

Better Work Haiti: Garment Industry 4th Biannual Synthesis Report Under the HOPE II Legislation

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Table of Contents

Acknowledgements	3
List of Acronyms.....	6
Section I: Introduction and Methodology	7
1.1. Structure of the report	7
1.2. Context	7
1.3. The Better Work compliance assessment methodology	9
Section II: Findings	13
2.1. Compliance Assessment Findings (4th round of assessments).....	13
2.2. Compliance effort.....	22
2.3. Detailed Findings	15
1. Core labour standards	15
2. Working conditions	17
Section III: Better Work Haiti Advisory Services and Training	23
3.1 Better Work Haiti Advisory Services.....	24
3.2 Better Work Haiti Factory Training	25
Section IV: Next Steps.....	26
Section V: Factories in Detail	24
5.1 List of the factories	28
5.2. Findings from the factories	29
Annex 1. HOPE II Legislation Reporting Requirements	92

List of Tables

Table 1: Better Work compliance assessment framework	10
Table 2: Number of workers in factories registered to Better Work Haiti	28
Table 3: List of factories.....	28
In Focus 1: Social Security and Other Benefits.....	17
In Focus 2: Employment Contracts.....	18
In Focus 3: Termination.....	18
In Focus 4: Chemicals and Hazardous Substances	19
In Focus 5: Emergency Preparedness.....	19
In Focus 6: Health Services and First Aid.....	20
In Focus 7: OSH Management Systems	20
In Focus 8: Welfare Facilities	21
In Focus 9: Worker Protection.....	21
In Focus 10: Working Environment	21
In Focus 11: Overtime	22

List of Acronyms

CP	Compliance Point
CTMO-HOPE	Commission Tripartite de Mise en œuvre de la loi HOPE (Tripartite HOPE Commission)
EA	Enterprise Advisor
HELP	Haiti Economic Lift Program
HOPE	Haitian Hemispheric Opportunity Through Partnership Encouragement
MoLSA	Ministry of Labour and Social Affairs
OFATMA	Office d'Assurance de Travail, de Maladie et de Maternité (Office for Work, Health and Maternity Insurance)
ONA	Office Nationale d'Assurance Vieillesse (National Office for Old-Age Insurance)
OSH	Occupational Safety and Health
PICC	Performance Improvement Consultative Committee
PPE	Personal Protective Equipment
TAICNAR	Technical Assistance Improvement and Compliance Needs Assessment and Remediation

Section I: Introduction and Methodology

1.1. Structure of the report

This is the fourth report to be produced by Better Work Haiti in the framework of the HOPE II legislation. The objective of the report is to describe the labour compliance performance of factories participating in the Better Work Haiti programme, including changes in compliance with international labour standards and with national labour law since the publication of the first Biannual Report under the HOPE II Legislation published on 16 October 2010.

The first section of this report gives an overview of the HOPE II legislation and the origin of the Better Work programme in Haiti. This section also includes an explanation of the Better Work methodology, including the reports produced in the framework of the Better Work programme and the HOPE II legislation.

The second section of the report outlines the compliance assessment findings from the fourth round of factory assessments conducted between December 2011 and February 2012.

The third section of the report describes Better Work Haiti advisory and training services in the period from October 2011 to April 2012.

The fourth section of the report outlines the priorities of the Better Work Haiti programme in the upcoming months. Finally, the last section of the report describes the efforts made by the factories to correct the compliance needs identified in the Better Work Haiti compliance assessments. As required by the HOPE II legislation, information provided for each of the participating factories includes: the compliance needs for each compliance cluster and each compliance point; the improvement priorities; efforts made by the factory to remedy the compliance needs as verified in the fourth assessment visit; and with respect to non-compliance areas that have not been remediated, the amount of time that has elapsed since the non-compliance was first reported publicly.

1.2. Context

The HOPE II legislation and the TAICNAR project

The United States Congress enacted the HOPE II legislation in 2008 to enable the Haitian textile and garment industry to benefit from customs exemptions and establish a new programme for strengthening and monitoring working conditions in the textile and garment sector.

The HOPE II legislation allows for duty-free entry into the United States for a limited number of garments imported from Haiti, provided that 50% of the value of the goods and/or the costs of processing the garments originates in Haiti, the United States, or another country that has a free-trade agreement with the United States. This percentage increases to 55% in the fourth year and 60% in the fifth year of HOPE II implementation.

On 24 May 2010, the Haiti Economic Lift Program of 2010 (HELP Act) was signed into law, expanding the Caribbean Basin Economic Recovery Act and the Haitian Hemispheric Opportunity through Partnership Encouragement Act of 2008 (Haiti HOPE II) to contribute to Haiti's economic growth and

development. Among its provision, the HELP Act extended the HOPE trade agreement until 2020, and expanded the tariff preference level limits for knit and woven apparel.

In order to benefit from HOPE II/HELP, Haiti was required to establish an independent Labour Ombudsman appointed by the President of the Republic in consultation with the private sector and the trade unions. Haiti was also required to work with the International Labour Office (ILO), to develop a programme to assess and promote compliance with core labour standards and national labour law in the factories that enjoy tariff advantages under HOPE II. This was referred to in the legislation as the *Technical Assistance Improvement and Compliance Needs Assessment and Remediation Programme* (TAICNAR). Finally, Haiti needed to develop a mechanism for ensuring that all producers benefiting from the HOPE II trade preferences participated in the TAICNAR programme.

There are two components to the TAICNAR programme. The first of these consists of technical assistance to strengthen the legal and administrative structures for improving compliance in the industry. The scope of these services is extensive, encompassing technical assistance from the ILO in reviewing national laws and regulations to bring them into conformity with international standards, raising awareness of workers' rights, and training labour inspectors, judicial officers and other government personnel. The second element of the TAICNAR programme focuses on assessing compliance with core labour standards and national labour law, supporting remediation efforts, and publicly reporting on progress each factory on the Labour Ombudsman's register.

To encourage compliance with core labour standards and national labour law, the legislation indicates that preferential treatment may be withdrawn from producers not making sufficient efforts to come into compliance with the core labour standards and national labour law over time.

Better Work Haiti is implementing the TAICNAR programme in collaboration with the HOPE II Commission, a presidential tripartite commission comprising three members of the Haitian government, three members of the private sector and three members of the workers' organizations. It is supervised by a President and guided by an Executive Director and a consultant. As of August 2011, the HOPE II Commission serves as Better Work Haiti's Project Advisory Committee.

External factors affecting implementation of the Better Work Haiti programme

For the period covered by the present report, a small but important number of external factors affected the implementation of the Better Work Haiti programme.

In fall 2011, a new Minister and a new Director General were appointed to the Ministry of Labour and Social Affairs a very important constituent of Better Work Haiti and the ILO in the country. Also, a new President was appointed to the HOPE Commission (CTMO-HOPE) as well as a new private sector representative from the garment industry.

Freedom of association in the Haitian garment industry

SOTA: On 15 September 2011, a new trade union, SOTA, was created by a group of garment workers in Haiti with the support of Batay Ouvriye, a local trade union organization that advocates for workers' rights and protection and for social justice. Batay Ouvriye had already been supporting its enterprise-level affiliate SOKOWA at the CODEVI industrial park, and until recently, SOKOWA was the only trade union in the Haitian garment sector. During the week of 26 September, six trade union Executive Committee members of SOTA, who are also full-time workers in the garment sector, were fired in three different factories in Port-au-Prince.

Batay Ouvriye, on behalf of SOTA, and the employers' association, ADIH, requested the intervention of the Better Work Haiti programme. In addition, Better Work Haiti was contacted by the international trade union organizations, which requested that the programme intervene.

Consequently, Better Work conducted a fact-finding exercise in the factories involved in order to better understand the situation. After meetings were held with the national constituents, Better Work released a report that concluded there had been violations of the principles of freedom of association and collective bargaining. On 6 December, a bipartite meeting was facilitated by the Ministry of Labour and Social Affairs in order to negotiate resolution of the dispute. This meeting was observed by ADIH, the ILO, Better Work and the HOPE II Commission. In a positive spirit, the Minister of Labour and Social Affairs emphasized that Haiti will be increasingly opening up to foreign investment and that it therefore needs to change its image in terms of industrial relations, while the Director General of the Ministry called on the parties to dialogue. In a series of individual follow-up meetings, the Haitian garment unions negotiated reinstatement of five of the six dismissed leaders. To date, one of the six reinstated workers has received back-pay at Multiwear. The sixth worker, Mitil Rubin (Secretary of SOTA), has not been reinstated by his employer, One World Apparel.

On 14 February 2012, Better Work Haiti held meetings with the employers and separately with the unions to reflect on lessons from the SOTA case and discuss concrete actions and commitments each side could make to improving social dialogue in the sector. The Director of the ILO Standards Department from Geneva also participated in the meetings, encouraging the social partners to consider adopting a tripartite declaration endorsing the principles of freedom of association and collective bargaining and voluntarily committing to adhere to Conventions 98 and 87 while the labour law reform efforts to bring Haitian law into conformity with the conventions is underway. During the meeting, employers committed to more transparently supporting the rights of their employees to join unions, including by developing and/or posting company policies respecting this right. Both sides also committed to participating in training on core labour standards, as well as direct engagement in sector-level social dialogue. Joint meetings are planned in upcoming months to follow up on this initiative. Despite the fact that this has not been easy for the constituents, the situation created a breakthrough for dialogue between the employers and unions representing workers in the garment industry.

SOKOWA: In January 2012, work stoppages occurred on three afternoons at the CODEVI industrial park located in the north of Haiti after workers were called back to work before the end of their annual leave. An agreement was reached by the management and the union on Wednesday, 18 January to postpone the holidays until Easter. The next day, letters were sent to the Ministry of Labour and Social Affairs by the management of CODEVI announcing the dismissal of the nine Executive Committee members of SOKOWA.

As Better Work Haiti was in the midst of an assessment cycle, an assessment was conducted shortly after. Better Work Haiti learned that the union reached an agreement with management, and all nine terminated workers agreed to accept double their severance pay based on the number of years of service of each worker in full settlement of the matter. As a result, Better Work Haiti has not cited non-compliance in connection with these events.

1.3. The Better Work compliance assessment methodology

Better Work compliance assessment framework

The Better Work programme assesses factory compliance with core international labour standards and national labour law. Following assessments, a detailed report is shared with the factory presenting findings on eight clusters, or categories, of labour standards, half of which are based on international standards and half on national legislation.

Core labour standards: The ILO Declaration on Fundamental Principles and Rights at Work, adopted

in 1998, calls upon Member States to respect and promote these principles and rights in four areas, whether or not they have ratified the relevant conventions. These categories, or clusters, are: freedom of association and collective bargaining, the elimination of forced or compulsory labour, the abolition of child labour and the elimination of discrimination in employment and occupation. The conventions on which the 1998 Declaration is based are Nos. 29, 87, 98, 105, 100, 111, 138, 182, and they form the reference base in assessing factory compliance with fundamental rights for all the Better Work programmes in various countries.

National labour law: The remaining four clusters refer to standards set in national legislation, and therefore vary from one country to another. These categories cover compensation, contracts and human resources, health and safety at work and working time.

Each of the eight categories is divided into key thematic components called “compliance points” (CPs). These thematic subsections remain the same for assessments in all country programmes. However, each compliance point comprises specific questions, which may vary from one country to another. The detailed list of compliance points for each of the clusters is shown in Table 1.

The compliance assessment tool includes internal guidance notes that indicate the applicable legal standard by which to evaluate compliance. Where legal standards do not provide sufficient clarity to assess compliance, internal guidance has been developed to ensure consistency in reaching compliance decisions.

Table 1: Better Work compliance assessment framework

	Compliance clusters		Compliance Points
Core Labour Standards	1	Child labour	1. Child Labourers 2. Unconditional Worst Forms 3. Hazardous Work 4. Documentation and Protection of Young Workers
	2	Discrimination ¹	5. Race and Origin 6. Religion and Political Opinion 7. Gender
	3	Forced Labour	9. Coercion 10. Bonded Labour 11. Forced Labour and Overtime 12. Prison Labour
	4	Freedom of Association and Collective Bargaining	13. Union Operations 14. Interference and Discrimination 15. Collective Bargaining 16. Strikes
Working Conditions	5	Compensation	17. Minimum Wages 18. Overtime Wages 19. Premium Pay 20. Method of Payment 21. Wage Information, Use and Deduction 22. Paid Leave 23. Social Security and Other Benefits
	6	Contracts and Human Resources	24. Employment Contracts 25. Termination 26. Discipline and Disputes 27. Contracting Procedures

¹ The Haiti compliance assessment tool does not include CP no. 8, “Other Grounds of Discrimination”.

	7	Occupational Safety and Health	28. OSH Management Systems 29. Chemicals and Hazardous Substances 30. Worker Protection 31. Working Environment 32. Health Services and First Aid 33. Welfare Facilities 34. Worker Accommodation 35. Emergency Preparedness
	8	Working Time	36. Regular Hours 37. Overtime 38. Leave

Calculating non-compliance

In public synthesis reports, Better Work reports on aggregate non-compliance in the participating industry as shown in Chart 1. Non-compliance is reported for each subcategory (compliance point, or “CP”) of the eight main labour standards clusters. A factory is found non-compliant in a subcategory if they are found to be out of compliance on any one aspect of it. With respect to the figures presented in synthesis reports, for example, a non-compliance rate of 100% means that all participating factories were found to have at least one violation in that area.

The non-compliance rate is not sufficient to fully describe the specific issues that Enterprise Advisors have observed during the assessments. Tables presenting non-compliance findings at a more detailed level are also presented in Section II (see “In Focus” tables). These tables allow the reader to fully appreciate the specific challenges in compliance identified in factory assessments. In Focus tables report the number of factories found to be non-compliant with respect to each highlighted question.

Better Work and public reporting

The Better Work programme supports fair and transparent public reporting. In all Better Work country programmes, synthesis reports on the industry are prepared on the basis of the individual factory assessment reports and published twice a year. Evidence shows that public reporting of this kind helps encourage continuous improvement and reduces the probability of reversing compliance gains. Gathering and reporting these data over time enables factories to demonstrate their efforts to improve working conditions.

In July 2010, Better Work Haiti published an initial compliance synthesis report, which featured aggregated compliance information based on factory assessments conducted by the programme between October and December 2009. In October 2010, Better Work published its first Biannual Report Under the HOPE II Legislation, the first report produced under the requirements of the legislation (see Annex 1). In April and October 2011, Better Work published the second and third Biannual Reports, respectively, which met the requirements of the HOPE II legislation.

The current report includes both aggregated industry compliance data as well as detailed factory-level analysis of compliance needs, the priorities for remediation identified by the factory and the efforts actually made to remedy the compliance needs.²

² Reports produced under the HOPE II legislation differ in two ways from Better Work public reporting elsewhere: they include (1) factory names and compliance information from the first assessment (other Better Work country programmes name factories after 1 year of engagement and 2 assessments); and (2) more details on compliance needs and factory remediation efforts.

Limitations in the assessment process

Given the cultural and political history in Haiti, which has seen considerable instability, many workers feel uneasy about sharing information on their workplaces and their employers with people who are not well known to them. This has led to some limitation in the methodology of conducting onsite interviews with workers in Haiti. Nevertheless, impact assessment surveys conducted by Tufts University, which allowed for anonymous data collection from workers, have provided critical information about non-compliance challenges. This new information, along with the experience of the fact finding exercise related to the SOTA case, has prompted Better Work to refine its assessment process. New approaches to collecting information and interviewing workers, including conducting meetings with workers in their communities, not at or near the workplace, have proven effective in creating an environment where workers are more comfortable discussing working conditions. As a result Freedom of Association and Collective Bargaining, Discrimination and Forced Labour clusters may not reflect worsening conditions in factories as much as increasing levels of trust workers have in sharing information with Better Work Haiti Enterprise Advisors.

Section II: Findings

2.1. Compliance Assessment Findings (4th round of assessments)

Non-compliance rates

Chart 1 presents non-compliance findings for the 20 assessed factories in Haiti, showing non-compliance rates as well as the number of factories in non-compliance in brackets.

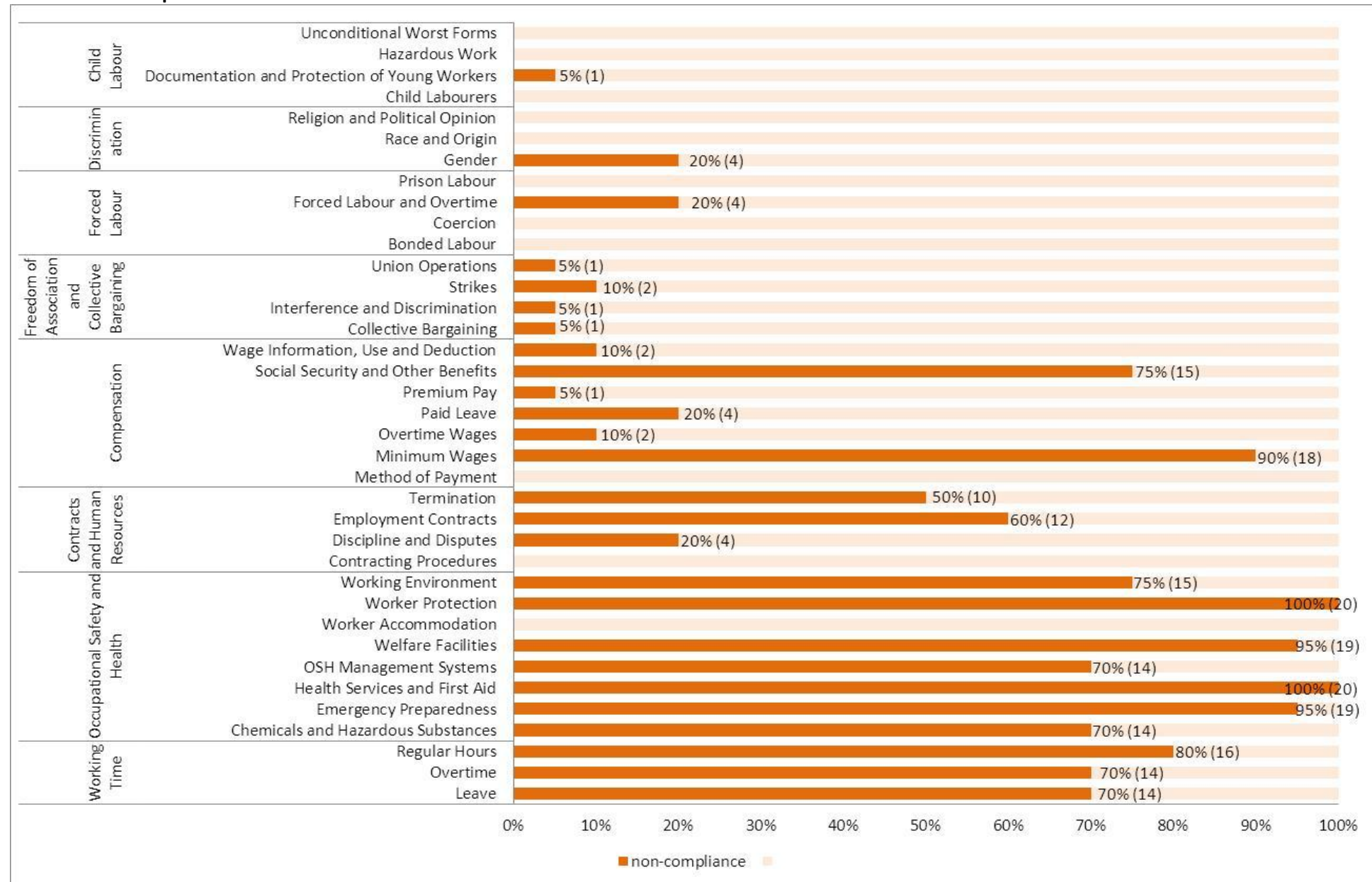
As noted above and further explored in section 2.3, the Better Work Haiti team has uncovered a higher number of violations in the areas of core labour standards than what was observed in the previous assessments. This is to be expected due to a number of factors. First, the EAs have grown into their roles and have gained experience in identifying non-compliance in more nuanced and sensitive issues such as discrimination (in particular, sexual harassment) and freedom of association, which require building a trusting relationship with workers in order for them to share their concerns and experiences. Second, in December 2011, the EAs received specific training on interviewing techniques with specific emphasis on identifying violations in freedom of association and collective bargaining as well as discrimination. Non-compliance findings in these areas therefore show that the Better Work Haiti team is increasingly able to find robust evidence to uncover violations of these rights.

Notwithstanding these observations, non-compliance as revealed by Better Work Haiti's assessments is concentrated in the clusters related to national labour law, i.e., Compensation, Contracts and Human Resources, Occupational Safety and Health, and Working Time.

The high non-compliance rates in Compensation relate to challenges in setting the piece rate at a level such that workers earn at least 250 Gourdes per day for ordinary hours of work (under the Minimum Wages CP). This is an issue that was noted in previous synthesis reports. Another significant non-compliance area is the payment and forwarding of contributions to the National Office for Old-Age Insurance, or ONA from its French title (under Social Security and Other Benefits). In this context, non-compliance findings are reported for three reasons, namely late payments, not contributing to the correct percentage of the worker's basic salary to ONA, and for not forwarding workers' contributions to ONA. Occupational Safety and Health is the cluster in which most non-compliance findings are concentrated. Despite continuous improvements on a number of OSH issues (documented in Section III of this report, with factory-specific information), non-compliance rates are still high. A factory is found non-compliant in a compliance point if they are found to be out of compliance on any one aspect of it. Therefore, improvements in some (but not all) aspects of one compliance point are not captured by non-compliance rates presented in Chart 1.

Non-compliance in the Working Time cluster relates largely to areas already identified in previous reports, such as the provision of breastfeeding breaks and daily breaks according to the labour code.

Chart 1: Non-compliance rates³



³ A factory is found non-compliant in a compliance point if it is found out of compliance on any one aspect of it.

2.2. Detailed Findings

1. Core labour standards

A. CHILD LABOUR

There is one finding of non-compliance in the Documentation and Protection of Young Workers CP. In one factory, the employer did not have a system in place to verify the age of workers prior to hiring, particularly for temporary workers

B. DISCRIMINATION

In the current round of assessments, stronger emphasis has been placed on assessing core labour standards, and in particular on assessing sensitive issues that had been elusive to identify in previous assessment cycles. Better Work Haiti EAs devoted particular attention to investigating the issue of sexual harassment in Haitian garment factories, as there had been numerous anecdotal accounts of episodes in the past. Assessing sexual harassment requires a high degree of confidentiality and trust that needs to be built over time between the EAs and interviewed workers. Therefore, these findings not only confirm the existence of sexual harassment in the Haitian garment sector, but also constitute an encouraging indication of Better Work Haiti's ability to communicate effectively with workers and to become a point of reference for workers' concerns.

In the first round of assessments, Gender Discrimination mainly referred to recruitment materials indicating the applicants' gender. This issue was readily solved in all factories participating in Better Work Haiti. The current findings of non-compliance in Gender Discrimination refer to two issues. First, in one factory, workers indicated during interviews that pregnant women were not paid for sick leave during pregnancy. Management confirmed that when a woman is pregnant, she is paid only for maternity leave even if she becomes sick while pregnant. As a result, women are not getting the same sick leave benefits as men, which constitutes gender discrimination.

Secondly, there were findings of sexual harassment in three factories. Through worker interviews, the EAs established that in the three factories, some workers (accounting for a quarter of the interviewed workers) were subjected to sexual harassment by their supervisors. Promises of promotions, as well as threats to maintain their employment, were made in exchange for dates or sexual favours. It was stated that if workers refuse to go out on dates with their supervisors, they are fired. In one of these factories, managers maintained that they have a well-publicized zero-tolerance policy on sexual harassment and that they did not receive any complaint.

During a recent training on sexual harassment provided by USDOL, factory owners acknowledged that sexual harassment was also a concern for them and that they had to dismiss employees in the past based on their practices.

Consultations with two Haitian NGOs (*Centre de promotion des femmes ouvrières* and *Mouvement des femmes haïtiennes pour l'éducation et le développement*) and with two international gender specialists confirmed that sexual harassment is not unique to the garment industry but rather pervasive in the world of work in Haiti.

C. FORCED LABOUR

Four factories were out of compliance with the Forced Labour and Overtime CP. In three of these cases, overtime hours exceeded legal limits, and workers reported that they do not feel they can leave the factory during overtime, as they are threatened with dismissal or suspension if they do. The fourth case refers to workers reporting that they are not able to leave the factory without permission for nearly an hour after normal working hours, as the punch machine is turned off. In this case, if workers leave the factory without punching out, they do not get paid for the day.

D. FREEDOM OF ASSOCIATION AND COLLECTIVE BARGAINING

The Collective Bargaining CP has a 5% non-compliance rate. As in previous reports, this refers to CODEVI, which is the only factory in Haiti with a collective bargaining agreement (CBA). The factory is found non-compliant because the agreement has provisions that are less favourable than those provided for by law. Furthermore, the employer failed to implement provisions of the CBA in force.

The 5% non-compliance rate in Union Operations refers to one case in which union representatives did not have access to workers in the workplace. Batay Ouvriye/SOTA officials were denied access to One World Apparel on 23 September 2011 when they presented themselves at the factory gates in an effort to support a fellow member of the executive committee of SOTA, who was in the process of being terminated. They were asked to return the following day, because it was pay day.

There is one non-compliance finding in Interference and Discrimination (5% non-compliance rate). This refers to terminating workers for engaging in union activities, as outlined below.

On 26 September 2011, one member of the Executive Committee of a new trade union formed in the garment sector in Haiti (SOTA) was terminated in One World Apparel. Better Work Haiti agreed to assess the circumstances surrounding the termination, and based on the information collected found that the employer did not provide sufficient information to counter the allegations of anti-union discrimination. Better Work recommended that the remedy of reinstatement with back pay should be available to trade unionists who have been dismissed on the grounds of their trade union activities or membership. Even in circumstances where trade unionists are dismissed without employers knowing their trade union affiliation, reinstatement is a justifiable remedy in order to promote conditions of freedom of association. As mentioned in Section 1.2, while Better Work concluded there had been violations of the principles of freedom of association and collective bargaining in the firing of six SOTA Executive Committee members, following a number of meetings with concerned stakeholders, the Haitian garment unions negotiated reinstatement of five of the six dismissed leaders. The factories that employed those five workers were therefore not found non-compliant with regard to Interference and Discrimination.

Two findings of non-compliance were related to Strikes. In one factory, based on a correspondence sent to the Ministry of Labour and provided by management, workers went on strike to complain about a lack of production on 29 September 2011 and to request management to reinstate work on Saturdays. The strike resulted in a two weeks suspension of 156 workers.

The second finding relates to an illegal strike that took place in May 2011, which was covered in the previous Biannual Report. Some 140 workers were terminated as a result of their participation in that strike. The employer has not taken action to remedy this non-compliance, so this report contains a non-compliance finding for punishing workers due to their participation in that strike. Some 100 workers fired after the strike brought this case to the Labour Court, but as of April 2012, the case has not been heard yet.

2. Working conditions

E. COMPENSATION

The 90% non-compliance rate in Minimum Wages is due to 18 factories being out of compliance with setting the piece rate at a level such that workers earn at least 250 Gourdes per day for ordinary hours of work. This is an issue that was noted in previous Biannual Reports. The share of workers currently earning 250 Gourdes after 8 hours of regular worktime is 22%, compared to 12% and 22% in the two previous reporting periods, respectively. All workers earn a minimum of 150 Gourdes per day.

Overtime Wages has a 10% non-compliance rate. This refers to one factory not correctly paying overtime hours worked on weekly rest days, and to two factories not paying overtime hours correctly (50% above the normal wage) for all overtime hours worked.

The Paid Leave non-compliance findings refer to factories not paying workers correctly for sick leave (two factories), maternity leave (one factory), and weekly rest days (one factory).

There is one finding in the Premium Pay CP relating to one factory not paying workers 50% above the normal wage when workers work regular hours on weekly rest days.

The Social Security and Other Benefits CP has a 75% non-compliance rate. Details on question-level non-compliance are presented in the In Focus table below.

In Focus 1: Social Security and Other Benefits

Question	# factories out of compliance
Does the employer collect the required contribution to OFATMA from all workers?	0
Does the employer forward workers contributions to ONA?	15
Does the employer forward workers contributions to OFATMA?	1
Does the employer pay the required employer contribution to ONA?	15
Does the employer pay 3% of workers' basic salary to OFATMA for work-related accident insurance?	5
Does the employer pay 3% of workers' basic salary to OFATMA for maternity and health insurance?	0
Does the employer pay workers their annual salary supplement or bonus?	0
Does the employer collect the required social insurance contribution to ONA from all workers?	5

Paying and forwarding workers' contributions to ONA is a key area of non-compliance for 15 factories. Non-compliance findings are reported for three reasons, which include late payments, not contributing to the correct percentage of the worker's basic salary (6% as prescribed by the Haitian Labour code) and not forwarding workers' contributions to ONA.

There are two findings in the Wage Information, Use and Deduction CP. One factory was found to have more than one accurate payroll record. In another factory, the employer made unauthorized deductions from workers' wages.

F. CONTRACTS AND HUMAN RESOURCES

The Employment Contracts CP has a 60% non-compliance rate. This refers to two issues, as shown in the In Focus table below. In five factories, contracts did not comply with the labour code, collective agreements and internal work rules. In eleven factories, internal work rules were not compliant with legal requirements. In both cases, non-compliance refers to contracts and internal work rules that provide a daily break of less than 90 minutes. According to the Haitian labour code, a daily break shorter than 90 minutes is possible if the workers are consulted. Better Work Haiti EAs have advised the factories to conduct surveys or consultations with workers to choose the length of daily break. These consultations have not been implemented to date.

In Focus 2: Employment Contracts

<i>Question</i>	<i># factories out of compliance</i>
Do the employment contracts specify the terms and conditions of employment?	0
Do the contracts comply with the labour code, collective agreement and internal work rules?	5
Do workers understand the terms and conditions of employment?	0
Do all persons who perform work for the factory, both on the premises and offsite, have a contract?	0
Do the internal work rules comply with legal requirements?	11

There is a 55% non-compliance rate with Termination. More in detail, as shown in In Focus 3, seven factories terminated workers for invalid reasons. The Haitian labour code clearly states the reasons allowed by law for employers to dismiss workers, such as assault, insubordination, offense against the employer's property, performance, non-motivated absences etc. Five of the factories cited as non-compliant failed to document the reason for termination in the workers' files. Also, workers did not receive notices prior to their termination. The other non-compliance relates to union activities, as outlined in the Freedom of Association and Collective Bargaining cluster above. In five factories, workers did not have an opportunity to defend themselves before they were terminated based on their conduct or performance.

In Focus 3: Termination

<i>Question</i>	<i># factories out of compliance</i>
Does the employer only terminate workers for valid reasons?	6
Do workers have an opportunity to defend themselves before they are terminated based on their conduct or performance?	5
Has the employer complied with any orders to reinstate or compensate workers who were found to be unjustly terminated?	0
Does the employer provide workers proper notice of termination when required, or pay workers during the notice period?	2
Does the employer comply with legal requirements before reducing the size of the workforce due to changes in operations?	0
Does the employer compensate workers for unused paid annual leave when they resign or are terminated?	1
Does the employer notify the labour ministry when suspending operations due to lack of materials, force majeure, or accident resulting in an immediate work stoppage?	0
Does the employer pay workers their annual salary supplement or bonus upon termination?	1
Does the employer pay judicially ordered damages for wrongful termination?	1

The Discipline and Disputes non-compliance rate is 20%. This refers to workers been bullied, harassed, or subjected to humiliating treatment in three factories. Particularly, workers complained about management yelling at them and using rude language because of performance issues. Furthermore, in one factory, the disciplinary measures did not comply with legal requirements.

G. OCCUPATIONAL SAFETY AND HEALTH

This continues to be the cluster where most non-compliance findings have been found. Each CP, with the exception of Worker Accommodation where no non-compliance was found, is detailed in In Focus tables to highlight the key non-compliance areas at the question level.

Despite the efforts made through advisory services, trainings and the establishment of OSH Committees, non-compliance issues are still being identified with the chemicals and hazardous substances CP (In Focus 4), due to lack of inventory and labelling of the chemicals. Safety data sheets are either provided in a language that users cannot understand, or not provided at all. Ten factories did not yet install or provide washing facilities in the event of exposure to chemicals.

In Focus 4: Chemicals and Hazardous Substances

<i>Question</i>	<i># factories out of compliance</i>
Are chemicals and hazardous substances properly labeled?	8
Are chemicals and hazardous substances properly stored?	1
Does the employer have chemical safety data sheets for the hazardous chemicals used in the workplace?	7
Does the employer keep an inventory of chemicals and hazardous substances used in the workplace?	6
Does the employer provide adequate washing facilities and cleansing materials in the event of exposure to hazardous chemicals?	10
Has the employer effectively trained workers who work with chemicals and hazardous substances?	2
Has the employer taken action to assess, monitor, prevent and limit workers' exposure to chemicals and hazardous substances?	1

Concerning Emergency Preparedness, in more than half of the factories assessed, the emergency exits and escape routes are either not marked at all, or not marked accurately after a change in the layout of the machines. One third of the factories do not conduct emergency drills periodically. Finally, it is recommended that 10% of the workforce should be trained to use the fire-fighting equipment. 18 factories were found in non-compliance with this issue, as the number of trained workers was significantly less than recommended.

In Focus 5: Emergency Preparedness

<i>Question</i>	<i># factories out of compliance</i>
Are emergency exits and escape routes clearly marked and posted in the workplace?	12
Are the emergency exits accessible, unobstructed and unlocked during working hours, including overtime?	4
Are there enough emergency exits?	4

Does the employer conduct periodic emergency drills?	7
Does the workplace have a fire detection and alarm system?	6
Does the workplace have adequate fire-fighting equipment?	5
Has the employer trained an appropriate number of workers to use the fire-fighting equipment?	18

In Health Services and First Aid, the number of nurses and weekly doctor's visits or onsite doctor remains a challenge for 19 factories. The medical exams required by law within the first three months of hiring, annual checks and bi-annual checks for workers exposed to risks are also not respected. Similar to training in the use of fire-fighting equipment, it is recommended that 10% of the workforce should receive first-aid training. Eighteen factories out of 20 are in non-compliance with this issue.

In Focus 6: Health Services and First Aid

<i>Question</i>	<i># factories out of compliance</i>
Do workers who have been exposed to work-related hazards receive free health checks?	9
Does the employer address safety and health risks to pregnant or nursing workers?	0
Does the workplace have required onsite medical facilities and staff?	19
Has the employer ensured there are a sufficient number of readily accessible first aid boxes/supplies in the workplace?	9
Has the employer provided first-aid training for workers?	18
Do workers have a medical check within the first three months of hiring and annual medical checks?	14

Regarding OSH Management Systems, 11 factories failed to perform regular OSH assessments, which should be conducted by the OSH Committee members. Better Work Haiti has provided training to factories to help establish OSH Committees and to help OSH Committee members to conduct OSH assessments.

In Focus 7: OSH Management Systems

<i>Question</i>	<i># factories out of compliance</i>
Does the employer record work-related accidents and diseases and submit the record to OFATMA on a monthly basis?	7
Does the factory have a written OSH policy?	7
Has the employer developed mechanisms to ensure cooperation between workers and management on OSH matters?	6
Has the employer performed an assessment of general occupational safety and health issues in the factory?	11

Non-compliance in Welfare Facilities is 95%. The Haitian Labour code is rather demanding on the number of toilets per workers, which explains the high non-compliance rate for this question. Many factories have built outdoor eating areas to accommodate workers who wish to stay on the premises of the factory for lunch. However, nine factories remain in non-compliance because there is no eating area, or if it exists, it is too small for the number of workers using it.

In Focus 8: Welfare Facilities

<i>Question</i>	<i># factories out of compliance</i>
Does the workplace have adequate hand washing facilities and adequate soap?	9
Does the employer provide workers enough free safe drinking water?	3
Does the workplace have all required facilities?	0
Is the workplace clean and tidy?	2
Does the workplace have adequate accessible toilets?	18
Does the workplace have an adequate eating area?	9

In Focus 9 shows the non-compliance findings for Worker Protection. In 12 factories, employers do not provide personal protective equipment (PPEs) to all workers, such as earplugs for workers working in a noisy environment, masks for workers using chemicals, or belts for workers lifting heavy weights. Standing workers are not provided with a fatigue mat or a foot rest in 13 factories. Finally, the guards (eye guards, finger guards and belt guards) on the sewing machines remain an important non-compliance issue in 16 factories, mainly due to the fact that machines that are not new, and would require adjustments to install the proper guards.

In Focus 9: Worker Protection

<i>Question</i>	<i>Number of factories out of compliance</i>
Are workers punished if they remove themselves from work situations that they believe present an imminent and serious danger to life or health?	0
Does the employer provide workers with all necessary personal protective clothing and equipment?	12
Are workers effectively trained and encouraged to use the personal protective equipment that is provided?	4
Are materials, tools, switches, and controls within easy reach of workers?	0
Are standing workers properly accommodated?	13
Are there sufficient measures in place to avoid heavy lifting by workers?	0
Do workers have chairs with backrests?	2
Are workers effectively trained to use machines and equipment safely?	0
Are proper guards installed and maintained on all dangerous moving parts of machines and equipment?	16
Are electrical wires, switches and plugs properly installed, grounded, and maintained?	2
Are appropriate safety warnings posted in the workplace?	3

The main non-compliance points under Working Environment are related to the noise levels exceeding 90Db in six factories and inadequate lighting in some sections of eight factories. Better Work Haiti recommends the following lighting to be compliant: 300 lux for ironing, 750 lux for trimming, and 500 lux for everything else.

In Focus 10: Working Environment

<i>Question</i>	<i># factories out of compliance</i>
Are noise levels acceptable?	6
Is the temperature in the workplace acceptable?	3

Is the workplace adequately lit?	8
Is the workplace adequately ventilated?	1

H. WORKING TIME

All the non-compliance findings (70% non-compliance rate) in the Leave CP refer to employers not providing the required breastfeeding breaks.

In the Regular Hours CP, 14 factories were non-compliant with providing workers with their daily break periods. In nine factories, the working time records did not reflect the hours actually worked.

The Overtime CP (70% non-compliance rate) is detailed in the In Focus table below.

In Focus 11: Overtime

<i>Question</i>	<i># factories out of compliance</i>
Does the employer comply with limits on overtime hours worked?	8
Does the employer obtain authorization from the Department of Labour before working on Sundays?	1
Does the employer obtain authorization from the Department of Labour before working overtime?	6
Is overtime work voluntary?	5

As noted in previous public reports, Better Work Haiti advisory services put considerable emphasis on OSH issues. In this realm, Better Work Haiti acknowledges the efforts and engagement of owners and managers to improve the situation in the past six months. Significant compliance effort can be observed in Chemicals and Hazardous Substances and in Emergency Preparedness, two areas that Better Work Haiti has directly targeted through training and advisory services. However, other improvements in the other compliance points may be underestimated. As described in Section 2.2, in the OSH cluster compliance points cover many different questions, and even though factories are in compliance with a larger number of issues, this improvement is not captured in the compliance effort as shown in Chart 2. However, the detailed factory tables in Section III allow the identification of these instances by using a half-black dot icon and present a thorough examination of the significant improvements in this cluster by detailing progress at the factory level.

2.3. Compliance effort

Compliance effort relates to the changes in non-compliance for each CP between the last public synthesis report and the present one. Compliance effort refers only to the factories that were registered with Better Work Haiti in both reporting periods. It must be noted that, as the compliance effort is an aggregate indicator for all factories that have been assessed at least twice by Better Work Haiti, it is sensitive to simultaneous changes in non-compliance. For example, if a factory moves from being non-compliant to compliant and another factory that had no non-compliance findings now is non-compliant in the same CP, the two would level each other out with no change in compliance effort.

In the most recent round of assessment, the Better Work Haiti team has uncovered a higher number of violations in the areas of core labour standards than what observed in the previous assessments. This is to be expected due to a number of factors. Sensitive issues such as sexual harassment and all aspects of freedom of association have garnered considerable attention in the Haitian garment industry in the past six months. EAs were therefore particularly attentive to effectively assess non-compliance in these issues. Growing familiarity and trust between EAs and workers, together with the new methodology of conducting offsite worker interviews as well as more in depth individual interviews with workers, led to an increased sharing of sensitive information. Such fluctuations in non-compliance findings are a trend that has been observed in other Better Work countries and should not be interpreted as a worsening of non-compliance per se, but rather as a more thorough identification of the issues that need to be tackled. Secondly, in December 2011, the EAs received specific training on interviewing techniques with specific emphasis on identifying violations in freedom of association and collective bargaining as well as discrimination. Non-compliance findings in these areas therefore show that the Better Work Haiti team is increasingly able to uncover robust evidence of violations of these rights.

As noted in previous public reports, Better Work Haiti advisory services put considerable emphasis on OSH issues. In this realm, Better Work Haiti acknowledges the efforts and engagement of owners and managers to improve the situation in the past six months. Significant compliance effort can be observed in Chemicals and Hazardous Substances and in Emergency Preparedness, two areas that Better Work Haiti has directly targeted through training and advisory services. Furthermore, as illustrated in the detailed factory tables in Section III, factories are demonstrating various degrees of improvement in OSH issues even if they are still in non-compliance at the Compliance Point level. The factory tables allow the identification of these instances by using a half-black dot icon and present a thorough examination of the significant improvements in this cluster by detailing progress at the factory level.

Section III: Better Work Haiti Advisory Services and Training

3.1 Better Work Haiti Advisory Services

Pilot Performance Improvement Consultative Committees

Better Work programmes include both compliance assessments and advisory services. Following the assessment of compliance needs at the factory, Better Work Enterprise Advisors work directly with each factory to set up bi-partite worker-management committees (Performance Improvement Consultative Committees, PICCs), and to create and implement improvement plans that address both non-compliance issues and management systems. While factories are responsible for identifying and implementing improvement plans, advisory services ensure a tailored approach that provides direction and capacity building.

The Better Work Haiti advisory services that have been provided to date have included management introductory meetings, but no workers' introductory meetings. Prior to the establishment of PICCs in participating factories in Haiti, the Better Work Haiti programme decided to engage national constituents in a process of dialogue to ensure that the formation of the Committees takes into account the under-developed nature of industrial relations in the Haitian garment industry. In the fall 2011, two factories (Island Apparel and Pacific Sports) agreed to collaborate with Better Work in order to set up PICCs in their factories. As a first step, Better Work Haiti organized a training with workers and management representatives in order for them to become effective participants in the PICCs. The training prepared the two parties to sit at the table together to engage in constructive dialogue. It included key principles of freedom of association in order to establish a culture of mutual respect for roles of workers and management in a difficult industrial setting.

In December 2011 and January 2012, Better Work Haiti facilitated the election of workers' representatives in both factories. Shortly after, the first PICC meetings were held, during which workers and management representatives discussed the assessment findings and started elaborating an improvement plan for the next semester.

Advisory Services in the Reporting Period

In the current reporting period, OSH remained the cluster where most non-compliance findings have been found. Advisory services in the reporting period therefore mainly focused on Chemicals and Hazardous Substances, Emergency Preparedness, and the use of Personal Protective Equipment. Furthermore, the Better Work EAs advised the factory manager on the establishment of OSH and First Aid Committees. They also provided training to workers in order to encourage them to use the equipment, on how to provide First Aid and how to use fire fighting equipment in case of emergencies.

3.2 Better Work Haiti Training Services

In addition to the factory assessments and advisory work, Better Work Haiti offers training to workers and managers on a variety of workplace issues.

In terms of managerial skills, the main focus was the support of HR management staff, particularly to address the non-compliance issues related to recruitment documents and to strengthen their capacity. Factories were also trained in improving the capacities of the HR department staff. In October 2011, Better Work Haiti started with follow-up activities related to the training in human resources management provided by Softraining. The first advisory visit was an opportunity to discuss the effectiveness of the training and the changes they could implement in their departments. While in some factories it is difficult for the HR Managers to start the implementation of this new knowledge in their current work environment, positive impacts have been identified in other factories such as a decrease in turnover rate, improvement in the induction program for new hires and the establishment of a better compensation structure for the workers.

With the support of Levi Strauss Foundation, Better Work Haiti has launched and piloted a Worker Life Skills Training Kit. The Life Skills training aims at raising awareness and increasing knowledge among workers on social aspects of their life and hopefully reduces the vulnerability of workers. The goals are that garment workers participating are able to make smarter decisions in their everyday life, are more aware of possible dangers, gain more confidence and for them to disseminate the information to their peers. The Life Skills Training Kit includes the following modules: Maternity Protection (2 sessions), Introduction to workplace communication (2 sessions), Financial Literacy (3 sessions) and Introduction to HIV/AIDS (1 session). The Kit is a set of class room based training sessions in a highly participatory manner. Each session is one hour to ensure that production disruption is minimal. The training is suitable for approximately 25 participants and can be delivered at factory canteens or meeting room. The Life Skills Training Kit was launched and piloted in Port au Prince, Haiti in October 2011. The launch was considered successful both from the workers and from the management point of view. After the launch factories have requested Better Work to train one of their workers, which Better Work is currently pursuing. In total, Better Work conducted 19 sessions in 6 factories (Codevi, MGA, Island Apparel, Fox River, Multiwear and Pacific Sports) with a total of 654 workers trained.

Given the continuing non-compliances in Occupational Safety and Health, Better Work Haiti is also providing OSH related trainings to workers. The OSH Committee members are trained on how to conduct regular hazards-assessment and on how to identify solutions in order to decrease risks. The other OSH training has been developed to raise awareness of workers on the potential risks when at work in the factories. The training is focused on participation and interaction with workers through games and quizzes that allow them to identify themselves the risks instead of being told what the risks are. The training is interactive and take into account workers' literacy levels. In 2011, 284 workers were trained.

During the period covered by this report, some 660 workers were trained while some 1028 were trained during the year 2011.

Section IV: Next Steps

4.1. Better Work Haiti Advisory Services

Performance Improvement Consultative Committees

Better Work Haiti will continue to set up bi-partite worker-management committees in additional factories and will advise them on how to develop effective social dialogue. In the two factories that have already established a PICC - Island Apparel and Pacific Sports- Better Work Haiti Enterprise Advisors will continue supporting the Committee members to draft their PICC guidelines, assisting the workers' representatives in their preparation of the meetings and facilitating the meetings in order to ensure that objectives are fully met. Better Work Haiti will provide further training to all members and in particular to the workers' representatives on Workplace Cooperation and Communication skills.

Occupational Health and Safety

Given the considerable non-compliance in OSH, the Better Work Haiti Enterprise Advisors will continue to advise managers on providing personal protective equipment and raise the importance of training workers on how to wear the protective equipment. Advisory services will also focus on encouraging factory managers to comply with the labour law regarding medical examinations that must be provided for free to workers, as well as onsite medical facilities and staff required by the law.

Social protection systems

Special attention will be given to address the non-compliance points regarding the two social protection systems in Haiti namely ONA (pension funds) and OFATMA (work-related accidents insurance) for which many factories remain non-compliant after four cycles of assessments. The non-compliance situation has improved considerably over the past two years but considering the importance of providing social protection to all workers in the garment industry in Haiti, all factories should come to compliance in the upcoming months.

4.2. Better Work Haiti Training Services

Human Resource Management

The Better Work Enterprise Advisors will emphasize the development of practical human resources tools specific to the Haitian garment industry in order to improve compliance rate through good human resources management systems. The following tools will be developed in 2012 to support the factories HR departments: employee files checklists, payroll records guidelines, discipline policy, guidelines for contracts and finally termination checklist.

Emergency Preparedness

A recent earthquake on 7 March, 2012, reinforced the importance of emergency preparedness at the factory level. As mentioned above, the fourth round of assessments revealed that in more than half of the factories the emergency exits and escape routes are either not marked at all, or not marked accurately. One third of the factories do not conduct emergency drills periodically. Better Work Haiti will therefore provide an emergency preparedness training, which aims at improving the compliance of the Haitian garment industry. The specific objectives are to raise awareness with

managers and workers on the importance of emergency preparedness procedures and to support them in establishing an emergency preparedness organizational structure in the factory. The activity will be conducted preferably by a Haitian agency with an expertise in emergency preparedness. Following an evaluation to identify the factory's weaknesses in terms of emergency preparedness, a report will be submitted to the managers with recommendations for improvements. Follow-up visits are planned to support managers with their remediation plans. Factories will be encouraged to create an emergency preparedness committee and to write a policy. An emergency drill will be conducted with the newly established and trained committee.

Occupational Health and Safety

Better Work Haiti Enterprise Advisors will provide OSH awareness training to the factories and will assist the factories in how to conduct OSH self assessments. Both trainings aim at increasing awareness of workers on the different risks they are exposed to when at work and at becoming actors of change in the reduction of these risks. Particularly the OSH Committees established in the factories will be strengthened in order to maintain the remediation efforts and ensure a safe environment to workers.

Workers' Training

The workers' trainings piloted in October 2011 will be widely promoted in the factories to reach out to a maximum of workers. Factories are requested to invite approximately 25 workers to the training sessions. In addition, the first Better Work Haiti comic book, which addresses OSH issues, will be launched at the occasion of the World Day for Health and Safety at Work annually celebrated by ILO on April 28. The comic book is intended for workers and will be distributed in factories afterwards. A short training will also be provided to raise awareness on OSH issues in the workplace and to inform workers about the free medical services they are entitled to.

ILO Core Labor Standards

Following the recent dismissals of trade union leaders in Haiti, the social partners expressed the need for ILO to provide training and increase knowledge on the core labor standards. A general training session will be conducted with MoLSA, CTMO-HOPE, ADIH, factory owners and managers and the national trade unions in order to provide an overview of the four core labour standards clusters: Child Labour, Forced Labour, Freedom of Association and Collective Bargaining, and Discrimination. Better Work will also engage national constituents in a process of dialogue to consider capacity building needs of both workers and managers.

Production quota study, with tripartite advisory group

In response to a request received from factory managers and national trade unions, Better Work Haiti will sponsor a technical analysis of production targets in Haiti that will benchmark factory practices within Haiti and internationally. The study aims at assessing how the quotas are being set in Haiti and to identify if their level is appropriate.

Section V: Factories in Detail

Section V: Factories in Detail

5.1 List of factories

As of February 2012, 20 factories were registered with Better Work Haiti. From the 23 registered factories in November 2011 when the 4th cycle of assessments began, 1 factory has shut down its operations while 2 others have merged into a new factory. The programme has been implementing assessment and advisory services in participating factories, following the six-month cycle established in the country. Since the programme began providing services, 18 factories have already been assessed four times, while another 8 have been assessed three times. At the time of the fourth cycle of assessments, two factories were undergoing a merger and one factory was temporarily closed due to a lack of production since December 2011. As a result, 20 factories have been assessed.

Table 2: Number of workers in factories registered to Better Work Haiti

	June 2010	December 2010	June 2011	December 2011
N° of workers in factories registered to Better Work Haiti	22,598	27,264	27,000	24,298
Of these, N° of women workers	14,796	16,978	15,783	15,523

Table 3: List of factories in the Haitian garment sector

Name of factory	Status
Astro Embroidery & Screen Printing	Out of operations
Codevi	Registered in 2009
DKDR HAITI S.A.	Registered in 2009
Fairway Apparel S.A.	Registered in 2010
Fox River Caribe, INC	Registered in 2009
Genesis S.A.	Registered in 2009
Global Manufacturers & Contractors S.A.	Registered in 2010
Horizon Manufacturing S.A.	Registered in 2010
InterAmerican Knits S.A.	Merging with InterAmerican Wovens S.A.
InterAmerican Tailor S.A.	Merged with One World Apparel S.A.
InterAmerican Wovens S.A.	Merging with InterAmerican Knits S.A.
Island Apparel S.A.	Registered in 2009
Johan Company	Registered in 2009
Lucotex Manufacturing CO	Registered in 2010
Magic Sewing MFG. S.A.	Registered in 2009
Modas Gloria Apparel S.A	Registered in 2009

Multiwear S.A.	Registered in 2009
One World Apparel S.A.	Registered in 2009
Pacific Sports Haiti S.A.	Registered in 2009
Palm Apparel S.A.	Registered in 2009
Premium Apparel S.A./AGA GROUP	Registered in 2009
Sew Rite Manufacturing	Out of operations
Sewing International S.A.	Registered in 2009
The Willbes Haitian I S.A.	Out of operations
The Willbes Haitian II S.A.	Registered in 2010
The Willbes Haitian III S.A.	Registered in 2010
The Willbes Haitian V /AZTECA	Out of operations

5.2. Findings from the factories

This section reports on efforts made by the factories to address their non-compliance findings as outlined in the previous HOPE II biannual reports (October 2010, April 2011 and October 2011). Following Better Work Haiti cycle, after receiving the assessment report factories have to identify their improvement priorities detailing them in an Improvement Plan. Better Work Haiti works alongside the factory through advisory services documenting progress made against these priorities in the Progress Report. The factory tables presented in this section provide detailed information derived from each factory's Improvement Plan and Progress Report.

As required by the HOPE II legislation, the following information is given for each factory that has been assessed at least twice by Better Work Haiti:

- compliance needs by compliance cluster and by compliance point: black dots (●) represent non-compliance identified in the baseline assessment and non-compliance that has not been addressed by the factory in its improvement plan. Half-black dots (◐) represent areas where factories have made several improvements but are still in non-compliance;
- improvement priorities identified by the factory;
- efforts made by the factory to remedy the compliance needs as verified in the fourth assessment visit;
- with respect to non-compliance areas that have not been remediated, the amount of time that has elapsed since the first public report.

In this report, the efforts made by these factories have been verified during the fourth factory assessments by Better Work Haiti EAs.

CODEVI

Location Ouanaminthe
No. of workers 4555
Registration Date 24 September 2009

Advisory Services and Training

11 October, 2011: Management introduction meeting (CODEVI Compliance Manager, Lawyer, General Director, 2 Levi Strauss Compliance Managers, and the Better Work Haiti CTA). The meeting was held with management after the factory report has been submitted in order to discuss assessment findings and elaborate the Improvement Plan.

11 October, 2011: OSH Awareness training (59 workers). The objective of the training was to raise awareness of workers of the potential health and safety issues in the workplace. It was also an opportunity to introduce the different committees (OSH, First Aid, Emergency).

12 October, 2011: OSH Committee meeting (18 workers). Establishment of two OSH committees. Training on how to conduct periodic risk assessments was provided.

13 October, 2011: Advisory services (CODEVI Compliance Manager) including a factory visit, elaboration of action plan, review of the improvement plan, factory tour to assess the remediation efforts.

13 October, 2011: PICC Introduction Meeting with Batay Ouvriye representative and 2 SOKOWA.

15 November, 2011: Advisory services

16 November: Worker training (53 workers) including awareness raising on potential health and safety issues in the workplace, introduction of OSH, First Aid and Emergency Committees. Worker training on financial literacy (18 workers) including how to manage a budget, set and achieve objectives, save money to avoid credit.

17 November, 2011: Meeting with Levi Strauss Regional Compliance Manager to introduce soft-skills trainings provided by Better Work Haiti with the financial support of LSF.

17 November, 2011: Pre-assessment advisory meeting with the Dominican Republic Timberland Representative including factory tour.

	Compliance cluster	Compliance point	Assessments				Improvement Priorities	Remediation Efforts	# months ³
			1*	2*	3*	4*			
1	Child Labour	Child Labourers	○	○	○	○			
		Documentation and Protection of Young Workers	○	○	○	○			
		Hazardous Work	○	○	○	○			
		Unconditional Worst Forms	○	○	○	○			
2	Discrimination	Gender	○	●	○	○			

³ HOPE II Legislation: "With respect to deficiencies that have not been remediated, the amount of time that has elapsed since the deficiencies were first identified in a report under this paragraph." (H.R. 6124-655, (D) BIENNIAL REPORT (III) (iv))

* A black dot represents non-compliance.

3		Other Grounds	☐	☐	☐	☐			
		Race and Origin	☐	☒	☐	☐			
		Religion and Political Opinion	☐	☐	☐	☐			
	Forced Labour	Bonded Labour	☐	☐	☐	☐			
		Coercion	☐	☐	☐	☐			
		Forced Labour and Overtime	☐	☐	☐	☐			
		Prison Labour	☐	☐	☐	☐			
4	Freedom of Association and Collective Bargaining	Collective Bargaining	☐	☒	☒	☒	Correctly apply the collective bargaining agreement.	Management has changed its practice, so that hours worked over 8 hours per day now are paid at overtime rates. However, daily working hours still exceed legal limits.	12
		Interference and Discrimination	☐	☐	☐	☒ ⁴			
		Strikes	☐	☐	☐	☐			
		Union Operations	☐	☐	☐	☐			
5	Compensation	Method of Payment	☐	☐	☐	☐			
		Minimum Wages	☒	<input style="background: radial-gradient(circle, black 50%, white 50%);" type="radio"/>	<input style="background: radial-gradient(circle, black 50%, white 50%);" type="radio"/>	☒			18
		Overtime Wages	☒	☐	☒	☒			6
		Paid Leave	☒	☐	☒	☒			6
		Premium Pay	☐	☐	☐	☒			
		Social Security and Other Benefits	☐	☒	☐	☒			
		Wage Information, Use and Deduction	☒	☒	☐	☐			
6	Contracts and Human Resources	Contracting Procedures	☐	☐	☐	☐			
		Discipline and Disputes	☐	☐	☐	☐			

		Employment Contracts	☐	☒	☐	☐				
		Termination	☐	☐	☐	☒				
7	Occupational Safety and Health	Chemicals and Hazardous Substances	☒	☒	☐	☐	All buildings using chemicals should take inventories for chemicals and hazardous substances. MSDS should be posted where using chemical substances.	Inventories in all buildings were taken. MSDS were posted in all buildings. Eye wash station are installed in building MD, but are still missing in buildings AM2 and FW1. Eye wash bottle was purchased by factory, but not yet installed.	18	
		Emergency Preparedness	☒	☐	☐	☒	In all buildings, an appropriate number of workers should be trained on the use of fire-fighting equipment. Emergency routes should be clearly marked in order not to be misleading in building FW1. The routes should not be blocked by waste storage in building MD. All emergency exits should be unlocked during regular and overtime working hours, particularly in building AM1, AM2 and MD. Emergency drill should be conduct twice a year in all buildings.	Training on firefighting equipment was provided in buildings AM1&2, MD and FW1, but is still outstanding in building BKI.		
		Health Services and First Aid	☒	☒	☒	☒			18	
		OSH Management Systems	☐	☒	☒	☒			12	
		Welfare Facilities	☒	☐	☐	☐		Soap and paper are available in all buildings.	18	
		Worker Accommodation	☐	☐	☐	☐				
		Working Environment	☐	☐	☒	☐		Temperature levels were acceptable.	6	
		Worker Protection	☒	☐	☐	☐		Fatigue or foot rest are provided to standing workers.	18	
8		Working Time	Leave	☐	☐	☐	☐			
			Overtime	☒	☐	☒	☒			18
	Regular Hours		☒	☐	☒	☒			18	

DKDR Haiti S.A.

Location Port-au-Prince
No. of workers 1535
Registration date 9 October 2009

Advisory Services and Training

21 September, 2011: Management Intro Meeting with Compliance Manager and HR Manager.

13, 14 October, 2011: Advisory services

16 November, 2011: Advisory services

	<i>Compliance cluster</i>	<i>Compliance point</i>	<i>Assessment</i>				<i>Improvement priorities</i>	<i>Remediation Efforts</i>	<i># Months⁵</i>
			<i>1*</i>	<i>2*</i>	<i>3</i>	<i>4*</i>			
1	Child Labour	Child Labourers	○	○	○	○			
		Documentation and Protection of Young Workers	○	○	○	○			
		Hazardous Work	○	○	○	○			
		Unconditional Worst Forms	○	○	○	○			
2	Discrimination	Gender	●	○	○	● ⁶			
		Other Grounds	○	○	○	○			
		Race and Origin	○	○	○	○			
		Religion and Political Opinion	○	○	○	○			
3	Forced Labour	Bonded Labour	○	○	○	○			

⁵ HOPE II Legislation: "With respect to deficiencies that have not been remediated, the amount of time that has elapsed since the deficiencies were first identified in a report under this paragraph." (H.R. 6124-655, (D) BIENNIAL REPORT (III) (iv))

* A black dot represents non-compliance.

⁶ There was a finding of sexual harassment in the factory. Workers report that promises are made to women if they go out with supervisors, and they can be fired when they refuse and sometimes even if they accept the conditions.

4	Freedom of Association and Collective Bargaining	Coercion	☐	☐	☐	☐	
		Forced Labour and Overtime	☐	☐	☐	☒	⁷
		Prison Labour	☐	☐	☐	☐	
		Collective Bargaining	☐	☐	☐	☐	
		Interference and Discrimination	☐	☐	☐	☐	
		Strikes	☐	☐	☐	☐	
		Union Operations	☒	☐	☐	☐	
5	Compensation	Method of Payment	☐	☐	☐	☐	
		Minimum Wages	☒	☐	☒	☒	Quota should be set for piece rate workers to earn at least 250 Gourdes in regular 8 hour day. 18
		Overtime Wages	☒	☐	☐	☐	
		Paid Leave	☒	☐	☐	☐	
		Premium Pay	☐	☐	☐	☐	
		Social Security and Other Benefits	☒	☒	☒	☐	Regularly pay workers' contribution to ONA. Check was sent to ONA and a lawyer has been hired in order to find a settlement with ONA.
6	Contracts and Human Resources						
		Wage Information, Use and Deduction	☒	☐	☐	☐	
		Contracting Procedures	☐	☐	☐	☐	
		Discipline and Disputes	☐	☐	☐	☐	

⁷ Workers report that skipping overtime or Sunday work triggers multiple days of suspension.

**Occupational
Safety and Health**

Employment Contracts					Internal rules should comply with legal requirements for daily break.	Internal rules were revised.	
					Employment contracts (written or verbal) should specify the terms and conditions.	Employment contracts were revised.	
					Workers should understand the terms and conditions of employment.	Workers were explained the terms and conditions of employment.	
Termination							
Chemicals and Hazardous Substances					Gas tanks near generator should be properly identified.	Chemicals are properly labelled.	18
					MSDS should be posted in the area chemicals are stored and used (blow out) in buildings 5 & 13.		
					Spot cleaners should be trained to wear adequate PPE.	Spot cleaners wear adequate PPE.	
					Eyewash station should be available near chemicals point of use and of storage.		
Emergency Preparedness					Fire extinguishers should not be blocked in building 5 and gas tank between building 5 and building 13 should have a fire extinguisher close by.		18
					10% of workforce should be trained to use fire fighting equipment.		
					Escape routes should be marked in building 13 and the emergency should have a light. Escape routes should be accurate in evacuation plan for building 24.		
					Emergency exits should be unobstructed with racks (buildings 5 and 13) and the floor in buildings 24, 16 and 13 should be less congested.		

Health Services and First Aid	●	◐	◑	●	Free health checks should be provided to workers exposed to work-related hazards.		18
					Newly hired workers should have medical checks within the first 3 months of hiring.		
					Increase the number of nurses and doctors visits on site.		
					10% of workforce should be trained in First Aid.		
OSH Management Systems	●	◐	◑	◐	A written OSH policy is needed.	The factory has an OSH policy that defines OSH management responsibilities and established an OSH committee comprised of management and workers.	18
					Assessment of general occupational safety and health issues should be conducted at the factory.		
Welfare Facilities	●	●	●	◐	Factory should have enough soap and toilet paper all day.		18
					Provide workers with enough free safe drinking water.	Safe drinking water is provided.	
					Factory should have enough functioning toilets.		
					The workplace should have an adequate eating area.		
Worker Accommodation	○	○	○	○			
Working Environment	●	○	●	◐	Temperature in the workplace should be acceptable. More fans need to be added.		18
					Reduce noise levels in workplace to acceptable levels.	Noise levels have been measured to be acceptable.	
					Provide adequate lighting.	Light levels have been measured to be acceptable.	

8	Worker Protection	●	◐	◑	◒	Spot cleaners should have goggles and masks.	Spot cleaners have goggles and masks.	18
						All standing workers should have fatigue mats or foot rest.		
						Workers should be trained to wear PPE and use machines and equipment safely.	Factory provided training for workers. However, during factory tour, EAs noticed workers in the cutting department not using the safety gloves that were provided to them.	
						All machines should have all guards: eye guard, finger guard, pulley and beld guards.		
	Working Time	●	○	●	●	Breastfeeding breaks should be provided to workers entitled to them.		6
		●	●	◑	●	The factory should not exceed the 80 hours of overtime per trimester.		18
		●	●	●	○	Weekly regular hours should not exceed 48 hours.	Factory respects weekly regular hours.	
						Comply with the 1.5 hour daily break periods.	Factory respects the 1.5 hour daily breaks.	

Fairway Apparel S.A.

Location Port-au-Prince
No. of workers 488
Registration date 22 October 2010

	Compliance cluster	Compliance point	Assessment			Improvement priorities	Remediation Efforts	# Months ⁸
			1*	2*	3*			
1	Child Labour	Child Labourers	☐	☐	☐			
		Documentation and Protection of Young Workers	☐	☐	☐			
		Hazardous Work	☐	☐	☐			
		Unconditional Worst Forms	☐	☐	☐			
2	Discrimination	Gender	●	☐	☐			
		Other Grounds	☐	☐	☐			
		Race and Origin	☐	☐	☐			
		Religion and Political Opinion	☐	☐	☐			
3	Forced Labour	Bonded Labour	☐	☐	☐			
		Coercion	☐	☐	☐			
		Forced Labour and Overtime	☐	☐	● ⁹			
		Prison Labour	☐	☐	☐			

⁸ HOPE II Legislation: “With respect to deficiencies that have not been remediated, the amount of time that has elapsed since the deficiencies were first identified in a report under this paragraph.” (H.R. 6124-655, (D) BIENNIAL REPORT (III) (iv))

* A black dot represents non-compliance.

⁹ According to workers, skipping overtime on Sunday work triggers multiple unpaid days of suspension. Workers who are subject to the suspensions work more than 80 hours of overtime per trimester. Evidence of these punishments has been seen in workers’ files. Management confirmed the practice of significant punishment through suspension.

4	Freedom of Association and Collective Bargaining	Collective Bargaining	☐	☐	☐			
		Interference and Discrimination	☐	☐	☐			
		Strikes	☐	☐	☐			
		Union Operations	☐	☐	☐			
5	Compensation	Method of Payment	☐	☐	☐			
		Minimum Wages	☒	☒	☒			18
		Overtime Wages	☐	☐	☐			
		Paid Leave	☒	☐	☒			12
		Premium Pay	☐	☐				
		Social Security and Other Benefits	☒	☐	☒			12
		Wage Information, Use and Deduction	☒	☐	☐			
6	Contracts and Human Resources	Contracting Procedures	☐	☐	☐			
		Discipline and Disputes	☐	☐	☒			
		Employment Contracts	☒	☐	☒			12
		Termination	☒	☐	☒			
7	Occupational Safety and Health	Chemicals and Hazardous Substances	☒	☒	☐	Properly store hazardous substances.	Factory is no longer using any chemicals in the workplace. Instead of cleaning fluids, the factory is using soap and water.	
		Emergency Preparedness	☐	☒	☒	Train workers to use the fire fighting equipment.		6
		Health Services and First Aid	☒	☒	☐	Provide annual medical checks for workers exposed to work related hazards. Hire more nurses. Provide first aid training to workers.	Workers exposed to work related hazards have received their medical checks.	12
		OSH Management Systems	☒	☒	☒	Establish a written OSH policy.	The factory does not have a written OSH policy, but the general manager told the EAs that they are currently writing one.	12

8	Working Time	Welfare Facilities	●	●	●	Provide adequate washing facilities and/or soap.		12
						Fix all toilets and maintain them in good working conditions	Existing toilets are fixed and clean.	
		Worker Accommodation	○	○	○	Increase size of eating area to accommodate the total number of workers.	Factory has increased the space and the amount of seats in their eating area to accommodate 60 % of the workforce.	
		Working Environment	○	●	○	Reduce workplace noise levels to an acceptable level. Reduce workplace temperature.	During the last factory visit, the noise level was at 78.6 db in the workplace. Factory has increased the amount of running time for the cooling system installed on the factory roof, last measurement taken at 2.55 pm revealed a temperature of 26.9 C.	
		Worker Protection	●	●	●	Train workers on the use of the guards on machines.		12
						Properly accommodate standing workers.	Factory has re-allocated the fatigues mats and increased the amount of foot rest where no fatigues mats are provided.	
8	Working Time	Leave	○	○	●			
		Overtime	●	●	◐	Obtain authorization from the Ministry of Labour for overtime work and work on Sundays.	Letter to obtain authorization to work overtime and on Sundays has been sent to Minister of Social Affairs and a copy was presented to Enterprise Advisors.	12
		Regular Hours	●	●	●	Give workers a 90 minute break every day. Give workers adequate breastfeeding breaks.		12

Fox River Caribe Inc.

Location Port-au-Prince
No. of workers 41
Registration date 29 September 2009

Advisory Services and Training

23 September, 2011: Management introduction

12 October, 2011: HR Advisory services

20, 21 October: Workers' training (27 workers) on Financial Literacy including sessions on how to save money as well as how to make a budget, how to stay within their budget, and how to keep books. In addition, workers' training (28 workers) on HIV/AIDS prevention and protection.

	<i>Compliance cluster</i>	<i>Compliance point</i>	<i>Assessment</i>				<i>Improvement priorities</i>	<i>Remediation Efforts</i>	<i># Months¹⁰</i>
			<i>1*</i>	<i>2*</i>	<i>3*</i>	<i>4*</i>			
1	Child Labour	Child Labourers	☐	☐	☐	☐			
		Documentation and Protection of Young Workers	☐	☐	☐	☐			
		Hazardous Work	☐	☐	☐	☐			
		Unconditional Worst Forms	☐	☐	☐	☐			
2	Discrimination	Gender	☐	☐	☐	☐			
		Other Grounds	☐	☐	☐	☐			
		Race and Origin	☐	☐	☐	☐			
		Religion and Political Opinion	☐	☐	☐	☐			
3	Forced Labour	Bonded Labour	☐	☐	☐	☐			
		Coercion	☐	☐	☐	☐			

¹⁰ HOPE II Legislation: "With respect to deficiencies that have not been remediated, the amount of time that has elapsed since the deficiencies were first identified in a report under this paragraph." (H.R. 6124-655, (D) BIENNIAL REPORT (III) (iv))

* A black dot represents non-compliance.

4	Freedom of Association and Collective Bargaining	Forced Labour and Overtime	☐	☐	☐	☐		
		Prison Labour	☐	☐	☐	☐		
		Collective Bargaining	☐	☐	☐	☐		
		Interference and Discrimination	☐	☐	☐	☐		
		Strikes	☐	☐	☐	☐		
5	Compensation	Union Operations	☐	☐	☐	☐		
		Method of Payment	☐	☐	☐	☐		
		Minimum Wages	☒	☐	☒	☐	Set quotas for workers to earn at least 250 Gourdes per regular 8 hour workday.	
		Overtime Wages	☐	☐	☐	☐		
		Paid Leave	☒	☐	☐	☒		
		Premium Pay	☐	☐	☐	☐		
		Social Security and Other Benefits	☒	☒	☐	☐		
6	Contracts and Human Resources	Wage Information, Use and Deduction	☒	☐	☐	☐		
		Contracting Procedures	☐	☐	☐	☐		
		Discipline and Disputes	☐	☐	☐	☐		
		Employment Contracts	☒	☒	☐	☐	Reach an agreement with workers on a daily break.	Agreement has been signed with workers for a 30 minute break.
							Modify internal rules to comply with legal requirements	Factory has revised the internal work rules.
7	Occupational Safety and Health	Termination	☒	☐	☐	☒		
		Chemicals and Hazardous Substances	☒	☐	☐	☐		
		Emergency Preparedness	☒	☐	☒	☐	Perform a fire drill with the workers.	Fire drill was performed with the workers to show them how to evacuate the plant in case of an emergency.
							Perform an emergency drill at least twice a year.	

8	Working Time	Health Services and First Aid	●	◐	◐	◐	Provide medical checks to workers.	A private doctor is paid by the factory for sick workers. However, the employer does not provide medical checks to workers during the first three months of hiring, and no annual medical check is provided.	18
							Provide First Aid training to workers.		
		OSH Management Systems	●	◐	◐	◐	Write an OSH policy.	OSH committee is working to establish the OSH policy.	18
		Welfare Facilities	●	◐	○	○			
		Worker Accommodation	○	○	○	○			
		Working Environment	●	○	○	●			
		Worker Protection	●	◐	●	●	Equip sewing machines with eye guards and train workers on their use.		18
		Leave	○	○	◐	●	Provide breastfeeding breaks to workers who need them.		6
		Overtime	○	●	○	○			
		Regular Hours	●	●	●	◐	Give workers a daily break as accorded to them by the law.	An agreement has been signed with workers for a daily 30 minute break.	18

Global Manufacturers & Contractors S.A

Location Port-au-Prince
No. of workers 2030
Registration date 19 September 2010

Advisory Services and Training

22 November, 2011: Management Intro Meeting to discuss assessment findings and elaborate the Improvement Plan.

	<i>Compliance cluster</i>	<i>Compliance point</i>	<i>Assessment</i>			<i>Improvement priorities</i>	<i>Remediation Efforts</i>	<i># Months¹¹</i>
			<i>1*</i>	<i>2*</i>	<i>3*</i>			
1	Child Labour	Child Labourers	☐	☐	☐			
		Documentation and Protection of Young Workers	☐	☐	☐			
		Hazardous Work	☐	☐	☐			
		Unconditional Worst Forms	☐	☐	☐			
2	Discrimination	Gender	☐	☐	☐			
		Other Grounds	☐	☐	☐			
		Race and Origin	☐	☐	☐			
		Religion and Political Opinion	☒	☐	☐			
3	Forced Labour	Bonded Labour	☐	☐	☐			
		Coercion	☐	☐	☐			
		Forced Labour and Overtime	☐	☐	☐			
		Prison Labour	☐	☐	☐			

¹¹ HOPE II Legislation: “With respect to deficiencies that have not been remediated, the amount of time that has elapsed since the deficiencies were first identified in a report under this paragraph.” (H.R. 6124-655, (D) BIENNIAL REPORT (III) (iv))

* A black dot represents non-compliance.

4	Freedom of Association and Collective Bargaining	Collective Bargaining	☐	☐	☐		
		Interference and Discrimination	☐	☐	☐		
		Strikes	☐	☐	☐		
		Union Operations	☐	☐	☐		
5	Compensation	Method of Payment	☐	☐	☐		
		Minimum Wages	●	●	●	Set quota for piece rate workers to earn at least 250 gourdes in a regular 8 hour workday.	12
		Overtime Wages	☐	☐	☐		
		Paid Leave	☐	☐	☐		
		Premium Pay	☐	☐	☐		
		Social Security and Other Benefits	●	●	●	Collect the legally required 6% of worker salary for ONA.	12
6	Contracts and Human Resources	Wage Information, Use and Deduction	●	☐	☐		
		Contracting Procedures	☐	☐	☐		
		Discipline and Disputes	☐	☐	☐		
		Employment Contracts	●	●	☐	Reach an agreement with workers on daily break and obtain approval by the Ministry of Labour.	Internal rules have been sent to the Ministry of Labour and they have approved. A special agreement will be made with workers.
7	Occupational Safety and Health	Termination	●	☐	☐		
		Chemicals and Hazardous Substances	●	●	☐	Label all containers where chemicals are stored. Post MSDS for products.	Containers have been labelled. MSDS has been posted in the workplace
						Provide training to workers who are exposed to chemical substances.	Training was provided.
						Provide washing facilities or cleansing materials in the event of chemical exposure in ONA building.	Materials and facilities have been provided.

Emergency Preparedness	●	●	◐	Train at least 10% of the work force in fire fighting.	The employer provides fire-fighting training to 53 workers. However, in order to be in compliance 168 more workers should be trained.	12
				Install a fire detection alarm.	Alarm was installed.	
				Install fire fighting equipment in the stock room near the chemical usage area.	Fire fighting equipment was installed.	
				Mark escape routes and evacuation plans in the ONA building and free escape routes in the Medicon building.	All emergency exits and escape routes are clearly marked. However, there is no evacuation plan display in the Stamping building or in the Warehouse/Training area.	
				Conduct an emergency drill.	Emergency drill conducted on 28 September 2011.	
Health Services and First Aid	●	●	◐	Install First Aid box in the ONA building and unlock those in the other two buildings.	First aid boxes are installed, but need to be fixed. The name and picture of people with the keys will be put on the boxes.	12
				Provide medical checks annually for all workers and bi-annually for workers exposed to chemicals.	A letter will be sent to OFATMA.	
				Increase number of nurses and of weekly doctor visits.		
				Train at least 10% of the work force in First Aid.	42 people have been trained by the Red Cross. More training is planned.	
OSH Management Systems	●	●	○	Publish a written OSH policy.	OSH policy was elaborated.	
Welfare Facilities	●	◐	●	Fix all toilets and maintain them in good working conditions.		12
Worker Accommodation	○	○	○			
Working Environment	●	◐	◐	Ensure lower temperature in the workplace.	Fans have been installed throughout the plant, and extractors in some of the buildings.	12
				Reduce noise level in the sewing area near the generator or provide nearby workers hearing protection.	Generator room was closed at the factory side to reduce the noise.	
				Increase Lux level to the 500 recommended.		

8		Worker Protection	●	◐	◑	Provide PPE to workers in the mechanical shop (Medicon building). Provide PPE in insufficiently ventilated cleaning stations where the product named "Blowout" is used.	PPE have been provided to workers in the mechanical shop.	12
						Reinforce training of workers on the safe use of the machines.		
						Install guards on machines as needed.		
	Working Time	Leave	●	●	●	Publish a breastfeeding policy.	Policy is currently under revision.	12
		Overtime	●	●	●	Keep overtime under 80 hours per trimester.		12
		Regular Hours	●	●	○	Ensure that workers comply with established daily break.	Internal rules have been sent to the Ministry of Labour and they have approved.	

Horizon Manufacturing S.A.

Location Port-au-Prince
No. of workers 328
Registration date 25 August 2010

Advisory Services and Training

26 October, 2011: Management introduction meeting

26 October, 2011: Advisory services

	<i>Compliance cluster</i>	<i>Compliance point</i>	<i>Assessment</i>			<i>Improvement Priorities</i>	<i>Remediation Efforts</i>	<i># Months¹²</i>
			<i>1*</i>	<i>2*</i>	<i>3*</i>			
1	Child Labour	Child Labourers	☐	☐	☐			
		Documentation and Protection of Young Workers	☐	☐	☐			
		Hazardous Work	☐	☐	☐			
		Unconditional Worst Forms	☐	☐	☐			
2	Discrimination	Gender	☐	☐	☐			
		Other Grounds	☐	☐	☐			
		Race and Origin	☐	☐	☐			
		Religion and Political Opinion	☐	☐	☐			
3	Forced Labour	Bonded Labour	☐	☐	☐			
		Coercion	☐	☐	☐			
		Forced Labour and Overtime	☐	☐	☐			

¹² HOPE II Legislation: "With respect to deficiencies that have not been remediated, the amount of time that has elapsed since the deficiencies were first identified in a report under this paragraph." (H.R. 6124-655, (D) BIENNIAL REPORT (III) (iv))

* A black dot represents non-compliance.

4	Freedom of Association and Collective Bargaining	Prison Labour	☐	☐	☐		
		Collective Bargaining	☐	☐	☐		
		Interference and Discrimination	☐	☐	☐		
		Strikes	☐	☐	☐		
		Union Operations	☐	☐	☐		
5	Compensation	Method of Payment	☐	☐	☐		
		Minimum Wages	☒	☒	☒	The piece rate should be set at a level such that workers earn at least 250 Gourdes per day for ordinary hours of work.	12
		Overtime Wages	☐	☐	☐		
		Paid Leave	☒	☐	☐		
		Premium Pay	☐	☐	☐		
		Social Security and Other Benefits	☒	☐	☐		
		Wage Information, Use and Deduction	☒	☐	☐		
6	Contracts and Human Resources	Contracting Procedures	☐	☐	☐		
		Discipline and Disputes	☐	☐	☐		
		Employment Contracts	☒	☒	☐	Amend the daily break discrepancy: one hour in internal rules and 45 minutes in contract.	Internal work rules state 1 hour daily break for workers whereas the Labour Code requires 1 ½ hours daily break. An agreement has been made between workers and employers on the break period but internal work rules need to be updated and approved by the Ministry of Labour in order to reflect the agreement. 12
		Termination	☐	☐	☐		
		Chemicals and Hazardous Substances	☐	☒	☒	All chemicals and hazardous substances need to be properly labelled. Train workers who work with chemicals and hazardous substances.	12
7	Occupational Safety and Health	Emergency Preparedness	☐	☒	☐	Inspect fire extinguishers.	Fire extinguishers inspected.

Health Services and First Aid	●	◐	●	Factory to hire onsite medical facilities and staff.		12
OSH Management Systems	●	○	◐	Create OSH policy.	Factory has an OSH policy document	
				Conduct OSH self-assessment.	Factory conducted the OSH self-assessment on 19 September 2011 but no proper report was available.	
				Recording work-related accidents and diseases and/or submitting the record to OFATMA.		
Welfare Facilities	●	◐	◐	Keep toilets clean and repair existing toilets.	Factory has 7 working toilets for men, and 17 working toilets for women.	12
Worker Accommodation	○	○	○			
Working Environment	○	●	○			
Worker Protection	○	●	◐	No ventilation and no personal protective equipment used in spot cleaning area.	PPE and ventilation now used in spot cleaning area.	6
				Train and encourage workers to use the personal protective equipment provided		
8 Working Time	Leave	○	●	○	Provide breastfeeding breaks to workers entitled to them.	Breastfeeding breaks are provided.
	Overtime	●	○	●		
	Regular Hours	●	◐	●	Ensure that the daily break for workers complies with legal requirements.	12

Island Apparel S.A.

Location	Port-au-Prince
No. of workers	1518
Registration date	9 September 2009

Advisory Services and Training

23 September, 2011: Management introduction with Compliance Manager and HR Manager.

18 October, 2011: Workers' training on maternity protection

4 November, 2011: Advisory services

10-11 November, 2011: Training on PICCs (42 workers and 11 managers). After the workers' training, an election campaign was undertaken.

9 December, 2011: PICC Elections with the participation of 1216 workers. 2 female workers and 4 male workers were elected to represent the workers in the PICC.

7-8 February, 2012: Follow-up PICC training with both workers and managers.

7 March, 2012: First PICC meeting

	<i>Compliance cluster</i>	<i>Compliance point</i>	<i>Assessment</i>				<i>Improvement Priorities</i>	<i>Remediation Efforts</i>	<i># months¹³</i>
			<i>1*</i>	<i>2*</i>	<i>3*</i>	<i>4*</i>			
1	Child Labour	Child Labourers	○	○	○	○			
		Documentation and Protection of Young Workers	○	○	○	○			
		Hazardous Work	○	○	○	○			
		Unconditional Worst Forms	○	○	○	○			
2	Discrimination	Gender	○	○	○	○			
		Other Grounds	○	○	○	○			
		Race and Origin	○	○	○	○			
		Religion and Political Opinion	○	○	○	○			

¹³ HOPE II Legislation: "With respect to deficiencies that have not been remediated, the amount of time that has elapsed since the deficiencies were first identified in a report under this paragraph." (H.R. 6124-655, (D) BIENNIAL REPORT (III) (iv))

* A black dot represents non-compliance.

3	Forced Labour	Bonded Labour	☐	☐	☐	☐		
		Coercion	☒	☐	☐	☐		
		Forced Labour and Overtime	☐	☐	☐	☐		
		Prison Labour	☐	☐	☐	☐		
4	Freedom of Association and Collective Bargaining	Collective Bargaining	☐	☐	☐	☐		
		Interference and Discrimination	☐	☐	☐	☐		
		Strikes	☐	☐	☐	☐		
		Union Operations	☐	☐	☐	☐		
5	Compensation	Method of Payment	☐	☐	☐	☐		
		Minimum Wages	☒	☐	☒	☒	Quota should be set for piece rate workers to earn at least 250 Gourdes in regular 8 hour day.	Investigation is underway on how to improve efficiency of production lines. 6
		Overtime Wages	☒	☐	☐	☐		
		Paid Leave	☒	☐	☐	☐		
		Premium Pay	☐	☐	☐	☐		
		Social Security and Other Benefits	☐	☒	☐	☐		
		Wage Information, Use and Deduction	☐	☐	☐	☐		
6	Contracts and Human Resources	Contracting Procedures	☐	☐	☐	☐		
		Discipline and Disputes	☒	☐	☐	☐		
		Employment Contracts	☒	☐	☐	☐	Internal work rules should comply with legal requirements for daily breaks.	Workers signed forms indicating their agreement.
		Termination	☒	☐	☐	☐		
7	Occupational Safety and Health	Chemicals and Hazardous Substances	☒	☐	☐	☐		

8	Working Time	Emergency Preparedness	   	10% of the workforce should be trained to use fire-fighting equipment.	27 more workers are trained for a total of 44 workers trained to use fire-fighting equipment. More training will be conducted with 110 workers to reach 10% of the workforce.	18
				Factory need to increase the quantity of emergency exits.		
		Health Services and First Aid	   	Factory needs at least 7 nurses on site to comply with the Haitian Labour Code.	Factory already has a clinic, the 3 weekly doctors' visits and 5 nurses.	18
				10% of the workforce should be trained for First-Aid training	Factory has trained 60 workers on first aid, and more training will be conducted with 94 workers to reach 10% of the workforce.	
		OSH Management Systems	   			
		Welfare Facilities	   	Soap should be available in the toilets.	Bathrooms are inspected twice daily, soap is available.	18 months
				Factory has 19 toilets for women and 17 toilets for men. According to the labour law, the factory should have 90 toilets for the female workers.		
		Worker Accommodation	   			
		Working Environment	   	Reduce temperature as the workplace is too hot for some workers.	15 new industrial fans have been ordered. Temperature was at the acceptable level in workplace.	6
				Increase lux level in the workplace to reach the 500 lux recommended		
		Worker Protection	   	All workers should have fatigue mats or foot rests.	Worn out mats are being replaced and appropriate training is on-going for new standing workers.	6
		Leave	   	Breastfeeding breaks should be provided to workers entitled to them.	Breastfeeding breaks have been agreed upon between management and workers.	
		Overtime	   			
		Regular Hours	   	Daily break and internal rules should comply with the 1.5 hour daily break.	Workers signed forms indicating their agreement.	

Johan Company

Location Port-au-Prince
No. of workers 260
Registration date 23 September 2009

Advisory Services and Training

14 October: Management introduction meeting with the General Manager and HR Manager.

	<i>Compliance cluster</i>	<i>Compliance point</i>	<i>Assessment</i>				<i>Improvement Priorities</i>	<i>Remediation Efforts</i>	<i># Months</i> 14
			<i>1*</i>	<i>2*</i>	<i>3*</i>	<i>4*</i>			
1	Child Labour	Child Labourers	☐	☐	☐	☐			
		Documentation and Protection of Young Workers	☐	☒	☐	☐			
		Hazardous Work	☐	☐	☐	☐			
		Unconditional Worst Forms	☐	☐	☐	☐			
2	Discrimination	Gender	☐	☐	☐	☒	¹⁵		
		Other Grounds	☐	☐	☐	☐			
		Race and Origin	☐	☐	☐	☐			
		Religion and Political Opinion	☐	☐	☐	☐			
3	Forced Labour	Bonded Labour	☐	☐	☐	☐			
		Coercion	☐	☐	☐	☐			

¹⁴ HOPE II Legislation: “With respect to deficiencies that have not been remediated, the amount of time that has elapsed since the deficiencies were first identified in a report under this paragraph.” (H.R. 6124-655, (D) BIENNIAL REPORT (III) (iv))

* A black dot represents non-compliance.

¹⁵ Workers indicated during interviews that pregnant women were not paid for sick leave and management further confirms this. The management said when someone is pregnant the employer paid only for maternity leave even if they become sick while pregnant. As a result, women are not getting the same sick leave benefits as men.

4	Freedom of Association and Collective Bargaining	Forced Labour and Overtime	☐	☐	☐	☐		
		Prison Labour	☐	☐	☐	☐		
		Collective Bargaining	☐	☐	☐	☐		
		Interference and Discrimination	☐	☐	☐	☐		
		Strikes	☐	☐	☐	☐		
5	Compensation	Union Operations	☐	☐	☐	☐		
		Method of Payment	☐	☐	☐	☐		
		Minimum Wages	☒	☐	☒	☒	Ensure that piece rate workers reach 250 gourdes	6
		Overtime Wages	☒	☐	☐	☐		
		Paid Leave	☒	☐	☐	☒	Pay sick leave to workers	
		Premium Pay	☐	☐	☐	☐		
		Social Security and Other Benefits	☒	☒	☒	☒	Collect and pay ONA contributions Pay OFATMA contributions	18
6	Contracts and Human Resources	Wage Information, Use and Deduction	☒	☐	☐	☐		
		Contracting Procedures	☐	☐	☐	☐		
		Discipline and Disputes	☒	☐	☐	☒	Improve workplace communication	
		Employment Contracts	☒	☒	☒	☒	Consult workers on daily break duration	18
		Termination	☐	☒	☐	☒	Provide reason for and notice of termination	
7	Occupational Safety and Health	Chemicals and Hazardous Substances	☒	☒	☒	☒	Maintain inventory. Properly label all hazardous substances. Take action to prevent workers exposure to chemicals. Provide eye wash stations Trained workers who work with chemicals	18

Emergency Preparedness	●	●	●	●	Install a fire alarm. Properly install and maintain all fire extinguishers. Train more workers on the use of fire fighting equipment. Post evacuation plan and mark escape route. Have more exits open. Have all emergency exits unlocked and unblocked during working time. Conduct emergency drills.	18
Health Services and First Aid	●	●	◐	●	Provide first aid box on floor well stocked with good supplies. Train more workers in First-Aid. Provide annual medical checks for workers. Increase medical staff	18
OSH Management Systems	●	●	◐	●	Have a written OSH policy. Do self-assessment. Set up an OSH committee. Forward accident reports to OFATMA.	18
Welfare Facilities	●	●	◐	●	Fix all toilets and maintain them in good working conditions. Provide adequate hand washing material soap Provide safe drinking water. Have an adequate eating area.	18
Worker Accommodation	○	○	○	○		
Working Environment	○	●	○	○		

8	Working Time	Worker Protection	●	●	◐	●	Provide all workers with PPE. Provide anti-fatigue mats to workers. Train workers on the use of the guards on machines. Install guards on machines that need them	18
		Leave	○	○	●	●	Provide breastfeeding breaks to workers entitled to it	6
		Overtime	●	●	○	●	Obtain authorization to work overtime	
		Regular Hours	●	●	●	●	Consult works on daily break duration	18
							Improve reliability of time attendance system	

Lucotex Manufacturing Co.

Location Port-au-Prince
No. of workers 59
Registration date 19 October 2010

Advisory Services and Training

14 October, 2011: Management introduction meeting with General Manager and Compliance manager

27 October, 2011: Advisory meeting with the General Manager

22 November, 2011: Advisory meeting with the General Manager

	<i>Compliance cluster</i>	<i>Compliance point</i>	<i>Assessment</i>			<i>Improvement Priorities</i>	<i>Remediation Efforts</i>	<i># months¹⁶</i>
			<i>1*</i>	<i>2*</i>	<i>3*</i>			
1	Child Labour	Child Labourers	☐	☐	☐			
		Documentation and Protection of Young Workers	☐	☐	☐			
		Hazardous Work	☐	☐	☐			
		Unconditional Worst Forms	☐	☐	☐			
2	Discrimination	Gender	☐	☐	☐			
		Other Grounds	☐	☐	☐			
		Race and Origin	☐	☐	☐			
		Religion and Political Opinion	☐	☐	☐			
3	Forced Labour	Bonded Labour	☐	☐	☐			
		Coercion	☐	☐	☐			

¹⁶ HOPE II Legislation: “With respect to deficiencies that have not been remediated, the amount of time that has elapsed since the deficiencies were first identified in a report under this paragraph.” (H.R. 6124-655, (D) BIENNIAL REPORT (III) (iv))

* A black dot represents non-compliance.

4	Freedom of Association and Collective Bargaining	Forced Labour and Overtime	☐	☐	☐		
		Prison Labour	☐	☐	☐		
		Collective Bargaining	☐	☐	☐		
		Interference and Discrimination	☐	☐	☐		
5	Compensation	Strikes	☐	☐	☐		
		Union Operations	☐	☐	☐		
		Method of Payment	☐	☐	☐		
		Minimum Wages	☐	☒	☒	Set quota for piece rate workers to earn at least 250 Gourdes in a regular 8 hour workday.	6
		Overtime Wages	☐	☐	☐		
		Paid Leave	☐	☐	☐		
		Premium Pay	☐	☐	☐		
		Social Security and Other Benefits	☒	☒	☐	Pay required employer contribution to ONA. Pay required employer contribution to OFATMA for accident. Payment process is in progress. The invoice from OFATMA was shown to EAs, but payment receipt has not been provided.	12
6	Contracts and Human Resources	Wage Information, Use and Deduction	☐	☐	☐		
		Contracting Procedures	☐	☐	☐		
		Discipline and Disputes	☐	☐	☐		
		Employment Contracts	☒	☐	☐		
		Termination	☒	☐	☐		
7	Occupational Safety and Health	Chemicals and Hazardous Substances	☐	☐	☒	Although the factory does not use any chemicals, unidentified gas tanks and drums were found near the generator room without any labels.	

8	Working Time	Emergency Preparedness	●	●	●	Keep exits open during regular and overtime hours. Install fire alarm system. Train more workers on the use of fire fighting equipment. Post evacuation plan and clearly mark escape route.	12
		Health Services and First Aid	●	●	●	Increase number of doctors and nurses visits and build an infirmary. Provide First Aid boxes in the workplace. Provide annual medical checks for workers.	12
		OSH Management Systems	●	●	●	Have a written OSH policy. Forward reports of work related accidents to OFATMA.	12
		Welfare Facilities	●	◐	◐	Add more toilets. The factory provides enough toilets for men but not enough for women.	12
		Worker Accommodation	○	○	○		
		Working Environment	●	◐	●	Improve lighting in the workplace.	12
		Worker Protection	●	●	◐	Fix all electrical hazards. Provide all workers with PPEs and train them. Provide fatigue mats to workers. Put measures in place for the heavy lifting by workers. Install guards on machines that need them. Post safety warning in the workplace.	12
		Leave	○	○	●	Provide breastfeeding breaks to workers entitled to them.	
		Overtime	●	○	○		
		Regular Hours	●	◐	●	Allow workers a daily break of 30 minutes. Time records are done manually by management and could not be considered as reliable	12

Magic Sewing Manufacturing S.A.

Location Port-au-Prince
No. of workers 293
Registration date 1 October 2009

Advisory Services and Training

13 October, 2011: Management introduction meeting attended by the Compliance Manager

11 November, 2011: Advisory services with the General Manager and HR Manager

	Compliance cluster	Compliance point	Assessment				Improvement Priorities	Remediation Efforts	# Months 17
			1*	2*	3*	4*			
1	Child Labour	Child Labourers	☐	☐	☐	☐			
		Documentation and Protection of Young Workers	☐	☐	☐	☐			
		Hazardous Work	☐	☐	☐	☐			
		Unconditional Worst Forms	☐	☐	☐	☐			
2	Discrimination	Gender	☒	☒	☐	☐			
		Other Grounds	☐	☐	☐	☐			
		Race and Origin	☐	☐	☐	☐			
		Religion and Political Opinion	☒	☒	☐	☐			
3	Forced Labour	Bonded Labour	☐	☐	☐	☐			
		Coercion	☐	☐	☐	☐			
		Forced Labour and Overtime	☐	☐	☐	☒	¹⁸		

¹⁷ HOPE II Legislation: “With respect to deficiencies that have not been remediated, the amount of time that has elapsed since the deficiencies were first identified in a report under this paragraph.” (H.R. 6124-655, (D) BIENNIAL REPORT (III) (iv))

* A black dot represents non-compliance.

4	Freedom of Association and Collective Bargaining	Prison Labour	☐	☐	☐	☐		
		Collective Bargaining	☐	☐	☐	☐		
		Interference and Discrimination	☐	☐	☐	☐		
		Strikes	☐	☐	☐	☐		
		Union Operations	☐	☐	☐	☐		
5	Compensation	Method of Payment	☐	☐	☐	☐		
		Minimum Wages	☒	☐	☒	☒	Set the piece rate at a level where workers earn at least 250 Gourde/day for a regular hour workday.	18
		Overtime Wages	☒	☐	☐	☐		
		Paid Leave	☒	☐	☐	☐		
		Premium Pay	☐	☐	☐	☐		
		Social Security and Other Benefits	☐	☒	☐	☐		
		Wage Information, Use and Deduction	☒	☐	☐	☒		
6	Contracts and Human Resources	Contracting Procedures	☐	☐	☐	☐		
		Discipline and Disputes	☐	☐	☐	☐		
		Employment Contracts	☐	☒	☐	☐	Reach an agreement with workers on a daily break and obtain approval from the Ministry of Labour.	Internal work rules were approved by the Ministry but workers were not consulted on the matter. 12
		Termination	☐	☒	☐	☐	Provide notice of termination to workers.	A termination notice form has been drafted.

¹⁸ During interviews workers mentioned that management punishes them by suspending them from work or by taking money from their payroll when they refuse to work overtime. Management has confirmed this practice.

7	Occupational Safety and Health	Chemicals and Hazardous Substances	●	◐	◐	◐	Keep an inventory of chemicals. Label gas tank appropriately. Provide training to workers exposed to chemical substances. Provided washing facilities or cleansing materials in the event of chemical exposure. Properly inform and train workers about the hazardous nature of special glue used.	Inventory of chemicals is maintained Gas tank has been properly labelled. Spot cleaners have received some informal training. The factory has installed an eye wash station near the spot cleaning area. The chemical storage area is also required to have an eye wash station. The glue, classified as chemical, is no longer in use.	18
		Emergency Preparedness	●	◐	◐	◐	Train at least 10% of the workforce in the use of fire fighting equipment. Clearly mark and post escape routes. Conduct periodic emergency drills.	13 workers were trained on the use of fire-fighting equipment, 17 more workers must be trained. Last drill was conducted on November 17, 2011. Management stated that they conduct drill every six months.	18
		Health Services and First Aid	●	◐	●	◐	Provide medical checks upon hiring. Conduct checks annually for ordinary workers and bi-annually for workers exposed to chemicals. Increase number of nurses and of weekly doctor's visits. Train at least 10% of the workforce in First Aid.	OFATMA provide the check-up annually for the workers. This was confirmed by workers.	18
		OSH Management Systems	●	◐	◐	◐	Write an OSH policy. Conduct OSH assessment.	OSH policy document has been created but not yet disseminated to workers and managers.	18
		Welfare Facilities	●	◐	●	◐	Fix all toilets and maintain them in good working conditions. Provide soap in toilets.	6 additional toilets built for female workers, but still lower than legal requirements. Soap is provided in toilets	18
		Worker Accommodation	○	○	○	○			
		Working Environment	○	○	○	○			

8	Worker Protection	●	◐	◑	◒	Provide masks to workers.	Masks have been provided to spot cleaners in the factory.	18
						Install guards on machines as needed.	Machines have been equipped with guards.	
						Post safety warnings in workplace.	Safety warning has been posted in the workplace	
	Working Time	○	○	●	●	Publish a breastfeeding policy.		6
		●	●	●	◐	Obtain authorization from Ministry of Labour.	Authorization for 6 months is available.	18
						Limit overtime hours worked.		
	Regular Hours	●	●	●	●	Ensure that workers comply with established daily break.		18

Modas Gloria Apparel S.A.

Location Port-au-Prince
No. of workers 763
Registration date 8 October 2009

Advisory Services and Training

Management introduction meeting held on 20 September 2011 with MGA Vice President the HR Manager present. HR Advisory was held on 14 October 2011 with 3 HR Managers.

<i>Compliance cluster</i>	<i>Compliance point</i>	<i>Assessment</i>				<i>Improvement Priorities</i>	<i>Remediation Efforts</i>	<i># Months¹⁹</i>
		<i>1*</i>	<i>2*</i>	<i>3*</i>	<i>4*</i>			
1 Child Labour	Child Labourers	☐	☐	☐	☐			
	Documentation and Protection of Young Workers	☐	☐	☐	☐			
	Hazardous Work	☐	☐	☐	☐			
	Unconditional Worst Forms	☐	☐	☐	☐			
2 Discrimination	Gender	☐	☐	☐	☐			
	Other Grounds	☐	☐	☐	☐			
	Race and Origin	☐	☐	☐	☐			
	Religion and Political Opinion	☐	☐	☐	☐			
3 Forced Labour	Bonded Labour	☐	☐	☐	☐			
	Coercion	☐	☐	☐	☐			
	Forced Labour and Overtime	☐	☐	☐	☐			

¹⁹ HOPE II Legislation: “With respect to deficiencies that have not been remediated, the amount of time that has elapsed since the deficiencies were first identified in a report under this paragraph.” (H.R. 6124-655, (D) BIENNIAL REPORT (III) (iv))

* A black dot represents non-compliance.

4	Freedom of Association and Collective Bargaining	Prison Labour	☐	☐	☐	☐			
		Collective Bargaining	☐	☐	☐	☐			
		Interference and Discrimination	☐	☐	☐	☐			
		Strikes	☐	☐	☐	☐			
		Union Operations	☒	☐	☐	☐			
5	Compensation	Method of Payment	☐	☐	☐	☐			
		Minimum Wages	☒	☐	☒	☒	Set quota for piece rate workers to earn at least 250 Gourdes in a regular 8 hour workday.	6	
		Overtime Wages	☐	☐	☐	☒			
		Paid Leave	☒	☐	☐	☐			
		Premium Pay	☐	☐	☐	☐			
		Social Security and Other Benefits	☒	☐	☐	☒			
		Wage Information, Use and Deduction	☒	☐	☐	☐			
6	Contracts and Human Resources	Contracting Procedures	☐	☐	☐	☐			
		Discipline and Disputes	☒	☐	☐	☐			
		Employment Contracts	☒	☒	☒	☐	An agreement needs to be reached with workers regarding their daily break and approval needs to be obtained by the Ministry of Labour.	An agreement has been signed with the workers for a 30 minute daily break.	
		Termination	☒	☐	☐	☐			
7	Occupational Safety and Health	Chemicals and Hazardous Substances	☒	☐	☒	☐	Label all containers where chemicals are stored.	All chemical containers are labelled in a language that workers understand, but the storage area needs to be relocated.	18
		Emergency Preparedness	☒	☐	☒	☐	Mark escape routes in Building 11 and correct them in Building 17.		18
							Ensure that emergency exits are unlocked when the factory operates in the late afternoon. The evacuation plan is misplaced and need to be updated. BWH recommends that 10% of workforce should be trained to use fire fighting equipment.	All emergency exits are open when factory is in session.	

8	Health Services and First Aid	●	◐	●	●	Provide medical checks annually for all workers.		18
						Increase number of nurses and of weekly doctor visits.		
						Train at least 10% of the workforce on First Aid.		
		●	◐	○	●			
	Welfare Facilities	●	◐	◐	◐	Fix all toilets and maintain them in good working conditions.	8 more toilets were added for women in Building 11.	18
						Increase the capacity of eating area.	78 more seats have been added to the eating area, but more need to be added.	
						Consistently provide soap and paper to workers.	Soap and paper are available in all toilets.	
	Worker Accommodation	○	○	○	○			
	Working Environment	○	○	●	◐	Maintain lower temperature in the workplace.	More fans have been bought.	6
						Increase the amount of light in the workplace.	More lights were installed.	
	Worker Protection	●	◐	◐	◐	Provide PPE to all workers.	The Factory provides appropriate PPE to some workers but not to all.	18
						Provide worker training on the use of PPE.	Training has been provided.	
						Provide metal gloves to all cutting operators in Building 11.	All cutting operators have gloves; all of them are using the gloves.	
						Increase the number of standing mats.	More foot rests have been provided in the factories, but there are still not enough.	
	Working Time	○	○	●	○	Publish a breastfeeding policy.	Breastfeeding break is provided to women entitle to it.	
		●	●	○	●	Need authorisation from the Ministry of Labour to work overtime		
	Regular Hours	●	◐	○	●			

Multiwear S.A.

Location Port-au-Prince
No. of workers 1689
Registration date 5 October 2009

Advisory Services and Training

29 September, 2011: Management introduction with HR Manager and the Compliance Manager.

30 November: Advisory services

21 October, 2011: Workplace communication training (32 workers).

Compliance cluster	Compliance point	Assessment				Improvement Priorities	Remediation Efforts	# Months 20
		1*	2*	3*	4*			
1 Child Labour	Child Labourers	☐	☐	☐	● ²¹			
	Documentation and Protection of Young Workers	☐	☐	☐	☐			
	Hazardous Work	☐	☐	☐	☐			
	Unconditional Worst Forms	☐	☐	☐	☐			
2 Discrimination	Gender	☐	☐	☐	☐			
	Other Grounds	☐	☐	☐	☐			
	Race and Origin	☐	☐	☐	☐			
	Religion and Political Opinion	☐	☐	☐	☐			
3 Forced Labour	Bonded Labour	☐	☐	☐	☐			

²⁰ HOPE II Legislation: “With respect to deficiencies that have not been remediated, the amount of time that has elapsed since the deficiencies were first identified in a report under this paragraph.” (H.R. 6124-655, (D) BIENNIAL REPORT (III) (iv))

* A black dot represents non-compliance.

²¹ According to management, workers are hired based on a government-issued ID. However, during assessment EAs found a file related to an employee hired in July 2011 with no government issued ID but only a birth certificate. Furthermore, no proof of age verification was found for temporary workers

4		Coercion	●	○	○	○		
		Forced Labour and Overtime	○	○	○	○		
		Prison Labour	○	○	○	○		
	Freedom of Association and Collective Bargaining	Collective Bargaining	○	○	○	○		
		Interference and Discrimination	○	○	○	○		
		Strikes	○	○	○	○		
		Union Operations	●	○	○	○		
5	Compensation	Method of Payment	○	○	○	○		
		Minimum Wages	●	○	○	●		
		Overtime Wages	●	◐	○	○		
		Paid Leave	●	◐	○	○		
		Premium Pay	○	○	○	○		
		Social Security and Other Benefits	●	●	●	●	18	
		Wage Information, Use and Deduction	○	○	○	○		
6	Contracts and Human Resources	Contracting Procedures	○	○	○	○		
		Discipline and Disputes	○	○	○	●		
		Employment Contracts	●	◐	◐	●	18	
		Termination	○	○	○	●		
7	Occupational Safety and Health	Chemicals and Hazardous Substances	●	◐	◐	●	Label all containers in which chemicals are stored. Provide washing facilities or cleansing materials in the event of chemical exposure. Keep an inventory of chemicals	18

Emergency Preparedness	●	◐	◐	●	Ensure that fire fighting equipment are adequate in quantity and functionality		18
					Properly mark escape routes and emergency exits		
					Provide sufficient emergency exits and ensure that they are unlocked		
					Train at least 10% of the work force in fire fighting.		
Health Services and First Aid	●	◐	◐	●	Provide medical checks annually for all workers and more often to those who work with chemicals.		18
					Increase number of nurses and of weekly doctor visits.		
					Train at least 10% of the work force in First Aid.		
					Ensure that accessible first aid boxes are available.		
OSH Management Systems	●	◐	○	●			
Welfare Facilities	●	◐	●	●	Fix all toilets and maintain them in good working condition.		18
					Provide soap and paper consistently.		
					Provide an eating area.		
					Improve drinking water quality.		
Worker Accommodation	○	○	○	○			
Working Environment	●	●	●	○	Ensure lower temperature in the workplace.	Temperature is acceptable.	18
					Increase light level in the workplace.	Lights levels are acceptable.	
Worker Protection	●	◐	●	●	Provide PPE in mechanical shop.		18
					Provide training of workers on the safe use of the machines.		
					Install guards on machines as needed.		
8 Working Time							
Leave	○	○	●	●			6
Overtime	●	◐	◐	●			18
Regular Hours	●	◐	●	●			18

One World Apparel S.A.

Location Port-au-Prince
No. of workers 1573
Registration date 27 October 2009

Advisory Services and Training

22 September, 2011: Management introduction meeting with General Manager and the HR Manager.

14, 19 November, 2011: Advisory services

	<i>Compliance cluster</i>	<i>Compliance point</i>	<i>Assessment</i>				<i>Improvement Priorities</i>	<i>Remediation Efforts</i>	<i># Months²²</i>
			<i>1*</i>	<i>2*</i>	<i>3*</i>	<i>4*</i>			
1	Child Labour	Child Labourers	☐	☐	☐	☐			
		Documentation and Protection of Young Workers	☐	☐	☐	☐			
		Hazardous Work	☐	☐	☐	☐			
		Unconditional Worst Forms	☐	☐	☐	☐			
2	Discrimination	Gender	☐	☐	☐	☐			
		Other Grounds	☐	☐	☐	☐			
		Race and Origin	☐	☐	☐	☐			
		Religion and Political Opinion	☐	☐	☐	☐			
3	Forced Labour	Bonded Labour	☐	☐	☐	☐			
		Coercion	☐	☐	☐	☐			
		Forced Labour and Overtime	☐	☐	☐	☐			

²² HOPE II Legislation: “With respect to deficiencies that have not been remediated, the amount of time that has elapsed since the deficiencies were first identified in a report under this paragraph.” (H.R. 6124-655, (D) BIENNIAL REPORT (III) (iv))

* A black dot represents non-compliance.

4	Freedom of Association and Collective Bargaining	Prison Labour	☐	☐	☐	☐			
		Collective Bargaining	☐	☐	☐	☐			
		Interference and Discrimination	☐	☐	☐	☒	²³		
		Strikes	☐	☐	☐	☐			
		Union Operations	☐	☐	☐	☒	²⁴		
5	Compensation	Method of Payment	☐	☐	☐	☐			
		Minimum Wages	☒	☐	☒	☒	Set the piece rate at a level where workers earn at least 250 Gourdes per day for ordinary hours of work.	6	
		Overtime Wages	☐	☐	☐	☐			
		Paid Leave	☒	☐	☐	☐			
		Premium Pay	☐	☐	☐	☐			
		Social Security and Other Benefits	☒	☐	☒	☒	Factory needs to pay the required 6% employer contribution to ONA.	18	
		Wage Information, Use and Deduction	☒	☐	☐	☐			
6	Contracts and Human Resources	Contracting Procedures	☐	☐	☐	☐			
		Discipline and Disputes	☐	☐	☐	☐			
		Employment Contracts	☐	☒	☒	☒	Internal work rules should comply with legal requirements on the issue of a daily break.	12	
		Termination	☐	☐	☐	☒			
7	Occupational Safety and Health	Chemicals and Hazardous Substances	☒	☐	☒	☒	Provide washing facilities or cleansing materials in the event of chemical exposure.	The factory is trying to find a cost effective solution to purchase them.	18

²³ On September 26, 2011, one member of the executive committee of a new trade union formed in the garment sector in Haiti (SOTA) was terminated in One World Apparel. Better Work Haiti agreed to assess the circumstances surrounding the termination, and based on the information collected found that the employer did not provide sufficient information to counter the allegations of anti-union discrimination. Better Work recommended the reintegration of the worker with back pay. Management did not reinstate the worker stating that he was terminated because of insubordination.

²⁴ Batay Ouvriere/SOTA officials were denied access on September 23, 2011 when they presented themselves at the factory gates in an effort to support a fellow member of the executive committee of SOTA, who was in the process of being terminated. They were asked to return the following day, because it was pay day.

8	Working Time	Emergency Preparedness	●	◐	●	◐	Install fire detection or alarm system.		18
							Conduct periodic emergency drills.	Factory is conducting periodic emergency drills.	
		Health Services and First Aid	●	●	●	●	Provide annual medical checks for workers, especially workers exposed to chemicals, twice a year.		18
							There is a need for more nurses and doctors visits.		
							Provide First Aid training to 10% of workforce.		
		OSH Management Systems	●	◐	●	○	Factory needs to have an OSH policy.	An OSH policy has been drafted in French	
		Welfare Facilities	●	◐	●	◐	Fix all toilets and maintain them in good working condition.	Toilets are in good working condition although their number is below the legal requirement.	18
							Provide adequate hand washing facilities and adequate soap.	Soap is consistently available in toilets and hand washing facilities are operating correctly.	
							Provide an adequate eating area.	More tables and chairs have been added to the eating area, but capacity remains insufficient	
		Worker Accommodation	○	○	○	○			
	Working Time	Working Environment	●	○	○	○			
		Worker Protection	●	◐	●	◐	Provide fatigue mats for workers who stand during the workday.		18
							Train workers to safely use the machines.	Training is provided.	
							Install guards on machines that need them.		
		Leave	○	○	●	○	Provide the required breastfeeding breaks to workers entitled to them.	Breastfeeding breaks are provided.	
	Working Time	Overtime	●	●	○	○			
		Regular Hours	●	◐	●	●	Comply with the required 1.5 hour daily break for workers.		18

Pacific Sports S.A.

Location	Port-au-Prince
No. of workers	1359
Registration date	11 November 2009

Advisory Services and Training

19 October, 2011: Management introduction meeting
 19 October, 2011: Workplace Communication training (25 workers). Maternity Protection training (24 workers). Financial Literacy Module 1 and 2 training (38 workers)
 10 November, 2011: Financial Literacy Training (38 workers)
 15-16 November, 2011: PICC Workers' training (40 workers). After the workers' training, an election campaign was undertaken.
 17 November, 2011: PICC Managers' training (6 managers)
 22 November, 2011: OSH awareness training (19 workers)
 23 November, 2011: Workplace communication (30 workers)
 24 November 2011: HIV/AIDS prevention (33 workers)
 11 January 2012 PICC workers representatives' election took place with the participation of 816 workers. 3 women and 3 men are now representing the workers on the PICC.
 9-10 February, 2012: Follow-up PICC training with workers and managers
 15 March 2012: First PICC meeting

	<i>Compliance cluster</i>	<i>Compliance point</i>	<i>Assessment</i>				<i>Improvement Priorities</i>	<i>Remediation Efforts</i>	<i>#Months²⁵</i>
			<i>1*</i>	<i>2*</i>	<i>3*</i>	<i>4*</i>			
1	Child Labour	Child Labourers	☐	☐	☐	☐			
		Documentation and Protection of Young Workers	☐	☐	☐	☐			
		Hazardous Work	☐	☐	☐	☐			
		Unconditional Worst Forms	☐	☐	☐	☐			
2	Discrimination	Gender	☒	☐	☐	☐			

²⁵ HOPE II Legislation: "With respect to deficiencies that have not been remediated, the amount of time that has elapsed since the deficiencies were first identified in a report under this paragraph." (H.R. 6124-655, (D) BIENNIAL REPORT (III) (iv))

* A black dot represents non-compliance.

3	Forced Labour	Other Grounds	☐	☐	☐	☐	
		Race and Origin	☐	☐	☐	☐	
		Religion and Political Opinion	☐	☐	☐	☐	
		Bonded Labour	☐	☐	☐	☐	
	Freedom of Association and Collective Bargaining	Coercion	☐	☐	☐	☐	
		Forced Labour and Overtime	☐	☐	☐	☐	
		Prison Labour	☐	☐	☐	☐	
		Collective Bargaining	☐	☐	☐	☐	
		Interference and Discrimination	☐	☐	☐	☐	
		Strikes	☐	☐	☐	☒	26
5	Compensation	Union Operations	☒	☐	☐	☐	
		Method of Payment	☐	☐	☐	☐	
		Minimum Wages	☒	☐	☒	☒	Set the piece rate at a level where workers earn at least 250 Gourdes per day for regular hours of work. 6
		Overtime Wages	☒	☐	☐	☐	
		Paid Leave	☒	☐	☐	☐	
		Premium Pay	☐	☐	☐	☐	
		Social Security and Other Benefits	☐	☒	☐	☒	
		Wage Information, Use and Deduction	☐	☐	☒	☐	Only one accurate payroll record needs to be kept by the employer. Factory has one accurate payroll record on which all payment made to workers are recorded (maternity leave and sick leave)
6	Contracts and Human Resources	Contracting Procedures	☐	☐	☐	☐	
		Discipline and Disputes	☐	☐	☐	☐	

²⁶ Based on a correspondence sent to the Ministry of Labour and provided by management, a strike related to a lack of production on September 29, 2011 has resulted in a two weeks suspension of 156 workers in building 27.

7	Occupational Safety and Health	Employment Contracts	☐	☒	☒	☒	Internal work rules need to comply with legal requirements. Harmonize internal rules for daily breaks.	All operators signed and accepted the 45 minutes daily break. The Minister of Social Affairs has approved this.	12
		Termination	☒	☐	☐	☒			
		Chemicals and Hazardous Substances	☒	☒	☒	☒	Provide adequate washing facilities and cleansing materials in the event of exposure to hazardous chemicals.		18
		Emergency Preparedness	☐	☒	☒	☒	Train an appropriate number of workers to use the fire-fighting equipment, at least 10% of the workforce.		18
							Conduct periodic emergency drills.		
		Health Services and First Aid	☒	☒	☒	☒	Provide medical checks for workers using chemicals.	Medical checks for workers using chemicals are now provided.	18
							Provide First-Aid training for workers, at least 10% of workforce.		
							Have the required onsite medical facilities and staff.		
		OSH Management Systems	☐	☒	☒	☐	Write an OSH policy.	The factory has a written OSH policy.	
		Welfare Facilities	☒	☒	☒	☒	Provide adequate space in the eating area to accommodate the total number of workers.	The factory has built new outdoor eating areas in all their facilities to accommodate workers who have lunch on the premises of the factory.	18
8	Working Time						Fix all toilets and maintain them in good working conditions.	Existing toilets are fixed and clean, but two of the men's toilet and 10 of the women's toilets were out of order	
		Worker Accommodation	☐	☐	☐	☐			
		Working Environment	☐	☐	☒	☒	Maintain noise level under 90db.		6
							Krep Lux level over 500 lux in all sections in the building.		
		Worker Protection	☒	☒	☐	☒			
		Leave	☐	☐	☒	☒			6
		Overtime	☒	☒	☒	☐	Limit overtime to what is required by the labour code, not to exceed the 80 hours per trimester.	Factory's new policy is to work a maximum of 1 hour overtime per day, so as to not exceed the requirement of 80 hours per trimester.	
		Regular Hours	☒	☒	☒	☒	Provide workers with a daily break of 1.5 hours.		18

Palm Apparel S.A.

Location Port-au-Prince
No. of workers 1547
Registration date 17 November 2009

Advisory Services and Training

22 November, 2011: Management introduction meeting with the General Manager, Plant Manager, and HR Manager.

24 October, 2011: HR Advisory services with the HR Manager.

	<i>Compliance cluster</i>	<i>Compliance point</i>	<i>Assessment</i>				<i>Improvement Priorities</i>	<i>Remediation Efforts</i>	# Months 27
			1*	2*	3*	4*			
1	Child Labour	Child Labourers	☐	☐	☐	☐			
		Documentation and Protection of Young Workers	☐	☐	☐	☐			
		Hazardous Work	☐	☐	☐	☐			
		Unconditional Worst Forms	☐	☐	☐	☐			
2	Discrimination	Gender	☐	☐	☐	● ²⁸			
		Other Grounds	☐	☐	☐	☐			
		Race and Origin	☐	☐	☐	☐			
		Religion and Political Opinion	☐	☐	☐	☐			
3	Forced Labour	Bonded Labour	☐	☐	☐	☐			

²⁷ HOPE II Legislation: “With respect to deficiencies that have not been remediated, the amount of time that has elapsed since the deficiencies were first identified in a report under this paragraph.” (H.R. 6124-655, (D) BIENNIAL REPORT (III) (iv))

* A black dot represents non-compliance.

²⁸ 24% of interviewed workers complained of sexual harassment from supervisors. Women are promised promotions if they go out with supervisors. Management stated that they have a well-known zero tolerance policy on this matter and that no complaint has reached them.

4	Freedom of Association and Collective Bargaining	Coercion	☐	☐	☐	☐		
		Forced Labour and Overtime	☐	☐	☐	☐		
		Prison Labour	☐	☐	☐	☐		
		Collective Bargaining	☐	☐	☐	☐		
		Interference and Discrimination	☐	☐	☐	☐		
		Strikes	☐	☐	☐	☐		
		Union Operations	☐	☐	☐	☐		
5	Compensation	Method of Payment	☐	☐	☐	☐		
		Minimum Wages	☒	☐	☒	☒	Make hours worked available in the global payroll report	6
		Overtime Wages	☐	☐	☐	☐		
		Paid Leave	☐	☐	☐	☐		
		Premium Pay	☐	☐	☐	☐		
		Social Security and Other Benefits	☒	☐	☐	☒	Pay ONA and OFATMA on time.	18
		Wage Information, Use and Deduction	☒	☐	☐	☐		
6	Contracts and Human Resources	Contracting Procedures	☐	☐	☐	☐		
		Discipline and Disputes	☐	☐	☐	☒		
		Employment Contracts	☒	☒	☐	☒	Consult workers on daily break duration.	18
		Termination	☐	☒	☐	☐		
7	Occupational Safety and Health	Chemicals and Hazardous Substances	☒	☐	☐	☒	Clearly identify all containers with chemical substances Post MSDS in storage area Keep an inventory of these substances.	18

8	Working Time	Emergency Preparedness	●	◐	◐	●	Train 10% of the workforce to use fire-fighting equipment	18
							Enhance the number and the functionality of fire-fighting equipment in the new buildings	
							Ensure that there are 2 emergency exits.	
		Health Services and First Aid	●	●	◐	●	Provide free health checks to newly hired workers and those exposed to work-related hazards	18
							Increase medical staff	
							Improve management of first aid boxes.	
							Train 10% of the workforce in First-Aid.	
		OSH Management Systems	●	◐	◐	●	Have a OSH policy and conduct OSH assessment	18
							Send recorded work related accidents to OFATMA.	
		Welfare Facilities	●	●	◐	●	Improve availability of paper and soap in toilets	18
8	Working Time						Provide workers with an eating area (floor 1, 2 &3) and expand eating area (floor 4, 5)	
		Worker Accommodation	○	○	○	○		
		Working Environment	●	○	○	●		
		Worker Protection	●	◐	◐	●	Install proper guards on machines	18
							Provide spot cleaners with anti-fatigue mats and sewing operators with dust masks.	
		Leave	○	○	●	●	Provide breastfeeding breaks to workers entitled to them.	6
		Overtime	●	●	○	●	Ensure overtime per trimester is within the legal limit	
		Regular Hours	●	●	●	●	Use a reliable attendance system which reflects actual hours worked.	18
							Daily break time should be 1.5 hours.	

Premium Apparel S.A.

Location Port-au-Prince
No. of workers 1112
Registration date 28 October 2009

Advisory Services and Training

18 October, 2011: Management introduction meeting with the General Manager and HR Manager.

18 October, 2011: Advisory services with the General Manager and HR Manager.

	<i>Compliance cluster</i>	<i>Compliance point</i>	<i>Assessment</i>				<i>Improvement Priorities</i>	<i>Remediation Efforts</i>	<i>#Months</i> 29
			1*	2*	3*	4*			
1	Child Labour	Child Labourers	☐	☐	☐	☐			
		Documentation and Protection of Young Workers	☐	☐	☐	☐			
		Hazardous Work	☐	☐	☐	☐			
		Unconditional Worst Forms	☐	☐	☐	☐			
2	Discrimination	Gender	☒	☐	☐	☐			
		Other Grounds	☐	☐	☐	☐			
		Race and Origin	☐	☐	☐	☐			
		Religion and Political Opinion	☒	☐	☐	☐			
3	Forced Labour	Bonded Labour	☐	☐	☐	☐			
		Coercion	☐	☐	☐	☐			
		Forced Labour and Overtime	☐	☐	☐	☐			
		Prison Labour	☐	☐	☐	☐			

²⁹ HOPE II Legislation: “With respect to deficiencies that have not been remediated, the amount of time that has elapsed since the deficiencies were first identified in a report under this paragraph.” (H.R. 6124-655, (D) BIENNIAL REPORT (III) (iv))

* A black dot represents non-compliance.

4	Freedom of Association and Collective Bargaining	Collective Bargaining	☐	☐	☐	☐		
		Interference and Discrimination	☐	☐	☐	☐		
		Strikes	☐	☐	☐	☐		
		Union Operations	☐	☐	☐	☐		
5	Compensation	Method of Payment	☐	☐	☐	☐		
		Minimum Wages	☒	☒	☒	☒	Set quota for piece rate workers to earn at least 250 Gourdes in a regular 8 hour workday.	18
		Overtime Wages	☒	☐	☐	☐		
		Paid Leave	☒	☐	☐	☐		
		Premium Pay	☐	☐	☐	☐		
		Social Security and Other Benefits	☒	☒	☐	☒	Collect and pay 6% not 3% to ONA.	18
		Wage Information, Use and Deduction	☐	☒	☐	☐		
6	Contracts and Human Resources	Contracting Procedures	☐	☐	☐	☐		
		Discipline and Disputes	☐	☐	☐	☐		
		Employment Contracts	☐	☒	☒	☒	Align internal rules with legal requirements for a daily break.	12
		Termination	☒	☐	☒	☐		
7	Occupational Safety and Health	Chemicals and Hazardous Substances	☒	☐	☒	☐	Gas tanks near generator should be properly identified. MSDS should be posted in the area using blow out and this area should be adequately ventilated.	Gas tanks have been properly identified. MSDS has been made available and cleaning stations have been repositioned.
		Emergency Preparedness	☒	☐	☒	☐	Emergency drills should be conducted every 6 months.	The last fire drill was conducted on December 9th, 2011. Management stated that they conduct drill every six months The employer only trained 35 workers to use the fire-fighting equipment. BWH recommends that 10% of workforce should be trained to use firefighting equipment.
								6

8	Working Time	Health Services and First Aid	●	●	◐	●	Organize more nurses and doctors visits on site. Newly hired workers should have medical checks within the first 3 months of hiring. Train 10% of workforce in First Aid. Provide free health checks to workers exposed to work-related hazards.		18
		OSH Management Systems	○	●	○	○			
		Welfare Facilities	●	◐	◐	◐	Have enough functioning toilets.	More toilets have been constructed although their total number remains below the legal requirement.	18
		Worker Accommodation	○	○	○	○			
		Working Environment	●	●	●	◐	Noise level should be acceptable near generator or workers should be provided with ears muffs. Maintain light levels above 500 Lux in sewing area.	Noise levels are acceptable.	18
		Worker Protection	●	◐	◐	◐	Spot cleaners should have protective mask and the mechanical shop should have all the necessary personal protective equipment. Train workers to wear PPE and use machines and equipment safely, cutter should wear his/her gloves. Machines should have all guards: eye guard, finger guard, pulley and beld guards. Provide standing workers with fatigue mats or foot rests.	Factory has started putting guards on sewing machines which were lacking them.	18
		Leave	○	○	●	●	Give breastfeeding breaks to workers entitled to them.		6
		Overtime	●	●	◐	●	Avoid exceeding 80 hours of overtime per trimester. Obtain authorisation from the Department of Labour to work overtime and on Sundays.		18
		Regular Hours	●	●	●	●	Comply with the required 1.5 hour daily break for workers.		18 months

Sewing International S.A.

Location Port-au-Prince
No. of workers 1677
Registration date 25 September 2009

Advisory Services and Training

14 October, 2011: Management introduction meeting with the Production Manager and HR Manager.

15 November, 2011: Advisory services with HR Manager.

	<i>Compliance cluster</i>	<i>Compliance point</i>	<i>Assessment</i>				<i>Improvement Priorities</i>	<i>Remediation Efforts</i>	<i>#Months</i> 30
			<i>1*</i>	<i>2 *</i>	<i>3*</i>	<i>4*</i>			
1	Child Labour	Child Labourers	☐	☐	☐	☐			
		Documentation and Protection of Young Workers	☐	☐	☐	☐			
		Hazardous Work	☐	☐	☐	☐			
		Unconditional Worst Forms	☐	☐	☐	☐			
2	Discrimination	Gender	☐	☐	☐	☐			
		Other Grounds	☐	☐	☐	☐			
		Race and Origin	☐	☐	☐	☐			
		Religion and Political Opinion	☐	☐	☐	☐			
3	Forced Labour	Bonded Labour	☐	☐	☐	☐			
		Coercion	☐	☐	☐	☐			
		Forced Labour and Overtime	☐	☐	☐	☐			
		Prison Labour	☐	☐	☐	☐			

³⁰ HOPE II Legislation: “With respect to deficiencies that have not been remediated, the amount of time that has elapsed since the deficiencies were first identified in a report under this paragraph.” (H.R. 6124-655, (D) BIENNIAL REPORT (III) (iv))

* A black dot represents non-compliance.

4	Freedom of Association and Collective Bargaining	Collective Bargaining	☐	☐	☐	☐		
		Interference and Discrimination	☒	☐	☐	☐		
		Strikes	☐	☐	☒	☒	³¹	6
		Union Operations	☐	☐	☐	☐		
5	Compensation	Method of Payment	☐	☐	☐	☐		
		Minimum Wages	☒	☐	☒	☒	Ensure piece rate workers reach 250 Gourdes.	6
		Overtime Wages	☐	☐	☐	☐		
		Paid Leave	☒	☐	☐	☐		
		Premium Pay	☐	☐	☐	☐		
		Social Security and Other Benefits	☒	☐	☐	☒		
		Wage Information, Use and Deduction	☒	☒	☐	☒		
6	Contracts and Human Resources	Contracting Procedures	☐	☐	☐	☐		
		Discipline and Disputes	☐	☐	☐	☐		
		Employment Contracts	☒	☐	☐	☒	Consult workers on daily break duration.	18
		Termination	☐	☐	☐	☒		
7	Occupational Safety and Health	Chemicals and Hazardous Substances	☒	☒	☐	☒	Maintain an inventory of chemicals. Label chemicals and post MSDS appropriately. Provide adequate washing facilities.	18
		Emergency Preparedness	☒	☒	☐	☒	Improve fire detection and alarm system. Train more workers in fire fighting. Conduct emergency drill.	18

³¹ NB: the factory dismissed approx. 140 workers following an illegal strike that took place in May 2011. No action has been taken so far by the employer to reinstate the terminated workers.

8	Health Services and First Aid	●	●	●	●	Provide health check to workers.	18
						Increase medical staff.	
						Train more workers in first aid.	
	OSH Management Systems	●	◐	○	●	Send accident reports to OFATMA.	
	Welfare Facilities	●	●	●	◐	Increase the number of toilets.	18
						An eating area with 400 seats has been constructed	
	Worker Accommodation	○	○	○	○		
	Working Environment	○	○	○	●		
	Worker Protection	●	◐	◐	●	Provide guards to machines and PPE to workers.	18
						Provide anti-fatigue mats to standing workers.	
						Improve electrical safety.	
8	Working Time	○	○	●	●	Provide breastfeeding breaks to workers entitled to it.	6
		●	●	●	●	Maintain overtime hours within legal limit.	18
		●	●	●	●	Keep regular hours under the 48 hour weekly limit.	18
						Use a reliable time attendance system.	

The Willbes Haitian II S.A.

Location Port-au-Prince
No. of workers 524
Registration date 27 August 2010

Advisory Services and Training

28 September, 2011: Management introduction meeting held Willbes General Manager, and the Compliance Manager.

20 September, 2011: HR Advisory meeting with the HR Manager and the Compliance Manager.

4 November, 2011: The General Manager and Compliance manager participated in Advisory

	<i>Compliance cluster</i>	<i>Compliance point</i>	<i>Assessment</i>			<i>Improvement Priorities</i>	<i>Remediation Efforts</i>	<i># Months</i> ³²
			<i>1*</i>	<i>2*</i>	<i>3*</i>			
1	Child Labour	Child Labourers	☐	☐	☐			
		Documentation and Protection of Young Workers	☐	☐	☐			
		Hazardous Work	☐	☐	☐			
		Unconditional Worst Forms	☐	☐	☐			
2	Discrimination	Gender	☐	☐	☐			
		Other Grounds	☐	☐	☐			
		Race and Origin	☐	☐	☐			
		Religion and Political Opinion	☐	☐	☐			
3	Forced Labour	Bonded Labour	☐	☐	☐			
		Coercion	☒	☐	☐			
		Forced Labour and Overtime	☐	☐	☐			

³² HOPE II Legislation: “With respect to deficiencies that have not been remediated, the amount of time that has elapsed since the deficiencies were first identified in a report under this paragraph.” (H.R. 6124-655, (D) BIENNIAL REPORT (III) (iv))

* A black dot represents non-compliance.

4	Freedom of Association and Collective Bargaining	Prison Labour	☐	☐	☐		
		Collective Bargaining	☐	☐	☐		
		Interference and Discrimination	☐	☐	☐		
		Strikes	☐	☐	☐		
		Union Operations	☐	☐	☐		
5	Compensation	Method of Payment	☐	☐	☐		
		Minimum Wages	☐	☒	☐		
		Overtime Wages	☐	☐	☐		
		Paid Leave	☒	☐	☐		
		Premium Pay	☐	☐	☐		
		Social Security and Other Benefits	☒	☐	☒	Sent payments to ONA on time	
		Wage Information, Use and Deduction	☐	☐	☐		
6	Contracts and Human Resources	Contracting Procedures	☐	☐	☐		
		Discipline and Disputes	☐	☐	☐		
		Employment Contracts	☒	☒	☒	Consult workers on daily break duration.	12
		Termination	☒	☒	☒	Include reason for termination of workers	12
					Provided notice of termination and opportunity for workers to defend themselves upon firing.		
7	Occupational Safety and Health	Chemicals and Hazardous Substances	☒	☒	☒	Provide adequate washing facilities or cleansing materials in the event of chemical exposure.	12
		Emergency Preparedness	☒	☒	☒	Train workers to use fire fighting equipment.	12
						Mark or post emergency exits and/or escape routes in the workplace.	
		Health Services and First Aid	☒	☒	☒	Increase onsite medical facilities and staff.	12
					Workers received health checks.		
						Increase the number of workers trained in first-aid	

8	OSH Management Systems	●	◐	●	Conduct an assessment of general occupational safety and health issues in the workplace.	12
					Develop a mechanism to ensure cooperation between workers and management on OSH matters	
					Send accident reports to OFATMA	
	Welfare Facilities	●	●	●	Provide adequate eating area.	12
					Fix all toilets and maintain them in good working condition.	
	Worker Accommodation	○	○	○		
	Working Environment	○	○	●	Improve lighting in the workplace	
	Worker Protection	●	◐	●	Train workers to safely use machines and equipment.	12
					Install guards on machines that need them.	
					Provide anti-fatigue mats to standing workers	
					Install backrest on all workers' chairs.	
	Working Time					
	Leave	○	○	●		
	Overtime	●	○	○		
	Regular Hours	●	◐	●	Consult workers on daily break duration.	12

The Willbes Haitian III S.A.

Location Port-au-Prince
No. of workers 592
Registration date 27 August 2010

Advisory Services and Training

28 September, 2011: Management introduction meeting held Willbes General Manager, and the Compliance Manager.

20 September, 2011: HR Advisory meeting with the HR Manager and the Compliance Manager.

4 November, 2011: The General Manager and Compliance manager participated in Advisory.

	<i>Compliance cluster</i>	<i>Compliance point</i>	<i>Assessment</i>			<i>Improvement Priorities</i>	<i>Remediation Efforts</i>	<i>#Months</i> 33
			1*	2*	3*			
1	Child Labour	Child Labourers	☐	☐	☐			
		Documentation and Protection of Young Workers	☐	☐	☐			
		Hazardous Work	☐	☐	☐			
		Unconditional Worst Forms	☐	☐	☐			
2	Discrimination	Gender	☐	☐	☒ ³⁴			
		Other Grounds	☐	☐	☐			
		Race and Origin	☐	☐	☐			
		Religion and Political Opinion	☐	☐	☐			
3	Forced Labour	Bonded Labour	☐	☐	☐			

³³ HOPE II Legislation: "With respect to deficiencies that have not been remediated, the amount of time that has elapsed since the deficiencies were first identified in a report under this paragraph." (H.R. 6124-655, (D) BIENNIAL REPORT (III) (iv))

* A black dot represents non-compliance.

³⁴ Sexual harassment is mentioned by workers as a concern in the workplace. Promises to keep the job in exchange for sexual favours are made by supervisors to the newly hired women. If women refuse, they are fired.

4	Freedom of Association and Collective Bargaining	Coercion	☐	☐	☐		
		Forced Labour and Overtime	☐	☐	☒	³⁵	
		Prison Labour	☐	☐	☐		
		Collective Bargaining	☐	☐	☐		
		Interference and Discrimination	☐	☐	☐		
		Strikes	☐	☐	☐		
		Union Operations	☐	☐	☐		
5	Compensation	Method of Payment	☐	☐	☐		
		Minimum Wages	☒	☒	☒	Set the piece rate at a level where workers earn at least 250 Gourdes per day for ordinary hours of work.	12
		Overtime Wages	☐	☐	☐		
		Paid Leave	☐	☐	☐		
		Premium Pay	☐	☐	☐		
		Social Security and Other Benefits	☒	☐	☒		
		Wage Information, Use and Deduction	☐	☐	☐		
6	Contracts and Human Resources	Contracting Procedures	☐	☐	☐		
		Discipline and Disputes	☐	☐	☐		
		Employment Contracts	☒	☐	☒	Consult workers on daily break duration	12
		Termination	☒	☐	☒		

³⁵ All workers said that they are not allowed to leave the workplace during overtime without permission. The time punching machine is turned on at 4:50pm while the regular working hours are from 7am to 4pm. If workers leave without punching out their cards, the factory does not pay them for the day.

7	Occupational Safety and Health	Chemicals and Hazardous Substances	●	◐	●	Keep an inventory of chemical substances Label all chemicals and hazardous substances. Have chemical safety data sheets for all chemicals and hazardous substances in the workplace. Provide adequate washing facilities or cleansing materials in the event of chemical exposure.	12
		Emergency Preparedness	●	◐	●	Free escape routes	12
		Health Services and First Aid	●	◐	●	Provide health checks to annually to workers and more often to those who are exposed to work-related hazards Increase number of nurse and doctors' visits. Train more worker in first-aid	12
		OSH Management Systems	●	○	●	Publish a OSH policy and conduct OSH assessment. Establish an OSH Committee	12
		Welfare Facilities	●	●	◐	Fix all toilets and maintain them in good working condition. Provide adequate hand washing facilities and/or soap.	A new eating area has been constructed. 12
		Worker Accommodation	○	○	○		
		Working Environment	○	○	○		
		Worker Protection	●	◐	●	Provide fatigue mats or foot-rests to workers. Provide PPE in mechanical shop. Provide chairs with back rests.	12
		Leave	○	○	●		
		Overtime	●	○	●		
8	Working Time	Regular Hours	●	○	●		

Annex 1. HOPE II Legislation Reporting Requirements

SEC. 15403. LABOUR OMBUDSMAN AND TECHNICAL ASSISTANCE IMPROVEMENT AND COMPLIANCE NEEDS ASSESSMENT AND REMEDIATION PROGRAM.

[...] (D) BIENNIAL REPORT. —The biennial reports referred to in subparagraph (C)(i) are a report, by the entity operating the TAICNAR Program, that is published (and available to the public in a readily accessible manner) on a biennial basis, beginning 6 months after Haiti implements the TAICNAR Program under this paragraph, covering the preceding 6-month period, and that includes the following:

(i) The name of each producer listed in the registry described in paragraph (2)(B)(i) that has been identified as having met the conditions under subparagraph (B).

(ii) The name of each producer listed in the registry described in paragraph (2)(B)(i) that has been identified as having deficiencies with respect to the conditions under subparagraph (B), and has failed to remedy such deficiencies.

(iii) For each producer listed under clause (ii) —

(I) a description of the deficiencies found to exist and the specific suggestions for remediating such deficiencies made by the entity operating the TAICNAR Program;

(II) a description of the efforts by the producer to remediate the deficiencies, including a description of assistance provided by any entity to assist in such remediation; and

(III) with respect to deficiencies that have not been remediated, the amount of time that has elapsed since the deficiencies were first identified in a report under this subparagraph.

(iv) For each producer identified as having deficiencies with respect to the conditions described under subparagraph (B) in a prior report under this subparagraph, a description of the progress made in remediating such deficiencies since the submission of the prior report, and an assessment of whether any aspect of such deficiencies persists. [...]

ⁱ There has been a change in the assessment with regard to questions related to contributions to OFATMA. The Labour Code requires employers to collect, forward and pay contributions to OFATMA for maternity and health insurance. Previously, Better Work Haiti assessed factories based on this principle. However, due to the fact that currently there is no functioning health insurance system in Haiti and the maternity insurance is voluntary for workers, Better Work Haiti has revised its assessment guidelines and determines compliance on this issue based on whether the employer collects, forwards and pays contributions for workers who ask to enrol in the maternity insurance programme. Workers typically are not aware that they can enrol in the maternity insurance programme, so employers are not collecting, forwarding and paying contributions to OFATMA. Better Work is working with employers to encourage them to inform workers about the voluntary maternity insurance benefit. In the event that these insurance programmes become fully functional, Better Work will revise its approach accordingly.