

Complaint – Blackout AG, Continental Clothing Company Ltd, Hess Natur-Textilien GmbH and Nudie Jeans Co. – India

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

Blackout AG (hereafter Blackout), Continental Clothing Company Ltd (hereafter Continental), Hess Natur-Textilien GmbH (hereafter hessnatur) and Nudie Jeans Co. (hereafter Nudie Jeans); alphabetical order

2. Accused party

A factory located in India supplying Blackout, Continental, hessnatur and Nudie Jeans.

3. Date of receiving complaint

The complaint was received by FWF through its local complaints handler in India on 18 December 2014.

4. Filing party

A worker that has been employed by the factory until 4 months ago, details of the identity are known to FWF.

5. The complaint

The complainant claimed several points:

1. The complainant stated that (s)he has started working in a department which differs from the one which she ended up working after some months (for confidentiality reasons, the departments are not mentioned). Despite the change (s)he did not receive a wage increase. According to him/her, the wage paid (160Rs) is in general too low to live from.
2. The formal worker complains that working hours are excessive from 8.30am to 7.45pm.

With regard to point 1 and 2: The complainant reports that (s)he was asked by the factory management to state to outsiders that his/her earnings were 180Rs and that the shift would be from 8.30am to 5.45pm.

3. The worker states that formally the internal complaints committee is elected and that photos of the members are posted at the factory. However the complainant states that the members of the committee are unable to take up concerns from workers as they are kept dysfunctional from the factory management.
4. The complainant states that the factory deducts social security payments from the monthly salary. The worker complains that after (s)he has left the factory four months back, the social security payments and full and last installment of his/her salary have not been settled. This matter has been taken up by him/her with the HR manager who promised to redirect the money to the complainants account directly. Since then (s)he is has not received the payments.

The complainant requests FWF to help him/her with regard to the social security payments and to settle the full and last installment of his/her salary. With regard to all other points raised, the complainant wants to inform Fair Wear Foundation and the brands sourcing at the factory but does not request any specific action.

6. Admissibility

In December 2013, FWF has conducted several audits at a vertically integrated factory in India. The complaints received come from production units which are not cut-make-trim, where FWF has its mandate. Since the audit at this spinning mill has been conducted in agreement with the brands sourcing at the production unit, FWF decided that the case is admissible on 6 January 2015.

The factory is an active supplier of Blackout, Continental, hessnatur and Nudie Jeans, all affiliated to FWF.

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

- Legally binding employment relationship
- No excessive working hours
- Payment of a living wage



7. Investigation

FWF informs Blackout, Continental, hessnatur and Nudie Jeans about the case. Nudie Jeans took the lead in handling this complaint with the factory management and asked for a reply from the factory management with regard to the payment of social securities and final installments within one week. Factory sent documentation that was reviewed and verified by the complaints handler. Additional documentation was required to verify the payments of all funds. After interference of the Nudie Jeans, factory management provided documentation showing that the payments have been made and received.

8. Findings and conclusions

The social security payments were indeed outstanding at the time the worker complained. At a later point FWF got to know that the social security payments have been made on 16 December 2014 (2 days before the complaint was submitted to FWF) but received by the plaintiff only on 27 January 2015.

9. Remediation

Social security funds have been paid by factory management to the plaintiff.

10. Verification

The complaints handler confirmed on 27 January 2015 with the plaintiff that social security and the full and last installment of his/her salary have been received.

11. Evaluation by the complainant

The plaintiff thanks FWF and the brands involved for their help to receive the outstanding payments.