

Complaint – Takko Fashion – Bangladesh

Status: New complaint

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

Takko Fashion

2. Accused party

A factory located in Bangladesh supplying Takko Fashion.

3. Date of receiving complaint

The complainant called the helpline on 31 December 2014 to report the case, but she wanted to handle the case herself with the management internally first. On 7 January 2015, the complainant decided to file an official complaint to FWF's helpline.

4. Filing party

A worker that was employed by the factory. She was a member of the anti-harassment committee of the factory.

5. The complaint

The complainant said that she was asked to sign a resignation letter on 31 December 2014. The general manager said that a male co-worker reported that she invited workers to her house to form a group. The managing director had made a decision to terminate her contract.

The complainant called FWF's complaints handler to inform the situation. She requested the complaints handler not to disclose her identity and tried to handle the case herself with the management.

On 7 January 2015, the complainant decided that it was not possible to use the factory's internal grievance procedure on her case. She asked FWF to take this on as an official complaint.

6. Admissibility

FWF decided that the case is admissible on 8 January 2015.

The factory is an active supplier of Takko Fashion, an affiliate of FWF.

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

- Legally binding employment relationship
- The case might also be relevant to discrimination against anti-harassment committee (AHC) members

7. Investigation

The factory is a participant of FWF's Workplace Education Programme focusing on preventing and reducing harassment at work. The complainant was a member of the elected Anti-harassment committee. She was active in helping workers to report their grievances to the management, and setting up the internal system to handle cases on violence against women at the workplace. According to the workers, she successfully negotiated for two extra toilets for women in the last month.

FWF informed Takko Fashion about the case on 13 January 2015. FWF requested Takko Fashion to contact the supplier and ask for a reply. Local office of Takko Fashion could contact FWF's country representative to discuss on the case.

On 4 February, Takko Fashion submitted a report to FWF based on local staff's discussion with the factory management on 24 January 2015. The factory responded that the complainant resigned voluntarily on 31 December. The factory had paid for the owed wages in December, plus an extra amount equivalent to one month's wage. The management said that it was a token of appreciation of the factory owner as the complainant's daughter was sick.

On 10 February, FWF contacted the complainant, who claimed that she was forced to resign and she did not know why she was fired. She was glad that she received her due payment for the work she did and appreciate the extra money. However she still wished to be reinstated to the factory.

8. Findings and conclusions

As the investigation did not lead to a convergence in the respective positions, it was proposed to convene a meeting, to be attended by the factory, the plaintiff, and representatives of Takko and FWF. The purpose of the meeting was to find a mutual solution acceptable by both parties.

9. Remediation

FWF suggested Takko Fashion to make an appointment for a meeting between the factory management, the AHC president and AHC members and the complainant to negotiate a solution for both sides acceptable. FWF's country representative and the trainer of AHC would join the meeting to facilitate the discussion.

Against this background, a meeting was subsequently organized which took place on 2 March 2015. The meeting included representatives of the factory, Takko and FWF.

Factory management maintained its position that it didn't agree that the Plaintiff was forced to resign, but that she resigned voluntarily. However, as the issue/case has raised the concern from the Takko and FWF, the factory agreed to allocate severance payment as if the plaintiff was a worker made redundant. In accordance with the Bangladesh Labour Law, this would provide a legal framework for the plaintiff to be awarded with additional financial benefit. It was calculated that she was entitled to the following severance payment:

Basic wage, based on Job duration and tenure (01 year and 10 months)	Taka 4,075
Payment for 120 days notice period = 4 basic wage = 4,075 x 4	Taka 16,300
Service benefits, 01 basic wage	Taka 4,075
Total amount entitled	Taka 20,375
Already paid (on 31 Dec '14)	Taka 6,805
Remaining amount due to the plaintiff	Taka 13,570

The plaintiff accepted the offer during the aforementioned meeting. As a result, in the presence of FWF and Takko representatives, payment of the amount of Taka 13,570 was provided to the plaintiff by the factory management.

10. Verification

The remaining payment under the severance entitlement was made in the presence of FWF and Takko representatives. FWF therefore considers that this case was brought to a satisfactory conclusion.

11. Evaluation by the complainant

The complainant was satisfied with the resolution of the case and with the help of FWF to facilitate a solution.