TOP FINDINGS IN 2015

Fair treatment of temporary workers

In the US, the majority of factory assessments included three or more findings that procedures for hiring temporary workers or for contracting with temporary employment agencies were inadequate. In 13 of the 14 factories assessed, temporary workers hired full-time were not provided with seniority and other fringe benefits dated from the first date of their contract, as required by the FLA Workplace Code of Conduct. In 12 of the 14 facilities, employers did not ensure that fees charged by employment agencies would not be born by the workers. Assessors found that 11 of 14 facilities did not maintain payment records for temporary employees and could not immediately demonstrate documentation of equal pay for equal work between temporary and permanent employees. As one way of safeguarding against unequal pay, agency fees, and other noncompliances related to temporary workers, the FLA Code requires employers to provide direct payment of wages to workers contracted from employment agencies; however, most US factories assessed in 2015 relied on employment agencies to pay temporary workers.
In two cases, assessors determined that factories were using temporary workers continually to support normal business functions, unfairly denying these workers the seniority and benefits that accrue with permanent employment. In one of these instances, the assessor found that workers had been employed on successive temporary contracts for more than five years.

**Mandatory overtime and denial of rest days**

In three of the 14 factories, assessors found that overtime hours were not voluntary for workers, which for the FLA is a forced labor violation that must be corrected by adjustments to the factory’s policies. The FLA Code requires that all overtime be consensual and voluntary, “including for overtime mandated to meet exceptional circumstances.” In one case, a factory was relying on mandatory overtime to meet its regular production schedule, which is organized around a 14-day production period requiring 12 continuous days of work. Not only does this production pattern violate provisions against forced overtime, but it also deprives workers of at least one rest day in every seven-day period, as required by the FLA Code.

**Excessive overtime**

Exactly half (seven of 14) of US factories assessed were found at least occasionally to be violating the FLA workweek limit of 60 hours per week. For example, at one factory, overtime brought workers over the 60-hour weekly limit in four months out of the year, topping out at 94 hours in one week; at other factories, overtime tended to exceed FLA Code limits by around one to five hours per week.

**REMEDIAITION**

As part of the assessment process, companies craft action plans to address findings of noncompliance and work with factories to implement them. For example, to control for excessive overtime, one company’s action plan included adding a new regular work shift to weekends, dividing the necessary hours of work among more employees, and reducing work hours for individual employees to fewer than 60 hours per week. Another factory has updated its employee handbook to reflect that overtime is not mandatory, and that employees will be offered the opportunity to work overtime when customer requests increase the workload required in production. Other remediation plans include strengthening factory oversight of the processes for employing temporary workers, ensuring equal pay for equal work, and providing more immediate access to temporary workers’ records for assessors. **Find the latest progress on all remediation activity in the “Workplace Monitoring Reports” section of the FLA website.**

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4. http://www.bls.gov/1ag/tgs/1ag315.htm#workforce (note: 1990 is the most recent year for a comparable figure from the Bureau of Labor Statistics)