

Complaint – Outdoor & Sports Company Ltd. – China

Status: Closed

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

Outdoor & Sports Company Ltd. (OSC).

2. Accused party

A factory located in China supplying OSC.

3. Date of receiving complaint

The complaint was received on 1 June 2016.

4. Filing party

A worker that was employed until 10 May 2016 by the factory.

5. The complaint

The complainant claimed that she could not get approval from management on her request for personal leave. She planned a vacation to Beijing from 4 to 10 May 2016 and she asked for personal leave on the 27 April. The factory refused her request on 30 April 2016. The complainant had booked flight tickets already and found it too expensive to cancel the tickets. She continued her vacation although she did not get approval from the factory. When she returned to work on 10 May, she was informed her job was terminated due to her absenteeism.

She informed she had been working at the factory for 8 years and the factory told her that if she still wanted to work at the factory, she needed to re-start as a new worker.



On 31 May 2016, the factory made payments to its workers, but the complainant did not get her wages of April and from 1 to 3 May. She requests the factory to pay all due wages of April and 1-3 May 2016 to her.

Legal reference:

Article 39. 2 is applicable to this situation: When an employee seriously violates the rules and procedures set up by the employer, his employer may dissolve the labor contract. If workers go on holiday without permission, it could be regarded as unauthorized absenteeism, which is violating the rules of the employer.

6. Admissibility

FWF decided that the case is admissible on 1 June 2016.

The factory is an active supplier of OSC, a member of FWF.

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

- Payment of a living wage

7. Investigation

FWF informed OSC about the case. OSC contacted the supplier and the supplier informed that the complainant started a case against them at the local arbitration committee. OSC remained in close contact with the factory regarding this complaint. The factory's dismissal process and this case was of the supplier meeting on the 21st October. OSC kept stressing to the factory the complainant would be willing to drop the case when the factory would pay her due wages of April. The factory stated the hearing has already taken place and their preference is to wait for the outcome and they will abide by the ruling.

8. Findings and conclusions

The outcome of the local arbitration ruled in favor of the supplier. The request of compensation for the worker's complaint is not supported by the labour court. OSC received translated version of the ruling.

9. Remediation

The court case is closed. OSC is advised to continue its dialogue with the factory on dismissal policy and effective grievance systems.

10. Verification

The court case is closed.



11. Evaluation by the complainant

The complaint handler called the complainant, who said to be disappointed with the ruling of the court.