

Trade Union Freedom Guide

Analysis, practices and solutions



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Introduction

The right to organise in trade unions is a fundamental labour and human right. Unfortunately, in many countries, workers attempt many barriers to organizing.

It is not difficult to establish a trade union in the Netherlands. The Dutch constitution recognizes the right to association and assembly since 1848. It is Article 9 of the current constitution. In addition, in the Netherlands there are no rules that hinder the establishment of a trade union, or the execution of trade union activities. Unfortunately, in many other countries it is much harder to establish a trade union or perform union-related activities. Establishing independent trade unions, for example, in such countries is not allowed, or the initiators are unable to register themselves. There are a great many reasons for this, from political to cultural, and everything in between.

A fundamental right

Yet, the right to organise in trade unions is a fundamental labour and human right. This is usually referred to as: The right to free association in trade unions. Additionally, every individual has the right to collective bargaining over employment conditions. These rights are laid down in national and international legislation and regulations. Such as the International Labour Organization (ILO) conventions, or OECD Guidelines for Multinational Enterprises.

Engaging in a meaningful dialogue

Why is trade union freedom so important? First, it is crucial for engaging in a meaningful dialogue on factory, sectoral, and even national level. On behalf of their members, trade unions negotiate with employers or their representatives on collective employment conditions, which

subsequently are laid down in collective labour agreements. Such working conditions may refer to salary, remuneration, working hours and rest periods. Usually, individuals are not able to reach such agreements, where trade unions are successful.

In addition, trade unions can negotiate with (representatives of) employers, about working conditions and workers' rights and obligations in general. Trade unions also defend the interests of their members in cases of dismissal and reorganisation, and they can give their members legal support and advice. Furthermore, trade unions



promote the current social values regarding people and labour. Trade unions can monitor compliance with labour rights, and report and prevent violations of these rights. In doing so, trade unions safeguard the interests of employees.

Trade union rights important for employers too

But trade unions are relevant for employers as well. The right to association increases employee involvement. This allows employers to build long-lasting relationships with employees, with many positive consequences. Take for

example labour productivity: this is higher for employees with a positive mind-set than for employees who feel they are not taken seriously, and therefore work less hard. And it is always good for an employer to know what happens on the shop floor. Here too, dialogue with trade unions can have a positive effect.

Without trade union rights

However, many countries do not enjoy trade union freedom. In practice, employees are left to their own devices. This is because employers are powerful, and can decide under which conditions

(salary, working hours) employees have to fulfil their duties. Employees are forced to work extremely long hours, in dangerous or unhealthy circumstances, for a salary that is hardly enough to support themselves and their families. And how about children that can't go to school because they have to work? You can even look at the consequences for the entire country. If children don't get the opportunity to go to school, they will not be able to get good jobs later. While labour still is a very important economic motor.



Framework of laws and regulations

As said earlier, trade union rights have been laid down in a variety of (national) laws and international treaties. The most important of which are the Universal Declaration of Human Rights (UDHR)¹, ILO conventions and standards, and OECD Guidelines for Multinational Enterprises. All UDHR rights are equal and inalienable rights of all members of the human family. This means that these rights apply to all people.

Universal Declaration of Human Rights (UDHR)

Article 23 of the UDHR states that:

- Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.
- Everyone, without any discrimination, has the right to equal pay for equal work.
- Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.
- Everyone has the right to form and to join trade unions for the protection of his interests.

ILO conventions 87 and 98

The ILO states that “Freedom of association is a universally recognized and protected human right and a core ILO value enshrined in its Constitution since 1919.”²

Eight ILO conventions are regarded as the basic conventions relating to employee rights. The country where someone works or resides is irrelevant. Two of these conventions relate to trade union freedom and trade union activities:

- Convention 87: Freedom of Association, 1950
- Convention 98: The right to freedom of association and collective bargaining, 1949.

The literal words of these ILO conventions are: “Freedom of association guarantees the ability of workers and employers to defend not only their economic interests but also civil liberties such as the right to life, security, personal and collective freedom. It guarantees protection against discrimination and harassment. As an integral part of democracy and development, freedom of association is also crucial to realizing the other fundamental principles and rights at work.”

There is also ILO convention 135. This convention is there to protect employee representatives in companies. So, members and representatives of trade unions are protected by this convention against unfavourable actions, such as dismissal. Convention 135 also stipulates that they be given facilities for them to perform their activities well.

In practice these ILO conventions are there to prevent employers from pressuring employees that are members of a trade union, or want to be members. An employer can also not pressure an employee into ending their membership. And trade union activities may not affect the employee’s career in a negative way. Therefore, it is illegal to fire anyone for being a trade union member or performing trade union activities.



¹ The United Nations, “Universal Declaration of Human Rights”, December 1948: <http://www.un.org/en/universal-declarationhuman-rights/>

² <http://www.itcilo.org/en/the-centre/areas-of-expertise/rights-at-work/freedom-of-association>



OECD Guidelines for Multinational Enterprises (MEs)

The OECD Guidelines for MEs describe what OECD countries expect of multinational enterprises in the area of corporate social responsibility. This includes the topics of labour rights, human rights and the environment, and also applies to the production chains of these companies. These guidelines refer repeatedly to the freedom of association³:

1. ME employees have the freedom to join a trade union or worker association, and can also establish one.
2. ME employees have the freedom to be represented by trade unions/employees' representatives of their own choosing for collective bargaining.
3. MEs have to provide the required facilities for realising effective collective agreements to employees' representatives.
4. MEs have to provide all required information for engaging in meaningful negotiations on working conditions to employees' representatives.
5. Employees and ME representatives must possess all relevant information required for forming a true and correct view of the activities and performance of an enterprise.
6. MEs must promote the dialogue and cooperation between employers, employees and their representatives on matters of common interest.
7. MEs must, as much as possible, hire local staff and provide education to improve their skills and expertise. This can take place in cooperation with employee representatives and/or the (local) authorities.
8. If an ME plans to modify its business operations, employees, their representatives, and if applicable, the (local) authorities must be informed about this in a timely manner. This applies, for example, to shut-down of a business unit and collective redundancies. MEs are also required to mitigate the negative effects of such changes for as much as possible. Therefore, the ME must reach agreements with employee representatives and if applicable, authorities.
9. MEs may not take unreasonable measures that would deprive employees of the right of association or to bargain. For example, MEs are not allowed to move a business unit to another country for this reason, or to transfer employees from another country to the ME.
10. Employee representatives must be enabled to bargain on collective agreements or other matters relating to employee-employer relationships. There must also be room for dialogue with representatives officially appointed by the employer.

³ Source: Document of the Ministry of Foreign Affairs of the Netherlands <https://www.oecdguidelines.nl/oecd-guidelines/e/employment--industrial-relations>

Other conventions and covenants

- **ECHR**⁴: In Article 11 of the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR), the Council of Europe states that each European has the right to freedom of peaceful assembly and to freedom of association. This includes the rights to establish trade unions with others, and to join trade unions.
- **ESH**⁵: The (revised) European Social Charter (ESC) describes the conditions for realising the right to collective bargaining. The ESC also states that “all employees and employers have the right to freedom of association in national or international organisations for the protection of their economic and social interests..” Articles 5 and 6 of the ESC describe these rights in more detail. Despite the fact that the ESC does not contain any binding rules, its compliance is monitored by the European Committee of Social Rights (ECSR).
- **Civil-Political Covenant**⁶: Article 22 of the International Covenant on Civil and Political Rights explicitly protects the right to freedom of association, including the right to establish or join such unions.
- **International Covenant on Economic, Social and Cultural Rights**⁷: Article 8 of the International Covenant on Economic, Social and Cultural Rights states that all people have the right to establish a trade union or to join a trade union of their choosing. Additionally, trade unions have the right to form national overarching bodies. These bodies can establish or join international trade union confederations. Furthermore, trade unions have the right to perform their activities, without any restrictions. The ICESCR covenant also guarantees the right to strike, provided it is exercised in compliance with local law.



About the ILO

The International Labour Organization (ILO) is closely connected with the United Nations. Governments, employers and employees are represented in the ILO. They reach minimum standards on human rights in the workplace. This ILO policy is laid down in international treaties. Governments that ratify these treaties must adapt their legislation accordingly. The ILO can also monitor whether countries that have ratified the treaties are in compliance, and take action when this is not the case. Complaints can be filed with countries that violate one or more of the treaties that they have ratified.

⁴ http://www.echr.coe.int/Documents/Convention_ENG.pdf

⁵ <https://www.coe.int/t/dghl/monitoring/socialcharter/presentation/escrbooklet/English.pdf>

⁶ <http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>

⁷ <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CESCR.aspx>

Analysis of the issue

Why is trade union freedom not respected? And what are the problems encountered by trade unions when performing their activities, or by employees that want to establish a trade union?

The first problem is that the treaties often only exist on paper. Many countries ignore or do not comply with the conventions and covenants. Another issue is that in many countries, in practice it is very difficult to join a trade union, despite the fact that trade unions are legal. For example, employees are penalised for performing trade union activities. There have even been fatalities. Another problem is that many employees around the world are not aware of their rights.

A further analysis of the problems that lead to non-compliance with trade union rights:

The issue of 'recognition on paper'

Many countries have incorporated international ILO and OECD guidelines in their national legislation. On paper, it looks as if the trade union rights are respected. Sometimes national legislation is even more progressive than the international guidelines. But in practice the policy only exists on

paper, and no concrete activities are undertaken to implement the agreements; the policy is virtually useless in practice. The same applies to guidelines for which compliance is not monitored. Such checks could take place with the use of so-called 'social compliance audits'.

Many companies also have such 'policy on paper'. It even occurs with MEs. They will recognize the employees' rights to organise in trade unions. But this recognition usually only confirms codes of conduct stating that employees must not encounter any negative consequences of their organisational activities inside the company, and that's that. It also frequently occurs that companies use less specific wording in their codes of conduct, to avoid committing themselves.

Another problem is that companies often refer in their codes of conduct to less stringent local laws and practices. The codes of conduct then state that local laws and practice are used as a guideline. This can lead to big differences in how a company applies its policies in various countries. Often it also emerges that the policy only applies to permanent employees, not to flex workers or

contracted personnel.

In conclusion, codes of conduct are generally insufficient to obtain actual trade union freedom and establish a trade union or perform union activities.

Trade unions and membership, followed by reprisal

It also occurs that it is legal to establish a trade union, but that there are countless obstacles that hinder trade union activities. For example, thresholds for raising funds, initiating actions (peaceful actions, or even negotiations on working conditions), and opposition when reaching out to politicians and policymakers. Many trade union leaders have lost their jobs, or even their lives, for their commitment to jobs, rights and equality.

No access to information and expertise

Many employees are unaware of their rights, let alone that they know how to defend them. It still happens a lot that employees are unaware of the existence of a collective labour agreement in their company, of its contents, or how they can obtain a copy. In other words, the worldwide knowledge of trade union freedom is very limited.

Investigations into trade union rights

The International Trade Union Confederation (ITUC) reports each year on the worldwide compliance with trade union rights and violence against trade union representatives. The result is a list of so-called 'highrisk countries'. The ITUC Global Rights Index ranks 139 countries against 97 internationally recognised indicators to assess where workers' rights are best protected in law and in practice.

According to the ITUC Index 2017⁸ workers in 59 countries are experiencing physical violence and threats, a rise by 10 percent in just one year.

The report's key findings include:

- Eighty-four countries exclude groups of workers from labour law.
- Over three quarters of countries deny some or all workers their right to strike.
- Over three quarters of countries deny some or all workers collective bargaining.
- Out of 139 countries surveyed, 50 deny or constrain free speech and freedom of assembly.
- The number of countries in which workers are exposed to physical violence and threats increased by 10 per cent (from 52 to 59 countries) and include Colombia, Egypt, Guatemala, Indonesia and Ukraine.
- Unionists were murdered in 11 countries, including Bangladesh, Brazil, Colombia, Guatemala, Honduras, Italy, Mauritania, Mexico, Peru, the Philippines and Venezuela.



Top 10 high-risk countries:

Countries with the worst working conditions:

- Bangladesh
- Colombia
- Egypt
- Guatemala
- Kazakhstan
- the Philippines
- Qatar
- South Korea
- Turkey
- the United Arab Emirates.

Source: ITUC report 'Global Rights Index 2017'

⁸ http://www.ituc-csi.org/IMG/pdf/survey_ra_2017_eng-1.pdf

Worst Practices

Cambodia: New labour law makes trade union activities almost impossible

A new labour law in Cambodia seriously weakens the power of trade unions. The new law poses new requirements to trade unions. For example, a confederation must consist of at least ten federations, and each federation should consist of a minimum of ten local unions. It will also become mandatory for each local union to have a membership that consists of at least 20% of all employees in the company. Even the strong trade unions cannot meet this requirement. The new law also states that if trade unions act against the government's wishes, they will be suspended. This could be the case with strikes. In addition, trade unions are not allowed to communicate with NGOs that are not registered in Cambodia. This makes (international) solidarity for trade unions very difficult. ITUC has objected to these and other articles. The ILO has also filed a complaint. The ITUC has sent a letter to the government, and sent a copy to the main international clothing brands with production facilities in Cambodia, and to various foreign governments. So far, this action has unfortunately not resulted in amendment of the law.



Bangladesh: Unionization in practice often still forbidden in free trade zones

After two major disasters in garment factories in Bangladesh, the fire in the Tazreen factory end of 2012 and the collapse of the Rana Plaza building in April 2013, steps have been put in order to improve working conditions in the garment industry. There are many new unions registered but many workers still cannot practice collective bargaining on wages and working conditions because many employers refuse. According to the ITUC it is still illegal for hundreds of thousands of workers in the free trade zones to form a union.

Qatar: Migrants excluded from labour law

Especially in Gulf States where the kafala system is used, workers are badly affected by the violations of labour rights. In the Gulf state of Qatar migrants are totally excluded from labour legislation, which in practice amounts to modern slavery. Their passports are taken upon arrival.

**El Salvador:
Transport company
dismisses all union
members**

After months of negotiation the trade union federation CATS succeeded to establish a trade union in a transport company. But the joy was short-lived. A day later, all union members within the transport company were fired.

Guatemala: Sugar-cane producers have forced out independent trade unions

Officially Guatemala has trade union freedom, yet at present there is not one independent trade union in the sugar cane sector. Leaders of independent trade unions in the industry are dismissed. Their names figure on blacklists that circulate, preventing them from finding work elsewhere. There have even been cases of disappearance and murder of trade union leaders. To oppose the independent trade unions, employers sometimes establish "yellow" trade unions, that are completely under their control. Employees can only establish a trade union once they represent more than 50% of the personnel. Thus, establishment of a yellow trade union makes it impossible for an independent trade union to be established.



Good practices

Cambodia: Working collaboratively with brands in the area of freedom of association

After research by CNV Internationaal and SOMO in Cambodia on social dialogue brands policies and social dialogue in practice in sourcing factories CNV Internationaal talked to - among others- Fair Wear Foundation, (as one of the brands in the report is a member of FWF), and WE Fashion about the findings of the report and the need to work collaboratively in the area of freedom of association.

CNV arranged a meeting with trade union leader Athit Kong from CLC/CCADWU our trade union partner in Cambodia and Marijke Willemsen the CSR coor-

dinator of WE Fashion. A meeting used to discuss the labour conditions in textile factories and implementation of the 8 ILO core labour standards in Cambodia.

In fact the new laws (LANGO and trade union law) form a serious threat to the existence of independent trade unions.

CNV and CLC/CCADWU asked WE Fashion during that meeting to think about their potential role as a brand in encouraging freedom of association in their supply chain. Besides asking input from WE Fashion, CNV and CLC/CCADWU offered their practical help in the implementing stage.

WE Fashion as well as CCADWU were positive about the meeting. WE Fashion stated afterwards that: "The meeting with the trade union provided extra information on the workers conditions on the ground, as well as more detailed information on the practices in some suppling factories related to freedom of association." WE Fashion decided to write a letter on the importance of freedom of association and shared that letter to all their suppliers in Cambodia. A promising practice: In response some factory managers agreed to a meeting with WE Fashion and CCADWU in the near future.

Honduras: Adidas takes trade unions seriously

The trade union movement in Honduras has acquired an image with a strong emphasis on campaigning, but the independent trade union Central General de Trabajadores (CGT) has shown another side. Together with CNV Internationaal, this trade union initiated a campaign in 2014 aimed at raising awareness of the working conditions in the Honduran maquila industry.

The campaign was organised around the Football World Cup.

The proportion of wages as part of the selling price of a T-shirt was selected as the central message of the campaign. One of the companies in the maquilas supplies to Adidas, so as part of the campaign, a letter was sent to the sports brand. Up to recently, labour relations at this facility were difficult. Adidas replied that they wanted to retain the factory as a preferred supplier, and turned out to be willing to engage in a dialogue with the trade union and invest in better working conditions and labour relations. This is a good result, because companies confronted with such matters often decide to change suppliers, or even outsource to another country.



Colombia: Trade unions Union Contracts

Colombian law allows for employers to hire flex workers, using subcontracting arrangements, for example. Such workers are usually not covered by collective agreements, and are therefore barely protected from abuse. Since the 90s, CGT has been concluding so-called 'Union Contracts' with employers. These are collective work contracts for flex workers. With these contracts, workers are guaranteed of a fair wage and social security, among others. There are benefits on all sides: CGT arranges payment of all premiums for the employer (thereby relieving the employer), the employees are protected, and CGT itself has more members, because flex workers have to join in order to qualify for such a contract. In short, trade union CGT demonstrates that trade union freedom means more than just unions on strike.



Indonesia: Trade union freedom for vulnerable homeworkers in garment industry

Sewing T-shirts, printing logos. These activities not only take place in large garment factories, but often also in small workshops. In Bandung, Indonesia, there is an entire neighbourhood consisting of such small workshops - such an area is called skoci. The workers are usually from outside the city. They cannot go home after work. They often live on the premises. Their income is usually not fixed; they receive piecework pay. This makes these workers much more vulnerable. In practice, they lack the opportunities to arrange their labour rights and working conditions. So the initiative of CNV partner organisation SBSI and trade union SPSI to arrange these matters with the companies is crucial. So far, there were no rules for the small workshops. But now, a sector organisation is being established, with the aim to achieve a formal situation. The informal small companies are to establish a trade union first, which is registered with DINAS Manpower. The municipal representation of the Ministry of Labour. This step formalises the trade organisation, and therefore indirectly, the workshops. The next step in this project - which is supported by Henk van Beers on behalf of CNV Vakmensen - are negotiations on a collective labour agreement for these small and medium-sized enterprises. A special and important process. It is - still - exceptional that collective agreements are concluded on labour rights for such vulnerable homeworkers.

Solutions: complaint mechanisms

International guidelines, conventions and treaties all provide options for trade unions to address violations of their rights or those of their members. There are so-called complaint mechanisms for this purpose. The main complaint mechanisms are those of the ILO and the OECD. There are also the UN Guiding Principles on Business and Human Rights ('the Ruggie Principles'). They promote the setting up of complaints mechanisms at various levels, and describe the criteria for such mechanisms. It is even possible to file a complaint against countries that have not ratified ILO conventions 87 and 98. This means that, if a company does not allow trade unions in a specific country, that country can be called to account.

Filing a complaint with the ILO

Only members can file a complaint with the ILO. States can be ILO members, but trade unions and employers' organisations too. The main ILO sanction is public shaming of, for example, the company responsible for the violation.

OECD complaint body

States, NGOs, and trade unions have the possibility to report violations of the OECD Guidelines. Complaints can be filed with the National Contact Points (NCP) for the OECD Guidelines. The NCPs investigate the complaint, mediate if necessary, and request the offending companies to adjust their policies. Provided the complaint is well founded.

They are called: the UN Guiding Principles on Business and Human Rights, or the 'Ruggie Principles', after their initiator. With the Ruggie Principles, trade unions can demand from companies that they be involved in important changes of direction, such as reorganisations. The Ruggie Principles encourage companies to set up complaint mechanisms for employees and their communities at field level. Such complaint mechanisms can help signal impacts on human rights by a business. Another advantage is that there is now a mechanism for victims to receive reparations.

Success rate?

Trade unions in countries with frequent violations of union and labour rights receive support from the Dutch trade union movement when filing complaints. This support includes the thorough preparation of the complaint, and equipping the trade union partners so that they can file the complaint in the right way. We call this 'case study' and 'case building'. This support has led to an increase in complaints that are filed and upheld by the various complaint bodies.

'Ruggie principles' promote complaint mechanisms

June 2011 saw the launch of a new set of international principles for business and human rights. the United Nations Guiding Principles on Business and Human Rights.



Solutions: the role of governments

When it comes to respecting trade union freedom, governments also have a part to play. For example, governments can force lower authorities and companies to comply with the rules. But governments themselves should also accept their responsibilities. For example by:

- Ratifying ILO conventions 87 and 98, and other relevant ILO conventions in the area of freedom of association.
- Translating the conventions to concrete national laws and regulations.
- Translating the OECD guidelines to national action plans.
- Translation of the ILO conventions and OECD guidelines in the national language.
- Informing local authorities on (implementation of) the conventions, guidelines, and laws and regulations. Training and information meetings are also possible.
- Monitoring compliance with the law, and penalising violations thereof.
- Using diplomatic relations to address violations of human and labour rights in other countries.



Solutions: the role of companies

The responsibility of the business world stretches beyond merely publishing the principles of trade union freedom on websites and describing these principles in codes of conduct or company handbooks.

Yet, the ILO conventions cannot simply be used to call on companies. That is because these conventions formally only apply to governments, and not directly to companies. However, companies are expected to comply to them. After all, they are residing or operating in countries that have ratified these conventions. And if these countries have incorporated the conventions in their national laws and regulations, they apply to companies too. What can companies do, exactly? Because companies cannot be expected to take the role of governments. Nor can they be actively involved in setting up trade unions - that is the responsibility of employees. But companies and other organisations that employ people can ensure that employees inside their organisation and its production chain have a fair chance of exercising their rights of association and collective bargaining.

The following recommendations will help along the way:



1. Make information available

Companies can make information available or (let) inform employees on trade union freedom and collective bargaining. If there already is a (company-based) trade union, then that association should be given room for information activities. In this way, employees and management can be made aware of international standards, national laws, and the policies and expectations of the company.

2. Make an unambiguous statement

Companies could make it much clearer that their investments come with non-negotiable principles. Namely, those of trade union freedom and the right to collective bargaining. Respect for trade union freedom is not a given; companies will have to defend their principles actively. Companies could voice this to the authorities in the countries where they operate (national and local), to the local management, the employees, and their suppliers.



3. Support suppliers

A company can support suppliers with the promotion of trade union freedom inside their organisation. This is especially worthwhile when supplying companies are based in countries where trade union freedom is not a given. In this way, a Dutch (or European) company can support its suppliers in developing countries.

4. Prevent establishment of 'yellow unions'

Businesses should avoid the establishment of internal company-based trade unions. This type of union is usually established by HR departments, and can therefore not operate independently. These trade unions are also referred to as yellow unions. Employees that join such a union are often reticent to be critical. One can also wonder if these unions actually protect the interests of their members. It often occurs that these yellow unions are used by company management to implement (unfavourable) changes and decisions. Companies themselves should prevent and/or stop such initiatives, and allow the independent trade union movement to operate inside the company.

5. Facilitate employees to unite

If freedom of association is restricted because there is one sole government trade union, informing employees about the company policy and the fundamental principles of employee representation is a good start. Companies can stress to employees that those that wish to organise themselves will not be harmed. The company can also allow the establishment of alternative employee committees. Information meetings held by independent NGOs can support this process.

6. Allay fears among employees

If employees have been harmed in the past because of membership of a trade union, they could be afraid of getting involved with a union. Here, informing staff about the company policy and the fundamental principles of trade union freedom, is a first step in the right direction. Company management can stress that they take these principles seriously, and install a complaints mechanism or hotline for anonymous reporting of violations. If needed, an external, independent organisation can act as complaints committee for the company.

7. Get rid of phantom trade unions

If there is a trade union that operates in a company, but employees are unaware of this, this could be a phantom trade union. In such a case it is worthwhile to inform that union about the company policy and the fundamental principles of trade union freedom. In addition, it is always useful to make the collective labour agreement available to employees, and publish the contact details of the trade union inside the company.

Tips & tricks for companies

- Ensure frequent education of the company's own, and contracted staff, on policy principles and their implementation.
- Facilitate education and training of the company's own, and contracted staff, on trade union rights. Deploy independent organisations that are specialized in trade union rights for this.
- Stress to the authorities that international regulations and company policy require that employees and other parties that are involved can exercise their rights, and should have access to information regarding agreements on their working conditions.
- Ensure that employees are familiar with their collective labour agreement, and have received a copy of it in their own language.
- Ensure that employees have access to other agreements (in their own language) that relate to their working conditions.
- Ensure that employees are informed about possible upcoming meetings or negotiations on working conditions, including the dates of the meetings and the name and contact details of the person or organisation that represents the employees in the meetings.
- Ensure that trade unions that are operating inside the company can reach the employees. Conclude agreements about the type of activities that are allowed on the work floor, and about information published by the trade union.
- Ensure that employees are not requested to sign documents without knowing their content, and prevent them from signing blank sheets of paper.
- Inform suppliers about the company policy and the fundamental principles of trade union freedom. Draw up and support improvement plans and - if necessary - announce sanctions for violation of the principles.
- Ensure that contact persons are appointed that are responsible for this topic, both inside the company and with the suppliers.
- Ensure the implementation of a complaint mechanism for anonymous reporting of violations, and make this accessible to employees of suppliers too. If needed, an independent organisation can investigate the complaints.
- Do not contribute to so-called blacklists; these lists feature the names of people that have been dismissed because of their trade union activities, and that will not be hired by other companies.
- Do not intervene in trade union elections. Promote democratic, anonymous elections. Do not allow employees to elect in public, with management present.

Solutions: the role of customers, suppliers, and parent companies

Clients and suppliers of companies can also play their part in promoting labour rights and trade union freedom. The same goes for companies, for example in the Netherlands, with branches or subsidiaries in countries where these rights are not respected. The recommendations that were given in the previous chapter apply to them too, to a great extent. On top of that, there are specific actions they can undertake:

1. Announce own vision and principles

A customer, supplier or parent company can communicate to the (subsidiary) company that international regulations and their own principles require that employees and other parties that are involved can exercise their rights, and should have access to information regarding agreements on their working conditions. If there is doubt whether the country where the (subsidiary) company is located, is in compliance with - for example - ILO conventions, it is recommended to gather information. This can be done with the ILO, ITUC, and other organisations.



2. Involve local management in the principles

It is possible that local management has had bad experiences with trade unions. However, this is not a reason to not cooperate with trade unions. In such a case, informing local managers about the (parent) company policy and the fundamental principles of freedom of association, is a first step in the right direction. Freedom of association increases employee commitment, which enables building long-lasting relations with employees. Make it clear to the local management that they must take these principles seriously, and stress the desire for the establishment of a complaints mechanism inside the company for anonymous reporting of violations.

More information

Websites

- International Labour Organisation, ILO:
www.ilo.org
- Organisation for Economic Co-operation and Development, OECD: www.oecd.org
- International Trade Union Confederation, ITUC: www.ituc-csi.org

Documents

- Global Rights Index: ITUC has been gathering data on worldwide violations of trade union rights for more than 30 years. Since 2014, their findings are published in the Global Rights Index. This index provides insight to governments and the business world into how laws, regulations, and the situation in the supply chains have improved or deteriorated during the last 12 months:
http://www.ituc-csi.org/IMG/pdf/survey_ra_2017_eng-1.pdf
- Worst countries for employees (infographic):
http://www.ituc-csi.org/IMG/pdf/emc_ituc_a4_english_workersrights_2.pdf
- Global Rights World Map: http://www.ituc-csi.org/IMG/pdf/emc_ituc_a4_english__workers-rights_1-3.pdf



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About CNV Internationaal

The Foundation CNV Internationaal is a civil society organisation connected to the National Confederation of Christian Trade Unions in The Netherlands (CNV). CNV Internationaal has been working with trade unions in developing countries for more than 50 years. Together with its partner organisations CNV Internationaal protects and promotes workers' rights by means of a consultative and coherent model in which social dialogue, pluralism of the trade union movement and workers' individual responsibility are key values. CNV Internationaal's mission is to contribute to Decent Work in developing countries through strengthening the position of workers in both the formal and informal economy, through strong social partners and by promoting sustainability throughout supply chains. In the Netherlands, CNV Internationaal – together with the CNV and CNV trade union federations – contributes to Decent Work in developing countries through lobbying, policy and raising awareness.

The work of CNV Internationaal is centred on the themes of social dialogue, labour rights in supply chains and (youth) employability.

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