	Inventory of chemicals and hazardous substances used in the workplace Labeling of chemicals and hazardous substances Storage of chemicals and hazardous substances [subject to public reporting] Assessing, monitoring, preventing and/or limiting workers' exposure to hazardous substances Training workers who work with chemicals and hazardous substances
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<i>Emergency Preparedness</i>	Adequate window exits
<i>Health Services and First Aid</i>	Medical checks for workers
	National policy on HIV/AIDS
	Onsite medical facilities and staff
	First aid boxes/supplies in the workplace
<i>OSH Management Systems</i>	Assessment of general occupational safety and health issues in the factory
	Officer trained in firefighting, rescue and first aid
	Safety Committee
<i>Welfare Facilities</i>	Day care facilities/children's room
<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)
	Posting safety warnings in the workplace
<i>Working Environment</i>	Workplace temperature and ventilation

Working Time

<i>Leave</i>	Time off for annual leave
	Time off for maternity leave
<i>Overtime</i>	Limits on overtime hours worked
	Informing workers about overtime
	Time off for compensatory weekly rest days
<i>Regular Hours</i>	Working time records

Detailed Non-Compliance Findings

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

Working Conditions

Compensation

Minimum Wages/Piece Rate Wages

Issue	Payment of minimum wage for permanent workers [subject to public reporting] [Public Reporting Issue No.17748]
Question	Does the employer pay at least minimum wage for ordinary hours of work to permanent full time workers? (Ref 86)
Finding	<p>EAs reviewed the payrolls and noted that the minimum wage was not ensured by the facility management for at least 3 workers employed in the facility. Document review and interview with the management and workers indicated that in these 3 cases the facility management have failed to fix the wages of workers in line with the newly promulgated wage structure that was to be in effect from December 2018. The cases reviewed, recorded, and confirmed were 2 Wash Operators and 1 3D section worker.</p> <p>For example: Two wash section workers were found working regularly in a production line as an independent washing process operator and was paid BDT 8000 instead of BDT 8420 at least according to the Minimum Wage Gazette 2018.</p> <p>One worker found working regularly in the 3D section as an independent process operator and was paid BDT 8000 (according to grade-7) instead of BDT 8420 at least according to the Minimum Wage Gazette 2018.</p> <p>Document Checked: Payroll of February 2019, December and June 2018.</p> <p>The facility management acknowledged this finding.</p>
Source Consulted	Documentation, Management, Worker,
Legal Reference	Sections 148, 149, BLA; Rule 133(1), BLR; Minimum Wage Gazette, 2013; Textile Wage Circular 2011

Overtime Wages

Issue	Overtime payment for all overtime hours worked after working 8 ordinary hours in one day, and/or 48 ordinary working hours in one week for all workers other than piece rate workers [subject to public reporting] [Public Reporting Issue No.17752]
Question	Does the employer pay all workers other than piece rate workers double for all overtime hours worked after working 8 ordinary hours in one day, and/or 48 ordinary working hours in one week? (Ref 90)
Finding	<p>Document review and interview with the workers and management indicated that the facility management failed to provide payment of overtime allowances in accordance with the law. In 3 cases the facility management have failed to fix the wages of workers in line with the newly promulgated wage structure that was to be in effect from December 2018. The cases reviewed, recorded, and confirmed were 2 washing section workers and 1 3D section worker.</p> <p>Example: Both of the washing section workers were found working regularly in a production line as a Process Operator and were paid BDT 8000 instead of BDT 8420 at least according to the Minimum Wage Gazette 2018.</p> <p>One worker found working regularly in the 3D section as an operator and was paid BDT 8000 instead of BDT 8420 at least according to the Minimum Wage Gazette 2018.</p> <p>In all these cases, the facility management provided the workers overtime allowance based on the rate that was fixed wrongly (provided BDT 39.42 per hour instead of BDT 42.11).</p> <p>Document review and interview also indicated that the facility management did not pay over time premium to the fixed wage workers. For example, the facility management provided BDT 16050 as a fixed salary to a Store Assistant instead of 16568 considering the overtime work of 87 hours.</p> <p>Document Checked: Payroll of June and December 2018 and February 2019.</p> <p>The facility management acknowledged this finding.</p>
Source Consulted	Documentation, Management, Worker,
Legal Reference	Sections 100, 102 and 108, BLA; Rules 99, 102, BLR; 2011; Textile Wage Circular 2011 The Textile Minimum Wage Circular

Wage Information, Use and Deduction

Issue	Payroll records
Question	Does the employer keep only one accurate payroll record? (Ref 97)
Finding	<p>Document review, management and worker interviews indicated that the factory maintained more than one set of payroll.</p> <p>The first set reflected payment of all working hours including the excessive hours beyond the legal limit (more than 10 hours a day and 60 hours a week) including work performed in weekly holidays and excessive over time. But the facility management provided payment for work performed by the workers in festival holidays cash in hand that was not reflected in any wage records. They maintained it in a separate document.</p> <p>Documents checked: Payroll documents of June and December 2018, and February 2019.</p>
Source Consulted	Documentation, Management, Worker,
Legal Reference	Rule 111(1), Form 38, BLR

Issue	Wage slips [subject to public reporting] [Public Reporting Issue No.17747]
Question	Does the employer provide workers with wage slips prior to paying wages? (Ref 98)
Finding	<p>Document review and interview with the workers and management indicated that the facility management did not provide pay slip to the workers who receive their salary through bank such as the sample section and utility section workers, electricians, and effluent treatment plant operators (approximately 20% of the total workers).</p> <p>However, pay slips provided by the employer to the rest of the workers who received wages in cash reflected the actual earnings of workers in a month.</p> <p>Documents checked: Payrolls and time records for June and December 2018, and February 2019</p>
Source Consulted	Documentation, Management, Worker,
Legal Reference	C95, Protection of Wages Convention, Art. 14; Rules 111(3, 6(b)), Form 38, BLR

Paid Leave

Issue	Payment for annual leave
Question	Does the employer pay workers correctly for annual leave? (Ref 100)
Finding	<p>Document review and interview with the management and workers indicated that the facility management did not pay the encashment for annual leave to the workers properly. In the previous years the facility management counted first day of January to last day of December of every year to take account of the number of accrual days of annual leave in a year. The workers were paid the encashment based on this accrued number of annual leave days. But in the last year 2018, the facility management counted the date from first day of January to last day of November (counted 11 months instead of a year). Due to this wrong calculation, workers received less amount of encashment than the amount they were entitled to.</p> <p>Moreover, in the earlier years the facility management counted the number of annual leave days directly based on 365 days of a year. But from the last year 2018, they were counting it based on the actual working days in a year. The law puts an obligation on the part of the employer to continue to provide any facility that they were giving earlier, and not downgrade the facility to the minimum requirements of the law, in this case this has been violated. For example, the workers received encashment for 20 days annual leave until 2017. In the last year 2018, they received 14 days (for 11 months instead of 12 month).</p>
Source Consulted	Documentation, Management, Worker,
Legal Reference	Sections 117, 119, BLA; Rule 107, BLR; MoLE Circular dated 2 February 2016

Issue	Payment for maternity leave [subject to public reporting] [Public Reporting Issue No.17749]
Question	Does the employer pay workers on time and correctly when they take maternity leave? (Ref 103)
Finding	<p>Document review and interview with the management and workers indicated that the employer failed to provide paid maternity leave to the eligible workers. 3 workers applied for maternity leave having 2 children alive. All of them received leave without pay for 112 days having the deposit of sick leave and accrual of earn leave. For example, one pregnant worker received 112 days leave without pay from 15 May to 03 September, 2018 when her receivable days of sick leave for the year 2018 was 14 days and earn leave accrual was 15 days. According to the law, this worker was eligible for 19 days in total as paid leave.</p> <p>Moreover, in 1 case it was confirmed that the facility management did not factor the received annual leave encashment into the calculation of average wage per day while computing the total pay entitlement for maternity benefit. For example, one worker went for maternity leave from June, 2018. The facility management made payment for annual leave for the year 2017 on 13 April of 2018, but did not taken into account the received wages for unused annual leave of this worker in calculating the average pay per day.</p>
Source Consulted	Documentation, Management, Worker,
Legal Reference	Sections 46-49, BLA; Rules 38, 39, Forms 18, 18A, and 19, 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 Workers' Participation and Welfare Funds and therefore had not paid the required amount into them. Interviewed workers were not aware of the funds.
Source Consulted	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 Workers' Participation and Welfare Funds and therefore workers had not received the required distributions. Interviewed workers were not aware of the funds.
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	Document review and interview with the management indicated that the facility management did not pay death compensation to the successor of deceased worker. For example, one worker died on 28 September, 2018. The facility management did not pay any compensation to the successor of this deceased worker.
Source Consulted	Documentation, Management, Worker,
Legal Reference	Sections 19, 49, 99, 131, BLA; Rules 101(5), 118, 119, 136, 137 BLR

Issue	Compulsory group insurance for workers
Question	Does the employer provide compulsory group insurance for workers? (Ref 110)
Finding	Document review and interview with the management indicated that insurance benefit was not provided to workers within the prescribed time according to the law. For example, one worker died last year on 28 September, 2018; but the successors of the deceased worker did not receive any insurance benefit till the days of assessment (24 and 25 March, 2019). However, the facility management applied for the insurance claim due to this death on 11 October, 2018.
Source Consulted	Documentation, Management,
Legal Reference	Sections 99, BLA; Rule 98, 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 indicated that the employer failed to pay compensation properly in case of workplace injury that causes partial disability of the workers. The employer did not pay correct compensation when workers were unable to resume work (due to partial disability caused by workplace injury) after an injury and were provided rest period for recovery from the injury based on the prescription given by the facility's referred medical facility or Doctor. For example, one worker experienced an injury at workplace (cut injury). The facility referred medical facility (Doctor) prescribed the worker 11 days rest for recovery from and treatment of the injury (from 08 to 18 December, 2018). Among these 11 days absent from work, 06 days were deducted from this worker's account of sick leave for the year 2018 and 02 days were provided as casual leave and the rest of the days were counted as weekly holiday and festival holiday.</p> <p>Moreover, the facility management did not pay this worker the expenditure of treatment that the worker paid due to treatment provided by hospital and medicine. The injured worker submitted a bill of BDT 10545 and received an amount of BDT 10000.</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	Specifying terms and conditions of employment in letters of appointment
Question	Do the letters of appointment specify the terms and conditions of employment? (Ref 147)
Finding	<p>Document review and interview with the management indicated that 2 required conditions were not mentioned in the the provided appointment letters:</p> <ul style="list-style-type: none">- type of Job;- class of Worker.
Source Consulted	Documentation, Management,
Legal Reference	Section 5, BLA; Rule 19(4), BLR

Issue	Workers' understanding of the terms and conditions of employment.
Question	Do workers understand the terms and conditions of employment? (Ref 149)
Finding	<p>The terms and conditions of employment such as leaves, compensation for leave, and service benefits were not clear to approximately 50% of the interviewed workers.</p> <p>Refresher training was not provided to the previously recruited workers effectively. However, as a practice the facility conducted induction training to the newly recruited workers.</p>
Source Consulted	Documentation, Management, Worker,
Legal Reference	Sections 5, 111 BLA; Rule 19, BLR

Issue	Letter of appointment provided to all workers.
Question	Has the employer provided all workers with a letter of appointment? (Ref 150)
Finding	<p>The factory provided letters of appointment to the workers but not on the day of joining. Approximately 70% of the interviewed workers indicated that the appointment letter was issued 5 to 7 days after joining.</p> <p>Interview with the management also confirmed this issue.</p>
Source Consulted	Documentation, Management, Worker,
Legal Reference	Section 5, 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	<p>EAs found that the security guards worked during festival holidays on 21 February (International Mother's Language Day), 14 April (celebration of Bengali new year), 1 May (International Labour Day), 16-18 June 2018 (Eid-ul-Fitre), and 21-23 August 2018 (Eid-ul-Adha). These security guards received 1 days substitute leave and monetary compensation for 2 days for every day they performed their duty. And the utility section workers performed work on last 2 Eid holidays in 2018; but received only monetary compensation, no substitute day was provided in exchange of work performed in festival holidays.</p> <p>Documents checked: Payroll (copy) of June and December 2018 and February 2019 along with the leave records and payment records of the mentioned festival vacation months.</p>
Source Consulted	Documentation, Management, Worker,
Legal Reference	Sections 2(Lxv), 3a, 5, 121, BLA; Rules 7(1), 8, 16, BLR

Issue	Service book for workers
Question	Do all workers (other than apprentices, substitute/badli or casual workers) have a service book? (Ref 154)
Finding	<p>The employer provided service book to the workers but all of the sampled service books were not updated with records on leave encashment information and service conduct (disciplinary actions if any).</p> <p>Documents checked: personnel files and service books of 21 workers.</p>
Source Consulted	Documentation, Management, Worker,
Legal Reference	Sections 6-8, BLA; Rules 20-22, BLR

Termination

Issue	Opportunity for workers to defend themselves before dismissal or punishment based on conduct or performance.
Question	Do workers have an opportunity to defend themselves before they are dismissed or punished based on their conduct or performance? (Ref 156)
Finding	<p>Document review and management interview indicated that the facility management failed to offer proper opportunity of self defense to the person/s on whom they imposed a punishment. For example, in one case, it was observed that the facility management awarded punishment (warning letter) on the ground of production fault (not habitual) where there was no investigation process conducted to ensure the opportunity of self defense for the accused. Punishment was awarded to the accused without following the legal disciplinary procedures.</p> <p>Document checked: 6 personnel files of disciplinary case.</p>
Source Consulted	Documentation, Management, Worker,
Legal Reference	C158 and R166; Sections 23 and 24, BLA; Rule 29, BLR

Dialogue, Discipline and Disputes

Issue	Disciplinary measures.
Question	Do the disciplinary measures comply with legal requirements? (Ref 164)
Finding	<p>The documents review and interview with the management indicated that the disciplinary procedure conducted in case of awarding punishment to workers were not in compliance with legal requirements. 3 workers have been awarded punishment (issued letter of warning) where there was no sufficient reason for awarding such punishment. In 1 other case, worker has been punished with a letter of census where there was no investigation or disciplinary process conducted to conclude the guilt and award punishment (no full and clear confession). The disciplinary process did not follow the required processes prescribed in the law as follows:</p> <ul style="list-style-type: none"> - the served notice of show cause consisted of insufficient charges; - no investigation committee comprised of equal representatives from the management and workers; - no proper investigation conducted to prove the misconduct before awarding punishment; - no witness statement recorded and examined in the entire proceedings of investigation; - no cross examination to conclude the conviction of charge of misconduct. <p>Documents check: 06 workers personnel files and disciplinary procedure.</p>
Source Consulted	Documentation, Management, Worker,
Legal Reference	Sections 2(9A), 23-25, BLA; Rules 29, 30, BLR

Issue	Resolution of grievances or disputes.
Question	Did the employer resolve grievances and disputes in compliance with legal requirements? (Ref 166)
Finding	Document review and interview with the workers and management indicated that there was no effective procedure in practice to resolve workers grievances. The facility management described two sources (verbally communicated grievances and written suggestion box grievances) of receiving grievances. Grievances were collected from both of these sources and recorded in a grievance register. The grievance registers showed that there were largely records of some minor workplace issues like toilet, light, water, and sanitation problems. But, based on interview with the workers and management (both in individual and group) it was confirmed that significant number of grievances related to verbal abuse, disciplinary process, and leave were not recorded and resolved. Based on interview with the assigned management, officials indicated that they received and resolved these verbal grievances without keeping any record of remediation properly. No follow up fact gathering or investigation, remedy, and communication of remedy for these grievances were found in any documentation or interview. One case of significant grievance was reviewed where the subject matter was verbal abuse which was not resolved properly. In another case, workers were complaining repeatedly about dust in a specific process of the workplace where the facility management could not ensure any sustainable solution or remedy to this grievance.
Source Consulted	Documentation, Management, Worker,
Legal Reference	Sections 33, 124(a), 209-213, BLA

Issue	Factory Participation Committee [subject to public reporting] [Public Reporting Issue No.17751]
Question	Does the factory have a functioning Participation Committee? (Ref 168)
Finding	<p>Document review and worker and management interviews indicated the following regarding formation and functionality of Participation Committee.</p> <p>Nomination process: Candidates were nominated by their co-workers.</p> <p>Election process: The Participation Committee was formed on 04 October, 2018, composed of 12 members: management-04 (female-1), workers-08 (female-3).</p> <p>In the Election Schedule it was observed that more than 7 days were given for submitting nomination paper after declaring the schedule.</p> <p>Meeting agenda and minutes: The meeting circular was not posted regularly in the notice board 7 days ahead of the meeting. Workplace issues brought by the workers' representatives were discussed but not recorded in the meeting minutes properly. The decision points of the PC meeting were not known by the workers. Last meeting was held on 06 February, 2019.</p> <p>Roles and responsibilities: Approximately 70% of the interviewed workers' representatives in the PC were found not aware of the provisions of law applicable in their job. The workers' representatives in the PC were observed to be involved heavily with the occupational health and safety issues.</p> <p>Training: PC members were not adequately performing their roles regarding grievance submission and resolution, finding and remediating workplace issues. However, they have received both internal and external training on their roles and responsibilities.</p>
Source Consulted	Documentation, Management, Worker,
Legal Reference	ILO Convention 135; Sections 205-208, BLA; Rules 183-201, BLR

Issue	Welfare Officer.
Question	Does the factory have a qualified welfare officer/s? (Ref 169)
Finding	<p>The facility management has designated one Welfare Officer. Interview with this Welfare Officer and document review indicated that the appointed official did not have adequate working knowledge on labour law, industrial relations, and grievance mechanism though this official has received training on Labour Law. The employer did not communicate through job description and train the designated official with the following responsibilities:</p> <ul style="list-style-type: none"> - assist in solving grievances arising at the workplace; - advise the management on the training requirement of the workers; and - advise the employer regarding implementation of the labour laws.
Source Consulted	Documentation, Management, Worker,
Legal Reference	Section 89(8), BLA; Rules 79, 185 BLR

Occupational Safety and Health

OSH Management Systems

Issue	Assessment of general occupational safety and health issues in the factory
Question	Has the employer performed an assessment of general occupational safety and health issues in the factory? (Ref 178)
Finding	<p>The enterprise has conducted an assessment of general occupational safety and health (OSH) issues. The Safety Committee did not develop a checklist to identify OSH risks related to the production process, physical structure, nature and type of work, transportation of goods, use of raw materials, fire safety and chemicals.</p> <p>However, factory has a general checklist on OSH.</p>
Source Consulted	Documentation, Management, Worker,
Legal Reference	Recommendation 164; Rules Schedule IV, Sections (1)(b), (4), BLR

Issue	Officer trained in firefighting, rescue and first aid
Question	Has the employer appointed an officer trained in firefighting, rescue and first aid? (Ref 179)
Finding	<p>The enterprise has recruited an officer trained in fire fighting, rescue and first aid in February, 2019. The officer was provided job description for performing the job of fire safety. But still training was not conducted for the fire fighting and rescue team or the maintenance of fire fighting equipment was managed by the officer.</p>
Source Consulted	Documentation, Management, Worker,
Legal Reference	Rule 55(12), BLR

Issue	Safety Committee
Question	Does the factory have a functioning Safety Committee? (Ref 180)
Finding	<p>The enterprise had formed a Safety Committee on 13/10/18.</p> <p>The worker representatives on the Safety Committee were nominated by the PC.</p> <p>Number of total members: 08, Management: 04 (female-01), Worker: 04 (female-01)</p> <p>Meeting: Meeting held in every 3 months. Meeting minutes were preserved after the meeting.</p> <p>Last meeting was held on: 12/1/19.</p> <p>The safety committee did not meet the following requirements:</p> <ul style="list-style-type: none"> a) Workers' representatives of the safety committee were not aware of their roles and responsibilities; b) Safety committee members were not consulted on Safety Policy; c) Safety committee did not identify OSH risks according to a checklist and recommend remediation to the employer. d) Worker representatives of safety committee were not involved in forming the fire fighting and rescue teams and organizing evacuation drills. e) The committee did not recommend compensations for workplace injuries.
Source Consulted	Documentation, Management, Worker,
Legal Reference	C155 and R164; Section 90(a), BLA; Rules 81-85, Schedule IV, BLR

Chemicals and Hazardous Substances

Issue	Inventory of chemicals and hazardous substances used in the workplace
Question	Does the employer keep an inventory of chemicals and hazardous substances used in the workplace? (Ref 184)
Finding	Chemicals such as acitic acid, potassium carbonate and dosing chemicals for boiler were not included in the inventory.
Source Consulted	Documentation, Management, Worker,
Legal Reference	C170; Section 90 BLA; Rule 80(1)(a), BLR; Rule 32, Acid Rules (2004)

Issue	Labeling of chemicals and hazardous substances
Question	Are chemicals and hazardous substances properly labelled? (Ref 185)
Finding	<p>Labelling was found missing for the chemicals and hazardous substances used in the washing section of the enterprise. For example, no label was found for Citric Acid containers in the sample section and chemical store, 9 Bleaching Agent were used in the wet process (1st floor & 2nd floor) and Potassium permanganate in the PP spray section.</p> <p>Labels were not provided for the hazardous substances such as furnace oil and machine oil stored in the boiler room and workshop.</p>
Source Consulted	Observation, Management, Worker,
Legal Reference	C170; R177; Rule 33, Acid Rules (2004)

Issue	Storage of chemicals and hazardous substances [subject to public reporting] <i>[Public Reporting Issue No.17750]</i>
Question	Are chemicals and hazardous substances properly stored? (Ref 186)
Finding	Nine liquid bleaching agent drums used in the wet process (1st floor & 2nd floor) and Potassium permanganate in the PP spray section was found without secondary containment..
Source Consulted	Observation,
Legal Reference	Guidelines for Assessment of Fire and Electrical Safety of Existing RMG Factory Buildings in Bangladesh, Section 2.8.1; Rule 21, Acid Rules (2004)

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>The enterprise had 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"> - The enterprise did not provide respiratory mask to the workers in wet process section (1st floor) and ear plug/muff to the dry process section workers. -Respiratory mask has been provided in the PP section workers where 50% of them were not in proper size.
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	Document review and management interview indicated that the management provided training to the workers who work with chemical and hazardous substances but the training was not effective. During factory visit EAs found that approximately 50% trained workers in the wet process (ground floor) where chemicals being used were working without using proper gloves and gumboot provided by the management.
Source Consulted	Observation, 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	<p>Document review, worker and management interviews indicated that, the employer did not provide appropriate personal protective equipment.</p> <ul style="list-style-type: none"> - Fabric masks were provided instead of appropriate respiratory mask to the wet process section where workers are handling chemicals. - No ear plug/ear muff were provided to the workers in dry process (3rd floor). <p>However, the employer provided respiratory mask and gumboot to the workers in the PP spray section. Ear muffs to the boiler operators and gumboot, apron and gloves to the workers in the wet process section.</p>
Source Consulted	Observation, Documentation, Management, Worker,
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>Training had not been effective for the workers to understand the importance of using personal protective equipments (PPE) when required for the following:</p> <ul style="list-style-type: none"> - approximately 30% of the 3D whisker machine operators in the dry process (4th floor) were not using provided ear plug; and - approximately 50% of the wet process operators in the ground floor were not using provided gloves and gumboot. <p>Workers were pouring chemicals wearing fabric masks instead of respiratory masks.</p>
Source Consulted	Observation,
Legal Reference	R97; Section 78A BLA; Rules 57, 67, BLR

Issue	Ergonomic requirements
Question	Does the employer comply with ergonomic requirements? (Ref 195)
Finding	<p>The enterprise did not provide seating arrangement to the standing workers in dry process, PP spray section and wet process section.</p> <ul style="list-style-type: none"> - Sitting workers in the washing section(before wash) and destroy section did not provide chairs with backrest.
Source Consulted	Observation, 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	Examination of overall grounding, earthing, and wiring system of the factory were not conducted by an appropriate licensed Wiring Inspector or institution once in every 12 (twelve) months.
Source Consulted	Documentation, Management,
Legal Reference	Rule 58 (1, 3, 7, 8), BLR; Chapters V & VI, Rule 57, Electricity Rules, 1937; Assessment of Fire and Electrical Safety of Existing RMG Factory Buildings in Bangladesh 4.9.1; Ergonomic Checkpoints: Practical and easy-to-implement solutions for improving safety, health and working conditions. 2d ed. ILO 2010, Checkpoint 90

Issue	Posting safety warnings in the workplace
Question	Are appropriate safety warnings posted in the workplace? (Ref 201)
Finding	There was a list posted in the notice board naming the hazardous substances and machineries, but, safety precautions and first aid measures for using these, and description of necessary PPE or appliances were not included there.
Source Consulted	Observation, Documentation,
Legal Reference	Rules 66, 80, BLR; Ergonomic Checkpoints: Practical and easy-to-implement solutions for improving safety, health and working conditions. 2d ed. ILO 2010, Checkpoint 43

Working Environment

Issue	Workplace temperature and ventilation
Question	Are the temperature and ventilation acceptable? (Ref 203)
Finding	Ventilation in the destroy section was not adequate. Excessive dust was found during the visit. Management and workers interview confirmed the same.
Source Consulted	Observation, Management, Worker,
Legal Reference	Recommendation 97; Section 52, BLA; Rule 45, BLR

Welfare Facilities

Issue	Day care facilities/children's room
Question	Does the workplace have adequate day care facilities? (Ref 211)
Finding	<p>There was a child care facility for the workers of the enterprise, located in another sister concern factory (opposite side of the factory). Interviewed workers were not aware about this facility if it was available to them as child care facility.</p> <p>However, the following requirements were missing in the child care facility:</p> <ul style="list-style-type: none"> -Among two care givers, one of them were promoted from cleaner. - Towel was not provided for each of the child. - No uniforms were supplied for the child caregivers - No escape plan has been developed to be followed at the time of emergency.
Source Consulted	Observation, Documentation, Management, Worker,
Legal Reference	Section 94, BLA; Rules 94, 95, 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 checks were not conducted for 10 workers in 3D whisker workers out of 15 and 5 destroy section workers in last one year.
Source Consulted	Documentation, Management, Worker,
Legal Reference	C148, R177, and R156; Section 79(c), BLA; Rules 68(1, 4, 5-8), BLR

Issue	National policy on HIV/AIDS
Question	Does the employer comply with national policy on HIV/AIDS? (Ref 215)
Finding	Document review and interview with management indicated that the enterprise trained approximately 98% workers on HIV/AIDS. However, approximately 90% of trained workers who were interviewed were not aware of the sensitive, accurate and up-to-date information about risks reduction in their personal lives.
Source Consulted	Documentation, Management, Worker,
Legal Reference	National Policy on HIV/AIDS and STD Related Issues, Section 11

Issue	Onsite medical facilities and staff
Question	Does the employer provide required health facilities and staff? (Ref 216)
Finding	There was no doctor and nurse appointed in the factory. Factory has only a full time medical assistant.
Source Consulted	Observation, Documentation, Management, Worker,
Legal Reference	Section 89, BLA; Rules 77, 78, BLR

Issue	First aid boxes/supplies in the workplace
Question	Has the employer ensured that there are a sufficient number of readily accessible first aid boxes/supplies in the workplace? (Ref 217)
Finding	Eye drop and oral saline were not available in the checked 3 first aid boxes on the 1st floor and 3rd floor.
Source Consulted	Observation,
Legal Reference	Convention 155; Section 89, BLA; Rule 76, BLR

Emergency Preparedness

Issue	Adequate window exits
Question	Does the workplace have at least one adequate window exit per floor? (Ref 237)
Finding	The factory does not have any window exit.
Source Consulted	Observation, Management,
Legal Reference	Rule 54(10), BLR

Working Time

Regular Hours

Issue	Working time records
Question	Do the working time records reflect the hours actually worked? (Ref 245)
Finding	Document review and interview with the management and workers indicated that the existing time cards did not reflect fully the actual work performed by the workers. Such as the work performed by the workers in their festival holidays was not reflected in the time card. However, the work performed in weekly holidays and excessive over time work in excess of 10 hours in a day and 60 hours in a month was reflected in the time card.
Source Consulted	Documentation, Management, Worker,
Legal Reference	Rules 102(2, 4), 363, BLR, Form 34

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 June, 2018:</p> <p>In the dry process section: maximum 03 OT hours (total 11 hours) in a day, 18 OT hours (total 66 hours) in a week</p> <p>In the wet process section: maximum 03 OT hours (total 11 hours) in a day, 19 OT hours (total 67 hours) in a week</p> <p>In December, 2018:</p> <p>In the dry process section: maximum 04 OT hours (total 12 hours) in a day, 22 OT hours (total 70 hours) in a week</p> <p>In the wet process section: maximum 03 OT hours (total 11 hours) in a day, 21 OT hours (total 69 hours) in a week</p> <p>In February, 2019:</p> <p>In the dry process section: maximum 03 OT hours (total 11 hours) in a day, 18 OT hours (total 66 hours) in a week</p> <p>In the wet process section: maximum 03 OT hours (total 11 hours) in a day, 19 OT hours (total 67 hours) in a week</p> <p>Document checked: Payroll and job card of the month June and December 2018 and February, 2019.</p>
Source Consulted	Documentation, Management, Worker,
Legal Reference	Sections 100, 102, BLA; Rule 99(1), BLR

Issue	Informing workers about overtime
Question	Does the employer inform workers about overtime at least 2 hours in advance? (Ref 251)
Finding	Interview with the workers and management confirmed that the facility management communicated the information of over time work with the workers 15 minutes in advance everyday, instead of at least two hours in advance.
Source Consulted	Management, Worker,
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	<p>Workers in the whole premises worked on 05 October and 21 December of 2018 and 11 January of 2019 without any compensatory day-off.</p> <p>Document review and interview with the workers and management indicated that the facility management did not ensure 24 hours rest after the working shift at night. For example, workers performing at night shift left the last work day of the week after midnight and joined morning shift of the first work day of the next week after 22.5 hours instead of 24 hours.</p>
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	<p>Document review and interview with the workers and management indicated that the facility management provided encashment based on the full accrual of annual leave for the year 2017 and 2018 instead of half of the accruals.</p> <p>Document review and interview with the management and workers also indicated that the facility management did not calculate the encashment for annual leave of the workers properly. In the previous years the facility management counted first day of January to last day of December of every year to take account of the number of accrual days of annual leave in a year. The workers were paid the encashment based on this accrued number of annual leave days. But in the last year 2018, the facility management counted the date from first day of January to last day of November (counted 11 months instead of a year). Due to this wrong calculation, workers received less amount of encashment than the amount they were entitled to.</p> <p>Moreover, in the earlier years the facility management counted the number of annual leave days directly based on 365 days of a year. But from the last year 2018, they were counting it based on the actual working days in a year. As per the law, it is the responsibility of the employer to ensure that if in the past they were calculating annual leaves based on 365 days a year, even if the law states that the minimum an employer must provide is that any leave taken can be deducted from 365 days a year, they cannot change the practice of the factory to reduce the number of days annual leave. For example, the workers received encashment for 20 days annual leave until 2017. In the last year 2018, they received 14 days (for 11 months instead of 12 month).</p>
Source Consulted	Documentation, Management, Worker,
Legal Reference	Section 117, BLA; Rules 107(1, 2), 108, BLR

Issue	Time off for maternity leave
Question	Does the employer provide required time off for maternity leave? (Ref 257)
Finding	<p>Document review and interview with the management and workers indicated that the employer did not provide required time-off to maternity leave worker. Document review revealed 6 such cases. For example, one worker was provided 112 days approved maternity leave without pay from 15.05.2018 to 03.09.2018 (due to applying for maternity leave having 2 children alive). This worker was entitled to 29 days paid leave days comprised of 14 days sick leave (unused) and 15 days annual leave for the year 2018.</p> <p>The other 3 cases it was indicated that there was no additional leave days provided to the workers who had given birth to a child at a date that was later than the expected date of delivery. For example, one worker was provided 112 days approved maternity leave from 20.09.2018 to 09.01.2019. She was provided this 112 days leave based on her expected date of delivery (EDD) on 14.11.2018, but the baby was born on 27.11.2018 which was 13 days later than the EDD. In this case, the facility management did not extend 13 days of paid leave in addition to the approved 112 days leave which would have ensured her 8 weeks (56 days) leave after the birth of children.</p>
Source Consulted	Documentation, Management, Worker,
Legal Reference	Sections 45-47, BLA; Rules 38, 39, 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	EAs did not see any workers who appeared to be underage. Workers interviewed were at least 14 years of age. EAs reviewed 30 personnel files, which also confirmed that workers are at least 14 years of age. Management stated that they only hire workers who are at least 14.
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	The management checks workers' birth certificates, national identity cards and educational certificates (if any) prior to hiring. In-house doctor examines workers' physical appearance, teeth for female workers, facial hair for male workers to confirm their age and fitness for the job. Management and worker interviews confirmed this.
Source Consulted	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	Management and workers interview indicated that factory did not have any union in the factory. EAs did not find evidence during the assessment to indicate that factory management opposed workers exercising their Freedom of Association (FoA) rights. However, FoA policy was not posted on the notice board.
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

Method of Payment

Question	Are workers' full wages paid in cash, by bank cheque, or by electronic transfer? (Ref 93)
Finding	Document review and interview with the workers and management indicated that the facility management made payment of wages through mobile financial system to approximately 20% of the total workers and rest of the workers received their wages cash in hand.
Source Consulted	Documentation, Management, Worker,
Legal Reference	Section 124, BLA; Rule 111(2), BLR

Occupational Safety and Health

Emergency Preparedness

Question	Does the employer conduct periodic emergency drills? (Ref 239)
Finding	<p>Management conducted emergency drills for all workers as prescribed by law. The last three emergency drills were held on 19/12/18, 13/1/19, 4/3/19 for the day shift workers; and on 28/12/18 for night shift workers. Workers confirmed that they knew how to response in case of emergency.</p> <p>Documents checked: Emergency drill records for last 12 months.</p>
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	<p>Normal working hours did not exceed 8 hours per day 8:00 am to 5:00 pm (one hour lunch break) and 6 days per week (Saturday to Thursday, 48 hours per week).</p> <p>Documents checked: Internal regulations, working hours posted in the workplace, time records of June and December 2018 and February 2019.</p> <p>Document review indicated that there was no approved working hour notice from the concern Government agency.</p> <p>Management and worker interviews confirmed this.</p>
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>