

Complaint – Takko Fashion – Bangladesh

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. Affiliate involved

Takko Fashion

2. Accused party

A supplier factory of Takko Fashion located in Bangladesh

3. Date of receipt complaint

The complaint was filed through the workers helpline in Bangladesh on 28 August 2013.

4. Filing party

A female employee (production worker) working in the sewing department of the accused factory.

5. The case

The complainant claimed that the factory has fired her unjustly.

The management changed her sewing machine and production process in the line, which she found uncomfortable. She informed the management about the problem. The manager told her that she must obey or she will be fired. The complainant said to the management that she should not be treated this way.

The manager brought her to the admin office and she stood for 2-3 hours. During the time, the admin officer yelled at her and asked her to continue her work. When

complainant told him that she participated in the Workplace Education Programme training by FWF, she knew her rights and yelling is a form of harassment, the managers fired her immediately. She was forced to sign a blank paper and leave her work ID card.

6. Admissibility

This case is admissible since it is regarding a supplier of an affiliate. The case is relevant to the following labour standards:

- No discrimination in employment
- Safe and healthy working conditions
- Legally binding employment relationship

7. Investigation

FWF informed Takko Fashion immediately and Takko communicated to the factory. The local team and agent of Takko had discussions with the worker and the factory management. The factory management explained that the factory had re-organised the sewing production line. According to the management the complainant did not like to work on the new style, while the factory had no other position for her. According to the factory management, the complainant misbehaved towards the manager in front of other workers. Thus she was taken to the admin office.

During the meeting with factory management on 2 September, the worker agreed to resign from her work and received a compensation equivalent to three months' wages.

After signing, the complainant called the helpline again on 5 September and informed FWF that she felt that she did not have any other option than signing the papers and getting compensation. She felt the process and the result were unfair.

Fair Wear Foundation formed a team of three persons to investigate the issue on 10-20 September interviews and documents inspection were done. The complainant at that time had already found a new job in another factory. She did not want to be reinstated any more.

8. Findings and conclusions

The main findings of the investigation are as the followings:

1. The factory has some new arrangement of work station for a number of workers. The arrangement in itself is not discriminative. However, the factory did not consult any worker about the change. She was hired as a junior sewing machine operator, but after the arrangement, she was required to work in a team of four workers to correct mistakes made by other workers. It was a job with more responsibility and stress. The complainant could not get used to the new position. The management criticized her for the work. She then explained to the management that she was not able to take the new task and requested to get back to her previous position. The management did not pay attention to her grievance.

2. The investigation team believes that this case should be considered as a forceful resignation, or in another word, retrenchment. Both workers inside and outside of the factory confirmed that the complainant was fired.

3. The factory should compensate the worker according to local laws. The compensation amount the factory paid to the worker was about BDT 10,210. (There was a discrepancy between the worker's statement and the factory record. The worker said she had received BDT10,210, while the factory record showed that the payment was BDT 9,551.)

According to the laws, the factory should pay about BDT 24,551. However, the laws and regulations are quite ambiguous in Bangladesh. The team is willing to meet the management again to explain this issue.

4. The complainant said there was no physical or psychological harassment. She was allowed to sit but out of anger she preferred to stand while she was waiting for the admin officer. She also did not want to provide any witnesses to talk about this issue.

9. Corrective action

1. FWF suggested Takko Fashion to discuss with the factory on how to compensate the rest of the amount to the complainant.

2. FWF suggested Takko Fashion to provide a follow up training on harassment with the factory mid-level management and more workers. The factory should continue the WEP training and set up an anti-harassment committee, which aims at helping workers and managers to solve similar cases effectively in the future.

10. Verification

When Takko Fashion tried to set up a meeting for the investigation team and the factory, it was informed that both the factory and the agent have decided to end business relationship on 31 October due to other business reasons. Therefore it was not possible to follow up or verify.

11. Evaluation by the plaintiff

In the beginning of November, FWF contacted the complainant for an evaluation. It was informed by the son of the complainant that she had returned to her hometown. Until the date of reporting, FWF could not contact the complainant.