

Better Work

Client Assessment Tool

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Country:	Egypt
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Division:	14 - Manufacture of wearing apparel
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Key Strengths and Process Integrity

Fact-Gathering Questions

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| Q 1 (FGQ) | Key strengths: |
| Q 2 (FGQ) | Did the employer grant access to the enterprise and provide requested documents in a timely manner? |
| Q 3 (FGQ) | How many person days were spent on the assessment visit? |
| Q 5 (FGQ) | Briefly describe the interviews with workers, union leaders, and worker representatives. |
| Q 6 (FGQ) | Describe any significant concerns about process integrity. |
| Q 7 (FGQ) | Describe any significant issues not addressed elsewhere in the report. |

Learning

Fact-Gathering Questions

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| Q 8 (FGQ) | Has management consulted with elected worker representatives, including trade unions (if present) in determining the training to be offered to workers and their representatives? [pre-stage 2 question] |
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Child Labour

Child Labourers

- Q 9 (CQ) Have you found any workers under the age of 15?**
 Legal Reference: C138, Art. 2; Constitution of 2014, Art. 80; Law No. 12 of 1996 (Child Law), as amended by Law No. 126 of 2008, Art. 64
- Q 10 (CQ) Have you found any apprentices under the age of 14?**
 Legal Reference: C138, Art. 6; Constitution of 2014, Art. 80; Law No. 12 of 1996 (Child Law), Art. 64; Executive Regulations for the Child Law, Decree No. 414, as amended by Decree 175

Hazardous Work and other Worst Forms

- Q 11 (CQ) Do workers who are under age 18 perform work that is hazardous by nature?**
 Legal Reference: C138, C182, R190; Law No. 12 of 1996 (Child Law), as amended by Law No. 126 of 2008, Art. 65; Ministry of Manpower and Migration Decree No. 118 of 2003, Arts. 1 (14, 15, 36, 37, 44), 2
- Q 12 (CQ) Do workers who are under age 18 work overtime, on weekends, official holidays, and/or at night; and/or work more than 6 hours per day (not including at least a 1 hour break) or more than 4 hours without a break?**
 Legal Reference: C90, C138, C171, C182, R190; Law No. 12 of 1996 (Child Law), as amended by Law No. 126 of 2008, Art. 66; Executive Regulations for the Child Law, Decree No. 414, as amended by Decree 175
- Q 13 (CQ) Does the employer subject any workers under age 18 to the worst forms of child labour?**
 Legal Reference: C138, C182, R190

Documentation and Protection of Young Workers

- Q 14 (CQ) Does the employer have a reliable system in place to verify the age of workers prior to hiring?**
 Legal Reference: C138, R146; Law No. 12 of 1996 (Child Law), as amended by Law No. 126 of 2008, Arts. 2, 68(5)
- Q 15 (CQ) Does the employer comply with other legally required measures to protect workers under age 18?**
 Legal Reference: C138, R146; Law No. 12 of 1996 (Child Law), as amended by Law No. 126 of 2008, Arts. 65-bis, 67, 68 (1, 3); Labour Law, Art. 102; Ministry of Manpower and Migration Decree No. 118 of 2003, Arts. 3, 8
- Q 16 (CQ) Does the employer keep a register/ sheet of workers under 18 years of age?**
 Legal Reference: C138, R146; Law No. 12 of 1996 (Child Law), as amended by Law No. 126 of 2008, Arts. 65-bis, 67, 68 (1, 3); Labour Law, Art. 102; Ministry of Manpower and Migration Decree No. 118 of 2003, Arts. 3, 8

Discrimination

Race and Origin

Q 17 (CQ)	Do recruitment materials such as job announcements or job application forms refer to the applicant's race, colour or origin? Legal Reference: C111; Constitution of 2014, Art. 53
Q 18 (CQ)	Is an applicant's race, colour or origin a factor in hiring decisions? Legal Reference: C111; Constitution of 2014, Art. 53 & 9
Q 19 (CQ)	Is race, colour or origin a factor in decisions regarding conditions of work? Legal Reference: C111; Constitution of 2014, Art. 53
Q 20 (CQ)	Is race, colour, language or origin a factor in decisions regarding pay? Legal Reference: C111; Constitution of 2014, Art. 53; Labour Law, Art. 35
Q 21 (CQ)	Is race, colour or origin a factor in decisions regarding opportunities for promotion or access to training? Legal Reference: C111; Constitution of 2014, Art. 53
Q 22 (CQ)	Is race, colour or origin a factor in the employer's decisions regarding termination or retirement of workers? Legal Reference: C111; Constitution of 2014, Art. 53; Labour Law, Art. 120(A)
Q 23 (CQ)	Is there harassment of workers on the basis of race, colour or origin? Legal Reference: Penal Code, Arts. 267-269, 306 bis

Discrimination

Religion and Political Opinion

Q 24 (CQ)	Do recruitment materials such as job announcements or job application forms refer to the applicant's religion or political opinion? Legal Reference: C111; Constitution of 2014, Art. 53
Q 25 (CQ)	Is an applicant's religion or political opinion a factor in hiring decisions? Legal Reference: C111; Constitution of 2014, Art. 53
Q 26 (CQ)	Is religion or political opinion a factor in decisions regarding conditions of work? Legal Reference: C111; Constitution of 2014, Art. 53
Q 27 (CQ)	Is religion or political opinion a factor in decisions regarding pay? Legal Reference: C111; Constitution of 2014, Art. 53; Labour Law, Art. 35
Q 28 (CQ)	Is religion or political opinion a factor in decisions regarding opportunities for promotion or access to training? Legal Reference: C111; Constitution of 2014, Art. 53
Q 29 (CQ)	Is religion or political opinion a factor in the employer's decisions regarding termination or retirement of workers? Legal Reference: C111; Constitution of 2014, Art. 53; Labour Law, Art. 120(A)
Q 30 (CQ)	Is there harassment of workers on the basis of religion or political opinion? Legal Reference: Criminal Law, as amended in 2015, Book 3, Parts 1, 7 and 16

Discrimination

Gender

Q 31 (CQ)	Do job announcements refer to the applicant's gender? Legal Reference: C111; Constitution of 2014, Art. 53; Labour Law, Art. 88
Q 32 (CQ)	Is an applicant's gender a factor in hiring decisions? Legal Reference: C111; Constitution of 2014, Art. 53; Labour Law, Art. 88
Q 33 (CQ)	Is gender a factor in decisions regarding conditions of work? Legal Reference: C111; Constitution of 2014, Art. 53 & 11; Labour Law, Art. 88; Decision of the Labour Minister No. 155 of 2003 (works banned for women); Decision of the Labour Minister No. 183 of 2003 (night work of women)
Q 34 (CQ)	Is gender a factor in decisions regarding pay? Legal Reference: C111, C100; Constitution of 2014, Art. 53 & 11; Labour Law, Arts. 35, 88
Q 35 (CQ)	Is gender a factor in decisions regarding opportunities for promotion or access to training? Legal Reference: C111; Constitution of 2014, Art. 53 & 11; Labour Law, Art. 88
Q 36 (CQ)	Is gender a factor in the employer's decisions regarding termination or retirement of workers? Legal Reference: C111; Constitution of 2014, Art. 53 & 11; Labour Law, Arts. 88, 120(A)
Q 37 (CQ)	Are workers subject to sexual harassment? Legal Reference: C111; Criminal Code, as amended by 50/2014, Art. 306
Q 38 (CQ)	Does the employer require pregnancy tests or the use of contraceptives as a condition of employment? Legal Reference: C111, C183; Constitution of 2014, Art. 53; Labour Law, Art. 88; Decision of the Labour Minister No. 155 of 2003, Art. 1
Q 40 (CQ)	Does the employer change the employment status, position, wages, benefits or seniority of workers during maternity leave? Legal Reference: C111, C183, R191; Constitution of 2014, Art. 53; Labour Law, Art. 88
Q 41 (CQ)	Does the employer terminate workers who are pregnant or on maternity leave or force them to resign? Legal Reference: C111, C183; Labour Law, Arts. 88, 92, 120

Discrimination

Other Grounds

Q 42 (CQ)	Does the employer employ at least 5% disabled workers? Legal Reference: Constitution of 2014, Arts. 53, 81; Labour Law, Art. 12; Law No. 10 of 2018 on the Rights of Persons with Disabilities, Arts. 4, 22, 55; Bylaw Arts. 57, 60, 61
Q 43 (CQ)	Are disabled workers who apply for work evaluated according to their ability to perform the job? Legal Reference: Law No. 10 of 2018 on the Rights of Persons with Disabilities, Arts. 4, 20, 22
Q 44 (CQ)	Is disability a factor in decisions regarding conditions of work? Legal Reference: Law No. 10 of 2018 on the Rights of Persons with Disabilities, Arts. 4, 20, 22, 24; Bylaw Arts. 59, 62
Q 45 (CQ)	Is disability a factor in decisions regarding pay? Legal Reference: Law No. 10 of 2018 on the Rights of Persons with Disabilities, Arts. 4, 20, 22; Bylaw Art. 61
Q 47 (CQ)	Is disability a factor in the employer's decisions regarding termination or retirement? Legal Reference: Law No. 10 of 2018 on the Rights of Persons with Disabilities, Arts. 4, 20, 22
Q 49 (CQ)	Have all accommodations required by national law been made for physically disabled persons? Legal Reference: Law No. 10 of 2018 on the Rights of Persons with Disabilities, Bylaw Art. 58
Q 50 (CQ)	Has the employer taken steps to enable workers who become disabled for whatever reason to retain their work? Legal Reference: Law No. 10 of 2018 on the Rights of Persons with Disabilities, Arts. 4, 20, 22

Forced Labour

Coercion

- Q 51 (CQ)** **Does the employer use violence or the threat of violence to intimidate workers?**
Legal Reference: C29, Constitution 2014, Art. 12
- Q 52 (CQ)** **Does the employer delay or withhold wage payments in order to coerce workers to work?**
Legal Reference: C29, Constitution 2014, Art. 12
- Q 54 (CQ)** **Does the employer deny workers access to their personal documents (such as birth certificates, passports, work permits and ID cards) when they need them?**
Legal Reference: C29, Constitution 2014, Art. 12
- Q 55 (CQ)** **Does the employer use threats such as deportation, cancellation of visas or reporting to the authorities in order to force workers to stay at the job?**
Legal Reference: C29, Constitution 2014, Art. 12
- Q 56 (CQ)** **Does the employer use any other coercive tactics to overwhelm workers' ability to make decisions in their own interest.**
Legal Reference: C29, Constitution 2014, Art. 12
- Q 57 (CQ)** **Are workers free to terminate their employment with reasonable notice, and to leave their jobs when their contracts expire?**
Legal Reference: C29; Labour Law, Art. 122
- Q 58 (CQ)** **Does the employer restrict workers from leaving the workplace?**
Legal Reference: C29, Constitution 2014, Art. 12
- Q 59 (CQ)** **Does the employer restrict workers' freedom to come and go from the dormitories and/or the industrial park or zone in which the factory is located?**
Legal Reference: C29, Constitution 2014, Art. 12

Bonded Labour

- Q 60 (CQ)** **Can workers who owe debts to the employer and/or a third party freely leave their jobs?**

Legal Reference: C29, C181, Constitution 2014, Art. 12

Forced Labour and Overtime

- Q 61 (CQ)** **Are workers forced to work overtime under threat of penalty?**
Legal Reference: C29, C1, Constitution 2014, Art. 12 Labour Law, Art.85

Prison Labour

- Q 62 (CQ)** **If prison labour is used, have the prisoners freely consented to do the work; do they receive similar treatment to non-prison workers; and is the work carried out under the supervision and control of a public authority?**
Legal Reference: C29, Constitution 2014, Art. 12

Freedom of Association and Collective Bargaining

Fact-Gathering Questions

Q 63 (FGQ) **How many active unions are there in the factory?**

Legal Reference: C87

Q 64 (FGQ) **What percentage of workers are union members?**

Legal Reference: C87

Q 65 (FGQ) **For each active union, provide**
 - the name of the union,
 - the number of union members,
 (disaggregated by sex: (## women/ ## men),
 • the number of union leaders (disaggregated by sex: (## women/ ## men),
 - the union's affiliation status (affiliated or non-affiliated with a federation or confederation),
 - the name of the federation or confederation with which it is affiliated, if applicable.

Legal Reference: C87

Q 66 (FGQ) **How many strikes have there been since the last visit?**

Q 67 (FGQ) **For each strike, indicate:**
 - why workers went on strike
 - whether the strike complied with legal requirements, and if not, which requirements were not complied with
 - whether the strike resulted in violence
 - the number of days workers were on strike
 - the number of person days workers were on strike
 - the outcome of the strike

Legal Reference: Labour Law, Arts. 192-196

Q 68 (FGQ) **How many collective bargaining agreements are in effect in the factory?**

Legal Reference: Labour Law, Arts. 152-153, 158

Freedom to Associate

Q 70 (CQ) **Can workers freely form and join the union of their choice?**

Legal Reference: C87; Constitution 2014, Art. 76; Labour Trade Union Organizations Act No. 213 of 2017, as amended by Law 142/2019, Arts. 4, 11; Decree 35/2018, Art. 3

Q 71 (CQ) **Can the union(s) freely form and join federations and confederations of their choice?**

Legal Reference: C87; Labour Trade Union Organizations Act No. 213 of 2017, as amended by Law 142/2019, Art. 12; Decree 35/2018, Art. 4

Q 72 (CQ) **Does the employer require workers to join a union?**

Legal Reference: C87; Labour Trade Union Organizations Act No. 213 of 2017, Art. 4; Decree 35/2018, Art. 3

Freedom of Association and Collective Bargaining

Union Operations

Q 73 (CQ) Do union representatives have access to the workers in the workplace?

Legal Reference: C87, C135, R143; Labour Trade Union Organizations Act No. 213 of 2017, Art. 47

Q 74 (CQ) Does the employer deduct union dues from wages when workers request this in accordance with national law?

Legal Reference: C87, C98, C135, R143; Labour Trade Union Organizations Act No. 213 of 2017, Art. 55

Interference and Discrimination

Q 75 (CQ) Are workers free to meet without management present?

Legal Reference: C98

Q 76 (CQ) If there is more than one union, does the employer treat them equally or as stipulated by national law?

Legal Reference: C98

Q 77 (CQ) Has the employer tried to interfere with, manipulate, or control the union(s)?

Legal Reference: C98; Labour Trade Union Organizations Act No. 213 of 2017, Art. 64

Q 78 (CQ) Is a job applicant's union membership or union activities a factor during hiring decisions?

Legal Reference: C98; Labour Trade Union Organizations Act No. 213 of 2017, Art. 48

Q 80 (CQ) Does the employer punish workers for joining a union or engaging in union activities?

Legal Reference: C98; Labour Trade Union Organizations Act No. 213 of 2017, Arts. 48(3), 52

Q 81 (CQ) Does the employer threaten, intimidate, or harass workers who join a union or engage in union activities?

Legal Reference: C98; Labour Trade Union Organizations Act No. 213 of 2017, Art. 48(1)

Q 82 (CQ) Has the employer terminated workers or not renewed their contract due to the worker's union membership or activities?

Legal Reference: C98, C135, C158; Labour Law, Art. 120; Labour Trade Union Organizations Act No. 213 of 2017, Art. 52

Freedom of Association and Collective Bargaining

Collective Bargaining

- Q 83 (CQ)** Does the employer refuse to bargain collectively or refuse to bargain in good faith with the union, worker representatives, union federations or confederations?
- Legal Reference: C98, C154, Labour Code, Arts. 146-148; Labour Trade Union Organizations Act No. 213 of 2017, Arts. 15, 47, 48(4)
- Q 84 (CQ)** If there is a collective agreement, are the provisions at least as favourable for workers as the law?
- Legal Reference: C98; Labour Code, Art. 154
- Q 85 (CQ)** Does the employer prevent workers from accessing copies of collective bargaining agreements or learning about their provisions?
- Legal Reference: C98; Labour Code, Art. 157
- Q 86 (CQ)** Has the employer failed to implement any of the provisions of the collective agreement(s) in force?
- Legal Reference: C98; Labour Code, Art. 158
- Q 87 (CQ)** Does the employer consult with unions where legally required?
- Legal Reference: R94; Labour Code, Arts. 58, 64, 197-199; Labour Trade Union Organizations Act No. 213 of 2017, Art. 15

Strikes

- Q 88 (CQ)** Has the employer tried to prevent any workers from participating in a strike?
- Legal Reference: C98; Constitution 2014, Art.15; Labour Code, Art. 192; Labour Trade Union Organizations Act No. 213 of 2017, Art. 14(f)
- Q 89 (CQ)** Has the employer hired new workers to replace striking workers during a strike?
- Legal Reference: C98
- Q 90 (CQ)** Has the employer punished any workers for participating in a strike?
- Legal Reference: C98; Constitution 2014, Art.15; Labour Code, Art. 120(b)

Compensation

Minimum Wages/Piece Rate Wages

- Q 92 (CQ)** Does the employer pay at least minimum wage for ordinary hours of work to regular full time workers?
- Legal Reference: Labour Law, Art. 34; National Wages Council decision, 20 October 2011; Social Insurance and Pensions Law No. 148 of 2019
- Q 93 (CQ)** Does the employer pay piece rate workers correctly for ordinary hours of work when their piece rate earnings exceed minimum wage?
- Legal Reference: Labour Law, Art. 37 and 38.
- Q 94 (CQ)** Does the employer pay at least minimum wage for apprentices?
- Legal Reference: Labour Law, Art. 142

Compensation	
Overtime Wages	
Q 95 (CQ)	Does the employer pay workers correctly for all ordinary overtime hours worked? Legal Reference: Labour Law, Art. 85
Q 96 (CQ)	Does the employer pay workers correctly for all overtime hours worked at night? Legal Reference: Labour Law, Art. 85
Q 97 (CQ)	Does the employer pay workers correctly for all hours worked on weekly rest days and for corresponding compensatory days off? Legal Reference: Labour Law, Arts. 83, 85
Q 98 (CQ)	Does the employer pay workers correctly for all overtime hours worked on public holidays? Legal Reference: Labour Law, Art. 52; Decree 112/2003
Method of Payment	
Q 99 (CQ)	Are workers' full wages paid in the manner required? Legal Reference: Labour Law, Art. 38
Q 100 (CQ)	Are wages paid regularly and on time? Legal Reference: R 85; Labour Law, Arts. 38 and 40
Wage Information, Use and Deduction	
Q 101 (CQ)	Does the employer keep one accurate payroll record? Legal Reference: See also R. 85; Labour Law, Art. 45
Q 102 (CQ)	Does the employer properly inform workers about wage payments and deductions? Legal Reference: Labour Law, Art. 45
Q 103 (CQ)	Has the employer made any unauthorized deductions from wages? Legal Reference: R. 85; Labour Law, Arts. 43 and 44, Law No. 125 for 2010 (prerogative workers' rights)

Compensation

Paid Leave

Q 104 (CQ)	Does the employer pay workers correctly when workers take time off on paid public holidays? Legal Reference: Labour Law, Art.52; Decree 49/2003
Q 105 (CQ)	Does the employer pay workers correctly for annual leave? Legal Reference: Labour Law, Arts. 47, 50
Q 106 (CQ)	Does the employer pay workers correctly during sick leave? Legal Reference: Labour Law, Art. 54; Law No. 21 of 1958, Arts. 1, 8; Decision No. 21 of 1958 to implement Law No. 21 of 1958
Q 107 (CQ)	Does the employer pay workers correctly during casual leave? Legal Reference: Labour Law, Art. 47 and 51
Q 108 (CQ)	Does the employer pay workers correctly for maternity leave? Legal Reference: Labour Law, Art. 91
Q 109 (CQ)	Does the employer pay workers correctly during breastfeeding breaks? Legal Reference: Labour Law, Art. 93, Child Law No. 12 for 1996, Art 70.
Q 110 (CQ)	Does the employer pay workers correctly for other types of legally required leave? Legal Reference: Labour Law, Art. 53
Q 111 (CQ)	Does the employer pay workers correctly during work stoppages? Legal Reference: Labour Law, Art. 41
Q 112 (CQ)	Does the employer pay workers with disabilities and workers who care for relatives with disabilities correctly for their reduced daily hour of work? Legal Reference: Law No. 10 of 2018 on the Rights of Persons with Disabilities, Art. 24; Executive Regulations for Law 10/2008 on Rights of Persons with Disabilities.

Compensation

Social Security and Other Benefits

- Q 113 (CQ)** Does the employer collect and forward workers' contributions to social, health and unemployment insurance funds?
Legal Reference: Social Insurance and Pensions Law No. 148 of 2019, Art. 115
- Q 114 (CQ)** Does the employer pay the legally required employer contributions to social, health and unemployment insurance funds?
Legal Reference: Social Insurance and Pensions Law No. 148 of 2019, Arts. 121, 122
- Q 115 (CQ)** Does the employer compensate workers for any visits in public hospitals after receiving first aid in the factory?
Legal Reference: Labour Code, Art. 220
- Q 116 (CQ)** Does the employer pay contributions to the fund for social, health and cultural services for every worker?
Legal Reference: Labour Code, Art. 223

Contracts and Human Resources

Fact-Gathering Questions

- Q 117 (FGQ)** How many total workers are employed by the factory?
- Q 118 (FGQ)** How many of the workers are men?
- Q 119 (FGQ)** How many of the total workforce are migrant workers?
- Q 121 (FGQ)** Does the factory use subcontractors to complete all or part of the production process?
- Q 122 (FGQ)** How many casual workers are employed by the factory?
Legal Reference: Labour Law, Art. 1(e)
- Q 123 (FGQ)** How many of the casual workers are men?
Legal Reference: Labour Law, Art. 1(e)
- Q 124 (FGQ)** How many provisional workers are employed by the factory?
Legal Reference: Labour Law, Art. 1(d)
- Q 125 (FGQ)** How many of the provisional workers are men?
Legal Reference: Labour Law, Art. 1(d)
- Q 126 (FGQ)** How many seasonal workers are employed by the factory?
Legal Reference: Labour Law, Art. 1(f)
- Q 127 (FGQ)** How many of the seasonal workers are men?
Legal Reference: Labour Law, Art. 1(f)
- Q 128 (FGQ)** How many supervisors are employed by the factory?
- Q 130 (FGQ)** How many of the supervisors are migrants?

Contracts and Human Resources

Fact-Gathering Questions

Q 131 (FGQ)	Does the factory have a valid business license? Legal Reference: Law No. 34 of 1976 on Commercial Registration, as amended by Law No. 98 of 1996, Arts. 1, 2, 5
Q 132 (FGQ)	Has the factory received any notices of noncompliance from the labour ministry during last twelve months?
Q 133 (FGQ)	Does the factory use contractors to provide services at the factory that are not part of the production process?
Q 134 (FGQ)	How many workers with disabilities are employed by the factory? Legal Reference: Law No. 10 of 2018 on the Rights of Persons with Disabilities, Art. 22
Q 135 (FGQ)	How many of the workers with disabilities are men? Legal Reference: Law No. 39 of 1975 on the Rehabilitation of Disabled Persons, Art. 2
Q 136 (FGQ)	Is there an adequate HR policy that is signed by top management with a clear commitment to meet all legal requirements?
Q 137 (FGQ)	Does the employer have an adequate recruitment procedure?
Q 138 (FGQ)	Does the employer have adequate disciplinary and termination procedures?
Q 139 (FGQ)	Does the employer have adequate grievance handling and dispute resolution procedures?
Q 140 (FGQ)	Does the employer adequately assign accountability to management for following factory policies and procedures relating to Human Resource management and performance?
Q 141 (FGQ)	Does the employer adequately communicate and implement HR policies and procedures?
Q 142 (FGQ)	Does the employer adequately investigate performance under HR policies and procedures to identify weaknesses and make necessary adjustments?
Q 143 (FGQ)	Does the factory use any homeworkers? If so, please provide details.
Q 144 (FGQ)	How many apprentices are training in the factory?
Q 145 (FGQ)	How many of the apprentices are men?
Q 146 (FGQ)	Did workers freely choose their representatives on the bipartite committee, and do workers know who their representatives are? [pre-stage 2 question]
Q 147 (FGQ)	Has there been any retaliation against worker representatives due to their activity on the bipartite committee? [pre-stage 2 question]
Q 148 (FGQ)	Where there is a union in the factory, does management maintain open communication channels with trade unions, and do trade union representatives have the opportunity to join the bipartite committee? [pre-stage 2 question]
Q 149 (FGQ)	Is the bipartite committee used as an alternative to a trade union? [pre-stage 2 question]

Contracts and Human Resources

Fact-Gathering Questions

Q 150 (FGQ) Was the grievance mechanism developed through social dialogue between workers/ unions and managers, and are workers aware of the grievance mechanism in the factory? [pre-stage 2 question]

Q 151 (FGQ) Do workers have to pay anyone to get a job?

Employment Contracts

Q 152 (CQ) Do the employment contracts specify the terms and conditions of employment?

Legal Reference: Labour Law, Art. 32 (a, c and d)

Q 153 (CQ) Do the employment contracts comply with other legal requirements?

Legal Reference: Labour Law, Art. 32

Q 154 (CQ) Do workers understand the terms and conditions of employment?

Legal Reference: Labour Law, Art. 32

Q 155 (CQ) Do all persons who perform work for the factory, both on the premises and offsite, have a contract?

Legal Reference: Labour Law, Arts. 17, 32

Q 156 (CQ) Do the internal work rules comply with legal requirements?

Legal Reference: Labour Law, Arts. 58-64; Decree 185/2003

Q 157 (CQ) Does the employer comply with contractual requirements regarding apprentices?

Legal Reference: Labour Law, Arts. 141-144; Decree 175/2003, as amended by Decrees 230/2007 and 414/2015

Contracting Procedures

Q 158 (CQ) Does the employer comply with limits on the period of employment for probationary workers?

Legal Reference: Labour Law, Art. 33

Q 159 (CQ) Does the recruitment process for migrant workers comply with legal requirements?

Legal Reference: Labour Law, Art. 28; Decree 136/2003, Arts. 2, 3, 13 and 14

Q 160 (CQ) Have you found non-compliance with legal requirements for compensation, contracts, OSH, and/or working time pertaining to non-production workers and/or sub-contracted workers?

Contracts and Human Resources

Termination

- Q 161 (CQ)** **Does the employer only terminate workers for valid reasons?**
Legal Reference: C158 and R166; Labour Law, Art. 110, 120, 127, 129 and 69
- Q 162 (CQ)** **Do workers have an opportunity to defend themselves before they are terminated based on their conduct or performance?**
Legal Reference: C158 and R166; Labour Law, Art. 70
- Q 163 (CQ)** **Has the employer complied with any orders to reinstate or compensate workers who were found to be unjustly terminated?**
Legal Reference: Labour Law, Art. 72
- Q 164 (CQ)** **Does the employer provide workers proper notice of termination?**
Legal Reference: Labour Law, Arts. 111-118
- Q 165 (CQ)** **Does the employer comply with requirements regarding severance pay?**
Legal Reference: C158; Labour Law, Arts. 71, 122, 201
- Q 166 (CQ)** **Does the employer compensate workers for unused paid annual leave when they resign or are terminated?**
Legal Reference: C132; Labour Law, Art. 48
- Q 167 (CQ)** **Does the employer comply with legal requirements before suspending workers or reducing the size of the workforce due to changes in operations?**
Legal Reference: C158; Labour Law, Arts. 196-201; Decree of the Prime Minister 84/2003

Dialogue, Discipline and Disputes

- Q 168 (CQ)** **Do the disciplinary measures comply with legal requirements?**
Legal Reference: Labour Law, Art. 58-68; Decree 185/2003
- Q 169 (CQ)** **Have any workers been bullied, harassed, or subjected to humiliating treatment?**
Legal Reference: Criminal Code, as amended by Law No. 58 of 1937, Book 3, Parts 1, 7 and 16; Decree 211/2003, Arts. 1 (2)(i), 4, 40; Decree 215/2003, Arts. 1 and 2
- Q 170 (CQ)** **Did the employer resolve grievances and disputes in compliance with legal requirements?**
Legal Reference: C158 and R166; Labour Law, Arts. 70, 71, 122

Occupational Safety and Health

Fact-Gathering Questions

- Q 171 (FGQ)** **How many work-related accidents have there been in the factory in the last 12 months?**
 Legal Reference: P155 and R164; Labour Law, Art. 202(1); Social Insurance and Pensions Law, No. 148 of 2019, Article 115; Decree 126/2003, Arts. 4, 5, 6
- Q 172 (FGQ)** **Is there an adequate OSH Policy that is signed by top management?**
- Q 173 (FGQ)** **Is there an adequate emergency preparedness procedure?**
- Q 174 (FGQ)** **Is there an adequate hazard/risk management and control procedure?**
- Q 175 (FGQ)** **Is there an adequate accident investigation procedure?**
- Q 176 (FGQ)** **Does the employer adequately assign accountability to management for carrying out health and safety responsibilities?**
- Q 177 (FGQ)** **Does the employer adequately communicate and implement OSH policies and procedures?**
- Q 178 (FGQ)** **Does the employer adequately investigate, monitor and measure OSH issues to identify root causes and make necessary adjustments to prevent recurrence?**
 Legal Reference: R164; Labour Law, Art. 219(a); Decree 126/2003, Art. 6
- Q 179 (FGQ)** **If there is an OSH Committee in the factory, indicate the number of employer and worker members, broken down by sex, as well as the number of union representatives on the committee:**

OSH Management Systems

- Q 180 (CQ)** **Has the employer performed an assessment of general occupational safety and health issues in the factory?**
 Legal Reference: R164; Labour Law, Arts. 214, 215, 217(a, b), 219(a); Decree 211/2003, Art. 3; Decree 126/2003, Art. 6
- Q 181 (CQ)** **Has the employer developed mechanisms to ensure cooperation between workers and management on OSH matters?**
 Legal Reference: C155 and R164; Decree 134/2003, Arts. 1, 2, 3, 5, 6, 7, 13, 15, 16, Annex 2
- Q 182 (CQ)** **Does the factory have required OSH technicians and specialists?**
 Legal Reference: Decree 134/2003, Arts. 14-18, Annexes 2, 3
- Q 183 (CQ)** **Does the employer record work-related accidents and diseases?**
 Legal Reference: P155; Labour Law, Art. 227; Ministerial Decree 126 of 2003, Art. 2 (a) and (b), 4, 5 and 6
- Q 184 (CQ)** **Does the employer have legally required building permits and permits from the local licensing committee?**
 Legal Reference: Law No. 119 of 2008, Unified Construction Law, Art. 39; Labour Law, Art. 207. Ministerial Decree 126 of 2003, Arts. 1&2

Occupational Safety and Health

Chemicals and Hazardous Substances

Q 185 (CQ)	Does the employer provide adequate washing facilities and cleansing materials in the event of exposure to hazardous chemicals? Legal Reference: C170; Decree 211/2003, Art. 34(e, h), 33(7)
Q 186 (CQ)	Has the employer effectively trained workers who work with chemicals and hazardous substances? Legal Reference: C170; Labour Law, Art. 211(c, f); Decree 211/2003, Art. 36
Q 187 (CQ)	Has the employer taken action to assess, monitor, prevent and limit workers' exposure to chemicals and hazardous substances? Legal Reference: C170 and R177; Labour Law, Art. 211(a), (b), (c); Decree 211/2003, Art. 34, 36 and Annex 3
Q 188 (CQ)	Does the employer have chemical safety data sheets for the hazardous chemicals used in the workplace? Legal Reference: C170; Labour Law, Art. 211(e); Decree 211/2003, Art. 34
Q 189 (CQ)	Are chemicals and hazardous substances properly stored? Legal Reference: C170; Labour Law, Art. 211(c); Decree 211/2003, Art. 34 and 31
Q 190 (CQ)	Are chemicals and hazardous substances properly labelled? Legal Reference: C170; Labour Law, Art. 211(e); Decree 211/2003, Art. 34
Q 191 (CQ)	Does the employer keep an inventory of chemicals and hazardous substances used in the workplace? Legal Reference: C170; Labour Law, Art. 211(d); Decree 211/2003, Art. 34

Occupational Safety and Health

Worker Protection

Q 192 (CQ)	Are workers punished if they remove themselves from work situations that they believe present an imminent and serious danger to life or health? Legal Reference: C155; Labour Law, Art. 56(b)
Q 193 (CQ)	Does the employer provide workers with all necessary personal protective clothing and equipment? Legal Reference: Labour Law, Art. 217(b); Decree 211/2003, Art. 42
Q 194 (CQ)	Are workers effectively trained and encouraged to properly use personal protective equipment and machines? Legal Reference: Labour Law, Art. 217(b); Decree 211/2003, Art. 42
Q 195 (CQ)	Does the employer comply with ergonomic requirements? Legal Reference: Labour Law, Art. 209(a); Decree 211/2003, Art. 28
Q 196 (CQ)	Are proper guards installed and maintained on all dangerous machines and equipment? Legal Reference: Decree 211/2003, Art. 27(2), 29, 30, 11, 12, 13
Q 197 (CQ)	Are electrical wires, cables, switches, plugs and equipment (e.g. transformer, generator, electrical panel, circuit breakers) properly installed, grounded (for equipment), and maintained? Legal Reference: Decree 211/2003, Art. 32
Q 198 (CQ)	Are appropriate safety warnings posted in the workplace? Legal Reference: Decree 211/2003, Art. 27
Q 199 (CQ)	Do the technicians for electrical appliances, elevators, lifting and pulling appliances, steam boilers and steam pressure appliances have legally required training? Legal Reference: Ministerial Decree 211/2003, Art. 32 (all electrical appliances), Art. 29; Law. No. 78 of 1974, Arts. 11, 12 (elevators); Law No. 55 of 1977, Art. 7 (steam boilers) replaced by the Unified Construction Law
Q 200 (CQ)	Does the employer have the legally required permits for the operation of elevators, other electrical lifting and pulling appliances, steam boilers and other steam pressure devices? Legal Reference: Law No. 55 of 1977 (steam boilers), Art. 1; Law. No. 78 of 1974, Arts. 3, 4 (elevators, lifting appliances)
Q 201 (CQ)	Has the employer taken legally required measures to protect workers from falls from heights and from falling objects? Legal Reference: Decree 211/2003, Arts. 22, 14, 15, 16, 28, 29
Q 202 (CQ)	Do ceilings of workplaces have the legally required height? Legal Reference: Decision of the Housing Minister No. 380 of 1975, Art. 10

Occupational Safety and Health

Working Environment

- Q 203 (CQ)** **Are the temperature and ventilation acceptable?**
 Legal Reference: Decree 211/2003, Arts. 5, 6 and Annex 2 (allowed temperatures); Decision of the Minister of Housing No. 380 of 1975, Art. 13 (ventilation)
- Q 204 (CQ)** **Are noise levels acceptable?**
 Legal Reference: C148; Decree 211/2003, Art. 8 and Annex Table 1
- Q 205 (CQ)** **Is the workplace adequately lit?**
 Legal Reference: R164; Decree 211/2003, Art. 7
- Q 206 (CQ)** **Is the workplace clean and tidy?**
 Legal Reference: Labour Code, Art. 212; Decree 211/2003, Art. 40

Welfare Facilities

- Q 207 (CQ)** **Does the workplace have adequate accessible toilets?**
 Legal Reference: R164; Decree 211/2003, Art. 40
- Q 208 (CQ)** **Does the employer provide necessary washing facilities for workers?**
 Legal Reference: Decree 211/2003, Arts. 1(2)(i),(j), 33(7)
- Q 209 (CQ)** **Does the employer provide workers enough free safe drinking water?**
 Legal Reference: Decree 211/2003, Arts. 1(2)(i), 4
- Q 210 (CQ)** **Does the workplace have all required facilities?**
 Legal Reference: Labour Law, Arts. 96 and 222; Law No. 12 of 1996 (Child Law), as amended by Law No. 126 of 2008, Art. 73; Decree 2015 of 2003, Art. 1 and 2 (minimum welfare facilities); Decree 121 of 2003, Art. 1-5 (nurseries)
- Q 211 (CQ)** **Does the workplace have an adequate eating area?**
 Legal Reference: Decree 211/2003, Arts. 1(2)(k), 33(3), 31(4)
- Q 212 (CQ)** **Does the employer provide food, transportation and housing for workers in remote areas?**
 Legal Reference: Labour Law, Art. 221; Decree 200/2003, Arts. 1, 15-20

Occupational Safety and Health	
Health Services and First Aid	
Q 213 (CQ)	Does the employer comply with legal requirements regarding medical checks for workers? Legal Reference: Labour Law, Arts. 216, 219(b, c); Decree 153/2003, Arts. 1-3
Q 214 (CQ)	Does the employer address safety and health risks to pregnant and nursing workers? Legal Reference: C183, R191; Labour Law, Arts. 90, 91; Law No. 12 of 1996 (Child Law), as amended by Law No. 126 of 2008, Art. 70; Decree 155/2003, Art. 1; Decree 211/2003, Arts. 33(2), 34, 1(2)(a)
Q 215 (CQ)	Does the workplace have required onsite medical facilities and staff? Legal Reference: Labour Law, Art. 220
Q 216 (CQ)	Has the employer ensured that there are a sufficient number of readily accessible first aid boxes/supplies in the workplace? Legal Reference: C155; Labour Law, Art. 220; Decree 211/2003, Art. 3(4)
Q 217 (CQ)	Has the employer provided first-aid training for workers? Legal Reference: R177; Decree 211/2003, Art. 36 (only regarding chemical hazards)

Occupational Safety and Health

Worker Accommodation

Q 218 (CQ)	Has the employer adequately prepared for emergencies in the accommodation? Legal Reference: Decree 200/2003, Art. 2; Law 119 of 2008 (Unified Construction Code), Art. 39
Q 219 (CQ)	If the accommodation consist of temporary buildings, did the employer get the required authorization? Legal Reference: Decree 200/2003, Art. 14
Q 220 (CQ)	Does the accommodation offer workers adequate privacy? Legal Reference: Decree 200/2003, Art. 6
Q 221 (CQ)	Is the accommodation adequately lit? Legal Reference: Decree 200/2003, Art. 2; Law 119 of 2008 (Unified Construction Code), Art. 39
Q 222 (CQ)	Does the accommodation have adequate cooking and storage facilities? Legal Reference: Decree 200/2003, Art. 10
Q 223 (CQ)	Is the accommodation adequately ventilated? Legal Reference: R115; Decree 200/2003, Art. 2; Law 119 of 2008 (Unified Construction Code), Art. 39
Q 225 (CQ)	Is the accommodation adequately protected against heat, cold, and dampness? Legal Reference: Decree 200/2003, Art. 10
Q 226 (CQ)	Is the accommodation protected against fire? Legal Reference: R115; Decree 200/2003, Art. 2; Law 119 of 2008 (Unified Construction Code), Art. 39
Q 227 (CQ)	Does the accommodation have adequate toilets, showers, sewage and garbage disposal systems? Legal Reference: R115; Decree 200/2003, Arts. 11, 12
Q 228 (CQ)	Does the accommodation have enough safe water? Legal Reference: R115; Decree 200/2003, Arts. 11, 12
Q 229 (CQ)	Is the accommodation separate from the workplace (even though it may be in the same compound/industrial park)? Legal Reference: R115; Decree 200/2003, Art. 4
Q 230 (CQ)	Is the accommodation situated in a way to inhibit exposure to pollution from the factory? Legal Reference: R115; Decree 200/2003, Art. 5
Q 231 (CQ)	Does the accommodation comply with minimum space requirements? Legal Reference: R115; Decree 200/2003, Art. 6
Q 232 (CQ)	Is the accommodation protected against disease carrying animals or insects? Legal Reference: Decree 200/2003, Art. 10

Occupational Safety and Health

Emergency Preparedness

Q 233 (CQ)	Are there enough emergency exits? Legal Reference: Decree 211/2003, Art. 2
Q 234 (CQ)	Does the employer develop and implement an emergency plan? Legal Reference: Labour Law, Art. 215; Decree 211/2003, Art. 3
Q 235 (CQ)	Does the workplace have a fire detection and alarm system? Legal Reference: Labour Law, Art. 214(b); Decree 211/2003, Art. 2, Civil Defence Law No. 148 for 1959 and its amendments and Ministerial Decree No. (3750)
Q 236 (CQ)	Does the workplace have adequate fire-fighting equipment? Legal Reference: Labour Law, Art. 214(a); Decree 211/2003, Art. 2 Civil Defence Law No. 148 for 1959 and its amendments and Ministerial Decree No. (3750)
Q 237 (CQ)	Has the employer trained an appropriate number of workers to use the fire-fighting equipment? Legal Reference: Decree 211/2003, Art. 2 Civil Defence Law No. 148 for 1959 and its amendments and Ministerial Decree No. (3750)
Q 238 (CQ)	Are emergency exits and escape routes clearly marked and posted in the workplace? Legal Reference: Decree 211/2003, Art. 2, 38 Civil Defence Law No. 148 for 1959 and its amendments and Ministerial Decree No. (3750)
Q 239 (CQ)	Are the emergency exits accessible, unobstructed and unlocked during working hours, including overtime? Legal Reference: Decree 211/2003, Art. 2 Civil Defence Law No. 148 for 1959 and its amendments and Ministerial Decree No. (3750)
Q 240 (CQ)	Does the factory have the necessary equipment in case of emergency? Legal Reference: Decree 211/2003, Art. 38(a) Civil Defence Law No. 148 for 1959 and its amendments and Ministerial Decree No. (3750)
Q 241 (CQ)	Does the employer conduct periodic emergency drills? Legal Reference: Labour Law, Art. 215; Decree 211/2003, Art. 3 Civil Defence Law No. 148 for 1959 and its amendments and Ministerial Decree No. (3750)
Q 242 (CQ)	Are flammable materials safely stored? Legal Reference: Decree 211/2003, Arts. 2, 31(4) (all flammable materials), 26 (highly flammable materials) Civil Defence Law No. 148 for 1959 and its amendments and Ministerial Decree No. (3750)
Q 243 (CQ)	Are possible sources of ignition appropriately safeguarded? Legal Reference: Decree 211/2003, Arts. 2, 5, 26, 31(4) Civil Defence Law No. 148 for 1959 and its amendments and Ministerial Decree No. (3750)

Working Time

Regular Hours

- Q 245 (CQ)** **Do regular daily or weekly working hours exceed the legal limit?**
 Legal Reference: C1; Labour Code, Arts. 80, 82; Law 133/1961; Investment Law 8/1997 (in QIZs), (as amended by Law Nos. 117/2015 and 72/2017)
- Q 246 (CQ)** **Do the working time records reflect the hours actually worked?**
 Legal Reference: Labour Code, Art.86
- Q 247 (CQ)** **Does the employer provide required daily break periods?**
 Legal Reference: Labour Code, Art. 81; Decree 122/2003
- Q 248 (CQ)** **Does the employer provide required weekly rest periods?**
 Legal Reference: Labour Code, Arts. 83, 84
- Q 249 (CQ)** **Does the employer reduce working hours for workers with disabilities and for workers who care for relatives with disabilities by 1 hour per day?**
 Legal Reference: Law No. 10 of 2018 on the Rights of Persons with Disabilities, Art. 24

Overtime

- Q 250 (CQ)** **Does the employer comply with limits on overtime hours worked?**
 Legal Reference: Labour Code, Arts. 85, 87; Decree 122/2003, Art. 3; Decree 113/2003
- Q 251 (CQ)** **Does the employer obtain written approval from the competent authority prior to working overtime?**
 Legal Reference: Labour Code, Art. 85
- Q 252 (CQ)** **Does the employer provide compensatory days off when workers work on weekly rest days?**
 Legal Reference: Labour Code, Art. 85

Working Time

Leave

Q 253 (CQ)	Does the employer provide required maternity leave? Legal Reference: Labour Code, Arts. 91 and 94; Law No. 12 of 1996 (Child Law), as amended by Law No. 126 of 2008, Arts. 70, 72
Q 254 (CQ)	Does the employer provide required time off for breastfeeding breaks? Legal Reference: Art. 93 Labour Code; Law No. 12 of 1996 (Child Law), as amended by Law No. 126 of 2008, Art. 71
Q 255 (CQ)	Does the employer provide other types of required leave? Legal Reference: Arts. 53 and 55 Labour Code; Trade Union Act, Art. 24
Q 256 (CQ)	Does the employer provide required sick leave? Legal Reference: C132; Labour Code, Art. 54; Law No. 21 of 1958, Arts. 1, 8; Decree 21/1958 to implement Law No. 21 of 1958
Q 257 (CQ)	Does the employer provide required time off for casual leave? Legal Reference: Labour Code, Art. 51
Q 258 (CQ)	Does the employer provide required annual leave? Legal Reference: C132; Labour Law, Arts. 47-49