

## Labor Standards for the Villa Altagracia Project Factory

Legal Compliance: The Villa Altagracia Project Factory (“the factory”) shall comply with all applicable legal requirements of the Dominican Republic. Where there are differences or conflicts between the standards enumerated herein and the laws of the Dominican Republic, the higher standard shall prevail.

Wages and Benefits: The factory shall pay employees, as a floor, wages and benefits which comply with all applicable laws and regulations and which provide for the essential needs of and establish a dignified living wage for employees and their families. The living wage must be provided by the “take-home” or “net” pay earned by an employee working a country’s legal maximum workweek which, in the case of the Dominican Republic, is 44 hours, exclusive of any overtime, and without requiring any work to be performed during meal or rest periods. A living wage is the amount of money required, based on local market prices, to meet the basic needs (housing, energy, nutrition, clothing, healthcare, education, potable water, childcare, transportation, and savings) of an employee and two dependent children.

At the time of the factory’s inception in 2010, the Worker Rights Consortium determined, through a country-specific market basket analysis, that the living wage in the Dominican Republic was, at that time, 222,042 Dominican Pesos per year, serving as the basis for the Living Wage Standard. Each year, the WRC adjusts this calculation based on inflation in the Dominican Republic. To comply with the Living Wage Standard, all employees in the factory must be paid a gross wage sufficient to result in take-home pay of the adjusted living wage for the current year.

In order to be in full compliance with the living wage standard, the factory must:

- a. Pay all employees in the factory at least the Living Wage Standard, regardless of an individual employee’s level of production for a regular workweek, exclusive of any overtime hours. The only bonus that may be considered as payment toward fulfillment of the living wage obligation is the annual mandatory Christmas bonus, which all employees in the Dominican Republic receive regardless of production level. All production bonuses, all other non-mandatory bonuses and incentives, and all compensation for overtime hours must be paid in addition to the Living Wage Standard.

- b. Make no deductions from employees' pay other than those mandated by contract or by law.
- c. Pay employees for any overtime hours at the premium rate required by law, using the Living Wage Standard, or the actual straight time wage, whichever is higher, as the basis for calculating the premium rate.
- d. Employ all employees on a year-round basis and compensate them in accordance with the Living Wage Standard, without unpaid lay-offs or furloughs, so that the annual wage earned by a given employee – not including non-mandatory bonuses, incentives, and overtime – is consistent with the Living Wage Standard. The only circumstances under which an employee may receive less than the living wage over the course of a year is if the employee, of his or her own volition, takes unpaid leave for some portion of that year. Unpaid leave is time off that is taken voluntarily and that is not required, by law or by contract, to be compensated as paid vacation, paid sick leave, or other paid leave. Compliance with this requirement by the factory may be suspended only with advance request to and agreement by the union representing workers at the factory. Such a request shall only be made by the factory in cases of force majeure or other exceptional circumstances necessitating non-seasonal suspension or termination of operations at the factory.
- e. Minimize the use of temporary and part-time employees so that, in the course of a year, no more than 10% of the hours worked at the factory are worked by individuals who are not full-time, year-round employees. Pay any part-time or temporary employees no less than the Living Wage Standard for all regular hours worked, plus any applicable bonuses, incentives, and overtime pay.
- f. Ensure that the value of the living wage is not eroded through inflation by adjusting the Living Wage Standard in November of each year to account for the increase in the cost of living over the prior twelve months, if any, as measured by the Dominican Central Bank. If a union is present in the factory, the factory may, at the union's request, modify the schedule for revising the Living Wage Standard to incorporate the revision into the collective bargaining process, provided that employees are made whole for any loss of wages due to delay in the revision of the Living Wage Standard that may result. Wages must be increased to reflect increases in the cost of living, but there will be no reduction in wages in the event of deflation.
- g. Treat the living wage standard, in the context of collective bargaining, as a floor for negotiations, rather than the upper limit of what employees may earn. The factory's management must bargain over wages and benefits with any duly constituted union at the factory.

Working Hours: Employees shall not be required to work more than 44 hours per week and are entitled to no less than 36 consecutive hours of rest, at least once per week.

Overtime Compensation: All overtime hours must be worked voluntarily by employees. In addition to their compensation for regular hours of work, employees shall be compensated for overtime hours as follows: 1) For hours in excess of 44 hours and up to 68 hours in a single week, at a rate 35% above of the normal wage; 2) For hours in excess of 68 hours in a given week, at a rate 100% above the normal wage; 3) For hours worked on holidays, at a rate 100% above the normal wage.

Child Labor: The factory shall not employ any person at an age younger than 16.

Forced Labor: There shall not be any use of prison labor, indentured labor, bonded labor, or other forced labor.

Health and Safety: The factory shall provide a safe and healthy working environment to prevent accidents, illnesses, and other injuries to health arising out of, linked to, or occurring in the course of work or as a result of the factory's operations. The factory shall comply with the health and safety laws and regulations of the Dominican Republic.

Nondiscrimination: No person shall be subjected to any discrimination in employment, including hiring, salary, benefits, advancement, discipline, termination or retirement, on the basis of gender, race, religion, age, disability, sexual orientation, nationality, political opinion, or social or ethnic origin.

Harassment or Abuse: Every employee shall be treated with dignity and respect. No employee shall be subjected to any physical, sexual, psychological, or verbal harassment or abuse. The factory will not use or tolerate any form of corporal punishment.

Freedom of Association and Collective Bargaining: The factory shall recognize and respect the rights of employees to freedom of association and collective bargaining. No employee shall be subjected to harassment, intimidation, or retaliation in their efforts to freely associate or bargain collectively. The factory shall not cooperate with any effort by governmental agencies or other organizations to use the power of the State to prevent employees from organizing a union of their choice. The factory shall allow union organizers free access to employees. Consistent with Dominican law, the factory shall recognize the union of the employees' choice as their representative for purposes of collective bargaining.

In addition, the factory must maintain an open attitude toward the unionization of the factory and its employees' participation in union activities and a positive approach towards dealing with any union that employees choose voluntarily to form or join. The factory must communicate clearly to employees that its management will negotiate in good faith with any duly constituted union. If a union is not present in the factory, management must enter into a neutrality and access agreement if a union or union federation so requests. If a union is present in the factory, the factory must provide free access to the union's representatives to carry out their representational functions, without undue restriction.

### Women's Rights:

- a. Female employees will receive equal remuneration, including benefits, equal treatment, equal evaluation of the quality of their work, and equal opportunity to fill all positions open to male employees.
- b. Pregnancy tests will not be a condition of employment, nor will they be demanded of employees.
- c. Employees who take maternity leave will not face dismissal nor threat of dismissal, loss of seniority or deduction of wages, and will be able to return to their former employment at the same rate of pay and benefits.
- d. Employees will not be forced or pressured to use contraception.
- e. Employees will not be exposed to hazards, including glues and solvents, that may endanger their safety, including their reproductive health.
- f. The factory shall provide appropriate services and accommodation to women employees in connection with pregnancy without loss of income to the employee.