

Complaint – Fristads Kansas/Bierbaum-Proenen– Tunisia

Status: Under investigation

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 company involved

Fristads Kansas and Bierbaum-Proenen

2. Accused party

A factory located in Tunisia supplying Fristads Kansas and Bierbaum-Proenen

3. Date of receiving complaint

The complaint was received by the local FWF complaints handler on the 3rd of June 2016. The FWF complaints handler encountered difficulties in keeping in touch with the complainant. Only after a while, the FWF complaints handler received a pay slip that is necessary to ensure that the complaint is admissible.

4. Filing party

A worker that is currently employed by the factory.

5. The complaint

The complainant claimed that he has been dismissed on illegal grounds. He has worked as a cutter for six years at the factory on the basis of short-term contracts. Short-term contracts (1-3 months) are quite common in Tunisia. His latest contract was for three months and ended on the 20th of June. The contract is not with the factory of the FWF-members, but with one an interim agency, although he works at the FWF-members' factory. He has never been dismissed before.

According to the complainant, the following happened: one of the cutters threw away some cut tissue. When the supervisor asked who had given the order to throw it away, the cutter who had done it, blamed the complainant. Based on that allegation, the complainant was given three days of suspension by the Consultative Committee. The complainant was not paid during this suspension. He had to agree to his suspension by signing a document that would recognize his fault, which he refused. On the basis of this refusal, he was sent home without the possibility of working the last three weeks of his contract. The worker had a time-rate contract which ended on the 20th of June. The worker was not re-hired.

The worker wishes to be reinstated and receive a full reimbursement for the time he was suspended and did not work.

The authenticity of the accusation is under investigation.

6. Admissibility

After having checked that the workers is employed by the factory, FWF decided that the case is admissible on 1st of July 2016. The factory is an active supplier of Fristads Kansas and Bierbaum-Proenen, members of FWF.

The case is relevant to the following labour standards of FWF's Code of Labour Practices:

- A legally-binding employment relationship
- Payment of a living wage

7. Investigation

FWF has informed the two members about the case and has asked for a response. The factory manager claimed the following:

The complainant instructed a trainee to dispose cut tissue from Bierbaum Proenen. The trainee then asked the cutting and hall supervisor whether this was the correct procedure. Since this was not the correct procedure, and the complainant tried to cover up his mistake, the complainant was suspended for three days. The complainant did not accept the suspension. The complainant resigned orally.

The complainant did not come to work after the three days of suspension. The factory manager then hired a new employee. After one week, the complainant was offered to come to work again until the end of the contract, but in another position. The complainant was then employed until the end of the contract. (30-06-2016). The complainant would have incorrectly discarded cut tissue again.

The complainant would have received his remaining holidays and the remaining remunerations, including the annual bonus (calculated on the basis of the months worked)

FWF will perform an on-site investigation in September 2016, because the factory is closed in August due to holidays.

8. Findings and conclusions

The case is under investigation.



9. Remediation

The case is under investigation.

10. Verification

The case is under investigation.

11. Evaluation by the complainant

The case is under investigation.