

FIVE-STEP PLAN

Our 5-step plan (available to ETI members at www.ethicaltrade.org/foa-rights) will guide you on a journey towards mature and effective support of independent worker representation and trade union relationships. Each step has specific guidance with a summary of recommended actions.

1



Review & refine policy:

Policy sets the tone, practices and commitment for and to workers in supply chains. We outline policy expectations, scope and an integrated approach to developing or reviewing policy.

2



Identify risks:

This step demonstrates the pivotal role of freedom of association and collective bargaining to workers in representing their needs and concerns within the due diligence process.

3



Develop strategy:

A practical model to progress worker representation. It is a strategic approach to implementing and maturing industrial relations.

4



Communicate & remediate:

Guidance on how to prepare a communication strategy on workers' rights and protections. Plus the business case for positive dialogue and how to respond to non-compliance.

5



Act, embed & consolidate:

Country collaboration; consolidating standards, codes and management systems; and harmonising commitment through buying responsibly.

IMPLEMENTING FREEDOM OF ASSOCIATION: A FIVE-STEP PLAN



For workers' rights. For better business.

ETI has developed a five-point plan and online resource to help companies implement freedom of association, collective bargaining and embed worker representation within their supply chains in line with ETI's Base Code of labour conduct.



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The Ethical Trading Initiative (ETI) is a leading alliance of companies, trade unions and NGOs that promotes respect for workers' rights around the globe. Our vision is a world where all workers are free from exploitation and discrimination, and enjoy conditions of freedom, security and equity.

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What is freedom of association?

Freedom of Association (FOA) is enshrined in the Universal Declaration of Human Rights. It includes the right to freedom of assembly, association and trade union membership.

This right applies to all workers, irrespective of race, religion, gender, occupation, nationality or political opinion. It also applies to workers in the informal sector, i.e. to those not working under contracts of employment. It facilitates economic and social advancement through its emphasis on worker equality and protection.

The long-term sustainability of businesses, people and the planet is also strengthened by FOA as outlined by the ILO in the:

- Sustainable Development Goals Decent Work Agenda (SDG8)
- Just Transition Principles on climate change adaptation and environmental sustainability, and
- Future of Work Commission on the industrial shift to mechanisation and e-commerce.

Key salient risk to workers

FOA and collective bargaining (CB) receive much less exposure and is at times subject to active opposition than other rights. Responsible business, through their commitment to human rights at work, recognise the absence of freedom of association, collective bargaining and worker representation is a salient risk to workers in their supply chains and undermines efforts to ensure they meet their commitments.



Unlocking rights and protecting workers

FOA is the key to unlocking dialogue, consultation, exchange of ideas and negotiation between employers and workers as set out in the International Labour Organisations' Declaration on Fundamental Principles and Rights at Work, Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87). It is called an enabling right as all other universal human rights for the world of work, or core labour standards and worker protections, flow from this.



Good for business

Supporting and respecting FOA and CB can result in a positive business environment. This includes early dispute resolution, employer and worker skills development and health and safety improvements.

Worker representatives also play a significant role in raising safety, health and wellbeing standards in their workplaces, in ensuring that child labour is not tolerated, or the risks of modern slavery are identified, thereby reducing costs in audit processes and verification of results.

Investing in worker representatives

ETI expects businesses and employers to have a positive and supportive attitude towards independent worker representation. This means having an open attitude to trade unions and to working with suppliers to find constructive solutions where this is not the case.

Independently elected worker representatives should not fear intimidation, harassment or reprisals. They are the measure of how freely workers can express and contribute to their industry or workplace through formal structures such as collective bargaining.

Effective worker representation therefore is underpinned by FOA and collective voice through collective bargaining.

Trade union membership

Independent trade unions represent the ideal model for worker representation as they are a tangible result of, and are intrinsically linked to, FOA. Trade unions have legal protection, access to resources, the support of wider trade union networks and are free from influence from the employer.

Where FOA is restricted and where unions cannot operate, the next best available form of independent worker representation should be pursued.

Alternate forms of representation

There are situations where unions face significant challenges to carrying out their legitimate activity. Nonetheless, this should not be used as a reason to establish alternative forms of representation that frustrate or interfere with union access or engagement in the future.

Rather, in such cases, steps should be taken to help build dialogue and develop worker and employer industrial relations skills. Companies should also support engagement with unions and build the foundations that will enable full and independent representation in the medium term.

However, companies should be aware that any alternative or interim forms of representation requires a greater commitment to compensate for the lack of union recognition, for example:

- greater use of leverage to offset lack of legal protection,
- greater provision of capacity building support, such as access to information and training, and
- to offset the lack of union networks and strict requirements on the employer to respect the rights of representatives to speak and act freely and equally in representing the workforce.

FOA is key

FOA unlocks the potential for workers to have a transparent platform for their collective voice and is central to raising standards, improving workplace practices and contributing to the long-term sustainability of the businesses they contribute to.

