

Complaint – Mammut Sports Group CH – China

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

Mammut Sports Group CH (Switzerland, hereafter Mammut)

2. Accused party

The complaint was filed against a factory in China which is a supplier of Mammut.

3. Date of receiving complaint

The complaint was received by FWF through its local complaints handler in China on 26 November 2013 and 16 December 2013.

4. Filing party

The complaint was filed by two workers who are currently employed by the factory. Their identity is known to FWF, but will remain confidential.

5. The complaint

On 26 November 2013 a worker contacted FWF to complaint about 2 issues:

- 1) The factory limits workers to resign from the factory. According to the plaintiff, workers lose their last month' salary if they do leave the factory. The plaintiff wishes to resign, but believes the factory will not approve.
- 2) The plaintiff complained about excessive working hours, mostly working until 21:30 or 22:30 when they cannot complete the production quota. According to the plaintiff, an

amount will be deducted from her wage if she is not willing to work overtime. In addition, the plaintiff states the factory often works on Sundays.

On 16 December, another worker from the same factory complained his resignation application is not approved by management. According to the plaintiff, even when adhering to the legal requirement of giving 1 month notice, it is not possible to resign unless workers accept to give up their last month salary.

6. Admissibility

FWF decided that the case is admissible on 29 October and 16 December 2013. At the time of receiving the complaint the factory is an active supplier of Mammut, an affiliate of FWF.

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

- Employment is freely chosen;
- Reasonable hours of work.

7. Investigation

The factory in question was audited by a FWF team on 7 and 8 November. The audit confirmed similar findings that were reported by the plaintiffs. The audit concluded:

- 1) Workers work more than 3 overtime hours a day. The average weekly working hours are more than 70. Workers had 2 days off in a month; the consecutive working days are more than 7.
- 2) During the audit, workers contacted FWF through the QQ to complain about the excessive overtime hours and the fact that it is difficult to resign.

Regarding the specific individual cases of resignation, the first plaintiff indicated she submitted her resignation orally, but the factory did not approve it. The worker was not able to obtain an empty resignation form; hence there is no written evidence that the resignation was submitted with 30 days' notice. Unfortunately, the plaintiff is not willing to disclose her identity.

The second plaintiff submitted his resignation to FWF, but also does not have written evidence of the notice to management. The second plaintiff was willing to disclose his identity.

FWF informed Mammut about the case. Mammut contacted the supplier and a meeting was scheduled to discuss the matter.

8. Findings and conclusions

Based on the above investigation and the findings confirmed by the audit, FWF finds the complaints regarding excessive overtime and limitations to resignation grounded.

9. Remediation

The corrective actions from the audit with regards to 'Reasonable Hours of Work' will be prioritized and followed up by the affiliate.

Mammut is expected to analyse and set up a plan to reduce excessive overtime.

With regards to the resignation wishes of the plaintiff who was willing to disclose his identity, Mammut has been able to resolve the case in cooperation with its supplier. The supplier and plaintiff agreed that the plaintiff will remain work until the end of March 2014 and will then be able to resign with payment of due wages.

FWF encourages Mammut to schedule another audit after March 2014 to verify the above. Moreover, the concern is more workers experience similar difficulties with resignation. Resignations shall be unconditionally permitted, as long as the workers inform the management one month in advance. By doing so, the workers follow local law and so should the factory. Mammut will stress that workers should be free to resign, given a resignation form and receive compensation when leaving the factory as required by law.

10. Verification

Verification with the plaintiff who was willing to disclose his identity has taken place. The plaintiff confirmed he has been able to submit his resignation letter. The individual case of the complaint is hence solved.

At the next Performance Check, FWF will verify the affiliates' effort to analyse and set up a plan to reduce excessive overtime.

11. Evaluation by the complainant

The plaintiff confirmed the resignation letter and confirmed he agreed with management to stay at the factory until the end of March. The plaintiff thanked FWF for the cooperation.