



Complaint – LK International AG – 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

LK International AG (Switzerland)

2. Accused party

The complaint was filed against a factory in China which is a supplier of FWF affiliate LK International AG.

3. Date of receipt complaint

The complaint was formally received by FWF through its local complaints handler in China on 25 January 2013.

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 standard 'Legally Binding Employment Relationship' that is part of FWF's Code of Labour Practices.

The worker informed FWF's complaints handler that she had submitted a resignation application by 31 Dec 2012. According to the worker factory management agreed in December 2012 that the worker could leave the factory on 23 January. The worker was then promised that she could resign earlier than 31 January as she still had 7 days of annual leave prior to her resignation.

According to the worker she was informed on 23 January that she would be required to work until 31 January, and that she would have to work at the factory until that day.



According to the worker she had made arrangements in the previous weeks to travel to her hometown for Chinese New Year by train on 29 January 2013.

The worker stated that she would be willing to work the additional days until 29 January, notwithstanding that a different agreement was made previously. However would leave on 29 January. She was afraid that the supplier would withhold (part of) her wage as a way to ensure that the worker would not leave and / or return to the factory after New Year.

6. Admissibility

On Friday 25 January FWF decided that the complaint was admissible as it relates to the Code of Labour Practices and the involved factory has an active business relationship with an affiliate member of FWF.

On Friday 25 January FWF informed LK International AG that the complaint had been filed through its complaints procedure.

7. Investigation

FWFs complaints handler asked the worker if she could provide evidence of filing her resignation according to legal requirements. The worker informed FWF that she did, but that she was not able to send a copy of her resignation letter and contract to FWF on the same day.

This led to a dilemma for FWF: taking time to further investigate the complaint would at least take until Monday 28 January. Considering the time difference with China little time would be left for discussing the case with the supplier as 26-27 January fell on weekend days.

Due to the time pressure of the complaint FWF did not assess if her claim was grounded. With LK International AG it was agreed that LK International AG would contact the supplier to get an understanding of their perspective on the case and to suggest that a solution be realized that is acceptable for both parties.

This decision was based on the expectation that if the complaint would not be solved before Tuesday 29 January, the complaint would have to be investigated in detail. This would be a complex and costly process for all parties involved.

8. Findings and conclusions

N/A (see above)

9. Corrective action

LK International AG contacted the supplier within hours after FWF informed the company about the complaint and asked the supplier to find a solution that is acceptable for both management and the worker.

From the supplier LK International AG received information that the resignation from the worker had not been approved in December.



According to the supplier, the factory rules allow workers to resign from work before the official resignation date on the condition that they can give evidence of special circumstances. According to the supplier the worker was trying to resign early as she would get married in her hometown, but the worker had not given evidence of her wedding which would support her early departure.

The supplier stated that they would have needed information for early leave in order to ensure that workers would only resign early in case of special events.

The supplier informed LK International AG that they had no problem with this specific worker resigning early, but that the factory rules are needed to be generally respected. LK International AG was informed by the supplier on 28 January that the resignation of the worker had been approved.

10. Verification

On 29 January 2013 FWFs local complaints handler in China contacted the worker that had filed the complaint. The worker then confirmed that she had reached an agreement with factory management.

11. Evaluation

The plaintiff thanked FWF for its commitment to realise a solution. The plaintiff confirmed to contact FWF in case a conflict would occur in the future.

FWF and LK International AG discussed that if time would have allowed, more detailed information from the side of the worker would have been of added value for understanding the complaint in its full context.

As a result of the rapid and effective action of LK International AG and the willingness of the supplier to facilitate a solution the case could be settled without a detailed investigation.