



**WORKER RIGHTS  
CONSORTIUM**

**WORKER RIGHTS CONSORTIUM  
FACTORY ASSESSMENT  
SUPREMA MANUFACTURING S.A.  
(DOMINICAN REPUBLIC)**

**FINDINGS AND RECOMMENDATIONS**

**January 24, 2020**

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## I. Executive Summary

This report discusses the findings and recommendations of the Worker Rights Consortium (“WRC”) regarding labor practices at Suprema Manufacturing S.A. (“Suprema”), an apparel manufacturing facility located in the San Pedro de Macorís free trade zone in the Dominican Republic. Suprema is owned and operated by the Missouri-headquartered military and public safety uniform manufacturer, Propper International, Inc. (“Propper”). According to workers from Suprema, who were interviewed away from the factory site by the WRC, the facility employs several hundred employees and produces uniforms, hats, jackets, pants, overalls, and shirts.

The WRC conducted this assessment as the independent factory monitor for the City and County of San Francisco, California (“the City”) under the City’s Sweatfree Contracting Ordinance (“Ordinance”), which establishes labor rights standards for manufacturers of apparel supplied to the City by its vendors.<sup>1</sup> The City’s Ordinance requires that apparel manufacturing facilities supplying the City comply with all applicable national labor and employment laws of the country where they are located and must meet certain additional labor standards, including but not limited to the payment of nonpoverty wages to their employees.<sup>2</sup>

Suprema was identified in supplier factory disclosure data provided to the WRC by the City as a subcontractor to the City’s vendor, the San Francisco-based Banner Uniform Center (“Banner”), for the manufacture of goods supplied to Banner for the use of the City’s Employees. Given Banner’s contractual obligations to the City of San Francisco, Suprema, as Banner’s subcontractor, is required to maintain labor practices that comply with the City’s Ordinance.

The corporate website of Propper, Suprema’s owner, states that Propper owns production facilities in the Dominican Republic, Haiti, and Puerto Rico. The WRC has conducted previous investigations, on behalf of the City of Los Angeles, in the WRC’s role as monitor of that city’s own sweatfree purchasing ordinance, at Propper factories in all three countries, including Suprema.<sup>3</sup> In the case of each of these previous investigations, including the WRC’s prior assessment of Suprema, Propper refused to provide the WRC with access to factory premises to inspect the facility, despite requests from the City of Los Angeles that it do so—and the fact that the latter city’s sweatfree ordinance requires such cooperation.

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<sup>1</sup> *Codified as*, San Francisco, Cal., Administrative Code, Ch.12.U (“Adm. Code”) (2005), *as amended*, Feb. 11, 2010, *available at*: [http://library.amlegal.com/nxt/gateway.dll/California/administrative/chapter12usweatfreecontracting?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:sanfrancisco\\_ca\\$anc=JD\\_Chapter12U](http://library.amlegal.com/nxt/gateway.dll/California/administrative/chapter12usweatfreecontracting?f=templates$fn=default.htm$3.0$vid=amlegal:sanfrancisco_ca$anc=JD_Chapter12U).

<sup>2</sup> *Id.*, Ch.12.U.3.

<sup>3</sup> Worker Rights Consortium, “Assessment re Propper International (Puerto Rico and Dominican Republic): Findings and Recommendations,” December 10, 2010, <https://www.workersrights.org/wp-content/uploads/2016/09/WRC-Findings-and-Recommendations-re-Propper-International-Puerto-Rico-and-Dominican-Republic-1.pdf>. This report documented findings at three factories owned by Propper in the Dominican Republic and Puerto Rico. A report of a subsequent investigation conducted by the WRC for the City of Los Angeles, which was published in 2014, documented violations at BKI, a factory owned by Propper in Haiti. See, WRC, “Assessment re: BKI (Haiti),” October 1, 2014, <https://www.workersrights.org/wp-content/uploads/2016/02/WRC-Assessment-re-BKI-Haiti-10.1.14.pdf>.

Moreover, although the WRC provided Propper with the findings that the WRC had reached via offsite interviews with these factories' workers concerning labor practices and working conditions at the facilities, the company failed to respond, much less commit to implement the remedial actions the WRC recommended to address the labor rights violations that had been identified. Accordingly, the City of Los Angeles ceased sourcing from Propper in 2015.

Unfortunately, Propper continues to refuse to cooperate with the WRC's assessments of the labor practices of the company's factories. In June 2019, the WRC, after having conducted offsite interviews with workers from Suprema, contacted the factory's management to request that the company provide the WRC with access to the facility to conduct an onsite inspection.

Propper, however, once again rejected requests from both the WRC and the public agency to which the factory's products were supplied, in this case the City of San Francisco, to permit the WRC to inspect the factory. This refusal was unfortunate, as such an inspection would have provided Suprema's management with the opportunity to present additional information and its own perspectives concerning the labor practices that workers reported in offsite interviews and would have allowed for a direct physical inspection of the factory's health and safety conditions.

Despite Propper's unwillingness to grant access to the Suprema facility, the WRC was able to reach findings concerning labor practices at the plant based on interviews with factory workers. The WRC's assessment of Suprema found violations of Dominican law, which, by extension, represent violations of the City's Ordinance, in several areas of the factory's labor practices.

These violations, which are outlined in detail in Section III of this report, were noted with respect to the areas of the factory labor practices that are outlined below. Our report also notes those areas where the WRC's prior investigation of Suprema, which was conducted by the WRC in 2010, also identified violations:

- **Women's Rights—Pregnancy Discrimination.** The WRC's interviews with factory workers found that Suprema discriminates against job applicants who are pregnant, via use of medical examinations that are conducted during the hiring process.
- **Hours of Work.** The WRC's investigation of the Suprema factory in 2010 found violations with respect to employees' working hours that included employees working off-the-clock during statutory rest periods. The WRC's interviews with workers in 2019 indicated that many of these violations had been corrected. However, these interviews also revealed violations of relevant working hour standards with respect to the factory's provision of a meal break that is 30-minutes in length, rather than the 60-minute or 90-minute meal period that is required under Dominican labor laws.
- **Wages.** The WRC's investigation of the Suprema factory in 2010 had found several violations with respect to wages, which included failure to properly compensate employees for the time that, as noted, they worked off-the-clock. The WRC's interviews with workers in 2019 indicated that many of these violations have been corrected. However, these interviews also revealed that, as it also did in 2010, the factory fails to

pay workers a wage that complies with the City's nonpoverty wage standard for the Dominican Republic, which is currently equivalent to US \$3.12 per hour.

- **Freedom of Association.** The WRC found that Suprema does not respect workers' right to freedom of association. The WRC's prior investigation of Suprema in 2010 also documented violations of freedom of association and recent interviews with Suprema workers reveal that employees continue to fear that they will be terminated should they exercise this right by forming or joining a union at the factory.
- **Health and Safety.** Propper's refusal to provide the WRC with access to inspect the Suprema factory limited the WRC's ability to conduct an in-depth review of the facility's health and safety conditions and to verify whether the violations the WRC's interviews with factory workers revealed in 2010 had been remedied during the intervening period. However, based on recent worker testimony, the WRC found continuing violations of Dominican health and safety regulations at Suprema in several areas: (1) workplace heat levels; (2) indoor noise volumes; (3) failure to provide an emergency eyewash station; and (4) establishment and functioning of the factory's health and safety committee.

The violations identified above, as well as the methodology employed by the WRC to reach these findings, are discussed in further detail in the body of this report.<sup>4</sup> For each finding, the WRC has provided recommendations for remedying the identified violation.

On December 12, 2019, the WRC shared a copy of this report with Suprema, Propper and Banner, and recommended that they provide, by no later than December 31, 2019, their responses to the WRC's findings along with any proposed remedial measures. Under the City's Ordinance, Propper, as the owner of the Suprema factory, and Banner, as a vendor to the City, have the obligation to ensure that all violations of Dominican Republic law and, by extension, the Ordinance, that have been identified by the WRC at the factory are adequately remedied. Unfortunately, to date, neither Suprema, Propper nor Banner have responded to this report.

## II. Methodology

The information contained in this report is based on the following sources:

- Interviews with 25 current Suprema production employees, all of which were conducted in locations away from the factory worksite;

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<sup>4</sup> The fact that the WRC's investigation, as reported in this document, did not yield findings of violations in certain areas of the factory's labor practices should not be construed as a certification of the factory's overall compliance with respect to its practices in those general areas. In particular, due to Propper's refusal to permit the WRC to inspect the factory, the WRC's assessment did not include a comprehensive health and safety inspection by a certified industrial hygienist. Therefore, no inference should be drawn from this report of the factory's compliance with those aspects of occupational health and safety and building safety that only such specialists are accredited to certify.

- Written email communications with Suprema plant manager, Carlos Reyes; and
- A review of relevant Dominican labor law and health and safety regulations, international labor standards, and the City's Ordinance.

### **III. Findings and Recommendations**

#### **A. Women's Rights: Pregnancy Discrimination in Hiring**

##### *Findings*

Several of the Suprema workers interviewed by the WRC gave mutually corroborative testimony that Suprema's management has a practice of avoiding hiring female workers who are pregnant at the time they apply for employment by, among other measures, subjecting job applicants to medical examinations before they are hired.

One of the workers whom the WRC interviewed testified,

“The factory won't hire a woman if she is pregnant. The company conducts medical exams and, if the worker is pregnant, she won't be hired.”

Other workers also testified similarly that the company performs medical examinations as a part of the hiring process and that any worker who is found through these examinations to be pregnant will not be hired.

This testimony is consistent with prior reports concerning longstanding practices of discrimination against pregnant workers by Dominican free trade zone factories. In a report published in the lead-up to ratification of the 2005 US-Central America Free Trade Agreement (“CAFTA”), Human Rights Watch published a report noting that two-thirds of the women workers it had interviewed in Dominican free trade zones had indicated they were subjected to pregnancy testing before hiring, and representatives of firms located inside the zones who conduct medical examinations of factory job applicants frankly confirmed this practice and acknowledged that its purpose was to enable employers to avoid hiring workers who were pregnant.<sup>5</sup>

The Dominican Labor Code prohibits any form of discrimination, exclusion, or preferential treatment on the basis of sex, age, race, color, national extraction, social origin, political opinion, union activity, or religious belief.<sup>6</sup> Pregnancy discrimination, while not explicitly barred by the Dominican Labor Code, is a form of sex discrimination, since it primarily affects female workers and, therefore, is arguably unlawful.

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<sup>5</sup> Human Rights Watch, “Pregnancy-Based Sex Discrimination in the Dominican Republic's Free Trade Zones: Implications for the U.S.-Central America Free Trade Agreement (CAFTA),” April 2004, [https://www.hrw.org/legacy/backgrounder/wrd/cafta\\_dr0404.htm](https://www.hrw.org/legacy/backgrounder/wrd/cafta_dr0404.htm).

<sup>6</sup> Dominican Labor Code, Fundamental Principles, Principle VII, <https://www.ilo.org/dyn/natlex/docs/WBTEXT/29744/64852/S92DOM01.htm>.

Moreover, Convention 183 of the International Labour Organization (ILO), which has been ratified by the Dominican Republic, prohibits “discrimination in employment, including [...] access to employment” related to maternity, and the convention specifies that these measures “shall include a prohibition from requiring a test for pregnancy or a certificate of such a test when a woman is applying for employment.”<sup>7</sup> Suprema’s apparent practice of determining whether female job applicants are pregnant as part of the medical examination conducted during its hiring process and avoiding employing workers who are found to be pregnant violates Dominican law, international labor standards, and, by extension, the City’s Ordinance.

### *Recommendations*

In order to comply with Dominican law and the City’s Ordinance, the WRC recommends that Suprema:

- Immediately cease the practice of using medical examinations of women who are applying to work at the factory to determine whether they are pregnant, and avoiding hiring pregnant workers;
- Establish, enforce, and inform all supervisors and managers of an explicit company policy that, in compliance with national and international standards, prohibits any form of gender discrimination, including based on pregnancy, in hiring and other areas of employee relations;
- Communicate this policy through a written and verbal announcement to all employees, delivered during worktime and posted in the factory, informing them that no applicant or current employee will be discriminated against based on gender, including in relation to pregnancy; and
- Contact all female job applicants who applied for employment with the company during the past three years, for whom the company has contact information, and inform them that, if they possess evidence that they were pregnant at the time they previously applied for employment (e.g., a birth certificate showing maternity of a child born during the nine months subsequent to the date of application), they are invited to apply again and will be given preference for employment.

### **B. Hours of Work**

The Suprema factory employs workers on a dayshift and a nightshift. Workers told the WRC that the factory’s dayshift runs from 7:00 a.m. to 4:30 p.m. from Monday through Thursday and from 7:00 a.m. to 3:30 p.m. on Friday with a daily one half-hour unpaid meal break. They further

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<sup>7</sup> International Labour Organization, Convention 183 (Maternity Protection), Article 9.

reported that their workday includes two paid 15-minute rest breaks, the first of which is provided in the morning and the second of which is in the afternoon.

As a result, employees who work on the dayshift are at the factory for 46.5 hours per week, 44 of which are paid. Only one of the employees interviewed by the WRC worked on the factory's nightshift. This employee reported that their daily working hours were from 2:00 p.m. to 12:30 a.m., with a half-hour unpaid meal break.

When the WRC interviewed workers from Suprema in 2010, employees reported to the WRC that it was common for them to work without pay during their meal breaks and 15-minute rest breaks or after the end of their shifts in order to meet their production quotas. In the WRC's 2010 report for the City of Los Angeles concerning the factory, the WRC concluded that Suprema's failure to compensate employees at the legal overtime rate for work performed after the end of their regular shifts or during their meal and rest periods constituted a violation of the Dominican Labor Code,<sup>8</sup> and the WRC recommended that Suprema provide back pay to its employees for this time.

In recent interviews with Suprema workers, however, the WRC found that employees no longer use their lunch or rest periods or time after the end of their shifts to perform uncompensated labor to reach their production quotas. Workers reported that the management now turns off the facility's electrical power during lunch periods in order to prevent employees from working during that time. However, the WRC did not find any evidence with respect to whether Suprema had provided employees with compensation for work they had performed off the clock before this unlawful practice was ended.

As discussed below, however, WRC's interviews with current Suprema workers found that the factory continues to violate Dominican law and, by extension, the City's Ordinance with respect to the length of employees' meal periods.

## **1. Failure to Provide Legally Required Rest Periods**

### *Findings*

The Dominican Labor Code establishes that after having worked for four hours, employees must receive a rest period of no less than one hour in duration, which, if they work for more than five hours without such a rest period, must be extended in duration to one-and-one-half hours.<sup>9</sup> As employees on the factory's day shift unanimously reported that their workday begins at 7:00 a.m. and that their rest period does not start until 12:00 p.m., which is five hours later, the workers are legally required to receive the extended rest period of one-and-one-half hours.

However, most of the workers whom the WRC interviewed for this assessment reported receiving a rest period of only 30 minutes. Only two of the 25 workers who were interviewed

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<sup>8</sup> Dominican Labor Code, Article 147.

<sup>9</sup> Dominican Labor Code, Article 157.



reported receiving a one-hour rest period. None of the employees whom the WRC interviewed received the one-and-one-half-hours rest period that, given the company's work schedule, the law requires. The company's failure to provide all workers with the legally required rest period violates the Dominican Labor Code and, by extension, the City's Ordinance.

### *Recommendations*

In order to comply with Dominican law and the City's Ordinance, the WRC recommends that Suprema adjust its work schedule to either (a) provide employees with a full one-hour rest period after four hours of work or, should the factory maintain its current work schedule, (b) provide workers with a one-and-one-half-hours rest period. The WRC recommends, as a good practice, that the factory conduct a written anonymous poll of all workers as to their preferences with regard to which option should be adopted to bring the factory into compliance with the law in this area.

## **C. Wages**

Interviews with workers indicated that the wages paid to employees at Suprema complied with the Dominican Republic's minimum wage for workers in the country's export processing zones, which is 10,000 Dominican pesos (US \$193.88) per month.<sup>10</sup>

### **1. Failure to Pay the City's Nonpoverty Wage**

#### *Findings*

The wages that workers reported receiving at Suprema, while compliant with Dominican minimum wage laws, failed to comply with the City's nonpoverty wage standard for the Dominican Republic, which, as stated above, is currently 164.79 pesos (US \$3.12) per hour or 31,416 pesos (US \$595.00) per month.<sup>11</sup>

This violation also was documented in the WRC's 2010 report on Suprema. At that time, the City of Los Angeles' procurement nonpoverty wage was US \$1.46 per hour, but workers reported receiving an hourly wage of US \$0.77 per hour.

Given the factory's ongoing failure to pay the workers the City's nonpoverty wage for the Dominican Republic, the WRC finds Suprema to be in violation of the City and County of San Francisco's Sweatfree Contracting Ordinance.

### *Recommendations*

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<sup>11</sup> City of San Francisco Office of Labor Standards Enforcement, *Sweatfree Contracting Ordinance (Administrative Code Chapter 12U) 2019 International Wage and Benefit Rates*, [https://sfgov.org/olse/sites/default/files/2019\\_Wage%20Rates%20International\\_0.pdf](https://sfgov.org/olse/sites/default/files/2019_Wage%20Rates%20International_0.pdf).

In order to comply with the City's Ordinance, the WRC recommends that Suprema take the following actions:

- Increase workers' weekly base wage levels to ensure that the workers are paid an amount that meets the City's nonpoverty wage standard for the Dominican Republic.
- Provide workers with back pay from the date when the City's nonpoverty wage requirement became applicable to the factory's employees to the date when the wages are increased to an amount that meets this requirement. The factory should provide documentation to the WRC that the required back pay was paid to the affected workers.

The WRC recognizes that the payment of additional wages and the payment of back wages required to comply with this standard may only be possible with the assistance of the City's contractor. The WRC therefore also recommends that Banner Uniform Center assist Suprema in achieving remediation of this violation and that, going forward, it establishes contracts with the factory that ensure future compliance with this standard.

#### **D. Freedom of Association**

##### *Findings*

Dominican law establishes that workers have the right to freely join organizations of their choosing, including labor unions, and prohibits acts of interference by employers in workers' exercise of this right.<sup>12</sup> Moreover, under the City's Ordinance, Suprema is required to "demonstrate commitment to best practices and continuous improvement in management practices to eliminate Sweatshop Labor, including the right to freedom of association and collective bargaining," and to refrain from "subject[ing] a[ny] Worker to harassment, intimidation or retaliation as a result of his or her efforts to freely associate or bargain collectively."<sup>13</sup>

None of the Suprema workers interviewed by the WRC reported being a member of a trade union and, as discussed below, many of these employees expressed, in various ways, fear that they would face retaliation from the factory management if they formed or joined a union at the factory. While a few workers did report that they knew of other employees at the factory who are members of a union, they also related that the latter face discriminatory treatment by the factory management.

Some workers stated that they believed participation in a union was "prohibited" by the employer or that joining a union would result in termination. Others told the WRC that if a worker became involved in union activities the worker would be labeled by the company as a "trouble maker."

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<sup>12</sup> Dominican Labor Code, Article 333.

<sup>13</sup> San Francisco, Cal., Administrative Code, Ch. 12.U.3 (m).

One worker cited employees' fear of the company blacklisting them on account of membership in a union, which is a common form of antiunion retaliation in the Dominican garment industry,<sup>14</sup> as a reason that Suprema employees were unwilling to risk exercising their associational rights. This worker told the WRC, "[Suprema] workers don't want to join a union, because this could limit their ability to secure employment in the future."

Finally, some employees also reported that, while there are some workers at Suprema who are members of a union, such workers are discriminated against by the factory management with respect to the company's practice of annually liquidating and paying out accrued severance benefits to employees. Workers related that, like many other employers in the Dominican Republic, Suprema has a practice of paying employees, on an annual basis, the statutory severance benefits that the employees have accrued during the previous 12 months.

Although the result of employers making these payouts is that such severance benefits are, therefore, not available to employees as compensation at the time their employment ends, the practice is favored by both workers—as a means of supplementing their low wages—and employers, as a way of keeping the obligation to pay statutory severance benefits from accumulating as a significant liability on their balance sheets.

Several of the Suprema workers who were interviewed by the WRC reported that employees at the factory who are union members do not receive this annual severance payment from the company. However, as the WRC did not interview any employees who were union members, and Suprema did not provide the WRC with access to the factory to review the company's records, the WRC was unable to reach a firm finding as to whether Suprema's management actually maintains such a discriminatory practice. If, in fact, the factory does deny employees the opportunity to receive liquidated severance benefits on an annual basis on account of union membership, this practice would constitute a violation of the Dominican Labor Code, which prohibits discrimination on the basis of union activity.<sup>15</sup>

Overall, the climate of fear of retaliation and discrimination for associational activity that the Suprema workers described was consistent with the WRC's findings concerning this issue during the prior assessment of Suprema that the WRC conducted for the City of Los Angeles in 2010. At that time, workers told the WRC that their fear of antiunion retaliation was related to incidents that reportedly occurred in the early 2000s, which allegedly involved mass retaliatory suspensions, layoffs, and terminations of union leaders and members.<sup>16</sup>

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<sup>14</sup> See, for example, US Department of State, "2018 Country Reports on Human Rights Practices: Dominican Republic," <https://www.state.gov/reports/2018-country-reports-on-human-rights-practices/dominican-republic/> and US Department of State, "2019 Investment Climate Statements: Dominican Republic," <https://www.state.gov/reports/2019-investment-climate-statements/dominican-republic/>

<sup>15</sup> Dominican Labor Code, Fundamental Principles, Principle VII.

<sup>16</sup> Worker Rights Consortium, "Assessment re Propper International (Puerto Rico and Dominican Republic): Findings and Recommendations." Retaliation by Suprema's management against workers exercising freedom of association was also reported in the 1990s. See, Leith Dunn, "Women Organizing for Change in Caribbean Free Trade Zones," in Amrita Chhachhi and Renée Ilene Pittin, eds., *Confronting State, Capital and Patriarchy: Women Organizing in the Process of Industrialization* 204-243 (1996) at 217 ("Among the ... disputes that came to public

Workers' consistently expressed fear that they would face retaliation from the factory management if they exercised their right to form or join a union. This indicates that Suprema still has not met its obligation under the City's Ordinance, to "demonstrate commitment to best practices and continuous improvement in management practices" with respect to freedom of association.<sup>17</sup>

### *Recommendations*

In order to ensure full respect for workers' right to freedom of association at the factory, the WRC recommends that Suprema's management take the following steps:

- Issue a statement to employees, to be delivered verbally during working hours and posted permanently in writing in a public location in the factory, stating that Suprema respects and will not oppose workers joining or forming a union of their choosing and that workers will not be disciplined or discriminated against in any way for exercising this right. The contents of this statement should be approved in advance by the WRC before it is communicated to employees.
- Arrange for an independent labor rights organization, such as a nongovernmental organization or trade union, to provide separate onsite trainings on company time for workers and managers concerning workers' rights to join and form a union. The provider of these trainings should be approved in advance by the WRC.
- If, in fact, the company is discriminating against the union members by failing to provide them with the same treatment as other workers—specifically with regard to the payment of liquidated annual severance benefits—the company should discontinue this practice going forward. Additionally, the company should, if any of the affected workers request, pay them the full amount of severance benefits they have accrued to date in order to remedy any prior disparity in treatment.

### **E. Health and Safety**

In the WRC's 2010 assessment of Suprema, despite the factory's refusal to permit a physical inspection of the facility, the WRC was able to identify, based on interviews with workers, several health and safety violations that were present in the factory. These hazards included the (1) presence of airborne dust from textile fibers, due, in part, to a failure to provide adequate ventilation; (2) lack of necessary personal protective equipment; (3) failure to properly report workplace accidents; and (4) lack of notice to employees of potential workplace hazards.

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attention was that of Suprema Manufacture where four workers were dismissed 15 days after a strike that was called to get colleagues who were unjustifiably dismissed reinstated.")

<sup>17</sup> San Francisco, Cal., Administrative Code, Ch. 12.U.3 (m).

While Suprema did not respond to the WRC concerning these findings, the WRC's recent interviews with factory workers indicate that the company appears to have taken steps to remedy some of these hazards.

For example, workers who were recently interviewed by the WRC reported fewer problems related to the factory's air quality and ventilation than had been noted previously and indicated that the factory maintains local extraction devices to prevent fiber dust from accumulating. In addition, employees related that the factory's sewing machines are equipped with needle guards, and that workers are provided with personal protective equipment in the form of safety glasses, earplugs, and gloves.

Regarding the other violations of health and safety standards that the WRC identified in 2010—the company's failure to notify employees of potential workplace hazards and consistently report industrial accidents—recent worker interviews did not indicate whether these violations were remedied.

The WRC's recent assessment of Suprema for the City, despite Propper's refusal, once again, to permit a physical inspection of the facility, was able to identify, based on interviews with workers, several health and safety hazards in the factory. These hazards included indications of: (1) excessive heat levels, (2) excessive noise levels, (3) absence of an emergency eyewash station for use in case of chemical exposure, and (4) lack of a properly established and functioning health and safety committee.

Because Propper refused to permit the WRC to conduct a comprehensive health and safety inspection of the plant, both these findings and the WRC's recommendations for corrective action are less specific than would otherwise be the case.

## **1. Excessive Heat Levels**

### *Findings*

Dominican health and safety regulations require employers to take appropriate measures to avoid extreme heat and humidity in the workplace but do not specify the maximum temperatures or relative humidity levels that are permitted.<sup>18</sup> Excessive temperatures are a particular concern with respect to the Suprema factory, because prevailing heat and humidity levels in the region of the Dominican Republic where the factory is located result, for much of the year, in heat index levels that pose significant health risks for workers.<sup>19</sup>

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<sup>18</sup> Ministry of Labor, Reglamento 522-06 (Seguridad y Salud en el Trabajo), October 17, 2006, Resolución 04/2007, §1.5.

<sup>19</sup> U.S. Occupational Safety and Health Administration, "About the Heat Index," [https://www.osha.gov/SLTC/heatillness/heat\\_index/about.html](https://www.osha.gov/SLTC/heatillness/heat_index/about.html); World Weather Online, "San Pedro de Macoris: Monthly Climate Averages," <https://www.worldweatheronline.com/lang/en-us/san-pedro-de-macoris-weather-averages/san-pedro-de-macoris/do.aspx>.

While unable to cite specific temperature levels in the factory, workers at Suprema reported that the heat levels in the factory are excessive, which, they indicated, has affected the health of some employees. Some workers interviewed by the WRC related incidents where employees had fainted on the job, which they attributed to the factory's excessive temperatures. Several workers also observed that the excessive heat levels in the factory caused particular difficulty for employees with high blood pressure.<sup>20</sup>

Because Propper refused to permit the WRC to conduct an on-site inspection of the factory, the WRC was unable to measure prevailing temperatures and humidity levels in the plant. However, consistent testimony from workers relating to excessive temperature levels in the plant and their effects on the health of employees indicates that the Suprema factory violates applicable Dominican legal standards and, by extension, the City's Ordinance, in this regard.

### *Recommendations*

The WRC recommends that Suprema's factory management monitor temperatures and relative humidity levels in the plant's work areas and install those engineering and administrative controls that are needed to prevent heat stress and ensure employees' comfort and safety by lowering the ambient temperature in the workplace.

## **2. Excessive Noise Levels**

### *Findings*

Dominican health and safety regulations require employers to measure employees' exposure to noise in the workplace and to take measures to ensure that such exposure does not exceed certain limits.<sup>21</sup> Because Propper, the owner of the Suprema factory, refused to permit the WRC to conduct a safety inspection of the factory, the WRC has not been able to measure the noise levels at Suprema.

However, testimony from interviews with Suprema workers indicates that the noise levels in some areas of the factory, including the plant's cutting department, are excessive. Several employees reported to the WRC that the noise levels in their work areas are such that they are unable to hold an ordinary conversation with other employees, without either raising their voices or standing in close proximity to the other persons.

According to occupational safety and health experts, such difficulties in holding ordinary conversations generally indicate that the noise levels in a workplace exceed the legal maximum

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<sup>20</sup> Excessive heat and humidity levels can be particularly unhealthy for persons with high blood pressure, because hot temperatures require greater circulation. See, e.g., Patrick Skerrett, "Heat Is Hard on the Heart," *Harvard Health Blog*, July 22, 2011, <https://www.health.harvard.edu/blog/heat-is-hard-on-the-heart-simple-precautions-can-ease-the-strain-201107223180>.

<sup>21</sup> Ministry of Labor, Reglamento 522-06, § 3.1.1.

for safety.<sup>22</sup> While interviews with workers indicate that the company issues earplugs to employees, because Propper did not provide the WRC with access to inspect the factory, it is not possible to determine if this equipment is effective in addressing the risk that such high noise levels create for workers. As a result, the WRC finds that, based on the evidence that is available, noise levels in at least some areas of the factory violate Dominican health and safety standards and, by extension, the City's Ordinance.

### *Recommendations*

The WRC recommends that Suprema take steps to analyze the noise levels in the factory's various work areas in order to determine where they exceed the limits set under Dominican law. Where noise levels in the factory exceed these limits, Suprema should take the necessary measures to reduce noise exposure levels to within them, and, until these measures are implemented require use of noise protection equipment. Finally, Suprema's management should post notices of this requirement in any work area where the current noise levels exceed the established limits.

## **3. Chemical Handling: Failure to Provide Emergency Eyewash Stations**

### *Findings*

Some of the Suprema employees interviewed by the WRC reported that they are required to use hazardous chemicals in the course of performing their jobs, including one, "Binol," (Bi-2-naphthol) that poses a risk of serious eye irritation in the case of exposure. The chemical's manufacturer recommends that in the case of contact with the eyes, the affected employee must flush their eyes with water for at least 15 minutes."<sup>23</sup> These workers reported, however that, despite the risk of harm should their eyes be exposed to this chemical, the areas of the factory where the chemical is used are not equipped with emergency eyewash stations in order to treat such exposure.

According to Dominican health and safety regulations, the employer is generally responsible for adopting measures to protect workers from chemical exposure, including by providing them with adequate personal protection.<sup>24</sup> Protecting employees from eye injuries caused by chemical exposure typically requires that facilities be equipped with one or more eyewash stations that provide a 15-minute continuous flow of water or eye-rinse solution and are placed within a 10-second unobstructed line of travel from the locations where the risk of exposure exists.<sup>25</sup> The WRC concludes, therefore, that Suprema's failure to install such an eyewash station in this case violates Dominican safety regulations and, by extension, the City's Ordinance.

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<sup>22</sup> National Institute of Environmental Health Sciences, "Hearing Protection," July 2000, [https://www.niehs.nih.gov/health/assets/docs\\_f\\_o/hearing\\_protection\\_508.pdf](https://www.niehs.nih.gov/health/assets/docs_f_o/hearing_protection_508.pdf).

<sup>23</sup> Cayman Chemical, "Safety Data Sheet for (S)-(1)-1,1'-Bi-2-naphthol," revised February 17, 2015, <https://www.caymanchem.com/msdss/70052m.pdf>.

<sup>24</sup> Ministry of Labor, Reglamento 522-06, § 3.2.

<sup>25</sup> American National Standards Institute, Eyewash Standard Z358.1-2014, <https://www.eyewashdirect.com/media/pdf/eyewash-ansi-2015.pdf>.

### *Recommendations*

Suprema should install safety shower eyewash facilities within 10 seconds of unobstructed travel time of all areas where chemicals are being stored and used in the factory.

## **4. Health and Safety Committee**

### *Findings*

Dominican health and safety regulations require that in any workplace with more than 15 employees, the employer must establish and maintain a health and safety committee comprised of both employer and worker representatives.<sup>26</sup> The regulation mandates that in workplaces where a registered union is not present, the committee's worker representatives must be elected by the employees.<sup>27</sup> Under the regulation, such committees are responsible for, among other duties, receiving and responding to workers' safety complaints<sup>28</sup> and informing employees about workplace safety hazards and the steps that the company is taking to resolve them.<sup>29</sup>

As noted, Propper did not permit the WRC to inspect the Suprema factory to confirm whether a health and safety committee has been established and maintained there in accordance with Dominican regulations. However, the workers interviewed away from the factory by the WRC testified consistently either that they were unaware of any such committee having been established at the factory or, if they reported being aware of such a committee, that all of its members had been selected by the factory management, without any input from employees. Based on this testimony from workers, the WRC finds that Suprema is not complying with Dominican regulations concerning establishment and maintenance of a workplace health and safety committee, by failing to include representatives elected by workers on this body, and/or neglecting to inform employees of its existence.

### *Recommendations*

With regard to the factory's Health and Safety committee, the WRC recommends that Suprema take the following steps:

- Organize an election by which workers can democratically elect employee representatives to the factory's health and safety committee. In light of the company's failure to comply with the legal requirement that workers be allowed select their own committee representatives, the WRC further recommends that Suprema permit an outside labor rights organization, such as a nongovernmental organization or trade union, to

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<sup>26</sup> Ministry of Labor, Reglamento 522-06, §§ 6.1 and 6.2.1.

<sup>27</sup> Id., § 6.3.



provide onsite trainings for workers during regular working hours in order to inform them about the role of the health and safety committee and the workers' participation in it. The provider of this training should be approved, in advance, by the WRC.

- Ensure that the Health and Safety Committee maintains clear channels through which workers can submit safety complaints to the committee and can receive information regarding its activities.

#### **IV. Conclusion**

Although the violations the WRC has identified at Suprema are significant, they are highly amenable to remediation and correction by Propper, with the assistance and involvement of its contractor, Banner Uniform Center, should those companies choose to respond in good faith to this report, which, to date, they have failed to do. Such a process, if initiated, should have as its immediate goal the establishment of a corrective action plan that is consistent with the recommendations in this report and agreed upon by all parties, including the City of San Francisco, with time-bound commitments for its implementation, and with a commitment by Propper to permit the WRC to inspect the factory to verify its completion.