

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

### **What is a Tracking Chart?**

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

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

### **What a Tracking Chart is NOT -**

- An exhaustive assessment of factory conditions

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

- A pass or fail evaluation

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

- A one-time event

Each monitoring visit is followed by a remediation program, further monitoring and remediation in an ongoing process. The Tracking Charts are updated accordingly.

**Note on Language**

Please be advised that because FLA independent external monitors are locally-based and English is generally not their native language, the language presented may at times appear unclear to a reader who is a native English speaker. In order to preserve the integrity of the transparency process and the information we receive, our policy is to publish the original text from the monitor and participating company. However, the reader will note that we have taken the precaution to remove any identifying information about the factory that was monitored or the workers interviewed.

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

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

**Instructions for Printing**

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

FLA Audit Profile	
Country	GUATEMALA
Factory name	010028420E
IEM	ACCORDIA GLOBAL COMPLIANCE GROUP
Date(s) in facility	OCTOBER 10-11, 2006
PC(s)	ADIDAS GROUP
Number of	467
Product(s)	TEXTILE
Production processes	WARPING, KNITTING, DYEING, FINISHING, SCREEN PRINTING, GLUING

		IEM Findings						
FLA Code/ Compliance issue	Country Law/Legal Reference	FLA Benchmark	Non-compliance	Risk of Non-compliance	Evidence of Non-compliance (uncorroborated)	If not corroborated, explain why	Sources/Documentation used for corroborating	Notable Features implemented by Factory Management or Company
<b>1. Code Awareness</b>								
Worker/management awareness of Code		<b>FLA Principle of Monitoring, Obligation of Companies:</b> 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.	The code was not posted. According to management, the company has not provided code standards to post.				Monitors corroborated with visual inspection and management interviews.	
Confidential non-compliance reporting channel		<b>FLA Principle of Monitoring, Obligation of Companies:</b> Develop a secure communications channel, in a manner appropriate to the culture and situation, to enable Company employees and employees of contractors and suppliers to report to the Company on noncompliance with the workplace standards, with security that they shall not be punished or prejudiced for doing so.	There is no communication channel in place whereby workers can report noncompliance in a confidential manner to the PC.				Monitors corroborated with visual inspection and interviews with management and workers.	
<b>2. Forced Labor</b>								
There will not be any use of forced labor, whether in the form of prison labor, indentured labor, bonded labor or otherwise								

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Indebtedness	Guatemalan Labor Code Chapter V, Art. 62(h).	Employers will not bind workers to employment as a condition of fulfilling terms of a debt to a third party or to the employer. Advances will not exceed three months pay or legal limits, whichever is less		Though intended to benefit the employees, the practice of employees purchasing products from third-party companies on credit and whereby payment is gradually deducted from wages, should be closely monitored to avoid avoid excessive credits and risks of non-compliance. Over 100 workers owe between \$13 and \$400 to the factory.			Monitors corroborated with a review of personnel files, payroll records and other lists provided by management.	
Freedom of Movement		If factory entrances are locked or guarded to prevent non-employee access to the premises for security reasons, employees will have free egress at all times.			There are no written instructions regarding the duties and responsibilities of security guards. According to the guards interviewed, guards are not permitted to allow any worker to leave the premises unless the worker shows a special permit from a supervisor, even if the worker's regular hours of work are over.	Management indicated that there were written instructions for the guards in the contracts with the companies who provided these services. However, copies of these contracts were not made available to monitors to verify that such instructions did exist (since, according to management, only the owners had access to the safe where the contracts were kept and the owners were out of town).		
<b>3. Child Labor</b>								
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.								
<b>4. Harassment or Abuse</b>								
Every employee will be treated with respect and dignity. No employee will be subject to any physical, sexual, psychological or verbal harassment of abuse.								
Progressive Discipline		Employers will utilize progressive discipline, e.g., escalating discipline using steps such as verbal warning, written warning, suspension, termination. Any exceptions to this rule, e.g., immediate termination for theft or assault, shall be in writing and clearly communicated to workers.		There is no clearly communicated discipline policy other than the template used in the national Labor Department.			Monitors corroborated with management interviews.	

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Sexual Harassment		Employers shall not offer preferential work assignments or other preferential treatment of any kind in actual or implied exchange for a sexual relationship, nor subject employees to prejudicial treatment of any kind in retaliation for refused sexual advances		There is no policy in place to prevent harassment or abuse. There is no policy to provide follow up procedures in the case of harassment or abuse.			Monitors corroborated with interviews with management and workers.	
Disciplinary Practices		Employers will utilize consistent written disciplinary practices that are applied fairly among all workers		There is no policy in place to prevent harassment or abuse. There is no policy to provide follow up procedures in the case of harassment or abuse.			Monitors corroborated with interviews with management and workers.	
Training of Management in Disciplinary Practices		Employers will provide training to managers and supervisors in appropriate disciplinary practices		There is no policy in place to prevent harassment or abuse. There is no policy to provide follow up procedures in the case of harassment or abuse.			Monitors corroborated with interviews with management and workers.	

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Disciplinary Action Punishment of Abusive Supervisors/Manager		Management will discipline (could include combinations of counseling, warnings, demotions, and termination) anyone (including managers or fellow workers) who engages in any physical, sexual, psychological or verbal harassment or abuse		There is no policy in place to prevent harassment or abuse. There is no policy to provide follow up procedures in the case of harassment or abuse.			Monitors corroborated with interviews with management and workers.	
Record Maintenance		Employers will maintain written records of disciplinary actions taken.		There is no policy in place to prevent harassment or abuse. There is no policy to provide follow up procedures in the case of harassment or abuse.			Monitors corroborated with interviews with management and workers.	
Verbal abuse	Guatemalan Labor Code Chapter V, Art. 61(c).	Employers will prohibit screaming, threatening, or demeaning verbal language		There is no policy in place to prevent harassment or abuse. There is no policy to provide follow up procedures in the case of harassment or abuse.			Monitors corroborated with interviews with management and workers.	

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			Workers receive excessive pressure from supervisors and owners.				Monitors corroborated with interviews with workers.	
Gender Sensitive Security		Security practices will be gender-appropriate and non-intrusive.		There is no policy in place to prevent harassment or abuse. There is no policy to provide follow up procedures in the case of harassment or abuse.			Monitors corroborated with interviews with management and workers.	
<b>5. Nondiscrimination</b>								
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.								
<b>6. Health and Safety</b>								
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								
Document Maintenance/ Accessibility		All documents required to be available to workers and management by applicable laws (such as policies, MSDS, etc.) shall be made available in the prescribed manner and in the local language or language spoken by majority of the workers if different from the local language	There is no MSDS in the color mixing kitchen.				The monitor's walk through showed that in most areas where chemicals are in use there were MSDS, except for in the color mixing kitchen.	
Evacuation Procedure	Guatemalan Labor Code Title V, Chapter 1, Art. 197(c), (h); Guatemalan General Regulations on Health and Safety at Work Chapter VII, Arts. 85-92.	All applicable legally required or recommended elements of safe evacuation (such as posting of evacuation plans, unblocked aisles/exits, employee education, evacuation procedures, etc.) shall be complied with and workers shall be trained in proper safety, first aid, and evacuation procedures	Evacuation procedures have not been generally transmitted.				According to management and worker interviews, the night shift workers have never participated in evacuation procedures.	
	Guatemalan Labor Code Title V, Chapter 1, Art. 197(c), (h); Guatemalan General Regulations on Health and Safety at Work Chapter VII, Arts. 85-92.	All applicable legally required or recommended elements of safe evacuation (such as posting of evacuation plans, unblocked aisles/exits, employee education, evacuation procedures, etc.) shall be complied with and workers shall be trained in proper safety, first aid, and evacuation procedures	Several emergency exits are not marked and those that are marked are not clearly visible from a reasonable distance, considering the insufficient lighting and infrastructural space distribution.				Monitors corroborated with visual inspection during the walk through of the facility.	
	Guatemalan Labor Code Title V, Chapter 1, Art. 197(c), (h); Guatemalan General Regulations on Health and Safety at Work Chapter VII, Arts. 85-92.	All applicable legally required or recommended elements of safe evacuation (such as posting of evacuation plans, unblocked aisles/exits, employee education, evacuation procedures, etc.) shall be complied with and workers shall be trained in proper safety, first aid, and evacuation procedures	Evacuation routes are not clearly displayed and in many cases they do not match the evacuation map.				Monitors corroborated with visual inspection during the walk through of the facility. Monitors also corroborated with a review of the evacuation map.	

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	Guatemalan Labor Code Title V, Chapter 1, Art. 197(c), (h); Guatemalan General Regulations on Health and Safety at Work Chapter VII, Arts. 85-92.	All applicable legally required or recommended elements of safe evacuation (such as posting of evacuation plans, unblocked aisles/exits, employee education, evacuation procedures, etc.) shall be complied with and workers shall be trained in proper safety, first aid, and evacuation procedures	Emergency lighting is insufficient in several areas and in some areas it is nonexistent (e.g. in the quilting and synthetic threading departments).				Monitors corroborated with visual inspection during the walk through of the facility.	
	Guatemalan Labor Code Title V, Chapter 1, Art. 197(c), (h); Guatemalan General Regulations on Health and Safety at Work Chapter VII, Arts. 85-92.	All applicable legally required or recommended elements of safe evacuation (such as posting of evacuation plans, unblocked aisles/exits, employee education, evacuation procedures, etc.) shall be complied with and workers shall be trained in proper safety, first aid, and evacuation procedures	The ramp leading to the oil boilers is in need of a handrail.				Monitors corroborated with visual inspection during the walk through of the facility.	
	Guatemalan Labor Code Title V, Chapter 1, Art. 197(c), (h); Guatemalan General Regulations on Health and Safety at Work Chapter VII, Arts. 85-92.	All applicable legally required or recommended elements of safe evacuation (such as posting of evacuation plans, unblocked aisles/exits, employee education, evacuation procedures, etc.) shall be complied with and workers shall be trained in proper safety, first aid, and evacuation procedures	The fire alarm can be activated only from three points and is not audible in all areas. The maintenance of the functioning alarm and emergency lighting systems is not documented.				Monitors corroborated with a walk through and with interview with persons responsible for health and safety (who described the use of portable speakers to communicate an internal emergency signal).	
	Guatemalan Labor Code Title V, Chapter 1, Art. 197(c), (h); Guatemalan General Regulations on Health and Safety at Work Chapter VII, Arts. 85-92.	All applicable legally required or recommended elements of safe evacuation (such as posting of evacuation plans, unblocked aisles/exits, employee education, evacuation procedures, etc.) shall be complied with and workers shall be trained in proper safety, first aid, and evacuation procedures	The sewing section is crowded. The aisles in this area are obstructed and there is only one exit leading to a spiral staircase.				Monitors corroborated with visual inspection during the walk through of the facility.	
Safety Equipment	Guatemalan Labor Code Title V, Chapter 1, Art. 197; Guatemalan General Regulations on Health and Safety at Work Chapter VII, Arts. 85-92 (Items a-e) and Art. 106.	All safety and medical equipment (such as fire fighting equipment, first aid kits, etc.) shall be in place, maintained as prescribed and accessible to the employees	First aid kits are locked.				When monitors asked the Head of Health and Safety to open a first aid kit, he was not able to obtain the key.	
	Guatemalan Labor Code Title V, Chapter 1, Art. 197; Guatemalan General Regulations on Health and Safety at Work Chapter VII, Arts. 85-92 (Items a-e) and Art. 106.	All safety and medical equipment (such as fire fighting equipment, first aid kits, etc.) shall be in place, maintained as prescribed and accessible to the employees	First aid kits lack adequate supplies. The only kit that was open in the sewing section was empty.				Monitors corroborated with visual inspection during the walk through of the facility.	

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PPE	Guatemalan Labor Code Title V, Chapter 1, Art. 197(e), (h); Guatemalan General Regulations on Health and Safety at Work Title II, Chapter I, Arts. (a)-(h).	Workers shall wear appropriate 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 hazardous elements including medical waste.	Workers who handle chemicals do not wear proper PPE and some have obsolete or worn-out equipment. Workers in the boiler room only wear simple ear plugs, instead of appropriate full ear protection. Workers in the knitting section have plugs but do not wear them. There is no policy for the use of PPE other than a few signs which are not specific to each area.				Monitors corroborated with interviews and a walk through of the facility.	
Chemical Management	Guatemalan Labor Code Title V, Chapter 1, Art. 197; Guatemalan General Regulations on Health and Safety at Work Chapter IV, Arts. 55-61.	All chemicals and hazardous substances should be properly labeled and stored in accordance with applicable laws. Workers should receive training, appropriate to their job responsibilities, in the safe use of chemicals and other hazardous substances	There are no secondary containers for any of the chemicals.				Monitors corroborated with visual inspection during the walk through of the facility.	
	Guatemalan Labor Code Title V, Chapter 1, Art. 197; Guatemalan General Regulations on Health and Safety at Work Chapter IV, Arts. 55-61.	All chemicals and hazardous substances should be properly labeled and stored in accordance with applicable laws. Workers should receive training, appropriate to their job responsibilities, in the safe use of chemicals and other hazardous substances	Access to chemicals is neither restricted nor controlled (e.g. there was caustic soda in the middle of the washing section).				Workers interviewed had had severe accidents from handling chemicals. There were visible arm burns as a result of improper handling.	
	Guatemalan Labor Code Title V, Chapter 1, Art. 197; Guatemalan General Regulations on Health and Safety at Work Chapter IV, Arts. 55-61.	All chemicals and hazardous substances should be properly labeled and stored in accordance with applicable laws. Workers should receive training, appropriate to their job responsibilities, in the safe use of chemicals and other hazardous substances	There is no training or PPE to prevent accidents.				Workers interviewed had had severe accidents from handling chemicals. There were visible arm burns as a result of improper handling.	
	Guatemalan Labor Code Title V, Chapter 1, Art. 197; Guatemalan General Regulations on Health and Safety at Work Chapter IV, Arts. 55-61.	All chemicals and hazardous substances should be properly labeled and stored in accordance with applicable laws. Workers should receive training, appropriate to their job responsibilities, in the safe use of chemicals and other hazardous substances	Several chemicals are labeled in English, while workers using them are not bilingual. In the color mixing kitchen, solvents and other chemicals were found without any labels.				Monitors corroborated with interviews and a walk through of the facility.	
	Guatemalan Labor Code Title V, Chapter 1, Art. 197; Guatemalan General Regulations on Health and Safety at Work Chapter IV, Arts. 55-61.	All chemicals and hazardous substances should be properly labeled and stored in accordance with applicable laws. Workers should receive training, appropriate to their job responsibilities, in the safe use of chemicals and other hazardous substances	The dark room is used for chemical storage yet there is no light there to read labels or MSDS.				Monitors corroborated with visual inspection during the walk through of the facility.	
	Guatemalan Labor Code Title V, Chapter 1, Art. 197; Guatemalan General Regulations on Health and Safety at Work Chapter IV, Arts. 55-61.	All chemicals and hazardous substances should be properly labeled and stored in accordance with applicable laws. Workers should receive training, appropriate to their job responsibilities, in the safe use of chemicals and other hazardous substances	Chemicals in the general storage room are stored higher than recommended.				Monitors corroborated with visual inspection during the walk through of the facility.	
	Guatemalan Labor Code Title V, Chapter 1, Art. 197; Guatemalan General Regulations on Health and Safety at Work Chapter IV, Arts. 55-61.	All chemicals and hazardous substances should be properly labeled and stored in accordance with applicable laws. Workers should receive training, appropriate to their job responsibilities, in the safe use of chemicals and other hazardous substances	There is no contingency plan in case of a chemical spill.				Worker interviews	

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	Guatemalan Labor Code Title V, Chapter 1, Art. 197; Guatemalan General Regulations on Health and Safety at Work Chapter IV, Arts. 55-61.	All chemicals and hazardous substances should be properly labeled and stored in accordance with applicable laws. Workers should receive training, appropriate to their job responsibilities, in the safe use of chemicals and other hazardous substances	Acetic acid is transported in open containers, allowing vapors to be liberated.				Monitors corroborated with visual inspection during the walk through of the facility.	
	Guatemalan Labor Code Title V, Chapter 1, Art. 197; Guatemalan General Regulations on Health and Safety at Work Chapter IV, Arts. 55-61.	All chemicals and hazardous substances should be properly labeled and stored in accordance with applicable laws. Workers should receive training, appropriate to their job responsibilities, in the safe use of chemicals and other hazardous substances	There are insufficient manual pumps to transport chemicals from large to small containers.				Monitors corroborated with visual inspection during the walk through of the facility.	
Ventilation/Electrical/facility maintenance	Guatemalan Labor Code Title V, Chapter 1, Art. 197; Guatemalan General Regulations on Health and Safety at Work Chapter III, Arts. 23, 38-42.	All ventilation, plumbing, electrical, and lighting services shall be provided and maintained to conform to applicable laws and prevent hazardous conditions to employees in the facility	Several machines leak water and so produce standing water in different areas of the dyeing section where electrical cables are near.				Monitors corroborated with visual inspection during the walk through of the facility.	
	Guatemalan Labor Code Title V, Chapter 1, Art. 197; Guatemalan General Regulations on Health and Safety at Work Chapter III, Arts. 23, 38-42.	All ventilation, plumbing, electrical, and lighting services shall be provided and maintained to conform to applicable laws and prevent hazardous conditions to employees in the facility	The sewing section has cables with tape lying on the floor passageway.				Monitors corroborated with visual inspection during the walk through of the facility.	
	Guatemalan Labor Code Title V, Chapter 1, Art. 197; Guatemalan General Regulations on Health and Safety at Work Chapter III, Arts. 23, 38-42.	All ventilation, plumbing, electrical, and lighting services shall be provided and maintained to conform to applicable laws and prevent hazardous conditions to employees in the facility	In the printing, circulars, and texture areas, there is insufficient ventilation.				Monitors corroborated with visual inspection during the walk through of the facility.	
	Guatemalan Labor Code Title V, Chapter 1, Art. 197; Guatemalan General Regulations on Health and Safety at Work Chapter III, Arts. 23, 38-42.	All ventilation, plumbing, electrical, and lighting services shall be provided and maintained to conform to applicable laws and prevent hazardous conditions to employees in the facility	The lighting is insufficient during daytime hours and even worse during the night shift.				Monitors corroborated with a risk assessment and walk through.	
Sanitation in Facilities	Guatemalan Labor Code Title V, Chapter 1, Art. 197.	All facilities including factory buildings, toilets, canteens, kitchens, and clinics, shall be kept clean and safe and be in compliance with applicable laws	There is a garbage dump inside the premises and there is a maintenance workspace in this area which is next to stagnant water.				Monitors corroborated with visual inspection during the walk through of the facility.	
	Guatemalan Labor Code Title V, Chapter 1, Art. 197.	All facilities including factory buildings, toilets, canteens, kitchens, and clinics, shall be kept clean and safe and be in compliance with applicable laws	Two of the male toilets were not functioning. The others were in need of housekeeping.				Monitors corroborated with visual inspection during the walk through of the facility.	
	Guatemalan Labor Code Title V, Chapter 1, Art. 197.	All facilities including factory buildings, toilets, canteens, kitchens, and clinics, shall be kept clean and safe and be in compliance with applicable laws	The sewing section is crowded.				Monitors corroborated with visual inspection during the walk through of the facility.	

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	Guatemalan Labor Code Title V, Chapter 1, Art. 197.	All facilities including factory buildings, toilets, canteens, kitchens, and clinics, shall be kept clean and safe and be in compliance with applicable laws	There is lint in the ceilings in some areas.				Monitors corroborated with visual inspection during the walk through of the facility.	
Sanitation in Dining Area	Guatemalan General Regulations on Health and Safety at Work Chapter IV, Art. 10.	All food preparation shall be prepared, stored, and served in a sanitary manner in accordance with applicable laws. Safe drinking water should be available in each building.	There are no fresh water fountains. The facility provides only some bottles but not enough for the entire floor. There is a water filter, but no lab tests or maintenance has been documented so monitors were unable to guarantee the quality of the water.				Monitors observed workers drinking water used for washing purposes.	
	Guatemalan General Regulations on Health and Safety at Work Chapter IV, Art. 10.	All food preparation shall be prepared, stored, and served in a sanitary manner in accordance with applicable laws. Safe drinking water should be available in each building.	There is inappropriate food handling and storage which does not comply with sanitary conditions.				Roaches were observed and monitors confirmed conditions through worker interviews.	
	Guatemalan Labor Code Title V, Chapter 1, Art. 200; Guatemalan General Regulations on Health and Safety at Work Chapter IV, Art. 10, 28-32, 36-37.		Workers must eat at their work stations during the night shift since the canteen is not open to provide service.				The monitor's walk through and worker interviews indicated that workers bring not only food but small stoves, creating a fire risk.	
Worker Participation	Guatemalan General Regulations on Health and Safety at Work Chapter IV, Art. 105.	Workers should be involved in planning for safety, including through worker safety committees	There is no Health & Safety Committee in action.				Monitors corroborated with general health and safety records and management interviews. There were no meeting minutes available since 2004.	
Other			There is no medical facility with trained personnel.					
	Guatemalan Environmental Improvement and Protection Bill Title III, Chapter II, Art. 15.		Waste water treatment is incomplete.				Monitors corroborated with visual inspection during the walk through of the facility.	
	Guatemalan Environmental Improvement and Protection Bill Title III, Chapter III, Art. 16.		A fuel oil spillage occurred and yet no adequate corrective action took place.				Monitors corroborated with visual inspection during the walk through of the facility.	
<b>7. Freedom of Association and Collective Bargaining</b>								
Employers will recognize and respect the right of employees to freedom of association and collective bargaining								

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Right to Freely Associate		Workers will 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		There is no policy on Freedom of Association.			Monitors corroborated with management and worker interviews.	
<b>8. Wages and Benefits</b>								
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								
Wage Benefits Awareness		Employers will communicate orally and in writing to all employees in the language of the worker the wages, incentive systems, benefits and bonuses to which all workers are entitled in that company and under the applicable law	Workers are not aware of their base wage or the value of an overtime hour.				Monitors corroborated with worker interviews.	
Wage and Benefits Posting	Guatemalan Labor Code Title II, Chapter IV, Art. 59.	All notices that are legally required to be posted in the factory work areas will be posted. All legally required documents, such as copies of legal code or law, will be kept at the factory and available for inspection	Internal rules are posted only at the entrance of the factory. According to the law, these should be posted in at least two of the most visible places at work and in easily readable font, or else they should be printed and handed out to workers.				Monitors corroborated with visual inspection during the walk through of the facility.	
Time-recording system		Time worked by all employees, regardless of compensation system, will be documented by time cards or other accurate and reliable recording systems such as electronic swipe cards	No records of time worked last year were available for review.				During last year the system to register and record time was a fingerprint reader with an interface to the payroll program. However, lightning struck the building and damaged that system. According to management, computer specialists assessed the damage and determined that to access the backup and convert the program would have taken an indefinite amount of time.	

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Timely Payment of Benefits		All legally mandated deductions for taxes, social insurance, or other purposes will 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 will not hold any of these funds over 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 will be made before the next pay period in all cases	Social Security payments are delayed.				The last receipt acknowledging payment corresponds to the July 19-August 29, 2006 period. This payment was not made until September 13, 2006. This last payment was obviously delayed and the one corresponding to the most recent period is still pending at the time of the audit.	
<b>9. Hours of Work</b>								
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								
Forced overtime		Under extraordinary business circumstances, employers will make extensive efforts to secure voluntary overtime work prior to mandating involuntary overtime	There is mandatory overtime for several workers due to the shift structure of the factory.				Monitors corroborated with management and worker interviews as well as with an analysis of payroll documents and recent time cards.	
Overtime Limitations	Guatemalan Labor Code Title III, Chapter III, Arts. 116, 122.	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. An extraordinary business circumstance is a temporary period of extra work that could not have been anticipated or alleviated by other reasonable efforts	Most workers normally work up to 72 hours a week. The factory operates 24 hours per day from Monday through Saturday (implying 12 hour shifts). Very seldom do workers end their shift beforehand and sometime they work on Sundays.				The monitors reviewed the Adidas strategic monitoring action plan for the factory, payroll documents and recent time cards and they also conducted management and worker interviews.	
Reduce Mandated OT		The employer will demonstrate a commitment to reduce mandated overtime and to enact a voluntary overtime system to meet unforeseen situations	Over a year has passed since the first company audit when this issue was reported and yet the shift structure continues the same.				Monitors corroborated through management and worker interviews, analysis of payroll documents and recent time cards.	

IEM Findings								
FLA Code/ Compliance issue	Country Law/Legal Reference	FLA Benchmark	Non-compliance	Risk of Non-compliance	Evidence of Non-compliance (un corroborated)	If not corroborated, explain why	Sources/Documentation used for corroborating	Notable Features implemented by Factory Management or Company
Voluntary OT		Overtime hours worked in excess of code standard will be voluntary	Overtime beyond 60 hours is mandatory, as is the overtime after regular hours.				Management and workers interviews, analysis of payroll documents and recent time cards.	
<b>10. Overtime Compensation</b>								
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.								
OT Compensation Awareness		Workers shall be informed about overtime compensation rates, by oral and printed means	There is no posting of information regarding overtime compensation rates. Workers are unaware of their compensation rates for overtime.				Monitors corroborated with a walk through of the facility as well as with worker interviews.	
<b>Miscellaneous</b>								

Remediation				[Status]
PC Remediation plan	Target Completion Date	Company follow up (Cite date of follow up)	Documentation	Completed; Pending; On-going
1. Factory management to create and implement a training workplan that; I) describes factory's commitment to prepare employees for their jobs by increasing their knowledge on the PC's workplace standards; ii) defines training obligations, types of training needed (job related, workplace rules including PC's code of conduct standards) and training opportunities for employees to gain the knowledge and skills needed to do their jobs and have awareness of their rights and responsibilities; iii) assign someone responsible for managing education & training implementation and obligations. <b>Documentation to be submitted:</b> 1) an education & training workplan; 2) training materials; 3) proposed training dates based on plan. Factory management to submit documentation to regional PC representative.	20-Jun			
1. PC is currently creating a global hotline to ensure that workers have access to PC should they need to report a grievance/non-compliance to PC's compliance staff. 2. In addition, PC currently provides workers with contact information should workers need to contact PC. 3. In addition, factory management has installed suggestion boxes that are periodically checked by HR Management. Line Supervisors also conduct periodic meetings with workers in order to discuss production and non-production related issues that are later reported to factory management. 4. Factory management must ensure that they provide feedback or responses to workers grievances or complaints in a timely manner.	20-Jun			

Remediation				(Status)
PC Remediation plan	Target Completion Date	Company follow up (Cite date of follow up)	Documentation	Completed; Pending; On-going
1. Management to create policies and procedures that would limit advance payment up to three months or legal limit whichever is less. 2. Assign someone responsible for policy and procedure implementation.	20-Jun			
1. Management to define what constitutes forced labor including the requirement that workers would not be bound to employment by withholding documentation or restricting movement (employees will have free egress at all times). 2. Management to describe its commitment to protect employees against any form of forced labor. 3. Communicate policy and assign someone accountable for policy implementation. 4. Management to recreate the procedures that would describe factory regulations that ensure freedom of movement and voluntary resignation. 5. Describe how employees can use a grievance system for investigation and resolution of forced labor complaints.	20-Jun			
1. Factory management to create a training program that would include the communication of its disciplinary regulations, including disciplinary policies & procedures and the list of forbidden behaviors. 2. Please assign someone responsible the implementation of the training process. 3. Factory management to maintain documentation for all trainings provided to managers, supervisors, and workers re; disciplinary policies and procedures.	20-Jun			

Remediation				(Status)
PC Remediation plan	Target Completion Date	Company follow up (Cite date of follow up)	Documentation	Completed; Pending; On-going
<p>1. Factory management to create a non-harassment policy that: i) forbids the use of any type of harassment and abuse, types of harassment or abuse (verbal, psychological, physical or sexual) and the consequences for violating the policy; ii) describes management's commitment to not use/allow any type of harassment in all employment practices, and that promotes a work environment free of harassment or abuse, and iii) Assign someone responsible for the implementation and/or enforcement of the policy. 2. Factory management must create the appropriate procedures that will; i) describe how management includes protections in recruitment policies, employment conditions incl. disciplinary practices, promotions, education and training, dismissals, communication; ii) describe how employees &amp; management use a grievance system for complaints, investigation and resolution of harassment related concerns;</p> <p>iii) Describe how decisions are announced and consequences (if any) are implemented; iv) explain how non-harassment policies and procedures are communicated and promoted to relevant parties; v) explain who is responsible for each step in the process and; vi) define how the harassment policy and procedures are to be analyzed to (a) identify if non-harassment environment exists, whether employee protections are achieving desired results, and (b) to identify if improvements/updates are necessary.</p>	20-Jun			
<p>1. Factory management to create a disciplinary policy and procedures that; i) describe a commitment to a consistent, transparent and reasonable disciplinary practices; ii) define the purpose for employees' and management standards of conduct; iii) define the behavior or performance that falls below established standards, and the progressive discipline methods (warnings, counseling, suspension, termination) associated with each and; iv) it defines rights of employees at all stages. 2. Management to create procedures that; i) describe the how employee behavior or performance is evaluated against existing standards to make determinations whether discipline is appropriate and if so, what type; ii) describe how employees are informed as to why disciplinary action is being taken, what type of action is taken and how they are informed of their rights to appeal and; iii) describe how each type of disciplinary methods get executed; iv) create an appeal process where by an employee can challenge disciplinary decisions and how the factory investigates and reaches conclusions on appeal cases.</p>	20-Jun			
<p>1. Factory management to create a training program for workers/managers that would include the communication of the factory's disciplinary policy, including disciplinary procedures, type of disciplinary actions, list of zero tolerance behaviors. 2. Please assign someone responsible for the implementation of the training process. 3. Factory management must ensure to document all disciplinary actions given to workers, from verbal warnings to termination.</p>	20-Jun			

Remediation				(Status)
PC Remediation plan	Target Completion Date	Company follow up (Cite date of follow up)	Documentation	Completed; Pending; On-going
1. Factory management to create a transparent and fair disciplinary policy and procedure. Disciplinary procedure should name the various types of actions that may require a disciplinary measure, and type of action required 2. Factory management to post and provide verbal training on disciplinary procedures to all managers, supervisors, and workers. 3. All managers and supervisors should receive additional training on rights and responsibilities of managers, including their limit as supervisors/managers to discipline workers. 4. Management should create a set of disciplinary procedures for instances when managers/supervisors go beyond their limit, or are found of harassing/abusing workers or other managers. 5. Factory management to create a confidential reporting mechanism for all to report any instances of harassment/abuse, and train all workers accordingly.	20-Jun			
1. Management to maintain written records of disciplinary actions in employee files. 2. Please create policy and procedures to ensure a systematic process for documentation as part of the disciplinary procedures.	20-Jun			
1. Factory management to create a non-harassment policy that: i) forbids the use of any type of harassment and abuse, types of harassment or abuse (verbal, psychological, physical or sexual) and the consequences for violating the policy; ii) describes management's commitment to not use/allow any type of harassment in all employment practices, and that promotes a work environment free of harassment or abuse, and iii) Assign someone responsible for the implementation and/or enforcement of the policy. 2. Factory management must create the appropriate procedures that will: i) describe how management includes protections in recruitment policies, employment conditions incl. disciplinary practices, promotions, education and training, dismissals, communication; ii) describe how employees & management use a grievance system for complaints, investigation and resolution of harassment related concerns;	20-Jun			
iii) Describe how decisions are announced and consequences (if any) are implemented; iv) explain how non-harassment policies and procedures are communicated and promoted to relevant parties; v) explain who is responsible for each step in the process and; vi) define how the harassment policy and procedures are to be analyzed to (a) identify if non-harassment environment exists, whether employee protections are achieving desired results, and (b) to identify if improvements/updates are necessary.				

Remediation				(Status)
PC Remediation plan	Target Completion Date	Company follow up (Cite date of follow up)	Documentation	Completed; Pending; On-going
1. Factory management to describe a working hours policy that would define the hours of work and operation (regular, overtime, breaks). 2. Define holidays and days of rest. 3. Define and implement the voluntary nature of overtime and the conditions where employees can refuse overtime. 4. Management to explain how factory manages working hours in light of production volumes and capacity. 5. Describe how employees and management use a grievance system for any complaints surrounding working hours. Assign someone accountable for each step of the process.	20-Jun			
1. Management to create and post gender-appropriate security practices. 2. Describe how employees can report complaints through a grievance system. 3. Security personnel to be trained in appropriate search practices.	20-Jun			
1. Management to request all MSDS of the chemicals in storage and production floor to chemical provider. 2. Management to post MSDS where chemicals are stored or in use. 3. Chemical provider to train workers in accident prevention and use of chemicals that would include an educational course about PPE usage when working with chemicals at least twice per year. Please document all trainings provided.	20-Jun			
1. Factory management to perform a minimum of 2-4 fire and evacuation drills per year (2 of them should be unannounced); drills to be performed with power shutdown. 2. Factory should record time of execution and discuss how to improve evacuation procedures with supervisors. 3. Management to create a log to record each event. 4. In addition, evacuation procedures should be posted along with evacuation maps throughout the factory.	20-Jun			
1. Management to maintain all emergency exits clearly marked, well illuminated and fitted with emergency lights (brightly colored and visible up to 30 meters or 100 feet).	20-Jun			
1. Management to indicate exit routes on walls, columns and floors with photoluminescent safety materials such as paint, panels or strips. 2. Arrows indicating nearest exit is recommended. 3. All evacuation routes must be equipped with emergency lights. 4. Assign someone responsible for maintaining floor markings in good conditions along with HSE management systems.	20-Jun			

Remediation				(Status)
PC Remediation plan	Target Completion Date	Company follow up (Cite date of follow up)	Documentation	Completed; Pending; On-going
1. Management to fit all departments with emergency light fixtures in emergency exits and evacuation routes. Exit sign written in local language with: *letters 18 cm high *or external illumination or a photoluminescent front panel 2. Emergency lights are battery operated units that operate automatically when power fails and have a 1.5 hour capacity and 1 foot candle density.	20-Jun			
1. Management to add a handrail to ramp leading to boilers and maintain free of obstruction.	20-Jun			
1. Management to install notification systems (fire alarms) that are audible in all areas of the factory and tested during evacuation drills. 2. Fire alarm system should be activated from production floor by means of pull box or push button. 3. Assign someone responsible for maintaining fire alarms in good conditions and having testing records available.	20-Jun			
1. Clear aisles and maintain free from obstruction. 2. Assign someone responsible for regular checks of all aisles to ensure they are marked and are clear of obstruction. The recommendation is to keep a log or checklist of elements in the factory to include unobstructed aisles as part of the checklist; check, record findings, and remediate weekly. 3. Management to commission the study of space and implement plan according with study results.	20-Jun			
1. Management to assign someone responsible for maintaining first aid kits unlocked and fully stocked with required supplies.	20-Jun			
1. Management to maintain first aid kits fully stocked with the following required supplies: adhesive bandages, absorbent pads (min 7 cm x 7 can each), antiseptic, latex gloves, burn treatment (spray, cream or other, but NOT petroleum jelly), medical adhesive tape, scissors and tweezers. 2. All first aid kits should be equipped with a list of all medical equipment to ensure they are always properly stocked. 3. Assign someone responsible for maintaining first aid kits fully stocked at all times.	20-Jun			

Remediation				(Status)
PC Remediation plan	Target Completion Date	Company follow up (Cite date of follow up)	Documentation	Completed; Pending; On-going
1. Management to provide all PPE to all workers who are required to use PPE. 2. Management to create and enforce a personal protective equipment policy and procedures. 3. Train employees on these guidelines regularly by retaining the services of a professional. 4. Post PPE signs where appropriate and assign someone responsible for policy and procedures implementation. 5. Also, supervisors in each area must ensure that all PPE is properly working, and keep track of when such needs to be replaced.	20-Jun			
1. Management to add secondary containment where all hazardous, toxic, flammable, and corrosive chemicals are stored to minimize the impact of leaks or spills. 2. Chemical storage workers to receive training, appropriate to their job responsibilities, on the safe use of chemicals or other hazardous materials and in spill clean up procedures.	20-Jun			
1. Management to assign someone responsible for labeling all chemicals and to conduct regular inspections for leakage. 2. Chemical storage rooms are in an area posted "no smoking" and access restricted to unauthorized personnel.	20-Jun			
1. Management to create and enforce a personal protective equipment policy and procedures. 2. Train employees on these guidelines regularly by retaining the services of a professional. 3. Post PPE signs where appropriate and assign someone responsible for policy and procedures implementation.	20-Jun			
1. Management to assign someone responsible for labeling all chemicals ( in local language) in areas where chemicals are stored and in use.	20-Jun			
1. Chemicals should not be stored in the dark room. All chemicals should only be stored in a designated chemical storage area that is away from the production room. 2. All chemical storage areas should meet the specifications of the MSDS of chemicals being stored re; ventilation, storage, secondary containment, fire safety, chemical separation, etc.	20-Jun			
1. Management to store materials so that workers do not risk a fall greater than 1.8 meters (6 feet) while retrieving items. 2. Workers should be trained in safe retrieval methods that would include portable ladders, mobile ladder stands with guard rails and wheel chocks to brace wheels in place. 3. Workers working above 1.8 meters from the ground require safety belts or harnesses.	20-Jun			
1. Management to prepare a contingency plan in case of chemical spills. 2. Emergency procedures must be posted in chemical mixing and storage areas. Please review all MSDS to ensure chemical spill clean up procedures are within MSDS' specifications.	20-Jun			

Remediation				(Status)
PC Remediation plan	Target Completion Date	Company follow up (Cite date of follow up)	Documentation	Completed; Pending; On-going
1. Management to create policies procedures that would ensure that all chemicals are tightly covered in storage, production and when in transport from one section to another. 2. Employees transporting chemicals wear clothing or carry equipment that provides audible or visible signals to other workers to clear the path.	20-Jun			
1. Management to assess the need for additional manual pumps to move chemicals from one container to another.	20-Jun			
1. Management to create floor drains in areas where water stands and remove electrical cables near wet areas. 2. Factory management to designate a person to check all electrical wires and connections to ensure that they are properly maintained.	20-Jun			
1. Management to remove electrical cables from passageway floors. 2. Train workers in charge of electrical connections about proper machine installation to minimize risk of accidents.	20-Jun			
1. Management to have building (starting with printing, circulars, and texture areas) evaluated for heat exhaustion by professionals and report maximum temperature recorded and recommended next steps based on results. 2. A maximum of 35c degrees w/ 60% humidity could be parameter to prevent heat stroke. 2. In addition, air quality test should be conducted to ensure that such is in compliance with local law and PC standards. Please advise plan and timetable of execution.	20-Jun			
1. Management to improve lighting at various production areas to a 500-1500 lux or higher, but depending upon the nature of the tasks, color of materials, speed of operation, and demand of accuracy. 2. Management to commission the assessment of light needs in all areas or departments in all factory facilities.	20-Jun			
Management to remove garbage dump from inside the premises to outside and remove stagnant water.	20-Jun			
1. Management to assign someone responsible for maintaining toilets functioning properly, clean, well-ventilated and segregated by gender. 2. Cleaning schedule should also be set depending on the use and need of each toilet.	20-Jun			
1. Please advise how workspace areas were designed. Advise of the meters per workstation used for planning the sewing production area and what standard was used to determine the ratio used. 2. Analyze the square meters of the sewing area and the number of workers in the sewing area. 3. Analyze fire drill evacuation times to verify that each worker in the sewing area has sufficient clearance to evacuate quickly in the event of an emergency. 4. Using the results, determine if the current space allotment is safe, useable and practical.	20-Jun			

Remediation				(Status)
PC Remediation plan	Target Completion Date	Company follow up (Cite date of follow up)	Documentation	Completed; Pending; On-going
1. Management to create a maintenance program that would keep factory buildings clean at all times. 2. Remove lint from ceilings. Assign someone responsible for program implementation.	20-Jun			
1. Management to provide safe drinking water in sanitary surroundings for all factory workers during working hours. This may include: boiled water, a water cooler, drinking fountains, treated water dispensed through a faucet and identified for drinking. 2. In addition, management to commission the independent study of water quality.	20-Jun			
1. Management to ensure the implementation of appropriate measures for sanitary food handling and storage that complies with local regulations. 2. Factory management must designate a person within the factory to manage and ensure that canteen meets local regulations' requirements.	20-Jun			
1. Factory management to enable night shift workers to eat or take their meals at the factory's canteen instead of their workstations. 2. Factory management to create and communicate policy prohibiting workers to bring personal stoves. 3. In addition, factory must provide workers with microwaves or safe heating ovens for workers to heat their meals.	20-Jun			
1. Factory management to create a health and safety committee in accordance to local law regulations.	20-Jun			
1. Each work area should have supervisors and workers who are professionally trained in first aid and blood borne pathogens. Factory management to train at least one worker for every 100 by professional first aid providers (1%). 2. Trainees should receive certificates of training and copies should be kept in the office. 3. Factory should also have a designated area to treat any minor sickness/injury.	20-Jun			
1. Factory management to commission a waste water treatment study and identify remediation actions. 2. Waste water treatment should test for all local regulations and PC HSE guidelines.	20-Jun			
1. Management to prepare a contingency plan in case of chemical spills. 2. Emergency procedures must be posted in chemical mixing and storage areas. 3. All workers responsible for handling chemicals should be trained on emergency/chemical spill clean up procedures.	20-Jun			

Remediation				(Status)
PC Remediation plan	Target Completion Date	Company follow up (Cite date of follow up)	Documentation	Completed; Pending; On-going
1. Factory management to create a freedom of association policy that includes the following, (i) defining the commitment to respect workers' right to participate in associations of their own choosing and the specific channels for two-way communication between workers and management on welfare and production issues; (ii) to define purpose and obligations for non-retaliation to protect employees against negative consequences for open communication; (iii) to define the conditions under which employees are able to select representatives and/or participate in factory problem-solving mechanisms; (iv) assign someone responsible for policy/procedures implementation; and (v) create an employee training plan. <b>Documentation to be submitted:</b> Enhanced policies and procedures on freedom of association and worker representation, including your employee training plan.	20-Jun			
1. Factory management to create and implement a training work plan that includes the opportunities for employees to gain the knowledge and skills needed to do their jobs and awareness of their rights and responsibilities. 2. Assign someone responsible for managing education & training implementation and obligations. Documentation to be submitted: 1) an education & training workplan; 2) training materials; 3) proposed training dates based on plan. Factory management to submit documentation to their main or regional PC representatives.	20-Jun			
1. Management to post at least two internal regulation copies in prominent areas. Please submit supportive documentation once task is completed.	20-Jun			
1. Factory management must maintain all hours of work and payroll records on factory premises for at least 2 years. Documents on site should be maintained for all current and past workers.	20-Jun			

Remediation				(Status)
PC Remediation plan	Target Completion Date	Company follow up (Cite date of follow up)	Documentation	Completed; Pending; On-going
Factory management to provide with an approved back-payment agreement from the Guatemalan Social Security Institute.	20-Jun			
1. Factory management to create a voluntary OT policy/procedure that allows workers to decline to work OT without receiving any repercussions. 2. Factory management must base its regular schedule on the local law. OT should not be included in the regular shift. 3. Factory management to verbally train all managers, supervisors, and workers on voluntary OT policy. 4. HR to provide workers with a way to communicate any instances in where they feel obligated to work OT.	20-Jun			
1. Factory management must ensure that all hours of work (including OT) do not surpass the 60 hours/week. 2. All shifts should be based on the local law, and should not have OT included. 3. Factory management must ensure to provide all workers with one day/seven. 4. Factory management must study capacity vs. number of workers to verify how many additional workers will be needed to address the excessive OT hours.	20-Jun			
1. Factory management must ensure that all hours of work (including OT) do not surpass the 60 hours/week. 2. All shifts should be based on the local law, and should not have OT included. 3. Factory management must ensure to provide all workers with one day/seven. 4. Factory management must study capacity vs. number of workers to verify how many additional workers will be needed to address the excessive OT hours.	20-Jun			

Remediation				(Status)
PC Remediation plan	Target Completion Date	Company follow up (Cite date of follow up)	Documentation	Completed; Pending; On-going
1. Factory management must ensure that all hours of work (including OT) do not surpass the 60 hours/week. 2. All shifts should be based on the local law, and should not have OT included. 3. Factory management must ensure to provide all workers with one day/seven. 4. Factory management must study capacity vs. number of workers to verify how many additional workers will be needed to address the excessive OT hours.	20-Jun			
1. Factory management to provide verbal training to all workers regarding wage compensation for all hours work (regular/OT). 2. Wage compensation information should also be posted in accessible areas to workers such as cafeteria to ensure workers have access to them should they have any questions.	20-Jun			