

Complaint – J. Lindeberg – China

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

J. Lindeberg (Sweden)

2. Accused party

The complaint was filed against a factory in China which produces for FWF affiliate J. Lindeberg.

3. Date of receipt complaint

The complaint was formally received by FWF through its local complaints handler in China on 20 December 2011.

4. Filing party

The complaint was filed by a worker of the factory whose contact details are known to FWF but will be kept confidential.

5. The case

The complaint related to the labour standards 'A safe and healthy working environment' that is part of FWF's Code of Labour Practices:

- The worker was hit by a private car at the factory compound on her way to work at around 7:50 am on 16 December 2011. As a result of the accident the worker suffered from brain concussion and physical injury. According to the plaintiff there were many witnesses of the accident.
- When FWF's complaints handler spoke to the worker she was recommended to visit the local social insurance bureau to see if the incident could be defined as work injury.

- According to the social insurance bureau the incident was defined as work injury; the accident happened at the factory premises during working time. As a result the worker should be compensated for her medical fee by the social insurance scheme if she provides further information regarding her employment. In addition the doctor that was consulted by the worker recommended that she should not work for 1 month to recover. The local social insurance bureau required the worker her labor contract, time records, payrolls, etc before 4 January 2012.
- The factory claimed that there was no relationship between the factory and the car involved in the accident; management denied responsibility for the accident.
- As a result the worker was not provided with the above mentioned documentation, which meant that the worker was unable to process the case at the social insurance bureau. In addition to not providing the documents factory management at that time did not agree to pay normal salary to the plaintiff for work injury leave.

6. Admissibility

On 26 December 2011 FWF decided that the complaint was admissible as it relates to the Code of Labour Practices and the involved factory is owned by an affiliate member of FWF. On 26 December FWF informed J. Lindeberg that the complaint had been filed through its complaints procedure.

7. Investigation

FWF conducted detailed interview with the plaintiff to get a full understanding of the accident and situation about factory management refusing to support the working in obtaining compensation.

In addition FWF asked J. Lindeberg to contact factory management to get an understanding of their perspective on the matter.

8. Findings and conclusions

FWF concluded on 30 December 2011 that the complaint was grounded: the accident had happened and was defined as work related. Since the accident happened on the factory premises, the company was accountable for the accident.

During the investigation factory management informed the worker that all required documents for filing the case with the local labour bureau would be provided to the worker.

The driver of the car that struck the plaintiff had provided the worker with 1 000 RMB as compensation for the accident.

FWF found that according to Chinese law the worker was entitled to an additional sum of 3 000 RMB which is equivalent to the regular salary of the plaintiff for a single month, to compensate the worker for taking one month injury leave for one month.

According to factory management and the plaintiff, the driver of the car had promised to pay a sum of 3 000 RMB to the plaintiff.

9. Corrective action

On 10 January FWF asked J. Lindeberg to inform the factory that it was regarded as the accountable party in this case, notwithstanding that the car driver had caused the accident. The factory was asked to ensure that the plaintiff would be paid the final sum of 3000 RMB within a week (17 January at the latest). If payment would not happen within that date, the factory should pay the worker at once, and the factory should collect the money from the driver after that.

On 15 February FWF contacted the plaintiff again. The plaintiff then confirmed that the driver had paid her a compensation of 3 000 RMB. However, as it had meanwhile become clear that the hospital had previously failed to find out additional injuries from which the plaintiff was suffering, her sick leave certificate that had been issued had been revised from 1 month to 3 months.

According to the plaintiff the driver had refused to compensate her for the additional period for which she could not go to work.

On 15 February FWF asked J. Lindeberg to request the factory to commit to a timeline for settling the matter.

J Lindeberg contacted the factory on 16 February. It was affirmed that the factory would pay the plaintiff the amount that she would normally have received as salary (for regular and overtime work) during the period of her sick leave. The factory committed itself to this while noting that the worker had failed to formally apply for injury insurance.

The agreement stated the following:

1. The driver paid the plaintiff RMB1 000 as accident compensation;
2. The driver paid the plaintiff all medical fee and hospitalization fee, amounting to RMB 11 000, messing fee during hospitalization amounting to RMB1 000;
3. Factory and the driver would jointly bear the cost of the salary of the plaintiff during her sick leave: the driver would pay RMB 6 000, the rest would be paid by the factory;
4. Factory would pay the husband of the plaintiff paid time off for 24 days, during which the plaintiff would be in hospital.

10. Verification

On 18 February 2012 FWFs local complaints handler in China contacted the plaintiff to confirm that the matter had been solved. The plaintiff confirmed that she had received the full amount as agreed during her meeting. She thanked FWF for supporting the process of settling the complaint.