

Complaint – Suit Supply – China

Status: Closed

FWF is responsible for setting up a complaints procedure in production countries where FWF is active. The complaints procedure allows third parties to make complaints about the working conditions or the way the Code of Labour Practices is implemented in factories which supply FWF members.

The responsibility of FWF includes investigating the complaint, verifying whether the agreed corrective action plan is implemented and public reporting. This complaint report gives an overview of a complaint filed to FWF, the investigation and agreed corrective action plan as well as how the outcome is verified. For more information on the complaints procedure see the FWF website. FWF also publishes an overview of complaints received in its annual reports.

1. Affiliate involved

Suit Supply B.V (the Netherlands), hereafter Suit Supply.

2. Accused party

A factory located in China supplying Suit Supply.

3. Date of receiving complaint

The complaint was formally received by FWF through its local complaints handler in China on 16 May 2014.

4. Filing party

A worker that is employed by the factory.

5. The complaint

The complainant claimed that he was forced to resign before the end of his labour contract. The worker signed a one year contract with the factory from 8 March 2014 till 7 March 2015. He does not want to resign from the factory and believes he is entitled to a severance payment of one month if his contract is terminated.

The reason for termination given by the management is that the worker does not perform well. The worker has arguments with his supervisor.

6. Admissibility

FWF decided that the case is admissible on 14 May 2014.

The factory is an active supplier of Suit Supply, an affiliate of FWF.

The case is relevant to the following labour standards of FWF's Code of Labour Practices:

- Legally binding employment relationship

7. Investigation

FWF informed Suit Supply about the case on 14 May 2014. Suit Supply immediately contacted the factory to inform them about the case and ask for a reply. The factory management confirmed the case, indicating they were not satisfied with the performance of the worker on several issues and wished to terminate his employment.

The factory does not provide workers with a copy of the labour contract. For that reason, FWF could not verify the employment relationship with the worker. The finding that workers do not receive a copy of their labour contract was also included as a corrective action in the most recent audit report.

Local legislation states when terminating a workers' contract before the end date, the employee should receive a 30 day notice and a severance pay is number of years employed +1.

The factory requested the worker to resign per the 1st of May 2014 and confirmed they did not give a 30 day notice. At first, the factory did not agree to pay a severance amount since they encouraged the worker to resign out of own initiative. In addition, the worker had been working at the factory for 3 months only. With the support and intervention of Suit Supply stimulating the management to properly terminate the contract, they indicated to be willing to find a solution together with the plaintiff.

8. Findings and conclusions

Based on the above investigation, FWF concluded the case was grounded.

9. Remediation

With support of Suit Supply, the factory and the worker came to an agreement that was acceptable to both parties:

The worker will be employed until the 28th of May. The factory agreed to pay all due wages until that date will be paid plus an additional half a month salary as severance pay. The payment will be made on 25 May. Given the short time the worker was employed by the factory, this was an acceptable solution to both parties.

Suit Supply is expected to work on the corrective action plan in order to ensure all workers receive a copy of their labour contract.



10. Verification

FWF verified with the worker he received the agreed payment on 25 May including the additional half a month salary.

11. Evaluation by the complainant

The plaintiff was satisfied with the solution and thanked Suit Supply and FWF for making this possible.