



Complaint – Kwintet AB – Bangladesh

Status: Resolved

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

Kwintet AB

2. Accused party

The management of a supplier of Kwintet AB located in Bangladesh

3. Date of receipt complaint

22 October 2013

4. Filing party

The complaint was originally filed by a local trade union National Garment Workers Federation (NGWF) through FWF's liaison officer.

5. The complaint

NGWF claimed that a female worker was harassed at the factory. A number of workers organised a protest on this event. The management fired 59 workers. In addition, the factory filed cases against 19 workers on the ground of criminal offence and for leading violent activities.

6. Admissibility

This complaint is about a factory that is currently supplying a FWF member. It concerns the following elements of the Code of Labour Practices:

- No discrimination
- Legally binding employment relationship

FWF decided that the complaint is admissible on 24 October 2013.

7. Investigation

FWF informs Kwintet immediately after deciding the case being admissible. Kwintet local office conducted an interview with the factory management, BEPZA (Bangladesh Export Processing Zone Area) counselors, and 25 currently employed workers in the premises of the factory. FWF conducted an interview with representatives of the 59 fired workers assisted by NGWF.

The main findings of the interviews by Kwintet and by FWF were consistent.

A female line supervisor scolded a female sewing machine operator on 30 September 2013. Another female sewing operator stood up for her colleague and protested instantly against the supervisor. The quarrel later turned into an intense verbal dispute. The female supervisor complained to the Human Resource manager. Consequently, the female operator who got into the fight with the supervisor was suspended on 30 September 2013.

On 1 October many workers decided to protest and stopped working. They demanded the management to revoke the suspension of the female operator, and to terminate three male management staff. The workers did not mind if the female supervisor does not get fired, and they claimed that she was not as abusive as the other three male staff.

On 2 October 2013 top management informed workers that four supervisors would be terminated including three male staff who were accused to be abusive to workers and the female supervisor who had verbal dispute a female operator. The top management also promised that the suspended female sewing machine operator will be back to work.

This news of firing line supervisors had immediately triggered a protest among floor level management. They did not agree with top management's decision and stopped working. Workers thereafter decided to move on and started working without supervision of floor level management staff.

On 3 October 2013 production workers returned to the factory without floor-management. Three accused floor management staff were standing outside the factory gate. Industrial police was also at the factory gate. At 9.30 am in the morning, a female operator went to toilet. On the way back she met a floor management staff and asked him why the police was at the gate. In reply the manager said, "*That is to f**k you up.*" She got offended by the language and told that to her colleagues. The angry co-workers immediately ran after the manager, caught him and beat him up. Instantly a violent clash spread out, which left three floor management staff injured.

Followed to the unrest, factory terminated 10 workers, who received termination benefits and full employment benefits. Misconduct cases were filed against 43 workers. Police investigations found the workers guilty and thereafter they were dismissed with full dismissal compensation. A criminal case was filed against 19 workers among them two were female.

8. Findings and conclusions

The investigation by FWF local audit team found that the cause of the unrest was the frequent verbal and psychological abuse of floor level management. The factory does not have a very strong grievance handling mechanism and effective communication in place. Moreover protested workers failed to negotiate with the top-management and with the Export Processing Zone authority.

Although it is understandable that workers became angry as a result of long term suppression, the violence activities which caused injury of three management staff were not justifiable.

9. Remediation

Kwintet local office demonstrated sufficient effort to invite factory management to negotiate with the layoff workers represented by NGWF. After a number of attempts, Director of the factory and Manager of Human Resource and Compliance came to the negotiation table with the dismissed workers represented by the union on 11 January 2014. FWF local liaison officer was present in the meeting as an observer.

It is understood by both parties that the case was settled, though such incidence was highly unacceptable. They also agreed that it had happened due to both weak grievance mechanism and management system in the factory, and the lack of knowledge of workers on their legal rights and responsibilities.

Although the management did not agree to compensate workers as demanded by the union, the top management informed the workers that they had taken disciplinary action against 10 abusive floor management staff. Among them one floor in-charge and two supervisors were terminated as the complaints were proven. Two written warning letters were issued against two staff members. Three show case notices were issued to three floor level staff. One floor level manager received verbal warning.

The management also agreed on withdrawing the criminal case filed against 19 workers.

The director of the factory has given his personal contact details to the representatives of NGWF. He wished to be in direct contact with NGWF if there is any future dispute regarding his factory.

The factory appreciated the effort of the brand and FWF. FWF and Kwintet local office suggested the factory to participate in an advanced training on anti-harassment, human resource management and conflict resolution for workers and floor supervisors to enhance internal communication and reduce disputes.



10. Verification

- 1) Top managers of the union have had a dialogue with workers represented by NGWF. FWF liaison officer observed the meeting.
- 2) FWF has verified that the layoff compensation for fired workers was paid according to local laws.
- 3) FWF will schedule training sessions with management of the factory. FWF will monitor and evaluate the process and the result of the training in the end of 2014.

11. Evaluation by the plaintiff

Although the negotiation did not meet workers' expectation to have a higher compensation payment, they have understood that the dues were paid according to the law. NGWF was partly satisfied that a dialogue has taken place and the attitude of the management was quite cooperative.