

Complaint – Jack Wolfskin, Schöffel Sportbekleidung GmbH – Vietnam

Status: resolved

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

Jack Wolfskin, Schöffel Sportbekleidung (hereafter Schöffel); in alphabetical order.

2. Accused party

A factory located in Vietnam supplying Jack Wolfskin and Schöffel.

3. Date of receiving complaint

The complaint was received by FWF through its local complaints handler in Vietnam on 19 October 2015.

4. Filing party

Three workers that were employed by the factory. One worker that has had an application process for a job in the factory.

5. The complaint

The complainants claimed several points:

1. Three complainants claimed that 11 workers have been expelled because the line manager found some trousers were teared. The complainants states that the management called a group of 11 workers and forced them to write a letter of voluntary resignation, without giving them any chance to explain, or any investigation.

2. The three complainants state that this group of worker all said that they did not make the mistakes and they did not know who cut the trousers.
3. The complainants state that the workers have talked with the Factory Trade Union, but without any solution. The workers have also sent complaint letters to the District Trade Union, but they have not received a response.
4. A fourth complainant called the complaints handler, claiming that her application has been rejected because of her family ties to one of the dismissed workers.

The complainants request FWF to help them and the group of workers with regard to being reinstated in the factory, or get their wages due and severance pay.

6. Admissibility

FWF decided that the case is admissible on 20 October 2015.

The factory is an active supplier of Jack Wolfskin and Schöffel, affiliates of FWF. The case is relevant to the following labour standards of FWF's Code of Labour Practices:

- Legally binding employment relationship
- No discrimination in employment

7. Investigation

The factory management referred to their disciplinary policy as reason of dismissal: if a worker destroys products on purpose, he/she either has to compensate the damages or will be dismissed. This is not in violation of the local law. The management showed a police report that was made about the case.

However, the police report does not substantiate the reason for dismissal since the police found that there was no sufficient evidence to identify who cut the trousers. The three workers that were interviewed by the police were amongst the ones that were forced to sign resignation letters. According to the workers, they had to fill in the resignation letter with leaving the box for 'reason of dismissal' empty. Investigation showed that resignation letters state reason for dismissal 'destroyed products'.

According to the complainants, after the discovery of the trousers the Human Resource manager and workshop department called a group of 11 workers together, working on that production line. The line manager supposedly informed the group of workers that if they know who cut the trousers, they could come to him/her. But nobody came forward. They were then told to sign a letter of voluntary resignation, leaving the reason for resignation open. The complainants said that they were not allowed to go back to their work place to get their belongings.

The complaint handler called with the management of the factory to propose a remediation meeting. In this call the management mentioned that the workers were dismissed because they had not checked the products at the end of their working day. If they would have done so, they would have discovered the destroyed trousers. According to the management, this checking on products at the end of a work day is a factory regulation and because these workers have violated this regulation, it would be sufficient reason to dismiss them.

Following this call, FWF checked the factory regulations for dismissal and did not find this policy mentioned. In response, the management said that the checking on the products (at the start and end of every working day) is not written down, but instructed orally to the workers.

8. Findings and conclusions

The investigation concludes that resignation was not voluntary.

The factory dismissed workers without being able to prove the trousers were destroyed on purpose by (one of) the respective workers. This conclusion is shared in the police report.

The conclusion is that the disciplinary policy cannot be applied as a reason for dismissal because:

- a) the factory was not able to show proof of who destroyed the trousers.
- b) the so called factory regulation to check products after the work day is not written down and not part of the formal disciplinary policy.

Regarding the case of the refused applicant, FWF recognizes that there is a possibility for discrimination but could not determine this with certainty.

9. Remediation

Fair Wear Foundation proposed a meeting between management and representatives of the workers, mediated by local FWF staff. However, the management did not want to organize this meeting. Jack Wolfskin and Schoeffel engaged with the factory and ensured that the factory paid dismissal compensation to the workers.

Fair Wear Foundation recommends the brands to discuss an appropriate formal disciplinary policy and factory regulation, and discuss that the policy and its implementation complies with the FWF Code of Labour Practices.

It is further recommended to discuss the application process and make sure that applicants are not discriminated.

10. Verification

The workers received 4.831.000 VND compensation. This is calculated based on basic salary and complies with the Vietnamese labor legislation.

11. Evaluation by the complainants

Even though they hoped to be rehired, the workers are grateful to FWF for having received compensation.