

## **Complaint – Hessnatur – Turkey**

*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**

Hessnatur

### **2. Accused party**

The accused party is a factory in Turkey supplying the affiliate.

### **3. Date of receipt complaint**

The issue came up through the local newspapers in Turkey where there was news on dismissed workers protesting in front of the factory with the claim to be dismissed because of union affiliation. Since the factory mentioned in the newspapers was a supplier of an FWF affiliate, the local complaints handler of FWF had a meeting with the representative of the union in Istanbul on February 5, 2014, where the news and claims were confirmed by that representative and the situation was raised as a complaint.

### **4. Filing party**

Representatives of the Textile, Knitting and Clothing Industry Workers' Union of Turkey (Teksif).

### **5. The case**

According to the information provided by the union, on January 8, 2014 26 workers, all trade union members, were dismissed. The dismissals took place through out the January. As regard to the day of meeting with the local union branch representative and 9 dismissed workers on February 24, plaintiff claimed that 140 workers in total were dismissed, 110 of whom are union members. Plaintiff also claimed that there is a blacklisting among textile factory owners in Denizli and non of the dismissed union members were able to find new jobs.

## 6. Admissibility

The issue is related to a supplier of an FWF affiliate, and is related to the following labour standard:

Freedom of Association

## 7. Investigation

On February 24, 2014 FWF local complaints handler had a meeting with 9 dismissed workers and the local union branch representative. The dismissed workers and the union representative accused factory with anti-union behaviour and dismissing workers due to union membership. Although they were protesting outside the factory from the day of first dismissals, there had been no communication between the factory management and the local trade union branch.

On February 14, 2014 an international brand, which is not an affiliate of FWF, communicated that they would like to collaborate with the affiliate of FWF on the case since the accused party is also a supplier to them. 2 other international brands sourcing from the factory followed the same way. FWF and the affiliate welcomed this proposal. FWF affiliate, together with these brands, wrote a letter to the factory management on March 11, 2014, to ask their feedback about the situation and claims. The factory claimed the firing of the workers was due to downsizing. On 17 July 2014 a meeting between factory management and FWF complaints handler took place in factory and factory management repeated their claims. On the other hand during this meeting it was found out that factory started to recruit new workers, which was a finding not in line with the claims of the factory regarding downsizing.

On 17<sup>th</sup> of November 2014, FWF country manager and local complaints handler held meetings with local branch of the involved Trade Union and the lawyer of workers, just after the court hearings of 16 dismissed workers took place. The court decided the dismissal of these workers were not legal, thus cannot be in force, and workers shall be reinstated.

Court hearings of the other 21 dismissed workers were held on 18-19 November 2014 and judge decided a second hearing to be conducted on 4<sup>th</sup> February 2015.

## 8. Findings and conclusions

The investigation showed that the group of workers and the union are willing to get in communication with the factory management to settle down the issue. FWF and the affiliate involved, together with other three international brands collaborated, proposed factory to maintain an open dialogue with the Trade Union, to reinstate the dismissed workers as the factory started recruiting new workers, and FWF workplace education programme to be implemented in the factory. None of these proposals was accepted by the factory management.

The court decision regarding reinstating 16 workers dismissed proved the dismissals were not in line with laws.

## 9. Corrective action

The remedy is the factory to follow the judge conclusion on reinstating workers. Not



following this shall create a sign of factory's anti-union attitude. As a supportive action, FWF's workplace education programme, which covers 8 labour standards and internal communication, should be implemented in the factory by FWF trainers. If factory refuses to follow the court decision and reinstating workers, this is a violation with the FWF CoLP and ILO Core Conventions on Freedom of Association and Right to Collective Bargaining. In this case the affiliate should consider its business relationship with the factory.

## **10. Evaluation by the plaintiff**

## **11. Verification**