

Better Work

Client Assessment Tool

Ref#: CAT RAT May 28, 2015
Name: Nicaragua CAT-full version 2022
Description: Nicaragua CAT-full version 2022
Country: Nicaragua
Section: C - Manufacturing
Division: 14 - Manufacture of wearing apparel
Status: Active
Modified: 08/02/2022
Original: CAT RAT May 28, 2015
Approver: Janika Simon
Date Approval: 08/02/2022

Key Strengths and Process Integrity

Fact-Gathering Questions

- Q 1 (FGQ)** **Key strengths**
- Q 2 (FGQ)** **Was the assessor's access to the enterprise unreasonably restricted?**
- Q 3 (FGQ)** **How many person days were spent on the assessment visit?**
- Q 4 (FGQ)** **Were documents provided in a timely manner?**
- Q 6 (FGQ)** **Describe any significant concerns about process integrity.**
- Q 7 (FGQ)** **How many workers/ union leaders/ worker representatives were interviewed?
Briefly describe the interviews with workers, union leaders, and worker representatives.**
- Q 8 (FGQ)** **Describe any significant issues not addressed elsewhere in the report.**

Learning

Fact-Gathering Questions

- Q 9 (FGQ)** **Has management consulted with trade unions in determining the training to be offered to workers and their representatives? [pre-stage 2 question]**

Child Labour

Child Labourers

Q 10 (CQ) Have you found any workers under the age of 14?

Legal Reference: C138; Constitution Art. 71; Convention on the Rights of the Child Art. 32(2); Labour Code Art. 131; Children and Adolescents Code Art. 73

Hazardous Work and other Worst Forms

Q 11 (CQ) Does the employer subject any workers under age 18 to the unconditional worst forms of child labour?

Legal Reference: C182; Constitution Arts. 71, 84; Convention on the Rights of the Child Arts. 32(1), 33, 34; Labour Code Art. 133(b, c, d); Children and Adolescents Code Arts. 26, 76(c); Penal Code Art. 315

Q 12 (CQ) Do workers under the age of 18 perform work that is hazardous by nature?

Legal Reference: C 138, C182, R190; Constitution Arts. 71, 84; Convention on the Rights of the Child Art. 32(1); Labour Code Arts. 132, 133(b, d, e, f, g); Children and Adolescents Code Arts. 26, 76(c); Penal Code Art. 317; Ministerial Agreement JCHG 08-06-10 Prohibition of Hazardous Jobs for Adolescents and List of Hazardous Jobs Arts. 1, 6

Q 13 (CQ) Do workers under the age of 18 work at night, work for long shifts, and/or work more than 6 hours a day or 30 hours a week?

Legal Reference: C90, C138, C171, C182; Constitution Arts. 71, 84; Convention on the Rights of the Child Art. 32(1); Labour Code Art. 133(c), 134; Children and Adolescents Code Arts. 26, 74, 76(c); Penal Code Art. 317; Ministerial Agreement JCHG 08-06-10 Prohibition of Hazardous Jobs for Adolescents and List of Hazardous Jobs Arts. 1, 6

Documentation and Protection of Young Workers

Q 14 (CQ) Does the employer cross-check worker's age and documents as stipulated by national law?

Legal Reference: C138, R146; Law 152 on Citizen Identification Arts. 1, 3, 5(c)

Q 15 (CQ) Does the employer have permission from the parents or legal guardians of workers between the ages of 14 and 16, and approval from the Ministry of Labor?

Legal Reference: C138, R146; Labour Code Art. 131

Discrimination

Fact-Gathering Questions

Q 16 (FGQ) Does the factory employ the legally required proportion of disabled workers?

Legal Reference: Constitution Arts. 27, 56; Penal Code Art. 315; Law 648 on the Equality of Rights and Opportunities Art. 2; Law 763 on the Rights of Persons with Disabilities Arts. 34, 36

Q 17 (FGQ) Have all accommodations required by national law been made for disabled persons?

Legal Reference: Constitution Arts. 27, 56, 80; Labor Code Arts. 198-201; Penal Code Art.; 315 Arts. 3, 27; Law 763 on the Rights of Persons with Disabilities Arts. 9, 10, 34; Law 648 on the Equality of Rights and Opportunities Art. 2

Discrimination

Race and Origin

Q 18 (CQ)	<p>Do recruitment materials such as job announcements or job application forms refer to the applicant's race, colour or origin?</p> <p>Legal Reference: C111; Constitution Arts. 8, 27, 80; Law 757 on the Equal and Dignified Treatment of Indigenous and Afro-descendant Populations Arts. 1, 5; Penal Code Art. 315; Law 648 on Equality of Rights and Opportunities Arts. 2, 3 (a)</p>
Q 19 (CQ)	<p>Is an applicant's race, colour or origin a factor in hiring decisions?</p> <p>Legal Reference: C111; Constitution Arts. 8, 27, 80; Law 757 on the Equal and Dignified Treatment of Indigenous and Afro-descendant Populations Art. 1, 5; Penal Code Art. 315; Law 648 on Equality of Rights and Opportunities, Arts. 2,3 (a)</p>
Q 20 (CQ)	<p>Is race, colour or origin a factor in decisions regarding conditions of work?</p> <p>Legal Reference: C111; Constitution Art. 27, 57, 61, 82; Labor Code Core Principle XI; Penal Code Art. 315; Law 648 on Equality of Rights and Opportunities, Arts. 2, 3(a)</p>
Q 21 (CQ)	<p>Is race, colour or origin a factor in decisions regarding pay?</p> <p>Legal Reference: C111; Constitution Arts. 80, 82, (1, 2, 3); Labor Code Core Principle XIII, Art. 2; Law 648 on Equality of Rights and Opportunities Arts. 2,3(a)</p>
Q 22 (CQ)	<p>Is race, colour or origin a factor in decisions regarding opportunities for promotion or access to training?</p> <p>Legal Reference: C111; Constitution Arts. 27, 82(6); Labor Code Core Principle XI, Art. 30, 33; Penal Code Art. 315; Law 648 on Equality of Rights and Opportunities Arts. 2, 3 (a)</p>
Q 23 (CQ)	<p>Is there harassment of workers on the basis of race, colour or origin?</p> <p>Legal Reference: C111; Constitution Arts. 26 (3), 27, 36, 91; Labor Code Art. 17(c, p); Penal Code Art. 315; Law 648 on Equality of Rights and Opportunities Arts. 2, 3(a)</p>
Q 24 (CQ)	<p>Is race, colour or origin a factor in the employer's decisions regarding termination or retirement of workers?</p> <p>Legal Reference: C111; Constitution Arts. 27, 57, 82(6); Labor Code Core Principle XII; Penal Code Art. 315; Law 648 on Equality of Rights and Opportunities Arts. 2,3(a)</p>

Discrimination

Religion and Political Opinion

- Q 25 (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 Arts. 14, 27, 29, 30, 48, 55; Penal Code Art. 315; Law 648 on Equality of Rights and Opportunities Arts. 2, 3(a)
- Q 26 (CQ)** **Is an applicant's religion or political opinion a factor in hiring decisions?**
 Legal Reference: C111; Constitution Arts. 14, 27, 29, 30, 48, 55; Penal Code Art. 315; Law 648 on Equality of Rights and Opportunities Arts. 2, 3(a)
- Q 27 (CQ)** **Is religion or political opinion a factor in decisions regarding conditions of work?**
 Legal Reference: C111; Constitution Arts. 27, 57, 61, 80, 82; Labor Code Core Principle XI; Penal Code Art. 315; Law 648 on Equality of Rights and Opportunities Arts. 2, 3(a)
- Q 28 (CQ)** **Is religion or political opinion a factor in decisions regarding pay?**
 Legal Reference: C111; Constitution Arts. 80, 82 (1, 2, 3); Labor Code Core Principle XIII; Penal Code Art. 315; Law 648 on Equality of Rights and Opportunities, Arts. 2, 3(a)
- Q 29 (CQ)** **Is religion or political opinion a factor in decisions regarding opportunities for promotion or access to training?**
 Legal Reference: C111; Constitution Arts. 27, 82 (6), 91; Labor Code Core Principle XI, Arts. 30, 33; Penal Code Art. 1; Law 648 on Equality of Rights and Opportunities Arts. 2, 3(a)
- Q 30 (CQ)** **Is there harassment of workers on the basis of religion or political opinion?**
 Legal Reference: C111; Constitution Arts. 26 (3), 27, 36, 48; Labor Code Art. 17(c, p); Penal Code Art. 315; Law 648 on Equality of Rights and Opportunities Arts. 2, 3(a)
- Q 31 (CQ)** **Is religion or political opinion a factor in the employer's decisions regarding termination or retirement of workers?**
 Legal Reference: C111; Constitution Arts. 27, 57, 82 (6); Labor Code Core Principle XII; Penal Code Art. 315; Law 648 on Equality of Rights and Opportunities Arts. 2, 3(a)

Gender

- Q 32 (CQ)** **Does the employer require pregnancy tests or the use of contraceptives as a condition of employment?**
 Legal Reference: C111, C183; Constitution Art. 26; Labor Code Art. 17(c, p); Penal Code Art. 315; Law 648 on Equality of Rights and Opportunities, Art. 1; Law 779 Against Violence Towards Women and Reforms to the Penal Code Arts. 8, 15; Ministerial Agreement JCHG-005-5-07 Art. 2
- Q 33 (CQ)** **Does the employer change the employment status, position, wages, benefits or seniority of workers during maternity leave?**
 Legal Reference: C111, C183, R191; Constitution Arts. 74, 82(7); Labor Code Core Principle XIII, Arts. 37(c), 141, 144; Law 648 on Equality of Rights and Opportunities, Art. 2; Law 779 Against Violence Towards Women and Reforms to the Penal Code Arts. 8, 15
- Q 34 (CQ)** **Is maternity leave excluded from workers' period of continuous service?**
 Legal Reference: C111, R191; Constitution Arts. 74, 82(7); Labor Code Core Principles XI and XIII, Arts. 37(c), 141, 144; Law 648 on Equality of Rights and Opportunities Art. 2; Law 779 Against Violence Towards Women and Reforms to the Penal Code Arts. 8, 15
- Q 35 (CQ)** **Does the employer terminate workers who are pregnant or on maternity leave or force them to resign?**
 Legal Reference: C111, C183; Constitution Arts. 74, 82(7); Labor Code Core Principles XI and XIII, Arts. 79, 140, 141, 144; Penal Code Art. 315; Law 648 on Equality of Rights and Opportunities, Art. 2; Law 779 Against Violence Towards Women and Reforms to the Penal Code Arts. 8, 15

Discrimination	
Gender	
Q 36 (CQ)	<p>Are workers subject to sexual harassment?</p> <p>Legal Reference: C111; Constitution Arts. 26 (3), Art. 27, 36; Labor Code Art. 17(c, p); Penal Code Art. 315, Law 648 on Equality of Rights and Opportunities Arts. 2, 19 (2)</p>
Q 37 (CQ)	<p>Do job announcements refer to the applicant's gender?</p> <p>Legal Reference: C111; Constitution Arts. 27, 80; Labor Code Core Principle XI; Penal Code Art. 315; Law 648 on Equality of Opportunities and Rights, Arts. 1, 3(b, g); Convention on the Elimination of All Forms of Discrimination against Women, Arts. 11, 15; Law 779 Against Violence Towards Women and Reforms to the Penal Code Arts. 8, 15; Ministerial Agreement JCHG-005-05-07 Art. 2</p>
Q 38 (CQ)	<p>Is an applicant's gender a factor in hiring decisions?</p> <p>Legal Reference: C111; Constitution Arts. 27, 80; Labor Code Core Principle XI; Penal Code Art. 315; Law 648 on Equality of Rights and Opportunities; Convention on the Elimination of All Forms of Discrimination Against Women, Arts. 11, 15; Law 779 Against Violence Towards Women and Reforms to the Penal Code Arts. 8, 15; Ministerial Agreement JCHG-005-05-07 Art. 2</p>
Q 39 (CQ)	<p>Is gender a factor in decisions regarding conditions of work?</p> <p>Legal Reference: C111; Constitution Arts. 27, 57, 61, 74; Labor Code Core Principle XI, Arts. 138, 141, 142, 143, 144; Penal Code Art. 315; Law 648 on Equality of Rights and Opportunities, Arts. 2, 19(2); Law 779 Against Violence Towards Women and Reforms to the Penal Code Arts. 8, 15; Ministerial Agreement JCHG-005-5-07 Art. 2</p>
Q 40 (CQ)	<p>Is gender a factor in decisions regarding pay?</p> <p>Legal Reference: C111, C100; Constitution Arts. 27, 80, 82; Labor Code Core Principles XI and XIII, Art. 17 (a); Law 648 on Equality of Rights and Opportunities, Arts. 2, 19(2); Penal Code Art. 315; Law 779 Against Violence Towards Women and Reforms to the Penal Code Arts. 8, 15; Ministerial Agreement JCHG-005-5-07 Art. 2</p>
Q 41 (CQ)	<p>Is gender a factor in decisions regarding opportunities for promotion or access to training?</p> <p>Legal Reference: C111; Constitution Arts. 27, 82(6); Labor Code Core Principle XI, Arts. 30 and 33; Penal Code Art. 315; Law 648 on Equality of Rights and Opportunities Arts. 2, 19 (2); Law 779 Against Violence Towards Women and Reforms to the Penal Code Arts. 8, 15; Ministerial Agreement JCHG-005-5-07 Art. 2</p>
Q 42 (CQ)	<p>Is gender a factor in the employer's decisions regarding termination or retirement of workers?</p> <p>Legal Reference: C111; Constitution Arts. 27, 57, 82 (6); Labor Code Core Principle XII; Penal Code Art. 315; Law 648 on Equality of Rights and Opportunities, Art. 1; Law 779 Against Violence Towards Women and Reforms to the Penal Code Arts. 8, 15; Ministerial Agreement JCHG-005-5-07 Art. 2</p>
Other Grounds	
Q 43 (CQ)	<p>Has the employer taken steps to enable workers who become disabled for whatever reason to retain their work?</p> <p>Legal Reference: Constitution Art. 36; Labor Code Core Principles XI, XII; International Convention for Handicapped Persons Art. Art. 3 (b); Law 763 on the Rights of Persons with Disabilities Arts. 34, 35, 36</p>
Q 45 (CQ)	<p>Are disabled workers who apply for work evaluated according to their ability to perform the job?</p> <p>Legal Reference: Constitution Arts. 27, 56; Penal Code Art. 315; Law 648 on the Equality of Rights and Opportunities Art. 2; Law 763 on the Rights of Persons with Disabilities Arts. 34(2), 36</p>
Q 46 (CQ)	<p>Is disability a factor in decisions regarding conditions of work?</p> <p>Legal Reference: Constitution Arts. 27, 56; Penal Code Art. 315; Law 763 on the Rights of Persons with Disabilities Arts. 34, 35, 36</p>

Discrimination

Other Grounds

Q 47 (CQ)	<p>Is disability a factor in decisions regarding pay?</p> <p>Legal Reference: Constitution Arts. 56, 57, 62; Labor Code Core Principles XI, XIII, Arts. 17 (a), 198-201; Penal Code Art. 315; Law 648 on the Equality of Rights and Opportunities Art. 2; Law 763 on the Rights of Persons with Disabilities Arts. 34, 35, 36; International Convention on Handicapped Persons, Art. 3(b)</p>
Q 48 (CQ)	<p>Is disability a factor that affects decisions about job promotion or access to training?</p> <p>Legal Reference: Constitution Arts. 56, 57, 62; Labor Code Core Principles XI and XIII, Arts. 30, 33; Penal Code Art. 315; Law 648 on the Equality of Rights and Opportunities Art. 3; International Convention on Handicapped Persons Art. 3(b)</p>
Q 49 (CQ)	<p>Is there harassment of workers on the basis of disability?</p> <p>Legal Reference: Constitution Arts. 36, 80; Labor Code Core Principles XI and XIII; Law 648 on the Equality of Rights and Opportunities Art. 3; Law 763 on the Rights of Persons with Disabilities Arts. 34, 35, 36; International Convention on Handicapped Persons Art. 3(b)</p>
Q 50 (CQ)	<p>Is disability a factor in the employer's decisions regarding termination or retirement?</p> <p>Legal Reference: Constitution Arts. 80, 82(6); Labor Code Core Principles XI, XII, Arts. 198-201; Law 648 on the Equality of Rights and Opportunities; Penal Code Art. 315</p>
Q 51 (CQ)	<p>Has the employer taken legally required measures to help workers with HIV/ AIDS-related illnesses?</p> <p>Legal Reference: Law 820 on the Promotion, Protection and Defense of Human Rights for HIV/AIDS Prevention and Attention, Arts. 3(L), 13(d)</p>
Q 52 (CQ)	<p>Is an applicant's real or perceived HIV/AIDS status a factor in hiring decisions?</p> <p>Legal Reference: Constitution Arts. 26, 36; Labor Code Core Principle XI; Law 820 on the Promotion, Protection and Defense of Human Rights for HIV/AIDS Prevention and Attention Arts. 3(L), 13(d); Ministerial Agreement JCHG-005-07; Penal Code Art. 315</p>
Q 53 (CQ)	<p>Are HIV/AIDS tests required at hiring or at any time during employment?</p> <p>Legal Reference: Constitution Arts. 26, 36; Labor Code Core Principles XII, XIII; Law 820 on the Promotion, Protection and Defense of Human Rights for HIV/AIDS Prevention and Attention Arts. 3(L), 13(d); Ministerial Agreement JCHG-005-07, Art. 2; Penal Code Art. 315</p>
Q 54 (CQ)	<p>Is HIV/AIDS status a factor in decisions regarding conditions of work?</p> <p>Legal Reference: Constitution Arts. 26 , 36; Labor Code Core Principles XII, XIII; Law 820 on the Promotion, Protection and Defense of Human Rights for HIV/AIDS Prevention and Attention Arts. 3(L) 13(d); Penal Code Art. 315</p>
Q 55 (CQ)	<p>Is HIV/AIDS status a factor in decisions regarding pay?</p> <p>Legal Reference: Constitution Arts. 26, 36; Labor Code Core Principles XII, XIII; Law 820 on the Promotion, Protection and Defense of Human Rights for HIV/AIDS Prevention and Attention Arts. 3(L), 13(d); Penal Code Art. 315</p>
Q 56 (CQ)	<p>Is HIV/AIDS status a factor in decisions regarding opportunities for promotion or access to training?</p> <p>Legal Reference: Constitution Art. 33; Labor Code Core Principles XI and XII, Art. 33; Penal Code Art. 315; Law 648 on Equality of Rights and Opportunities, Art. 2; Law 820 on the Promotion, Protection and Defense of Human Rights for HIV/AIDS Prevention and Attention Arts. 3(L), 13(d)</p>
Q 57 (CQ)	<p>Is there harassment of workers on the basis of real or perceived HIV/AIDS status?</p> <p>Legal Reference: Constitution Arts. 26 and 36; Law 648 on Equality of Rights and Opportunities, Art. 2; Law 820 on the Promotion, Protection and Defense of Human Rights for HIV/AIDS Prevention and Attention Arts. 3(L), 13(d)</p>
Q 58 (CQ)	<p>Is a worker's real or perceived HIV/AIDS status a factor in the employer's decisions regarding termination or retirement?</p> <p>Legal Reference: Law 820 on the Promotion, Protection and Defense of Human Rights for HIV/AIDS Prevention and Attention, Arts. 3(L), 13(d)</p>

Discrimination

Other Grounds

- Q 59 (CQ)** **Is an applicant's sexual orientation a factor in hiring decisions?**
 Legal Reference: Constitution Arts. 26(1), 27, 36; Law 648 on the Equality of Rights and Opportunities Art. 2; Penal Code Art. 315
- Q 60 (CQ)** **Is sexual orientation a factor in decisions regarding conditions of work?**
 Legal Reference: Constitution Arts. 26 (1, 27), 36; Law 648 on the Equality of Rights and Opportunities; Penal Code Art. 315
- Q 61 (CQ)** **Is sexual orientation a factor in decisions regarding pay?**
 Legal Reference: Constitution Arts. 26(1), 27, 82 (1, 2, 3); Labor Code Core Principles XI and XIII, Art. 82; Law 648 on the Equality of rights and Opportunities, Art. 2; Penal Code Art. 315
- Q 62 (CQ)** **Is sexual orientation a factor in decisions regarding opportunities for promotion or access to training?**
 Legal Reference: Constitution Arts. 26(1), 27, 82(6); Law 648 on the Equality of Rights and Opportunities, Art. 2; Penal Code Art. 315
- Q 63 (CQ)** **Is there harassment of workers on the basis of sexual orientation?**
 Legal Reference: Constitution Arts. 26(1), 27, 36; Labor Code Art. 17 (c, p); Law 648 on the Equality of Rights and Opportunities, Art. 2
- Q 64 (CQ)** **Is sexual orientation a factor in the employer's decisions regarding termination or retirement?**
 Legal Reference: For this question, termination includes non-renewal of workers' contracts.

Freedom of Association and Collective Bargaining

Union Operations

- Q 44 (CQ)** **Does the employer deduct union dues from workers' wages at their (voluntary) request?**
 Legal Reference: C87, C98, C135, R143; Labor Code Art. 224; Regulations on Union Associations Art. 30
- Q 87 (CQ)** **Do union representatives have access to the workers in the workplace?**
 Legal Reference: C87, C135, R143; Labor Code Arts. 17(n), 208, 223

Freedom of Association and Collective Bargaining

Interference and Discrimination

Q 66 (CQ)	Are workers free to meet without management present? Legal Reference: C98; Constitution Art. 87; Labor Code Art. 17(i)
Q 69 (CQ)	If there is more than one union, does the employer treat them equally? Legal Reference: C98
Q 88 (CQ)	Has the employer tried to interfere with, manipulate, or control the union(s)? Legal Reference: C98; Constitution Art. 87; Labor Code Art. 17(i)
Q 89 (CQ)	Is a job applicant's union membership or union activities a factor during hiring decisions? Legal Reference: C98; Constitution Arts. 80, 86, 87; Labor Code Art. 17(b, i, r)
Q 90 (CQ)	Does the employer provide incentives to workers to keep them from joining a union or engaging in union activities? Legal Reference: C98; Constitution Art. 87; Labor Code Art. 17(i, r)
Q 91 (CQ)	Has the employer terminated a union official without complying with legal procedures and requirements? Legal Reference: C98; Constitution Art. 87; Labor Code Arts. 46, 48, 231, 232, 376
Q 92 (CQ)	Does the employer punish workers for joining a union or engaging in union activities? Legal Reference: C98; Constitution Art. 87; Labor Code Art. 17(i, r)
Q 93 (CQ)	Does the employer threaten, intimidate, or harass workers who join a union or engage in union activities? Legal Reference: C98; Constitution Art. 87; Labor Code Art. 17(i, r)
Q 94 (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; Labor Code Arts. 46, 48, 231, 232, 376

Freedom of Association and Collective Bargaining

Fact-Gathering Questions

Q 78 (FGQ) **How many collective bargaining agreements are in effect in the factory?**

Q 79 (FGQ) **How many active unions are there in the factory?**

Q 81 (FGQ) **What percentage of workers are union members?**

Q 82 (FGQ) **For each collective bargaining agreements (CBA), indicate:**
- the parties
- the duration of the agreement
- an overview of the issues covered

Q 83 (FGQ) **How many strikes have there been since the last visit?**

Q 84 (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: Labor Code Art. 244

Freedom to Associate

Q 85 (CQ) **Can workers freely form and join the union of their choice?**

Legal Reference: C87; Constitution Art. 87

Q 86 (CQ) **Does the employer require workers to join a union?**

Legal Reference: C87; Labor Code Art. 208(b)

Freedom of Association and Collective Bargaining

Collective Bargaining

Q 95 (CQ) Does the employer consult with the union when required by a collective agreement?

Legal Reference: Labor Code Art. 235

Q 96 (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; Labor Code Arts. 238, 371, 373; Regulations for Union Associations, Art. 53

Q 97 (CQ) Are the provisions of the collective agreement at least as favourable for workers as the law?

Legal Reference: C98; Labor Code Principle III, Art. 235

Q 98 (CQ) Does the employer prevent workers from accessing copies of collective bargaining agreements or learning about their provisions?

Legal Reference: C98; Labor Code Art. 236

Q 99 (CQ) Has the employer failed to implement any of the provisions of the collective agreement(s) in force?

Legal Reference: C98; Labor Code Art. 235

Strikes

Q 100 (CQ) Has the employer tried to prevent any workers from participating in a strike?

Legal Reference: C98; Labor Code Art. 244

Q 101 (CQ) Has the employer hired new workers to replace striking workers during a strike?

Legal Reference: C98; Labor Code Art. 246

Q 102 (CQ) Has the employer punished any workers for participating in a strike?

Legal Reference: C98; Labor Code Arts. 48, 248

Q 103 (CQ) Were security guards, the police or armed forces called by the employer to break up a peaceful strike or arrest striking workers?

Legal Reference: C98

Forced Labour

Coercion

Q 65 (CQ)

Are workers free to terminate their employment with reasonable notice, and to leave their jobs when their contracts expire?

Legal Reference: C 29

Q 67 (CQ)

Does the employer restrict workers from leaving the workplace?

Legal Reference: C29; Labor Code, Art. 18(a)

Q 68 (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; Decree N°46-91 Free Trade Industrial Zones Law Art. 1

Q 70 (CQ)

Does the employer use violence or the threat of violence to intimidate workers?

Legal Reference: C29; Labor Code, Art. 17(c, p)

Q 71 (CQ)

Does the employer delay or withhold wage payments in order to coerce workers to work?

Legal Reference: C29; Labor Code Arts. 17(a), 86

Q 72 (CQ)

Does the employer force workers to work to discipline them or as punishment for participation in a strike?

Legal Reference: C29, C105; Labor Code Art. 18(a)

Q 73 (CQ)

Does the employer deny workers access to their personal documents (such as birth certificates, passports, work permits, ID Card.) when they need them?

Legal Reference: C29

Q 74 (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: Constitution Arts. 27, 80; Labor Code Core Principle I

Bonded Labour

Q 75 (CQ)

Can workers who owe debts to the employer and/or a third party freely leave their jobs?

Legal Reference: C29, C181

Forced Labour and Overtime

Q 76 (CQ)

Are workers forced to work overtime under threat of penalty?

Legal Reference: C29, C1

Prison Labour

Q 77 (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

Compensation

Minimum Wages/Piece Rate Wages

Q 104 (CQ) **Does the employer pay at least minimum wages for regular hours of work to regular full time workers?**

Legal Reference: Labor Code Art. 82; Free Trade Zone Tripartite Agreement, January 20, 2012

Q 105 (CQ) **Does the employer pay piece rate workers correctly for ordinary hours of work when their piece rate earnings exceed minimum wage?**

Legal Reference: Labor Code Art. 83; Free Trade Zone Tripartite Agreement, January 20, 2012

Q 106 (CQ) **Does the employer pay at least minimum wage for temporary and probationary workers?**

Legal Reference: Constitution Art. 82; Labor Code Art. 82; Free Trade Zone Tripartite Agreement, January 20, 2012

Overtime Wages

Q 107 (CQ) **Does the employer pay workers correctly for all ordinary overtime hours worked?**

Legal Reference: Labor Code Art. 62

Q 108 (CQ) **Does the employer pay workers correctly for all overtime hours worked at night?**

Legal Reference: Labor Code Arts. 62, 64, 65, 66, 68

Q 109 (CQ) **Does the employer pay workers 100% more than their normal wage for all overtime hours worked on weekly rest days?**

Legal Reference: Labor Code Arts. 62, 64, 65, 66, 68

Q 110 (CQ) **Does the employer pay workers 100% more than their normal wage for all overtime hours worked on national holidays?**

Legal Reference: Labor Code Arts. 62, 64, 65, 66, 68

Method of Payment

Q 111 (CQ) **Are wages paid regularly and on time?**

Legal Reference: Labor Code Art. 86

Wage Information, Use and Deduction

Q 112 (CQ) **Has the employer made any unauthorized deductions from wages?**

Legal Reference: Labor Code Art. 88

Q 113 (CQ) **Does the employer keep only one accurate payroll record?**

Legal Reference: Labor Code Arts. 17(l), 91

Q 114 (CQ) **Does the employer properly inform workers about wage payments and deductions?**

Legal Reference: Labor Code Art. 91

Compensation

Paid Leave

Q 115 (CQ) Does the employer pay workers correctly for paid national holidays?

Legal Reference: Labor Code Arts. 66, 67, 68

Q 116 (CQ) Does the employer pay workers correctly for annual leave (vacation)?

Legal Reference: Labor Code Arts. 76, 78, 79, 84

Q 117 (CQ) Does the employer pay workers correctly during medical leave?

Legal Reference: Labor Code Art. 114

Q 118 (CQ) Does the employer pay workers correctly during personal leave?

Legal Reference: Labor Code Arts. 73, 74, 75

Q 119 (CQ) Does the employer pay workers correctly for maternity leave?

Legal Reference: Labor Code Arts. 141, 142; Social Security Law Art. 294, 95, 96.

Q 120 (CQ) Does the employer pay workers correctly during breastfeeding breaks?

Legal Reference: Labor Code Art. 143

Q 121 (CQ) Does the employer pay workers correctly when they take time off for paternity leave?

Legal Reference: Family Code Art. 79

Q 122 (CQ) Does the employer pay workers their salaries during work stoppages caused by the employer?

Legal Reference: Labor Code Art. 17(h)

Q 123 (CQ) Does the employer pay workers correctly for non-working weekly rest days?

Legal Reference: Labor Code Art. 64

Q 124 (CQ) Does the employer pay workers correctly during daily breaks?

Legal Reference: Labor Code Art. 55

Social Security and Other Benefits

Q 125 (CQ) Does the employer pay workers a 13th month of wages?

Legal Reference: Labor Code Arts. 82, 93, 94, 95, 96

Q 126 (CQ) Does the employer pay 2% of the gross payroll to INATEC?

Legal Reference: Decree 40-94, Organic Law of the INATEC Art. 24(a); Decree 28-95, Rules on the Monthly Collection of 2%, Art. 9

Q 127 (CQ) Does the employer comply with requirements to collect and forward workers' contributions to social insurance funds?

Legal Reference: Social Security Law Arts. 23(b), 25, 26; Decree 95-2009, Reform to Social Security Regulation Art. 1

Q 128 (CQ) Does the employer pay the correct percentage of workers' total wages to the Nicaraguan Social Security Institute?

Legal Reference: Social Security Law Art. 23(a); Decree 95-2009, Reform to Social Security Regulation Art. 1; Decree No. 39-2013 Reforms to Decree No. 975 Social Security Regulation Art. 11.2

Contracts and Human Resources

Fact-Gathering Questions

- Q 129 (FGQ)** How many total workers are employed by the factory?
- Q 130 (FGQ)** How many of the workers are men?
- Q 131 (FGQ)** How many of the total workforce are migrant workers?
- Q 132 (FGQ)** How many of migrant workers are men?
- Q 133 (FGQ)** How many temporary workers are employed by the factory?
- Legal Reference: Labor Code, Art.26
- Q 137 (FGQ)** How many probationary workers are employed by the factory?
- Q 139 (FGQ)** How many supervisors are employed by the factory?
- Q 141 (FGQ)** Does the factory use subcontractors to complete all or part of the production process?
- Q 142 (FGQ)** Does the factory use contractors to provide services at the factory that are not part of the production process?
- Q 143 (FGQ)** Does the factory have all required licenses?
- Q 144 (FGQ)** Has the factory received any notices of non-compliance from the labour ministry during last twelve months?
- Q 145 (FGQ)** Does the employer adequately assign accountability to management for following factory policies and procedures relating to Human Resource management and performance?
- Q 146 (FGQ)** Does the employer adequately communicate and implement HR policies and procedures?
- Q 147 (FGQ)** Does the employer have an adequate recruitment procedure?
- Q 148 (FGQ)** Does the employer have adequate disciplinary and termination procedures?
- Q 149 (FGQ)** Does the employer have adequate grievance handling and dispute resolution procedures?
- Q 150 (FGQ)** Does the employer adequately investigate performance under HR policies and procedures to identify weaknesses and make necessary adjustments?
- Q 151 (FGQ)** Is there an adequate HR policy that is signed by top management with a clear commitment to meet all legal requirements?
- Q 152 (FGQ)** Did workers freely choose their representatives on the bipartite committee (PICC), and do workers know who their representatives are? [pre-stage 2 question]
- Q 153 (FGQ)** Has there been any retaliation against worker representatives due to their activity on the bipartite committee (PICC)? [pre-stage 2 question]
- Q 154 (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 (PICC)? [pre-stage 2 question]

Contracts and Human Resources

Fact-Gathering Questions

Q 155 (FGQ) **Is the bipartite committee (PICC) used as an alternative to a trade union? [pre-stage 2 question]**

Q 156 (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]"**

Employment Contracts

Q 157 (CQ) **Do the employment contracts specify the terms and conditions of employment relation?**

Legal Reference: Labor Code Art. 20; Law 152 on Citizen Identification Art. 4

Q 159 (CQ) **Do workers know and understand the terms and conditions of their employment?**

Legal Reference: Labor Code Art. 23

Q 160 (CQ) **Do all persons who perform work for the factory, both on the premises and offsite, have a contract?**

Legal Reference: Labor Code Art. 23

Q 161 (CQ) **Do the internal by-laws comply with legal requirements?**

Legal Reference: Labor Code Art. 255

Contracting Procedures

Q 162 (CQ) **Does the employer comply with employment procedures when hiring subcontractors at the workplace?**

Legal Reference: Law on Social Security Regulation Art. 5(a)

Q 163 (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 164 (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; Labor Code Arts. 38, 41 (d); Ministerial Agreement JCHG 19-12-08; Labor Inspection Law Art. 26 (6)
- Q 165 (CQ)** **Do workers have the opportunity to defend themselves before they are terminated based on their conduct or performance?**
 Legal Reference: C158, R166; Labor Code Art. 48; Ministerial Agreement JCHG 019-12-08
- Q 166 (CQ)** **Has the employer complied with any orders to reinstate or compensate workers who were found to be unjustly terminated?**
 Legal Reference: Labor Code Art. 46
- Q 167 (CQ)** **Does the employer get Ministry of Labour authorization prior to terminating workers for just cause?**
 Legal Reference: Labor Code Arts. 45, 48
- Q 168 (CQ)** **Do workers who resign or are terminated receive severance based on years of service, unused annual leave, the accumulated 13th month payment, and any other legally required benefits?**
 Legal Reference: Labor Code Arts. 42, 44, 45, 77, 78, 93-95

Dialogue, Discipline and Disputes

- Q 169 (CQ)** **Do the disciplinary measures comply with the company's by-laws approved by the Ministry of Labor?**
 Legal Reference: Labor Code Art. 255
- Q 170 (CQ)** **Have any workers been bullied, harassed, or subjected to humiliating treatment?**
 Legal Reference: Constitution Arts. 26, 36; Labor Code Art. 17
- Q 171 (CQ)** **Did the factory consult the measures (suspension or temporary closed) to be taken with the workers' representatives?
 Did they reach an agreement?
 Did you present the agreement to the Ministry of Labor?**
 Legal Reference: Labor Code Arts. 38; Tripartite labor agreement to address the national emergency of COVID-19. Free Trade Zone Sector March 26, 2020
- Q 172 (CQ)** **If the Ministry of labor has delivered a resolution about the suspension or temporary closure, were all the provisions of the resolution met?**

Occupational Safety and Health

Fact-Gathering Questions

- | | |
|--------------------|---|
| Q 173 (FGQ) | Is there an adequate OSH Policy that is signed by top management? |
| Q 174 (FGQ) | Is there an adequate emergency preparedness procedure? |
| Q 175 (FGQ) | Is there an adequate hazard/risk management and control procedure? |
| Q 176 (FGQ) | Is there an adequate accident investigation procedure? |
| Q 177 (FGQ) | Does the employer adequately assign accountability to management for carrying out health and safety responsibilities? |
| Q 178 (FGQ) | Does the employer adequately communicate and implement OSH policies and procedures? |
| Q 179 (FGQ) | Does the employer adequately investigate, monitor and measure OSH issues to identify root causes and make necessary adjustments to prevent recurrence? |
| Q 180 (FGQ) | How many work-related accidents have been reported to Social Security and MITRAB?

<small>Legal Reference: P155, R164</small> |
| Q 181 (FGQ) | Does the employer have legally required construction/ building permits?

<small>Legal Reference: National Construction Regulation RNC-07, Ministerial Resolution No. 01-2007</small> |
| Q 182 (FGQ) | Does the employer provide accommodation for workers in the Free Trade Zone?

<small>Legal Reference: Decree N°46-91 Free Trade Industrial Zones Law Art. 1</small> |
| Q 183 (FGQ) | Did the factory establish a covid prevention plan and has proper follow-up? Describe the measures taken. |

Occupational Safety and Health

OSH Management Systems

Q 184 (CQ)	<p>Has the employer done an initial industrial hygiene risk assessment, a risk map, and annual risk assessments?</p> <p>Legal Reference: Law 618 on OSH Art. 18(4,5), 114, 115; Ministerial Standard on OSH in the Garment FTZ Art. 5</p>
Q 185 (CQ)	<p>Has the employer set up a joint worker/management OSH committee?</p> <p>Legal Reference: Law 618 on OSH Art. 40,60; Ministerial Standard on OSH in the Garment FTZ Art. 31</p>
Q 186 (CQ)	<p>Does the employer record work-related accidents and illnesses?</p> <p>Legal Reference: Law 618 on OSH, Arts. 26, 30; Ministerial Standard on OSH in the Garment FTZ Arts. 21, 31</p>
Q 187 (CQ)	<p>Does the employer have updated OSH technical organizational regulations (TOR) that are approved by the Ministry of Labor?</p> <p>Legal Reference: Law 618 on OSH Arts. 18(8),72 and following; Ministerial Standard on OSH in the Garment FTZ Art. 13</p>
Q 188 (CQ)	<p>Has the employer designated a person exclusively devoted to OSH promotion, prevention and protection?</p> <p>Legal Reference: Law 618 on OSH Art. 18(3); Ministerial Standard on OSH in the Garment FTZ Art. 13 (6)</p>
Q 189 (CQ)	<p>Has the employer elaborated an OSH training program?</p> <p>Legal Reference: Law 618 OSH Arts. 19-22; Ministerial Standard on OSH in the Garment FTZ Arts. 14-16</p>
Q 190 (CQ)	<p>Does the employer report both accidents and non-occurrences to the Ministry of Labor?</p> <p>Legal Reference: Law 618 on OSH Arts. 28, 29, 30; Ministerial Standard on OSH in the Garment FTZ Art. 27</p>
Q 191 (CQ)	<p>Does the employer record and investigate work-related accidents and illnesses, and indicate the technical recommendations necessary to prevent them?</p> <p>Legal Reference: Law 618 on OSH Art. 26, 30; Ministerial Standard on OSH in the Garment FTZ Art. 21, 29, 31</p>
Q 192 (CQ)	<p>Does the factory require contractors and sub-contractors to comply with OSH standards?</p> <p>Legal Reference: Law 816 on OSH Arts. 33, 35; Ministerial Standard on OSH in the Garment FTZ Arts. 8(ñ,o), 10,11, 12</p>
Q 193 (CQ)	<p>Does the employer have an OSH license?</p> <p>Legal Reference: Law 618 on OSH Arts. 18(6), 200, 203; OSH Regulations, Art. 16(l)(8); Ministerial Standard on OSH in the Garment FTZ Arts. 6, 83-86</p>
Q 194 (CQ)	<p>Does the steam generator comply with legal requirements?</p> <p>Legal Reference: Ministerial Standard on OSH in the Garment FTZ Arts. 6, 83-86; Ministerial Standard on Health and Safety Conditions for Operation of Equipment Steam Generators or Boilers Operating in Workplaces Arts. 5-27; Ministerial Resolution on the Health and safety basic provisions applicable to certain "SPECIAL RISKS", Chapter VII, Arts. 10-23.</p>

Occupational Safety and Health

Chemicals and Hazardous Substances

Q 195 (CQ)	<p>Does the employer keep an inventory of chemicals and hazardous substances used in the workplace?</p> <p>Legal Reference: C170; Law 618 on OSH Art. 38; Ministerial Standard on OSH in the Garment FTZ Arts. 110, 123; Ministerial Statement Hygiene and Safety Work on Prevention and Fire Fighting in the Workplace Arts. 36,37</p>
Q 196 (CQ)	<p>Are chemicals and hazardous substances properly labelled?</p> <p>Legal Reference: C170; Law 618 on OSH Arts. 37, 111, 147; Ministerial Standard on OSH in the Garment FTZ, Art 151; OSH Regulation Art. 11 (b); Ministerial Statement Hygiene and Safety Work on Prevention and Fire fighting in the Workplace Art. 36, 37</p>
Q 197 (CQ)	<p>Are chemicals and hazardous substances properly stored?</p> <p>Legal Reference: C170; Ministerial Standard on OSH in the Garment FTZ Arts. 108, 109, 110, 123</p>
Q 198 (CQ)	<p>Does the employer have chemical safety data sheets for the hazardous chemicals used in the workplace?</p> <p>Legal Reference: C170; Law 618 on OSH Arts. 38, 39, 147</p>
Q 199 (CQ)	<p>Does the employer provide information on the chemicals and hazardous substances used in the workplace to the Ministry of Labour?</p> <p>Legal Reference: C170; Law 618 on OSH Art. 38; Ministerial Standard on OSH in the Garment FTZ Art. 18(11); OSH Regulation Art. 11(a, b)</p>
Q 200 (CQ)	<p>Has the employer effectively trained workers who work with chemicals and hazardous substances?</p> <p>Legal Reference: Law 618 on OSH Arts. 19, 20, 21,22</p>
Q 201 (CQ)	<p>Does the employer provide adequate washing facilities and cleansing materials in the event of exposure to hazardous chemicals?</p> <p>Legal Reference: Law 618 on OSH Art. 112, 113; Ministerial Standard on OSH in the Garment FTZ Art. 109</p>
Q 202 (CQ)	<p>Has the employer taken action to, prevent and limit workers' exposure to chemicals and hazardous substances?</p> <p>Legal Reference: C170; R177; Law 618 on OSH Arts. 129, 130; Ministerial Standard on OSH in the Garment FTZ Arts. 108-117</p>

Occupational Safety and Health

Worker Protection

- Q 203 (CQ)** **Does the employer provide workers with all necessary personal protective clothing and equipment?**
 Legal Reference: Law 618 on OSH Arts. 134, 138; Ministerial Standard on OSH in the Garment FTZ Arts. 138-142
- Q 204 (CQ)** **Are workers effectively trained and encouraged to properly use the personal protective equipment and machines?**
 Legal Reference: Labor Code, Art.105; Law 618 on OSH Arts. 19, 20; Ministerial Standard on OSH in the Garment FTZ Arts. 14, 15, 16
- Q 205 (CQ)** **Do steam generating machine operators have valid licenses?**
 Legal Reference: Law 618 on OSH Art. 201; Ministerial Standard on Health and Safety Procedures for Obtaining a License to Operate Steam Generating Equipment Arts. 4-7
- Q 206 (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: Law 618 OSH Art. 157, 159, 160, 168, Ministerial Standard on OSH in the Garment FTZ Arts. 89 to 94
- Q 207 (CQ)** **Are proper guards installed and maintained on all dangerous machines and equipment?**
 Legal Reference: Law 618 on OSH Art 131; Ministerial Standard on OSH in the Garment FTZ Arts. 83, 131
- Q 208 (CQ)** **Are appropriate safety warnings posted in the workplace?**
 Legal Reference: Law 618 on OSH Art. 139; Ministerial Standard on OSH in the Garment FTZ Arts. 143-146
- Q 209 (CQ)** **Does the employer comply with ergonomic requirements?**
 Legal Reference: Law 618 on OSH Arts. 130, 292, 293, 297; Ministerial Standard on OSH in the Garment FTZ Arts. 125, 126, 128, 129, 130.
- Q 210 (CQ)** **Has the employer taken legally required measures to protect workers from falls from heights?**
 Legal Reference: Ministerial Standard on OSH in the Garment FTZ, Arts. 49-52

Working Environment

- Q 211 (CQ)** **Are the noise levels acceptable?**
 Legal Reference: C148; Law 618 on OSH Art. 121; Ministerial Standard on OSH in the Garment FTZ Arts. 96-98
- Q 212 (CQ)** **Is the workplace adequately lit?**
 Legal Reference: R164; Law 618 on OHS Art. 76; Ministerial Standard on OSH in the Garment FTZ Arts. 100-102
- Q 213 (CQ)** **Is the workplace clean and tidy?**
 Legal Reference: Law 618 on OSH Arts. 80, 81; Ministerial Standard on OSH in the Garment FTZ Arts. 72-75
- Q 214 (CQ)** **Is the temperature and ventilation acceptable?**
 Legal Reference: Law 618 on OSH Arts. 118, 119; Ministerial Standard on OSH in the Garment FTZ Art. 103

Occupational Safety and Health

Welfare Facilities

- Q 215 (CQ)** **Does the workplace have adequate accessible toilets?**
 Legal Reference: R164; Law 618 on OSH Arts. 109-111; Ministerial Standard on OSH in the Garment FTZ Arts. 69, 70
- Q 216 (CQ)** **Does the workplace have adequate hand washing facilities and adequate soap?**
 Legal Reference: Law 618 on OSH Art. 108
- Q 217 (CQ)** **Does the employer provide workers enough free safe drinking water?**
 Legal Reference: Law 618 on OSH Arts. 102-105; Ministerial Standard on OSH in the Garment FTZ Arts. 62, 63
- Q 218 (CQ)** **Does the workplace have adequate kitchen and dining areas?**
 Legal Reference: Law 618 on OSH Arts. 97-100; Ministerial Standard on OSH in the Garment FTZ Arts. 66, 77
- Q 219 (CQ)** **Does the workplace have all required personal storage lockers and dressing rooms?**
 Legal Reference: Ministerial Standard on OSH in the Garment FTZ Arts. 64; Ministerial Standard of workplaces, annex 5 workplace condition manual Art. 1.1.17 (e,h)

Health Services and First Aid

- Q 220 (CQ)** **Does the employer comply with legal requirements regarding medical checks for workers?**
 Legal Reference: C148, R177, R156; Law 618 on OSH Arts. 23-27; Ministerial Standard on OSH in the Garment FTZ , Arts. 13(7), 22, 24; Ministerial Standard on OSH in the Workplace Arts. 8-14, 17-20
- Q 221 (CQ)** **Does the employer address safety and health risks to pregnant or nursing workers?**
 Legal Reference: C183, R191; Labor Code Arts. 112, 140
- Q 222 (CQ)** **Does the employer comply with requirements on HIV/AIDS ?**
 Legal Reference: Law 820 on the Promotion, Protection and Defense of Human Rights for HIV/AIDS Prevention and Attention Arts. 3(L), 13(d)
- Q 223 (CQ)** **Has the employer ensured that there are a sufficient number of readily accessible first aid boxes/supplies in the workplace?**
 Legal Reference: C155; Law 618 on OSH Art. 18(16);
 Ministerial Standard on OSH in the Garment FTZ, Art. 134; List of Basic of Medical Drugs, page 532 of the OSH Law and Regulations Compilation 1993-2008
- Q 224 (CQ)** **Has the employer provided first-aid training for workers?**
 Legal Reference: R177; Law 618 on OSH Art. 21; Ministerial Standard on OSH in the Garment FTZ Art. 8(L)

Worker Accommodation

- Q 225 (CQ)** **Does the accommodation comply with minimum requirements?**
 Legal Reference: R115

Occupational Safety and Health

Emergency Preparedness

Q 226 (CQ)	Has the employer elaborated and implemented an emergency plan? Legal Reference: Law 618 on OSH Art. 74, 179; Ministerial Standard on OSH in the Garment FTZ Art. 31; NTON 22 001-04 on Fire Protection Art 4.1; NTON 22 003-10 on Fire Protection Emergency Plans Arts. 6, 7
Q 227 (CQ)	Does the workplace have a fire detection and alarm system? Legal Reference: Law 618 on OSH Arts. 74, 196; NTON 22 002-09 on Fire Protection Installation, Art 4.1
Q 228 (CQ)	Does the workplace have adequate fire-fighting equipment? Legal Reference: Law 618 on OSH Arts. 193-195; Ministerial Standard on OSH in the Garment FTZ Art. 34, 37, 38; NTON 22 002-09 on Fire Protection Installation Art 4.1; NTON 22 001-04 on Fire Protection, Art. 9
Q 229 (CQ)	Has the employer trained an appropriate number of workers to use the fire-fighting equipment? Legal Reference: Law 618 on OSH Art. 197; Ministerial Standard on OSH in the Garment FTZ Art. 32; NTON 22 001-04 on Fire Protection Arts 4.4, 9; NTON 22 003-10 on Fire Protection Emergency Plans Art. 7.3
Q 230 (CQ)	Are emergency exits and escape routes clearly marked and posted in the workplace? Legal Reference: Law 618 on OSH Arts. 93, 185; Ministerial Standard on OSH in the Garment FTZ Art. 33; NTON 22 001-04 on Fire Protection Art. 10.
Q 231 (CQ)	Are there enough emergency exits? Legal Reference: Law 618 on OSH Art. 93; Ministerial Standard on OSH in the Garment FTZ Arts. 56, 61
Q 232 (CQ)	Are the emergency exits accessible, unobstructed and unlocked during working hours, including overtime? Legal Reference: Law 618 on OSH Arts. 79, 80, 90, 95; Ministerial Standard on OSH in the Garment FTZ Arts. 57, 60, 72-73; Ministerial Statement on Fire Prevention and Fire Fighting in the Workplace, Arts. 69-72; NTON 22 001-04 on Fire Protection Art. 10
Q 233 (CQ)	Does the employer conduct periodic emergency drills? Legal Reference: Law 618 on OSH Art. 21; Ministerial Standard on OSH in the Garment FTZ Art. 32; NTON 22 003-10 on Fire Protection Emergency Plans Art. 7.3
Q 234 (CQ)	Are floors and corridors in line with legal requirements? Legal Reference: Law 618 on OSH Arts. 73-90; Ministerial Standard on OSH in the Garment FTZ Arts. 43-46, 68.
Q 235 (CQ)	Are flammable materials safely stored? Legal Reference: Ministerial Standard on OSH in the Garment FTZ Arts.93,118-119; ILO, Fire Risk Management (2012)
Q 236 (CQ)	Are possible sources of ignition appropriately safeguarded? Legal Reference: Law 618 on OSH Arts. 181-182; Ministerial Standard on OSH in the Garment FTZ Arts. 36. NTON 22 001-04 Art 4.7, 4.8, 5.5; ILO, Fire Risk Management (2012)

Working Time

Regular Hours

Q 237 (CQ) Do the working time records reflect the hours actually worked?

Legal Reference: Labor Code Art. 17(L)

Q 238 (CQ) Does the employer provide required daily break periods?

Legal Reference: Labor Code Art. 55

Q 239 (CQ) Does the employer provide a weekly rest day after six consecutive days of work?

Legal Reference: Constitution Art. 85(5); Labor Code Art. 64

Q 240 (CQ) Do regular daily or weekly working hours exceed the legal limit?

Legal Reference:
Constitution Art. 82(5); Labor Code Arts. 17(k), 49, 51, 53, 55

Overtime

Q 241 (CQ) Is overtime limited to three hours per day and nine hours per week?

Legal Reference: Labor Code Arts. 58, 59

Q 242 (CQ) Is overtime voluntary?

Legal Reference: Labor Code Arts. 57-59

Q 243 (CQ) Does the employer obtain prior authorization to work overtime from the Ministry of Labor when required?

Legal Reference: Labor Code Arts. 58, 59

Working Time

Leave

Q 244 (CQ)	<p>Does the employer provide 15 days of annual leave to workers for every six months of continuous service in the factory?</p> <p>Legal Reference: C132; Constitution Art. 82(5); Labor Code Art. 76</p>
Q 245 (CQ)	<p>If workers are paid for annual leave instead of receiving time off, is there a valid agreement between workers and management that provides for a portion of the leave to be paid?</p> <p>Legal Reference: Constitution Art 88; Labor Code Art. 76</p>
Q 246 (CQ)	<p>Does the employer provide required personal leave?</p> <p>Legal Reference: Labor Code Arts. 73, 74</p>
Q 247 (CQ)	<p>Does the employer provide required sick leave?</p> <p>Legal Reference: Labor Code Arts. 37(a, b), 74</p>
Q 248 (CQ)	<p>Does the employer provide required maternity leave?</p> <p>Legal Reference: Constitution Art. 73; Labor Code Arts. 37(c), 141</p>
Q 249 (CQ)	<p>Does the employer provide breastfeeding workers with required time off for breastfeeding breaks?</p> <p>Legal Reference: Labor Code Art. 143</p>
Q 250 (CQ)	<p>Does the employer provide required time off for paternity leave?</p> <p>Legal Reference: Family Code Art. 79</p>