

## Complaint – Fond of Bags– Myanmar

### 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

Fond of Bags

### 2. Accused party

A factory located in Myanmar producing for Fond of Bags.

### 3. Date of receiving complaint

17 March 2017.

### 4. Filing party

A worker who is a team leader (line supervisor) at a factory in Myanmar that produces for Fond of Bags.

### 5. The complaint

On 15-16 March FWF has conducted an audit at the factory that produces for the FWF member company concerned. The following day, FWF received a call to the FWF helpline. The complainant informed FWF that he was told by his supervisor and manager that he and his wife (also working at the factory) were both terminated from the factory because they did not show up for work on Monday 17 March 2017. He furthermore shared the following context:

- On 12 March 2017, he worked from 8:00 am – 4:30 pm. Since he has been doing overtime until 9:00pm for several days, he felt sick. Therefore, he called his supervisor on 13 March 2017 and asked for one- day leave. The supervisor responded that it was ok. On the same day, he received a call in that afternoon from the factory to come to work at 7:00pm the following day. But he could not go to work as he was sick. His wife also could not go to work because she accompanied him to the clinic.
- On 14 March 2017, he went to work, but was told by his supervisor and Chinese manager that he and his wife were terminated. He complained to the Admin/HR manager who asked them to go back home and come back on 17 March 2017.
- On 17 March 2017, he and his wife came to the factory, but they both were told again that they were terminated by the manager. They both did not leave the factory as they felt it was not fair. They were not assigned any task by anyone and were sitting idle doing nothing the whole day.

He called FWF at that time to help him and his wife.

## 6. Admissibility

FWF decided that the case is admissible on 17 March 2017.

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

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

- Legally binding employment relation

## 7. Investigation

FWF informed Fond of Bags about the case which requested a response from the factory management.

On 21 March, the General Manager informed FWF the following:

- The incident involved a team leader (male) and his wife. Both of them work in the same team. The team leader had been asked to work on the previous Sunday and was given time off the following Monday
- The team leader failed to complete an urgent delivery with the team, and as a consequence the company received complaint from a customer for late delivery
- Part of the reason was that the team leader's wife had taken leave very often and this has negatively affected other workers working on the same team, thus causing the delay.
- On 14 March the factory decided to transfer the team leader's wife to other team but they both disagreed. On the same day the team leader's wife made a big dispute with the floor supervisor (Burmese female supervisor) regarding the transfer.
- On Friday 17 March the situation escalated further when the team leader turned violent and confronted the production manager with a pair of

scissors. He was stopped by his wife and other worker before having inflicted bodily injury to the production manager.

Based on the above, the general manager conveyed the following factory's decision:

- “The factory takes the safety of its employees very seriously and considers the use of physical violence totally unacceptable behavior. In protection of other employees working in the factory, it was decided to transfer the team leader to another department to isolate him from the production manager, and to terminate him with one month's notice. Going through the three Warning Letters procedure is not feasible under these circumstances.
- The team leader's wife will be served a warning for tardiness and disobedience as well as causing disruption at the production floor.”

As this was a situation of one word against the other, FWF decided to conduct further research by conducting worker interviews in the factory. To this end, FWF investigation team visited the factory on 8 April 2017. As part of the investigation, FWF interviewed 10 respondents, including several workers nominated by the complainant who witnessed the incident.

## 8. Findings and conclusions

FWF concluded that the complainant did in fact make an attempt to stab the factory manager using a pair of scissors. Though denied by the complainant, several witnesses confirmed that they saw him chasing after the factory manager with a pair of scissors and yelling in a threatening manner.

The repair work is said to be the responsibility of complainant. Most of the respondents confirmed that the complainant ignored the instructions of his immediate supervisor, the line manager, and the factory manager.

However, on the other hand, though the grievance was gradually growing at the workplace by the complainant, nobody from the management paid enough attention to make him realize the potential consequences of his, and his wife's, actions, and tried to counsel or reduce his tension towards the factory manager.

Given the seriousness of the violent action, FWF is of the view that the factory was justified in making its decision to dismiss the complainant. It is done at the labour office and in accordance with legal provisions for the calculation of severance pay.

## 9. Remediation

Both sides already agreed that the compensation was to be paid on 10 April 2017.

## 10. Verification

Compensation was paid to the complainant in line with the relevant national legislation, namely 1.5 months of salary (including overtime and bonuses).



## **11. Evaluation by the complainant**

The complainant expressed that he accepted the situation and confirmed that he received the severance payment.