

FOA, CB and worker representation indicators

Following is indicators for FOA, CB and worker representation. If you have done some mapping or risk assessment (desk top risk assessment, self-assessment questionnaires or audits) before, you probably have much of the information. The information you have about countries or suppliers could be organized in Excel-sheet or other systems.

See the tool “Mapping and managing of Freedom of Association(FoA), Collective Bargaining (CB) and Worker Representation (WP)”

Country information

Has the sourcing country ratified the ILO conventions on FOA, CB and worker representation?

YES: There ought to be local law governing how workers elect and represent themselves.

NO: Do workers have any other means of voicing their concerns?

Are trade unions restricted under law in the sourcing country?

YES: On site, how do workers represent themselves and are there formal or informal ways of raising concerns with employers?

NO: Local law outlines how trade unions are constituted, the percentage of workers needed to form a union, and the rules for collective bargaining.

Is there a history of disputes and conflict?

YES: What sort of conflict has there been and how has the issue been resolved? Is this a repeat conflict related to recognition of a worker representative group, breakdown of negotiations related to a bargaining agreement, or employer interference with elected representatives or trade union officials?

NO: It would be useful to research media and labour NGO reports and verify the findings with workers and trade union networks off site. Evidence of harmony and open dialogue will be reflected in records of issues raised and resolution, minutes of meetings and worker testimony.

Site / supplier information

Is there a published policy on freedom of association and collective bargaining for the supplier/site?

YES: How is this measured, monitored and governed? Is there detail of the recognised trade union and are workers' rights referenced in the supplier's annual or CR reports?

NO: Invest in awareness-raising and supplier training on the benefits of allowing workers to freely associate, along with the business value of independently elected representatives.

Does the supplier/producer raise awareness of labour rights and protections?

YES: Establish how is this done (posters, e-applications, pocket cards etc) and request evidence.

NO: Identify opportunities to highlight the benefits of workers knowing their rights and protections. Invest in encouraging and educating suppliers on the types of media and resources available.

Have workers contributed ideas and solutions to production practices that have improved the workplace?

YES: How has this been communicated? Is there a process for dialogue?

NO: Suggest a survey of workers to explore processes or conditions to introduce the idea of worker participation and consultation on site.

Do managers and workers meet to discuss workplace policy and practice?

YES: How often and is this formal or informal – is there a record trail for evidence purposes? What sort of topics are covered and do workers contribute to the agenda?

NO: Consider introducing the supplier to initiatives and programmes such as the ETI Social Dialogue programme for factories or, for example, the ILO Score initiative. Share your findings from other sites and initiatives.

Are there worker forums or committees on site?

YES: How are they constituted? What do they discuss? Who decides what is to be discussed? Are the workers selected by management or elect by the workers? Is there a mechanism or process on site to train workers on workplace practices – such as health and safety practices and policies?

NO: Encourage the practice of elected rather than selected worker reps. How do workers engage or raise issues with management or supervisors? Consider encouraging a mechanism or process on site to train workers on workplace practices – such as health and safety practices and policies?

Does the supplier/producer have a trade union agreement or if unions are not permitted by law, a relationship with elected worker representatives?

YES: There should be an audit trail for:

- Name and affiliations of the trade union
- Whether the representatives were elected or selected
- Frequency of elections
- Worker education process
- Whether there has been a secret ballot or a “show of hands”

- Number of representatives per worker
- Gender balance
- Number of workers who voted.

NO: Consider introducing and encouraging education and awareness-raising around workers' rights, in order to promote workers' right to freely associate and choose peers to represent their concerns.

Are workers free to form or join a trade union of their choice?

YES: Does this cover ALL workers or only certain categories – e.g. women, men, contract, seasonal, local and foreign migrant workers.

- The percentage of workers belonging to the union
- The name of the union
- Affiliations: independent, national or sector federation, or global union federation.

NO: This will depend on the legal provision in the sourcing country and whether the site is situated in an economic processing zone.

Where permitted by law, raise awareness of the benefits of workers accessing their rights and protections.

Is there a collective bargaining agreement?

YES:

- How is this communicated to the workers?
- When is it negotiated?
- What period does it cover?
- Whom does it cover?
- What percentage of workers is covered by the CBA?
- What is the scope of the agreement (pay, terms and conditions, dispute resolution etc)?

NO: If there is an elected trade union on site but no agreement, it could indicate a fraudulent claim. Investigate further with, affiliations to local trade union groups, national TU centres, the ITUC, other global union federations and local labour NGOs

How often do you hold meetings with trade unions or worker committee representatives in your workplace?

YES: What type of issues are discussed and is there a documented continuous improvement process and a record of decisions made?

NO: If there is no regular meeting, there will be scope to introduce the idea of regular meetings. Including worker representatives, invest in developing an agenda for meetings and explain the importance of notes and decision records for audit purposes.

Do worker representatives have paid time off for union duties?

YES: This will be verified through conversations with the representatives and should be included in the bargaining agreement.

NO: The business case for worker representatives will be pertinent to this discussion. It would also be useful to determine roles and responsibilities – this will give an indication of the time worker representatives may require for their duties.

Do worker representatives receive training?

YES: What sort of training – for example, does it cover local labour law, grievance procedures or health and safety? Practical skills on time management, dispute resolution, and presentation may also be included.

- Training may also be available from a recognised trade union or worker committee support group.

NO: In respect of maturing industrial relations, it would be an investment to develop the skills of elected workers so that they can represent members effectively.

- Where there are no representatives, there is also a case for developing overall training on basic issues such as election processes, setting agendas or health and safety.

Are union meetings held during working hours and on the premises?

YES: If the audit trail of agendas, collective bargaining agreements or minutes of meetings confirms that meetings are held, it may be useful to establish if they are free from interference or surveillance from managers and supervisors.

NO: It would be good to establish from the worker representatives why this is the case, where meetings are held, how documented and if this is their choice.

- If there is an indication of fear or harassment, this should be raised with the supplier in a sensitive way, and an action plan established to remediate.

Have worker representatives brought forward solutions that have been implemented and monitored? (For example, suggestions to address absenteeism, manage change, or improve safety or productivity).

YES: Gather data on the effectiveness of worker representation and the value they bring to your supplier's business. The findings can be used to promote good practice among other suppliers.

NO: Are there opportunities to involve worker representatives in future discussions? Opportunities could include new production methods, changes to local regulation or even restructuring.

- Number of disciplinaries or grievances raised by workers in the last 12 months?
- How many of these were resolved? How do workers raise a grievance or concern?
- If a pattern of grievances emerges or no action is taken, investment in developing a corrective action plan that involves workers and their representatives should be proposed.

Has there been any industrial action over the last 12 months?

YES: Is there a process in place to avoid action? What was the cause? How was it resolved?

NO: If there is a record of industrial action with no resolution, there must be an investigation into the matter and an investment made in remediation or dispute resolution, involving worker representatives or trade unions.