



## Complaint report: Blackout AG (Turkey)

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

Blackout AG.

### 2. Accused party

The complaint has been filed against a factory in Turkey which is a supplier of FWF affiliate Blackout AG.

### 3. Date of receipt complaint

The complaint was received by the local complaints handler of FWF in Turkey on 28 May 2009.

### 4. Filing party

A worker who had been dismissed from the factory.

### 5. The case

The complaint touched upon several parts of the FWF Code of Labour Practices

#### *Legally binding employment relationship*

- Dismissal: The plaintiff claimed that she had been unjustly dismissed from the factory.
- Unregistered workers: The plaintiff stated that there are unregistered workers in the work place.

#### *No excessive working hours*

- Breaks: The Plaintiff stated that workers were not able to use their coffee breaks fully. Most of the time 15 minute breaks are cut down to 10 minutes and the 45 minutes lunch break to 30 minutes.



## Fair Wear Foundation complaints report

### *Safe and healthy working conditions*

- Verbal abuse: The plaintiff stated that there are many workers who cannot stand the verbal abuse and had to leave their job.
- Work pace: The plaintiff stated that workers are always given a quota they cannot reach.

## **6. Admissibility**

On 16 July 2009 FWF decided that the complaint is 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.

## **7. Investigation**

On 19 of June an investigation plan was sent to Blackout AG and agreed on. The first step was to find out from Fair Labour Association (FLA) who had conducted an audit there recently if they could confirm the complaint. The FLA could confirm verbal abuse problems at the factory. Other issues raised by the plaintiff were not uncovered in the report.

The further investigation was put on hold as the plaintiff had a legal process against the factory. It was judged that this process should have its course. As the legal case did not progress, FWF decided to move on with the investigation through offsite interviews. In April 2010 FWF conducted offsite interviews with workers at the factory. After this the management of the factory was interviewed about the situation in the factory regarding the plaintiff.

Shortly after the end of the investigation phase was ended, the court decided in favour of the plaintiff and she was rewarded compensation for being unjustly dismissed.

## **8. Findings and conclusions**

On the basis of gathered information and the court verdict, FWF concluded that several parts of the complaint are grounded. The investigation also uncovered several other issues that need to be addressed including coaching of workers before audits. Below are the conclusions relating the complaint:

### *Legally binding employment relationship*

- Unfair dismissal: Through the decision of the court, FWF concludes that the complaint is founded on this point.
- Unregistered workers: The investigation could not find support for the claim that there are unregistered workers in the factory.

### *No excessive working hours*

- Breaks: The workers interviewed offsite confirmed that breaks are not always given in full.
- Overtime: The workers interviewed offsite said that overtime is not voluntary. Daily and monthly limits are exceeded. There are no rules regarding leaves and some workers have difficulty for using their legal rights related with leaves.



## Fair Wear Foundation complaints report

### *Safe and healthy working conditions*

- Verbal abuse: The workers interviewed offsite confirmed verbal abuse by supervisors
- Work pace: The workers interviewed offsite said that performance numbers are too high for some of the tasks. When workers cannot meet the targets they have to work extra during the break or in the evening after the normal working hours without payments.

## **9. Corrective action**

Regarding the unfair dismissal, the issue is settled between the plaintiff, the factory and the court. No further actions are needed from Blackout AG regarding this.

Action still needs to be taken to assure that the factory takes action on the code standards No excessive working hours and Safe and healthy working conditions (with a focus on work place harassments).

FWF recommends that Blackout cooperates with other buyers from the factory to resolve these issues. One of the other buyers is affiliated to Fair Labour Association. FWF can, through the joint liaison that FWF has with FLA in Turkey, facilitate such cooperation.

FWF would also like to encourage Blackout to discuss with the factory if they would want to participate in FWF's project on grievance handling and communication at factories in Turkey that is being done in 2011 and 2012.

## **10. Verification**

The outcome of the complaint regarding dismissal has already been verified through direct contact with the involved parties. FWF considers this part of the complaint closed.

For the outstanding parts of the complaint, FWF will verify that progress has been made at the factory through the local audit team (either through a full audit or through worker interviews). The timing of this will depend on what measured Blackout AG decides to take at the factory.