

Complaint – Nudie Jeans– Tunisia

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. Member company involved

Nudie Jeans Co. (Sweden)

2. Accused party

A factory located in Bizerte supplying Nudie Jeans.

3. Date of receiving complaint

The complaint was received through FWF's local complaints handler in Tunisia on May 2nd, 2016.

4. Filing party

A worker that is currently employed by the factory.

5. The complaint

The complainant has been working for the factory since October 2010. He has always had a one-month contract.

In the period of 2010-2016, it happened on several occasions that he did not receive a contract for a few months, leaving him without a job. In May 2016 he was called to the administration, who told him that his contract was ended immediately.

The complainant claimed that since he started working at the factory, he has only received employment contracts for 1 or 2 months. Furthermore, he was suspended from his work without a prior one-month warning. His social security was not paid by his

employer for the third quarter of 2012 and the first quarter of 2013. Also, he was denied a permanent contract. His employer changed the date of recruitment from 2010 to 2014 on his pay slip. After four years, workers are entitled to a permanent contract in Tunisia. The complainant would like to go back to work and have his social security paid.

He then contacted the FWF complaints handler. After contacting the FWF complaints handler, he also contacted the trade union. After intervention from the trade union, he had a meeting with the manager who told him that he was fired due to the fact that there was not sufficient work and that it was not personal. He might be re-hired after one month. The complainant was the only person in the factory that was fired.

6. Admissibility

FWF decided that the case is admissible on 3rd of May, 2016.

The factory is an active supplier of Nudie Jeans, an affiliate of FWF.

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

- Legally-binding employment relationship;
- Payment of a living wage

7. Investigation

FWF has informed Nudie Jeans about the case, who then contacted the supplier.

According to the manager of the supplier, he acted in accordance with the law and he had paid all the necessary social security.

8. Findings and conclusions

The most recent audit in November 2014 showed issues with short-term contracts: Workers sign many contracts for a period of one month which is an insecure social situation. In 2014, a worker from this factory approached the FWF complaints handler with a similar complaint.

The issue of short-term contracts is something that is common in Tunisia. Employers feel that in order to motivate workers and keep them from becoming less productive, they get workers to sign short-term contracts of 1-3 months. Legally, employers are allowed to issue fixed-term contracts for a maximum of 48 months, after which a contract becomes permanent.

Local stakeholders indicate that the labour law is somewhat unclear when it comes to the practice of these short-term contracts. What is clear, however, is that use of short-term contracts was intended for specific, seasonal employment and not for year-round employment such as found in a garment factory. It also has the effect of placing workers in an insecure employment situation. According to the labour law, social securities have to be paid in relation to the time worked.

Before FWF could open an investigation, the worker was re-hired again by the factory.



9. Remediation

On the 17th of June, the worker was rehired again by the factory. He now works at the same workstation, but does night shifts. He has signed a new contract of one month.

10. Verification

The case is no longer under investigation and has been closed.

11. Evaluation by the complainant

FWF has asked the complainant whether he wished to pursue his complaint. The complainant stated that he did not wish to take further action, because he was satisfied with the outcome.