

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 16 May 2012.

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 Legally binding employment relationship' that is part of FWF's Code of Labour Practices:

The worker called FWF's local complaints handler after an audit had been carried out in the factory where she worked behalf of J Lindeberg. This audit was carried out on 15-16 May. According to the worker she was fired for disclosing information regarding excessive working hours to the audit team. On 16 May she was requested by factory management to sign a resignation letter, which she did due to lack of understanding of the consequences at that time. The worker initially inquired with FWF's complaints handler if it was legal if she would obtain her salary after one month.

6. Admissibility

On 16 May 2012 FWF decided that the complaint was admissible as it relates to the Code of Labour Practices and the involved factory supplies an affiliate member of FWF. On 16 May 2012 FWF informed J. Lindeberg that the complaint had been filed through its complaints procedure.

7. Investigation

FWF conducted a detailed interview with the plaintiff to get a full understanding of the situation regarding 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 17 May 2012 that the worker and management had discussed her resignation on May 16. As a result of conflicting information and the worker being unable to submit a copy of a resignation letter, FWF could not conclude if the worker had been forced to resign.

9. Corrective action

Since the factory and the worker both agreed that the employment relationship would best be terminated, considering the recent developments, FWF focused facilitation of termination of the labour contract according to local law, which states:

According to Article 13 of Regulation of Guangdong Province on the Payment of Wages, when an employing entity terminates or dissolves the labor relationship with an employee according to law, it shall pay off the wages of the employee once and for all on the day when the labor relationship is terminated or dissolved.

After discussion with FWF, J. Lindeberg requested the factory to settle the case by means of a cash payment to the worker, equal to her normal monthly salary.

10. Verification

On 23 May 2012 FWF's local complaints handler in China contacted the plaintiff to confirm that the matter had been solved. The plaintiff confirmed that she had received her salary (2000 RMB) in cash from factory management. She thanked FWF for supporting the process of settling the complaint.