

(Complaint – Filippa K – China)

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

Filippa K (Sweden).

2. Accused party

The complaint was filed against a factory in China which produces for FWF affiliate Filippa K.

3. Date of receipt complaint

The complaint was formally received by FWF through its local complaints handler in China on 26 September 2012.

4. Filing party

The complaint was filed by a worker of the factory whose contact details are known to FWF but will be kept confidential.

5. The case

The complaint related to the labour standards 'Reasonable hours of work' and 'Payment of a living wage' that is part of FWF's Code of Labour Practices:

The worker called FWF's local complaints handler after an audit had been carried out in the factory where she worked behalf of Filippa K. This audit was carried out on 7-8 September 2012. According to the worker the factory issued an official notice in the workshop to announce that workers can rest only on the night of the coming Mid-Autumn day (30 Sept 2012). Yet, for the rest days of the long national holiday (30 Sept to 4 Sept), workers are required to be present without adequate compensation of 300% for working overtime on national holidays. Secondly, the worker complained about the regular excessive overtime hours at the factory. Thirdly, the worker complained about the bad food quality at the canteen. The plaintiff informed the complaints handler that in



case FWF cannot help her with the complaints, she will sue the factory at the local labour bureau.

6. Admissibility

On 26 September 2012 FWF decided that the complaint was admissible as it relates to the Code of Labour Practices and the involved factory supplies an affiliate member of FWF.

On 26 September 2012 FWF informed Filippa K that the complaint had been filed through its complaints procedure.

7. Investigation

FWF's conducted an interview with the plaintiff to get a full understanding of the situation regarding factory management's policy on voluntary work during holiday periods. However, the plaintiff did not want to disclose her identity and made the phone call from a public phone. FWF's complaints handler was unable to get in contact her again for further follow up. To date, the plaintiff is not informed about the admissibility of the complaint.

In addition FWF asked Filippa K to contact factory management to inform them about the complaint and get an understanding of their perspective on the matter.

8. Findings and conclusions

FWF concluded from the recent audit report that excessive overtime is an issue at the factory. The average weekly hours of workers are between 70-80 hours when workers work 7 consecutive days in a week. Regular overtime hours are 4 hours a day, which is more than the local requirement of 3 hours/day; monthly overtime hours are around 130 hours, which is more than the legal requirements of 36 hours/month.

China celebrates Mid-Autumn Day on 30 Sept 2012 and workers are entitled to a national holiday between 1 and 3 Oct 2012. As 30 Sept 2012 falls on a Sunday, a deferred rest day shall be arranged on 4 Oct 2012 to replace that Sunday, thus, the vacation shall last from 30 Sept to 4 Oct. According to local law, in case any work is arranged on 1-3 Oct, the factory shall pay 300% of normal wage to workers as overtime premium; if workers are arranged to work on 30 Sept (Mid-Autumn day), workers shall be paid 500% of normal wage (Sunday -200% + public holiday 300%).

Filippa K has contacted their trading company who works with the factory. According to the management they compensate the workers for overtime if they are willing to work overtime, which is voluntary.

FWF concluded that the complaint which was filed by the plaintiff regarding bad food quality at the canteen was not grounded given that FWF was not able to verify if this was the case for more than one worker at the factory.



9. Corrective action

Overtime should always be voluntarily and the factory should pay overtime premium according to local law. Filippa K should prioritize the findings of the CAP regarding correct payment of overtime. Secondly it should urge the factory not to arrange work on national holidays.

Filippa K should analyse their own production planning with the factory to investigate what impact their orders have on the working hours in the factory.

FWF will monitor this very closely and will contact the plaintiff again soon to see how this evolves. The plaintiff indicated she has not yet contacted the local labour bureau, but will do so when this is not solved. For Filippa K this is a very good opportunity to actively work on a concrete issue and to ensure workers receive the holiday (compensation) they are entitled to.

10. Evaluation by the plaintiff

FWF was unable to contact the plaintiff after filing the complaint.

11. Verification

FWF advises Filippa K to schedule a follow up audit to verify whether improvements have been realised.

For the longer run, there is the possibility in the future to have a local trainer at the factory to provide trainings or to participate in FWF's Workplace Education Programme.