

Complaint – VAUDE – 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. Member(s) involved

Vaude

2. Accused party

A factory located in China supplying the FWF member.

3. Date of receiving complaint

The complaint was received by FWF through its local complaints handler in China on 1 August 2015.

4. Filing party

The complaint was filed by a worker currently employed by the factory.

5. The complaint

The complainant complained that the factory changed his work position after taking personal leave. The complainant said he followed the company's policy for personal leaves. When he returned to the factory, he was assigned to be a QC instead of group leader. A QC needs to have business trips, which the complainant did not want to do. Subsequently management claimed he violated the internal management rules. According to the complainant he was required to sign a document with the internal rule

violation. The complainant did not sign the document and hoped to have further communications with the management team to return to work as normal.

6. Admissibility

FWF decided that the case is admissible on 6 August 2015. The factory is an active supplier of a FWF member. The case is relevant to the following labour standards of FWF's Code of Labour Practices:

- Legally binding employment relationship.

7. Investigation

FWF informed the member about the case and requested the member to contact the supplier and ask for a reply.

On 17 August, the complainant informed FWF's complaints handler he was fired by the ground that his complaint to FWF caused damage to the factory's reputation in front of its clients. On 14 August 2015 settled the last month salary with him without any severance. The complainant thereafter called FWF for help to request the factory to pay severance to him; according to the complainant he has been serving at the factory for 10 years and the severance shall be 11 months (N+1) of salary according to the legal regulations.

On 18 August FWF's complaints handler received the complainant's labour contract and social security statement indicating the complainant has been employed by the factory from 2007. Shortly after factory management sent the labour contract to VAUDE stating start of employment in 2011. An additional document was sent by the factory management which was considered the transfer document of the complainant to a different position. Factory management stated the complainant was fired for the reason of violating the company's employment rules.

FWF's complaints handler informed the complainant about the management's reply, who subsequently mentioned there was no communication or warnings regarding offending the factory rules.

On 21 August factory management indicated they consulted a company lawyer and the case was handled by the labour department.

8. Findings and conclusions

The complainant decided to take this case to the labour department on 17 August 2015. On 22 September the labour department indicated that the process of the dismissal was according to the law and none of the appeals were supported.

9. Remediation

Because the case has been brought to the labour department, FWF will only observe the final outcome and not actively remediate.

The factory, in cooperation with VAUDE, is requested to improve the internal dialogue structure. Follow up training is needed to improve communication channels between worker and management. VAUDE should ensure there is no retaliation for workers filing a complaint to the FWF complaints hotline or the labour department.

10. Verification

Because the labour department has taken on the case, FWF does not verify this complaint.

11. Evaluation by the complainant

The feedback from the complainant refers to the labour department and is not an evaluation of FWFs complaint handling system, nor does it represent FWFs position. The complainant confirmed the local arbitration committee did not support his appeals. According to the complainant, workers did not dare to tell the truth to the arbitration committee. The complainant sued the factory at the local court on 17 November 2015 and a second round of hearing of witnesses will be arranged on 4 December 2015.