



2010

FAIR LABOR ASSOCIATION INDEPENDENT EXTERNAL MONITORING REPORT

COMPANY: The Antigua Group
COUNTRY: Thailand
FACTORY CODE: 6700741031I
MONITOR: Global Standard Consultant
Service Co., Ltd.
AUDIT DATE: June 14 – 15, 2010
PRODUCTS: Knit Shirts, Knit Pants
PROCESSES: Sewing, Ironing, Inspection,
Bonding, Embroidery, Packing
NUMBER OF WORKERS: 1673

FLA Comment: This report was submitted to the FLA and the FLA affiliated company by the accredited independent external monitor. Despite deadline reminders and extensions for submission of a corrective action plan, the FLA has not received a plan to address the noncompliances raised in the report. Therefore, the report is posted in its current state and will be updated once a corrective action plan has been submitted to and reviewed by the FLA.



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Wages, Benefits and Overtime Compensation: General Compliance Wages, Benefits and Overtime Compensation

WBOT.1 Employers shall comply with all local laws, regulations and procedures concerning the payment of wages and benefits, including overtime compensation. In any case where laws and the FLA Code are contradictory, the standard that provides the greatest protection for workers shall apply. Where provisions are lacking, employers shall take measures to reasonably accommodate matters concerning the payments of wages and benefits, including overtime compensation. (S)

Noncompliance

Explanation: Auditors reviewed the Burmese workers' contracts, in particular those who were interviewed. It was observed that some data, such as the agreed wages, was missing on 14% of the contracts reviewed. Factory has no Burmese office staff at present.

**Plan Of
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**Deadline
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**Plan No
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Wages, Benefits and Overtime Compensation: Worker Wage Awareness

WBOT.22 Employers shall make every reasonable effort to ensure workers understand the wages, including the calculation of wages, incentives systems, benefits and bonuses they are entitled to in a factory and under applicable laws. To this end, employers shall communicate orally and in writing to all workers all relevant information in the local language or language(s) spoken by the workers, if different from the local language. (P)

Noncompliance

Explanation: None of the workers interviewed could explain the target system (mainly the sewing department). Workers do not know how to calculate their incentive pay, either.

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Harassment or Abuse: Discipline/Verbal Abuse

H&A.11 Employers shall not use any form of verbal violence, including screaming, yelling, or the use of threatening, demeaning, or insulting language, as a means to maintain labor discipline. (S)

Noncompliance

Explanation: 14% of Thai workers, and 24% of Burmese workers interviewed reported that they were verbally abused by supervisors, particularly regarding issues concerned with meeting production targets. The issue was reported by both Thai and Burmese workers.

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Health and Safety: Other - Health and Safety

Other

Uncorroborated Evidence of Noncompliance

Explanation: Interviews with workers revealed that they have some health problems, particularly allergies and respiratory problems (in particular in the sewing area). Workers felt that allergies are caused by specific fabrics; the respiratory problems appear to be due to the drip cool air-conditioning system. Discussion with the doctor and nurse on site could not confirm the root causes of these ailments. Medical tests did not show any particular ailments among workers; however, more comprehensive medical and environmental (air quality) testing may be needed.

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Hours of Work: General Compliance Hours of Work

HOW.1 Employers shall comply with all local laws, regulations and procedures concerning hours of work, public holidays and leave. (S)

Noncompliance

Explanation: Document review and management interview revealed that working hours exceeded 60 hours per week (average of 68 hours per week in September, October and November).

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Hours of Work: Meal and Rest Breaks

HOW.3 Employers shall provide reasonable meal and rest breaks, which, at a minimum, must comply with local laws. (S)

Noncompliance

Explanation: Interviews with workers revealed that they start work prior to official start time (8am) and often continue working during break times (particularly sewers). It was also observed that workers were returning early from lunch break and starting to work approximately 10 to 15 minutes before the end of lunch (approximately 30% of workers in 1 section).

Legal reference: Thai Labor Protection Act, Article 27; workers should have a minimum of 1 hour rest period plus breaks before overtime.

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Hours of Work: Sick Leave/Restrictions

HOW.20 Employers shall not impose any undue restrictions on sick leave. Any factory restrictions or procedures regarding sick leave, such as informing the employer as soon as possible, the provision of medical certificates, the use of designated doctors or hospitals, etc., must be in line with local laws, regulations and procedures and must be communicated in full to all workers. (S)

Noncompliance

Explanation: Interviews with workers revealed that they have to submit a medical certificate even they take 1 or 2 days of sick leave; consequently, wages will be deducted if medical certificate is not submitted. The issue was reported by 13% of Thai workers interviewed, and 51% of Burmese workers interviewed. However, HR manager stated that the facility did not require such a certificate, and has a policy regarding sick leave that has been communicated to all workers.

Legal reference: Thai Labor Protection Act, Article 32; “for leave of 3 days or more the factory may require a medical certificate from a qualified doctor.”

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