



## Complaint – Bierbaum-Proenen – Tunisia

### 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. Affiliate involved

Bierbaum-Proenen

### 2. Accused party

A factory located in Tunisia supplying Bierbaum-Proenen.

### 3. Date of receiving complaint

June 9 and June 10, 2014.

### 4. Filing party

A worker that is currently employed by the factory. The next day, another worker from the factory called with the same complaint.

### 5. The complaint

The complainants claimed that:

-On Saturday, May 29th, 2014 (one day after a FWF audit) the Tunisian manager of the factory had a meeting with workers who were interviewed during the audit and questioned them.

-Manager indicated that he received a name specific report of all the workers who spoke with auditors and threatened them.

-And after a dispute between manager and workers, several female workers were not allowed to work for 3 days.



-After 3 days, all the workers resumed work except for the first complainant, whose work was stopped indefinitely (using excuse of the end of contract).

## 6. Admissibility

FWF decided that the case is admissible on June 10, 2014.

The factory is an active supplier of Bierbaum-Proenen, an affiliate of FWF.

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

- Safe and healthy working conditions;
- Legally-binding employment relationship.

## 7. Investigation

FWF informed Bierbaum-Proenen about the case. Bierbaum-Proenen contacted factory management and asked for a response.

Factory management provided a response to FWF on July 10 with accompanying documentation.

The FWF complaints handler had contact with the complainants on July 27. On November 25, factory management had a meeting with FWF complaints handler to discuss the complaint and follow-up.

## 8. Findings and conclusions

Worker interviews are an integral part of the audit process. Under no circumstances whatsoever should workers feel like they are being punished for having spoken to FWF. This has been made clear to management during a factory visit by Bierbaum-Proenen. Even though management disputes the claim of workers to have been reprimanded for talking to FWF auditors during an on-site audit, workers felt that participation in a FWF audit process had negative consequences for them.

There was indeed a meeting held with all workers and management on May 29, 2014. During this meeting, several workers were indeed suspended. Management claims that interviews during the FWF audit were not discussed, while the two complainants did say this happened.

Management claimed that the suspensions were due to quality and productivity issues. This was backed up by signed suspension notices. These suspension notices, however, were all dated a few days after the meeting took place and were all for a few days. Furthermore, the suspensions were for relatively light infractions, and workers were not given warnings prior to being suspended and there was no escalation of punishment(s) leading up to the suspensions. Since the meeting, workers were also asked to sign only short-term (1-3 month) labour contracts, some after having worked for more than a year without having to sign new contracts.

In the end, all workers were allowed to return to work.

During the meeting held on November 25<sup>th</sup>, a number of issues were clarified and the conclusion was that the complaint had more to do with communication problems

between workers and management, worker motivation and knowledge on rights and obligations.

## 9. Remediation

The use of short-term labour contracts is an issue for the garment sector in Tunisia. The labour law does allow for short-term contracts, but only in the context of specific types of work (seasonal, etc.). It is a widespread practice, but can be seen as a violation of the labour law, if not in the letter of the law then for sure in the spirit of the law. Furthermore it is considered by FWF a violation of the FWF Code of Labour Practice standard: Legally-binding employment relationship.

In this case, it seems that the signing of short-term contracts could have been used as a means to control workers and make them scared. This should not be the case. Workers should receive longer term contracts, and move towards permanent contracts after four years. Bierbaum-Proenen must address this issue with factory management.

As shown by the suspensions of workers for relatively light infractions, there is no active policy in place on appropriate and proportionate disciplinary measures at the factory. This needs to be instated by the factory to prevent similar issues from taking place.

During the meeting held on November 25, factory management presented a number of steps the factory will take to prevent similar issues in the future. These include:

- Recruiting an HR officer who will deal directly with workers and their issues;
- Ensuring the formation of a (legally obligated) company consultative committee (CCC) according to legislation;
- Installing a suggestion box that will be checked regularly and the complaints/proposals will also be followed up on;
- Installing a canteen in the workwear production location.

FWF is pleased that the factory has proposed these steps. Bierbaum-Proenen and the factory together must ensure that these steps are also implemented along with the remediation points mentioned before.

## 10. Verification

FWF planned a verification audit at this factory in 2015 to check the remediation of the complaints. However the factory terminated cooperation with Bierbaum-Proenen mid 2015 which is why the verification audit did not take place.

## 11. Evaluation by the complainant

All workers, including the first complainant, were ultimately allowed to return to work.