

Due diligence on risk to workers' rights to freedom of association, collective bargaining and worker representation

In July 2019, the International Trade Union Confederation (ITUC) published its Global Rights Indexⁱ. This is an annual global survey of violations of trade union rights. It ranks 145 countries and depicts the world's worst countries for workers, based on their degree of respect for workers' rights.

The report and [interactive webpages](#) provide a wealth of data – including a narrative and charts – that assess fundamental rights and protections granted to working people in each country. It also identifies labour practice trends. Countries are analysed against a list of 97 indicators derived from ILO conventions, with violations in law and practice recorded each year from April to March.

Headline statistics

Fifty-four countries denied or constrained freedom of speech and assembly.

Seventy two percent of countries restricted or denied access to justice for workers.

The number of countries where workers experienced arbitrary arrests and detention increased from 59 in 2018 to 64 in 2019.

Fifty nine percent of countries surveyed impeded the registration of unions with active state repression of independent union activity in Argentina, Algeria, Egypt, India, Panama and Paraguay.

Arbitrary arrests and detention of workers increased from 59 in 2018 to 64 in 2019.

Mass arrests of workers were seen in China, India, Turkey and Vietnam.

A key salient risk to workers

Freedom of Association (FOA) and collective bargaining (CB) receive much less exposure than the other core or fundamental rights. And, as this latest report shows, are subject to greater active opposition. Therefore, responsible businesses, through their commitment to human rights at work, will recognise the absence of FOA, CB and independently elected trade unions as a key salient risk to workers. This includes where unions are not allowed in law or where a local union lacks capacity.

In terms of supply chain sourcing and operations, companies should note that the report identified the ten worst countries for workers as Algeria, Bangladesh, Brazil, Colombia, Guatemala, Kazakhstan, The Philippines, Saudi Arabia, Turkey and Zimbabwe.

Raising concerns and standards

FOA and the right to organise, lays the foundation for workers to be able to raise their collective concerns with employers.

This is central to raising standards, improving workplace practices and contributing to the long-term sustainability of the business to which workers contribute.

ETI's implementation road map on Base Code clause two, draws attention to the critical importance of conducting due diligence through the lens of basic and fundamental rights at work.

Consequently, FOA and the right to organise and bargain collectively need attention when identifying risk to workers at a country level.

Why this matters?

FOA is integral to the Base Code, enabling social dialogue, collective bargaining and other legitimate worker representation mechanisms. It helps raise awareness of workers' rights, ensures opportunities for workers to voice their concerns in the workplace, and encompasses the way in which disputes and grievances are handled on site.

Furthermore, when FOA and CB are in place, this offers an effective way to identify and address other workers' rights such as bonded labour, safe working environments and equality.

Six-year trend data

The six-year trend data reported this year exposes systematic attempts to undermine freedom and democracy. The report states, "ongoing attacks on the foundations of workplace democracy have

seen the growth in low-wage insecure

The right to freedom of association is enshrined in the Universal Declaration of Human rights. The right applies to all workers, irrespective of race, gender, religion, occupation, nationality or political opinion. It is the enabling right and the key to unlocking other international labour standards.

jobs. While the world is more than three times wealthier than thirty years ago, inequality is now an overwhelming global risk. More people go to bed hungry than have been lifted out of extreme poverty."

A key resource for assessing risk

The report is the key resource needed for identifying and assessing risk to workers at a regional and country level. Within due diligence mapping, FOA is a critical factor in assessing risk, particularly in sourcing countries where the ability of workers to voice their concerns is suppressed and the legal framework underpinning protection of worker rights is weak or unenforced.

For businesses sourcing product from the global marketplace, a commitment to meeting, promoting and supporting the right to FOA within supply chains is part of being a responsible business.

Risk mapping against fundamental rights, and acknowledging the protections afforded workers or the absence of any protections, should inform any approach, activity and investment into improving conditions for workers in supply chains.

Trade union deaths and repression

Tragically, the report draws attention to trade union members killed in ten countries: Bangladesh, Brazil, Colombia, Guatemala, Honduras, Italy, Pakistan, the

Philippines, Turkey and Zimbabwe. Worldwide, 53 trade union members were killed in 2018. In Colombia alone, 34 were murdered. Furthermore, workers were exposed to violence in 52 countries.

ETI guidance and recommendations

Importantly, independent trade unions represent the ideal model for worker representation and collective voice as they are a tangible result of, and are intrinsically linked to, FOA.

ETI's guidance on Base Code clause two, [step two on assessing risks to workers](#) gives clear and practical guidance on:

- Red flags for country assessments

- Red flags for individual suppliers (sub-contractors, processes, logistics and agents)
- Dealing with systematic abuse.

Practical [recommendations](#) include:

- Mapping risk at a country level
- Site assessments
- Economic Processing Zones (EPZs), and
- Developing an action plan.

ⁱ <https://www.ituc-csi.org/rights-index-2019>