



## Complaints report: Mexx Europroduction (India)

*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

Mexx Europroduction (hereafter Mexx)

### 2. Accused party

The complaint has been filed against a factory - located in Bangalore, India. It is a subsidiary of a supplier of FWF affiliate Mexx, as well as several other brands such as GAP, O'Neill, H&M and Nike.

### 3. Date of receipt complaint:

The complaint was received by FWF International Verification Officer for India on 15 February 2007.

### 4. Filing party:

Mr. K. P. Gopinath, director of Civil Initiatives for Development and Peace India (CIVIDEP) informed FWF about the case.

### 5. The case:

The case concerned two labour standards of FWF's Code of Labour Practices: 1) employment is freely chosen; 2) Safe and healthy working conditions.

A 25-year-old female worker committed a suicide on the 10th of February 2007. Her body was found in a toilet of a factory three days after her death. According to various source, the victim complained of stomach ache and requested exit pass. Refused by the production manager, she took an extreme action and ended her life.



Local newspapers had accounted her death to sexual harassment in the factory. According to CIVIDEP, workers in the factory witnessed managers using abusive language towards the victim in order to pressure her to meet production targets.

The victim was the sole bread-winner of her family. Her death left behind two young children and her mother.

## **6. Admissibility:**

FWF decided that the case would be considered as an admissible complaint as it relate to the Code of Labour Practices and the accused party is an active supplier of the affiliate. The compliance officer of Mexx was informed about the complaint on 15 February 2007.

## **7. Investigation:**

The compliance officer of Mexx contacted the factory, the export group it belongs to and consulted the police on 16 February. He maintained frequent discussion with FWF as well as other brands sourcing from the factory.

Triangle Apparel was going through a shock period as a two-month old factory with no previous experience in social auditing. Therefore, FWF and Mexx decided not to conduct an audit immediately. The primary investigations were organised by local groups that FWF have constant contact with. The two investigations were carried out by NGOs and unions respectively in February-March 2007. Both done by interviewing families of the victim, workers and management of the factory, and police officers. The findings from these investigations were used by FWF to formulate conclusions and corrective action plan. The manager-technician of Mexx interviewed about 25 workers to learn about the Code awareness on the 23rd of March.

## **8. Findings and conclusions:**

Regarding the FWF Code on “employment is freely chosen”, both teams confirmed that it was difficult for the victim to obtain exit pass even when she was complaining of a stomach-ache. Management did not grant sick leave or emergency leave to workers in need. There was no policy to protect workers’ right to choose to leave the factory on their own will.

Regarding the FWF Labour Standard “Safe and Healthy Working environment”, although no evidence was found on sexual harassment, the management had used abusive language towards the victim. According to one of the reports, co-workers saw factory managers pushing her to the ground and throwing fabric at her. There were about 1350 workers in the factory, at least 900 of them were women. The factory did not have a system to prevent or deal with abuse and harassment.



## 9. Corrective action:

The corrective action plan was recommended by FWF in May 2007 after discussion with local stakeholders, the affiliate (Mexx) and other brands sourcing from the export group.

- 1) Trainings for workers should be conducted in all factories belonging to the same export group on workers committees, especially anti-sexual harassment committee. Managers and supervisors should be as well trained on the same topic. A pilot project should be developed in three factories as soon as possible.
- 2) The export group needed to include credible external experts in the anti-sexual harassment committee as local law required.
- 3) The export group should continue the dialogue on compliance with international labour standards with its stakeholders.
- 4) The amount of compensation needed to be assessed by independent experts. The factory and the export group should make effort to monitor and prevent abuse of the compensation.
- 5) FWF should take steps to organise a tripartite social dialogue in the Bangalore garment industry.
- 6) An audit would take place if necessary.

## 10. Verification:

The factory management reported to local labour union that they had formed a grievance committee, established complaints boxes and strengthened communication between the factory human resource department and the head office of the export group.

CIVIDEP confirmed that the compensation Rs.200,000 were given to the family of the victim to support the children and her mother. However NGOs and Trade Unions said that part of the money was misused by the family to post bail for the victim's husband.

The verification effort of FWF has limited as Mexx has not been active as an affiliate since November 2007. In 2010, FWF plans to follow up with stakeholders in India on the results of the case.