

Monitoring result for Dongguan Sphere sports Co.,LTD on site Dongguan Sphere sports Co.,LTD

Monitoring

Monitored Party	: Dongguan Sphere sports Co.,LTD
amfori ID	: 156-025174-000
Site	: Dongguan Sphere sports Co.,LTD
Site amfori ID	: 156-025174-001
Address	: 701, 1# building, No.66 Weijian Road, Chashan Town, Dongguan City, Guangdong, China : 523380, Dongguan : Guangdong Sheng : China
Monitoring Activity	: amfori Social Audit - Manufacturing
Monitoring Type	: Full Monitoring
Monitoring Partner	: ALGI International, Inc.
Monitoring Start Date	: 10/03/2023
Closing Meeting Finished Date	: 10/03/2023
Submission Date	: 16/03/2023
Expiration Date	: 16/03/2024

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Overall rating

A	B	C	D	E	None
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Section rating

PA1: Social Management System	D
PA 2: Workers Involvement and Protection	C
PA 3: The Rights of Freedom of Association and Collective Bargaining	A
PA 4: No Discrimination	A
PA 5: Fair Remuneration	B
PA 6: Decent Working Hours	D
PA 7: Occupational Health and Safety	B

PA 8: No Child Labour	A
PA 9: Special Protection for Young Workers	A
PA 10: No Precarious Employment	A
PA 11: No Bonded Labour	A
PA 12: Protection of the Environment	B
PA 13: Ethical Business Behaviour	A

General description

Dongguan Sphere sports Co.,LTD [Local Name: 东莞市索菲亚运动科技有限公司, Uniform Code of Social Credit: 91441900MA52D7GH9G] is located at 701, 1# building, No.66 Weijian Road, Chashan Town, Dongguan City, Guangdong Province, China. The factory was established in 2018 and moved to present address in 2021. It specializes in production of sportswear. Main production activities include printing, thermal transfer printing, laser cutting, cutting (including cutting piece inspection and pairing), sewing (including bartack sewing, button-hole sewing, button sewing and buttoning) and finishing (including ironing, thread-end trimming, inspection, inner packing and outer packing). No service is sub-contracted, but the embroidery process is sub-contracted.

The factory currently rents and uses the 7th floor of one 9-storey production building as warehouse, production site and office. No catering or accommodation service is provided to employees.

On the audit day, there were total 31 employees in the factory, of which 22 employees are production workers. As per management interview, peak season in the factory was not obvious in last year.

Based on documents review and management interview, it was noted that all employees in the factory are paid by hourly rate. Wages were paid monthly by cash at the end of each month for the preceding month.

The factory uses finger-print scanning attendance system to record all workers' working hours including overtime hours. As per sampled payroll and attendance records, the regular working hours for all employees are 8:00-12:00 and 13:30-17:30. Employees' lunch break is from 12:00 to 13:30, employees would voluntarily work for 2 hours on weekdays and for 8 hours a day on Saturdays if needed. One rest day in every 7-day period was guaranteed.

During the current audit, payroll records from February 2022 to January 2023 and attendance records from February 2022 to the audit date were provided for review. The auditor randomly selected 6 samples from each of January 2023 (recent paid month), December 2022 (random month) and July 2022 (random month) for verification.

Mr. Xiuli Fan / Factory Director and Mr. Ping Liu / Worker representative from thermal transfer printing department attended the opening and closing meetings. Auditor held the opening meeting at 08:00 and ended the audit at 16:30. Auditor communicated the findings in detail to them, they were allowed to ask questions and make any needed clarification. Finally, they agreed the findings and signed the onsite audit findings report.

Remark:

1. The local legal minimum wage standard has been raised from CNY 1720 per month equivalent to CNY 9.89 per hour to CNY 1900 per month equivalent to CNY 10.92 per hour since December 01, 2021.
2. The factory has not obtained any government waiver, not achieved any collective bargaining agreement with employees, and all employees are hired by the factory directly, so no government waiver, collective bargaining agreement, contractor license/permit or agency labours contract was uploaded on BSCI platform.
3. This initial full audit was announced and conducted on March 10, 2023 by ALGI auditor Mr. Eagle Yao- APSCA registration No. CSCA 21700955.
4. #Living Wage: [The audited factory is located in Dongguan City, which cannot be found on the GLWC website. So the auditor used the basic living wage CNY 2338.82, which was manually collected and calculated by the auditor through Anker's methodology. The Living wage calculation technique used by the auditor is to be inquired the resident consumption parameters published on the local government's public website and yearbook. Afterwards, there are calculated the relevant data of local living wage according to the proportion of Anker methodology of the key parameters. Relevant data comes from the website or yearbook data published by the local government. Basic Living Wage calculation manually collected by the auditor is uploaded as part of the report attachments.]
5. The factory rents the 7th floor from the sublessor named Dongguan City MingChuan Intelligent Technology Co., Ltd., which is indicated at the gate of compound (the owner of this production building is Guangdong XinSong Construction Project Co., Ltd., which is indication on the fire control acceptance record certificate and building construction safety certificate). The sublessor rents the rest floor of this building to other independent companies including two mould factories, one electronic factory, two plastic factories, one gift factory and one fishing tool factory respectively. There is no shared employee or area between the audited factory and these other companies.
6. The production building is located in Weijian Industrial Park (伟建工业园) and this industrial park name is indicated on the fire control acceptance record certificate. In addition, the Weijian Industrial Park (伟建工业园) is located inside a bigger industrial park named Nanshe Industrial Park (南社工业园), so this bigger industrial park name is indicated on the building construction safety certificate.

Site Details

Site : Dongguan Sphere sports Co.,LTD
Site amfori ID : 156-025174-001

GICS Classification

Sector	: Consumer Discretionary	Industry	: Textiles, Apparel & Luxury Goods
Industry Group	: Consumer Durables & Apparel	Sub Industry	: Apparel, Accessories & Luxury Goods

amfori Process Classifications

N.A.

NACE Classification

N.A.

GS1 Classifications

N.A.

Water Stress Situation

N.A.

Metrics

Key Metrics

Total workforce	31 Workers
Legal minimum wage in local currency	1900 Monthly
Lowest wage paid for regular work at the site	2950 Monthly
Calculated living wage in local currency	2338 Monthly
Total sample	6 Workers

Other Metrics

Male workers	17 Workers
Female workers	14 Workers
Permanent workers - Male	17 Workers
Permanent workers - Female	14 Workers
Temporary workers - Male	0 Workers
Temporary workers - Female	0 Workers
Seasonal workers - Male	0 Workers
Seasonal workers - Female	0 Workers
Management - Male	4 Workers
Management - Female	2 Workers
Apprentices - Male	0 Workers
Apprentices - Female	0 Workers
Workers on probation - Male	0 Workers
Workers on probation - Female	0 Workers
Workers with night shift - Male	0 Workers
Workers with night shift - Female	0 Workers
Workers with disabilities - Male	0 Workers
Workers with disabilities - Female	0 Workers
Domestic migrant workers - Male	13 Workers
Domestic migrant workers - Female	8 Workers
Foreign migrant workers - Male	0 Workers
Foreign migrant workers - Female	0 Workers
Workers hired directly - Male	17 Workers
Workers hired directly - Female	14 Workers
Workers hired indirectly - Male	0 Workers
Workers hired indirectly - Female	0 Workers
Unionised workers - Male	0 Workers
Unionised workers - Female	0 Workers
Workers under CBA - Male	0 Workers
Workers under CBA - Female	0 Workers
Pregnant workers	0 Workers
Workers on parental leave - Male	0 Workers
Workers on parental leave - Female	0 Workers
Sample - Male	3 Workers
Sample - Female	3 Workers

Findings

PA1: Social Management System

The social management system was found need to improve continuously, and sufficient evidences showed that some non-compliance findings were detected in Performance Area Social Management System, Workers Involvement and Protection, Fair Remuneration, Decent Working Hours and Occupational Health and Safety and Protection of Environment. (For details, please refer to Performance Area 1, 2, 5, 6, 7 and 12 respectively.)

社会责任管理体系需要持续改善。充分证据表明工厂在社会责任管理体系、工人参与和保护、公平报酬、体面的工作时间、职业健康安全和保护环境方面缺少有效的管理。（详细分别见绩效评估区域第1、2、5、6、7和12部分。）

The factory made production plans for each order, but the workforce capacity was not properly planned and monthly overtime working hours exceeded the legal limit 36 hours per month, please refer to principle 6.2 for details. This violated the PRC Labor Law article 41.

工厂有对每个订单制定生产计划，但没有正确地对产能进行合理的规划，并且工人的月加班时间超过了法规的要求36小时/月，详情请参考条款6.2。这违反了《中华人民共和国劳动法》第41条。

PA 2: Workers Involvement and Protection

Although the factory had defined long-term of goals to protect workers as per BSCI COC, but it did not monitor the achieving situation in last year.

尽管工厂已根据BSCI的行为准则定义保护工人的长期目标，但在去年没有监控目标的达成情况。

Through on-site observation, documents review and interview, it was noted that the factory had posted the BSCI Code of Conduct in workshops, and provided training regarding BSCI Code of Conduct to all employees, through workers interview, it was noted that all sampled employees could not clearly describe the detailed social compliance requirements.

通过现场观察，文件审阅和员工访谈，得知工厂有张贴BSCI行为准则，且有提供有关BSCI行为准则的培训给员工，但是通过员工访谈，所有访谈员工均不清楚社会责任方面的内容和要求。

It was noted that the suggestion box was set near door of office room and within the sight range of office staffs, which could not effectively protect employees' personal privacy when it was used.

意见箱放置在办公室门口附近并且在办公人员的视线范围内，这样当员工使用意见箱时不能有效的保护员工的个人隐私。

PA 5: Fair Remuneration

Although the month wages for regular working hours for all sampled employees met the local (Dongguan City) Basic Living Wage standard CNY 2338.82 per month, which was calculated by the auditor through Anker's methodology based on the data from local government, the factory had little knowledge of basic living wage and they did not investigate basic living wage accordingly.

尽管所有抽样员工的正常工作时间的月工资能达到当地（东莞市）的基本生活需求工资CNY 2338.82元/月（这是审核员根据恩格尔方法并基于当地政府的统计数据算出来的数值），但是工厂对基本生活保障工资了解不多，因此也没有进行基本生活保障工资的调查。

Insufficient coverage of social insurance. As per the provided social insurance receipt of March 2023, there were 31 employees that time (3 employees had reached to retirement age), but just 11 eligible employees (39.29%, except for the retired employees) had participated in pension, unemployment, injury, medical and maternity insurances. Moreover, the factory did not provide commercial accident insurance to any employee. This violated the PRC Labor Law article 72 and 73. Remark: The factory did not get waiver for social insurance. One year of payment records for social insurance were provided to review in this audit. All employees were hired by the factory directly. No temporary or newly joined employee. Part of eligible employees did not participate in social insurance because they were unwilling to undertake the monetary deduction for social insurance, so they did not want to participate in social insurance in the factory. This was verified through interviews.

社会保险覆盖率不足。根据2023年3月份社保的缴费记录，工厂当时有31人（其中有3人达到了退休年龄），但只有符合条件的11人（39.29%，除开了退休的员工）参加了养老、失业、工伤、医疗和生育保险。而且，工厂没有给任何员工提供商业意外保险。这违反了《中华人民共和国劳动法》第72条、73条。备注：工厂没有获得社保批文。在本次审核工厂提供了一年的社保缴纳记录给我们审阅。所有员工均由工厂直接招聘。目前没有临时工和新入职的员工。部分符合条件的员工不愿意承担购买社保时的扣款，因而不愿意在工厂参加社保，这在访谈时得到了证实。

PA 6: Decent Working Hours

The overtime working hours exceeded the upper limit of 36 hours per month. In January 2023 (recent paid month), the monthly overtime hours of 4 of 6 randomly selected employees were 38 hours In December 2022 (random month), the monthly overtime hours of all 6 randomly selected employees were ranged from 40 to 84 hours; In July 2022 (random month), the monthly overtime hours of all 6 randomly selected employees were ranged from 40 to 82 hours. This did not meet the PRC Labor Law article 41. Remark: The workers' overtime work was voluntary.

PA 6: Decent Working Hours

加班工时超过36小时。2023年1月（最近已支付月份），抽样的6名员工中有4名的月加班工时均为38小时；2022年12月（随机月份），抽样的所有6名员工的月加班工时为40-84小时；2022年7月（随机月份），抽样的所有6名员工的月加班工时为40-82小时。这不符合《中华人民共和国劳动法》第41条。备注：员工的加班均出于自愿。

PA 7: Occupational Health and Safety

1. Around 10% raw fabric at cutting area was stored against the walls. This did not meet the Rules Concerning Warehouse Safety and Fire Control article 18. 2. The factory had set up the occupational health and safety regulations and procedures; however, the actual practice throughout the factory was not fully in compliance with requirements of local law in the parts of Raw material storage, Injury insurance participation, Occupational health, PPE management, Chemical management, Electrical safety and Machine safety device.

1、裁剪区域约有10%的布料靠墙摆放。这不符合《仓库防火安全管理规划》第18条。2、工厂已经建立了职业健康和安全的规则和程序。但是工厂在整体的实际操作中来料储存、工伤保险的参与、职业健康、劳保用品的管理、化学品管理、用电安全和机器安全装置方面未能完全符合法规的要求。

It was noted that there were 31 employees in the factory, the factory bought social injury insurance for 11 employees (35.48%), but 20 out of the 31 employees (64.52%) were not covered by social injury insurance or commercial accident insurance. This did not meet the Social Insurance Law of the People's Republic of China, Article 33.

工厂共有31名员工，已经为11名员工（35.48%）购买了社保工伤保险，但是仍有31名员工中的20人（64.52%）未被社保工伤保险或者商业意外险覆盖。这不符合《中华人民共和国社会保险法》第三十三条。

The factory did not provide occupational health examination to workers, who were posted at printing, spot cleaning and laser cutting workstations, where were found with chemical or smoke factor. This did not meet PRC Law of Prevention and Control of Occupational Diseases article 35.

工厂没有给打印、去污和激光裁剪工位的工人（这些区域会有化学品或烟尘的危害因素）提供职业健康检查。这不符合《中华人民共和国职业病防治法》第三十五条。

During site tour, it was noted that the factory did not provide protective glasses or dust-proof mask to laser cutting worker, did not provide active carbon mask to printing worker, did not provide goggle or rubber glove to spot cleaning worker, provided disposable instead of active carbon mask to spot cleaning worker. This did not meet the Law of the PRC on Work Safety article 42.

工厂没有给激光裁剪的工人提供防护眼镜和防尘口罩，没有给印刷的员工提供活性炭口罩，没有给去污的工人提供护目镜和胶手套，给去污的工人提供的是一次性口罩而非活性炭口罩。这不符合《中华人民共和国安全生产法》第42条的规定。

1. All spare ink in printing workshop was not stored with anti-leakage facility, and no MSDS was posted nearby. This did not meet the Regulations on the Safety Management of Dangerous Chemicals article 20 and article 15. 2. All spare ink in printing workshop and the spot of cleaning agent at spot cleaning workstation were not labeled with safety label. This did not meet the Regulation of Chemical Safety Usage in Workplace, Article 19.

1、打印车间里的所有备用的油墨均没有防渗漏装置，而且附近没有张贴MSDS。这不符合《危险化学品安全管理条例》第二十条和第十五条。2、打印车间里的所有备用的油墨和去污岗位的那壶去污剂均没有安全标签。这不符合《工作场所安全使用化学品规定》第19条。

The two electricity distribution boxes in thermal transfer printing / laser cutting workshop were without inner cover. This did not meet the Safety code of electric power industry-Part 1: Thermal and machine Article 3.5.5.

热转印/激光裁剪车间的2个电箱没有内盖。这不符合《电业安全工作规程第1部分：热力和机械》第3.5.5条。

During site tour, it was noted that the one button-hole sewing machine, the one button sewing machine, the one bartack sewing machine and 3 of 10 overlock sewing machines were not installed with safety eye-shield, the two buttoning machines were not installed with protective metal ring, all the 12 single-needle sewing machines were not installed with safety needle guard. This violated the Law of the PRC on Work Safety article 33.

现场审核时发现，现有的1台锁眼车、1台钉钮车、1台打枣车和10台锁边车中有3台均没有安装挡眼板，现有的2台钉扣机没有安装防护铁圈，所有的12台平车均没有安装挡针器。这违反了《中华人民共和国安全生产法》第33条。

PA 12: Protection of the Environment

1. The factory had not compiled Environmental Impact Report, Environmental Impact Report Form or fill out Environmental Impact Registration Form. This violated the PRC Environmental Impact Assessment Law Article 16. 2. The factory had not conducted the discharge registration of fixed pollution sources. This did not meet the Regulations on Permits for Pollutant Discharge Management, article 24.

1、工厂没有编制环境影响报告书、环境影响报告表或者填报环境影响登记表。这违反了《中华人民共和国环境影响评价法》第16条。2、工厂还没有进行固定污染源排污登记，这不符合《排污许可管理条例》第24条。