



THE POWER OF

Trade Union Freedom ■



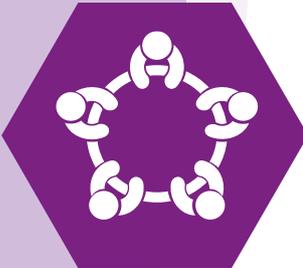
Internationaal

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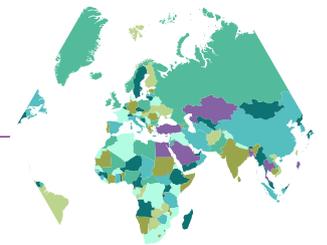
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THE POWER OF
**Trade Union
Freedom**

The power of trade union freedom

The right to organize and form unions gives workers the ability to have conversations with their employers. Unfortunately, in many countries, both workers and employers face many obstacles if they want to unionize.

Constructive social dialogue between workers and employers often leads to the improvement and growth of the company. This is beneficial to everyone involved in the chain of production: workers, employers, and governments.

Strong social partnerships and strong social dialogue play a vital role in a country's economic development. Some examples of this could be fewer strikes, higher labour productivity, and more employment opportunities. We've already seen the positive effects of trade union freedom here in the Netherlands. We have the freedom to work together to find ways to improve sectors with good collective labour agreements, which benefit employers as much as workers. We also know the benefits of having the freedom to work as social organizations in cooperation with the government to create better socio-economic legislation.

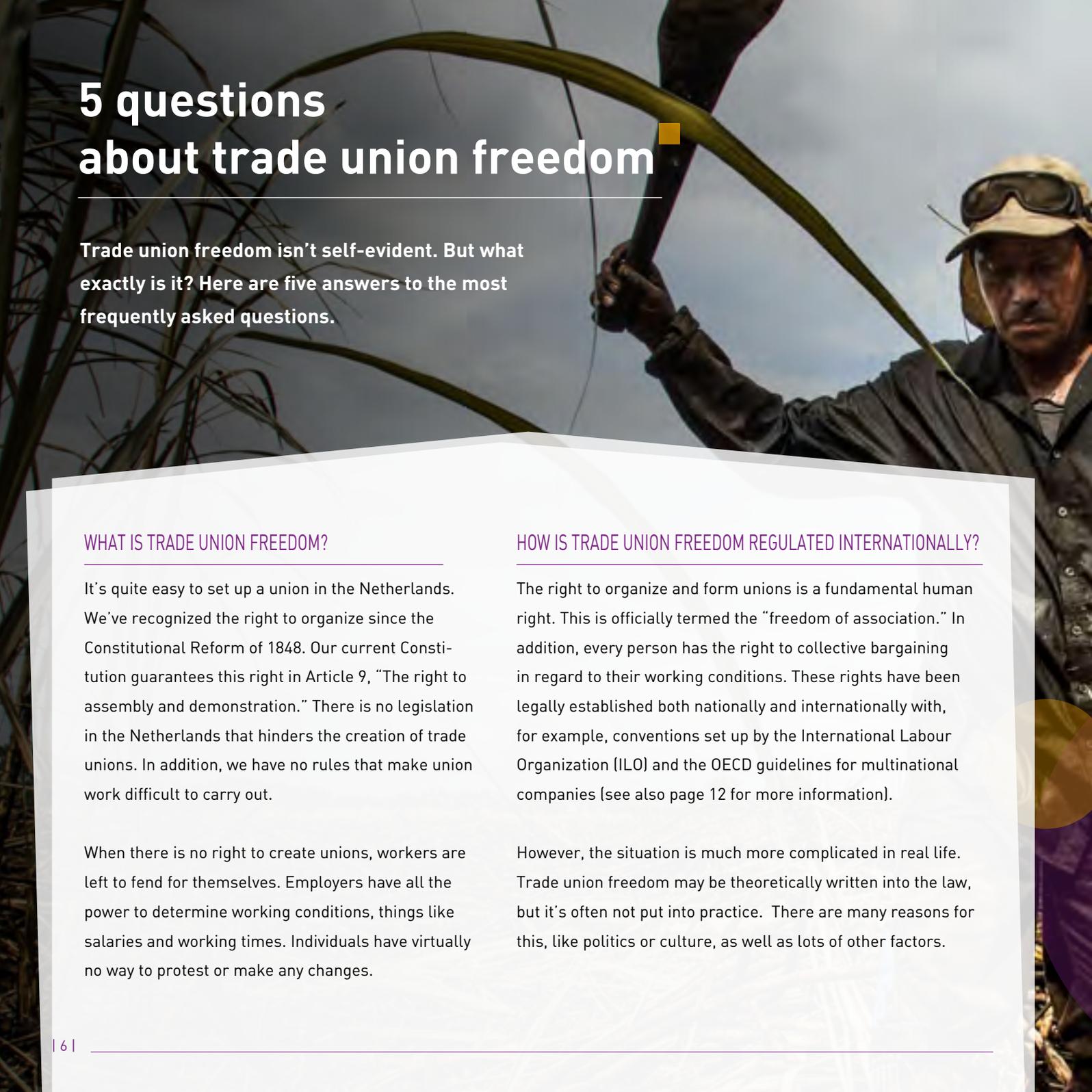
Trade union freedom is essential to social dialogue. The starting point of this process is giving workers the freedom to form unions and to negotiate collectively regarding their working conditions and agreements.

CNV Internationaal works together with other international companies and partner organizations to expand trade union freedom throughout the world. This booklet will show you how trade union freedom works, the benefits it creates, and how you can play a part in creating more freedom for trade unions within your company or organization. We've included many practical examples to inspire you.

*Arend van Wijngaarden
President of
CNV Internationaal*



5 questions about trade union freedom

A photograph of a man in a field, wearing a tan cap and safety goggles, using a sickle to harvest crops. The background shows a clear sky and some dry vegetation.

Trade union freedom isn't self-evident. But what exactly is it? Here are five answers to the most frequently asked questions.

WHAT IS TRADE UNION FREEDOM?

It's quite easy to set up a union in the Netherlands. We've recognized the right to organize since the Constitutional Reform of 1848. Our current Constitution guarantees this right in Article 9, "The right to assembly and demonstration." There is no legislation in the Netherlands that hinders the creation of trade unions. In addition, we have no rules that make union work difficult to carry out.

When there is no right to create unions, workers are left to fend for themselves. Employers have all the power to determine working conditions, things like salaries and working times. Individuals have virtually no way to protest or make any changes.

HOW IS TRADE UNION FREEDOM REGULATED INTERNATIONALLY?

The right to organize and form unions is a fundamental human right. This is officially termed the "freedom of association." In addition, every person has the right to collective bargaining in regard to their working conditions. These rights have been legally established both nationally and internationally with, for example, conventions set up by the International Labour Organization (ILO) and the OECD guidelines for multinational companies (see also page 12 for more information).

However, the situation is much more complicated in real life. Trade union freedom may be theoretically written into the law, but it's often not put into practice. There are many reasons for this, like politics or culture, as well as lots of other factors.

WHAT ARE YELLOW UNIONS?

A Yellow Union is a union that has been established by the government or an employer, or one that is not sufficiently independent from an employer. By creating collective labour agreements with only these kinds of company unions or fake unions while excluding other unions, collective bargaining rights can be undermined or even undone. Companies do this just to comply with the law, but to practice real social dialogue you need independent trade unions.

WHAT ARE THE BENEFITS FOR THE WORKERS?

When unions can function independently and in freedom, improvements can begin to take place. Unions create space for:

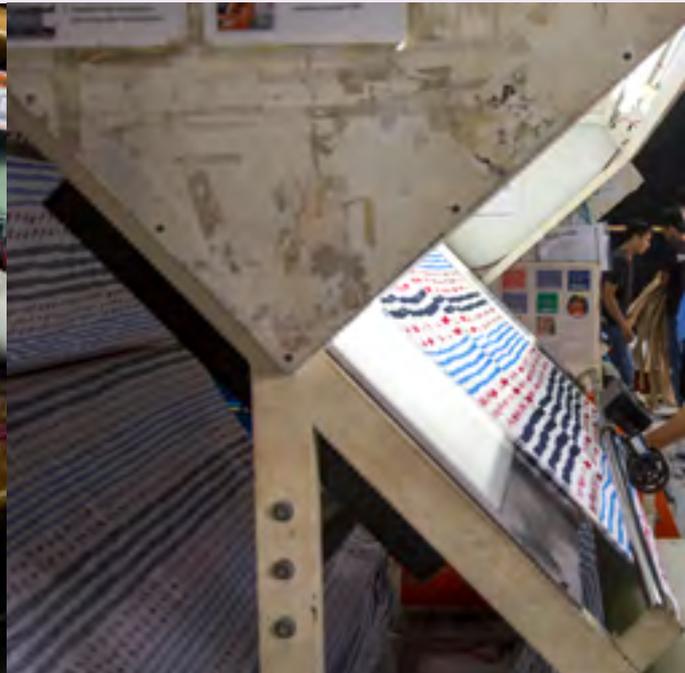
- Dialogue which can lead to real change at factory, sector and national levels
- Negotiations with employers about collective labour agreements regarding wages, compensation, work times, and breaks
- Legal help and advice for members
- Monitoring the implementation of workers' rights and protecting workers

WHAT ARE THE BENEFITS FOR THE EMPLOYERS?

Having the freedom to assemble encourages workers to be more involved in their work and the company. This is beneficial to companies. Further:

- There is less conflict at work, also between workers and management.
- Productivity increases.
- The union is the voice of the workers. Conversing with the union provides the company with valuable information about what its personnel is thinking and doing.
- Companies that take trade unions and labour rights seriously establish a reputation for themselves as “good companies.” This will affect investment opportunities, as topics like social responsibility and sustainability are becoming more and more important to investors.

→ Caroline Mewe of Alchemist:
“I am very hopeful about the concrete agreements that have been made to improve the world of fashion.”



Clothing brand Alchemist is strict. “If a supplier hasn’t been audited, I won’t work with them,” says Caroline Mewe, founder and owner.”

Eleven years ago, Caroline Mewe started out on an adventure. After many years of working as a buyer in the fashion industry, she founded Alchemist. “I just wanted to show people that things can be different. Things have to be different and we can do them differently,” she tells us. Mewe spent her first year mainly searching out factories and materials that met the criteria of her mission. “I visited countless factories when I was a buyer. I know how they can be and I wanted something different for my brand.”

THE CONSCIOUS CHOICE FOR SOCIAL FACTORS

Mewe visits her suppliers at least once a year. She checks all of the circumstances there on site. According to her, walking through the factories is the best way to find out if the supplier is taking social factors seriously. “I ask about work times; I look at the state of the toilet facilities, and check if there is a cafeteria on site. I feel that this is my responsibility. It’s not simply a choice.” She gives an example, “When you’re looking for a factory to produce chil-



dren's socks, you can choose the one that will do it most cheaply, or you can choose the one that has a school for girls on location, and pay a few cents more for the socks. That's when you have to make a choice: So what do you choose?"

PHONE NUMBERS IN THE CAFETERIA

Trade union freedom is definitely a topic Mewe looks at during her factory visits. "I have to trust that the factories really do what they say," she tells us, "but every cafeteria has to have a list of union representatives

and their phone numbers. There are often numbers for making anonymous complaints as well. These are some of the most important points on my check-list."

SMART MARKETING TOOL

"Thirty years ago there weren't any signs in the factories in India stating: *Forbidden for children under x years old*. Now there are. When I visit, I ask about this rule and how it's being followed. I also read audit reports and draw conclusions about where and how improvements can be made.

I talk about these points with the factory managers. Things are actually changing, partly because companies now see this as a smart marketing tool."

AGREEMENTS FOR THE TEXTILE AND GARMENT SECTOR

Mewe feels that the fashion world still has room for improvement. In 2016, to show her solidarity, she signed the IRBC agreement for the garments and textile sector. "I am very hopeful about the concrete agreements that have been made to improve the world of fashion."



“It’s been my experience that trade union freedom is the heart of our work. Employers aren’t always open to it. They want to make money. Keep their company up and running. They don’t always see the importance of improving the work place. The problem is, if there’s no freedom for trade unions, we can’t negotiate. Trade union freedom protects workers. We need to respect their rights.”

→ Ath Thorn – President of CLC in Cambodia



Trade union freedom and international legislation

Freedom of association is a universally recognized and protected human right and trade union freedom has been established in national legislation as well as in a surprisingly large number of international agreements relevant to companies. Where can we find these guidelines and laws?

UNIVERSAL DECLARATION OF HUMAN RIGHTS, ARTICLE 23

All the rights of the Universal Declaration of Human Rights are “equal and unalienable for all members of the human family.” They apply to everyone. According to Article 23 of this Declaration.

- 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 AGREEMENTS ABOUT LABOUR RIGHTS

The International Labour Organization is a specialized United Nations organization. The ILO consists of government, employer, and worker representatives. They establish minimum requirements regarding human rights in the work place. Freedom of association is a core ILO value enshrined in its Constitution since 1919 (ILO).

ILO policy is documented in international agreements. The governments that ratify these agreements are obligated to adapt their legislation accordingly. The ILO monitors whether the countries put these agreements into practice. If they do not, the ILO can take steps to enforce the agreements.

For more information, go to www.ilo.org and <https://tinyurl.com/yde5u4tc>

OECD GUIDELINES, CHAPTER 5

The guidelines for the OECD (Organisation for Economic Co-operative Development) describe what is expected of multinational enterprises regarding socially responsible business practices, including those related to work. These guidelines apply to production and supply chains as well. Some elements include:

- Workers have the right to timely information regarding reorganizations, collective dismissals, and severance schemes
- Employers cannot make threats regarding things like moving the company due to re-organization
- Local workers should be employed whenever possible and less favourable wages and working conditions may not be implemented

UN PRINCIPLES FOR BUSINESS AND HUMAN RIGHTS (RUGGIE PRINCIPLES)

The United Nations Guiding Principles on Business and Human Rights were developed several years ago. These principles discuss how governments and businesses should both respect human rights, but independently from each other. Businesses and governments can therefore no longer use each other to hide from their responsibilities. The 31 principles, called the “Ruggie Principles, in honour of their creator, John Ruggie, apply to all UN countries. They are not binding, but are based on internationally recognized guidelines and agreements. The principles emphasize ILO core values, including trade union freedom. These are minimum standards companies should adhere to. According to principle 23, even when facing with conflicting requirements businesses should seek ways to honour internationally recognized human rights.

For more information, go to www.oecd.org



EUROPEAN CONVENTION ON HUMAN RIGHTS AND FUNDAMENTAL RIGHTS, ARTICLE 11

Article 11 protects the right to freedom of assembly and association for every European. This includes the right to assemble with others to create and join unions.

EUROPEAN SOCIAL CHARTER ARTICLES 5 AND 6

The revised European Social Charter provides conditions regarding the right to collective negotiations. The ESC states that all workers and employers have the right to assemble in national and international organizations to protect their socio-economic interests. Articles 5 and 6 define these rights with specificity. The ESC also states that workers have the right to strike. And although the ESC is not legally binding, the European Committee for Social Rights monitors whether the guidelines are actually being followed.

INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL, AND CULTURAL RIGHTS ICESCR, ARTICLE 8

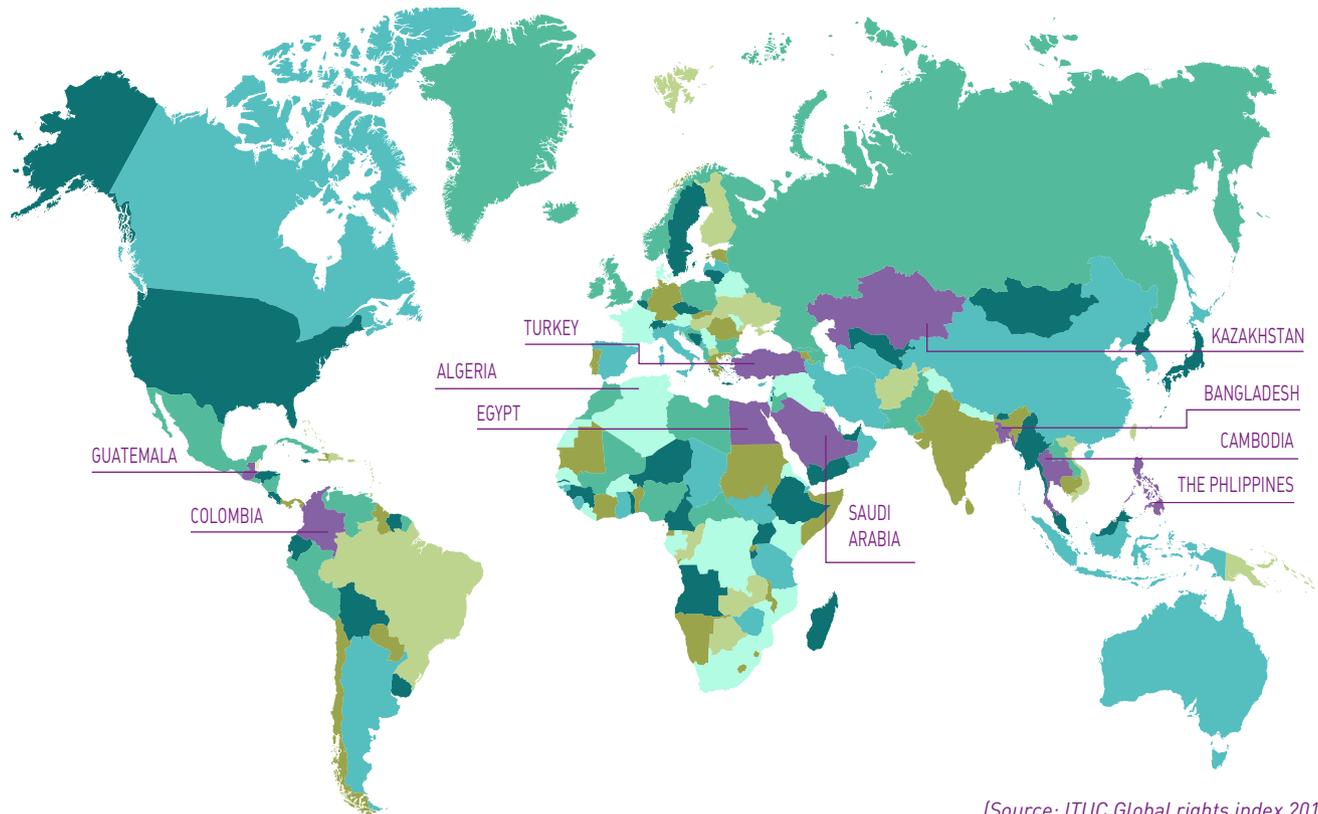
Article 8 states that everyone has the right to join and form trade unions. In addition, it states that trade unions have the right to form national umbrella organizations. These organizations can establish international trade unions or trade unions may join existing umbrella organizations. Further, trade unions have the right to operate. The ICESCR also protects the right to strike.

INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS (ICCPR), ARTICLE 22

Article 22 of the ICCPR explicitly guarantees everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests.

Top 10 Countries

with the Worst Working Conditions



(Source: ITUC Global rights index 2018)

9 countries

where union members have been murdered due to their union work (Brazil, China, Colombia, Guatemala, Guinea, Mexico, Niger, Nigeria, Tanzania).

92 countries

which exclude workers from the right to establish or join a trade union.

114 countries

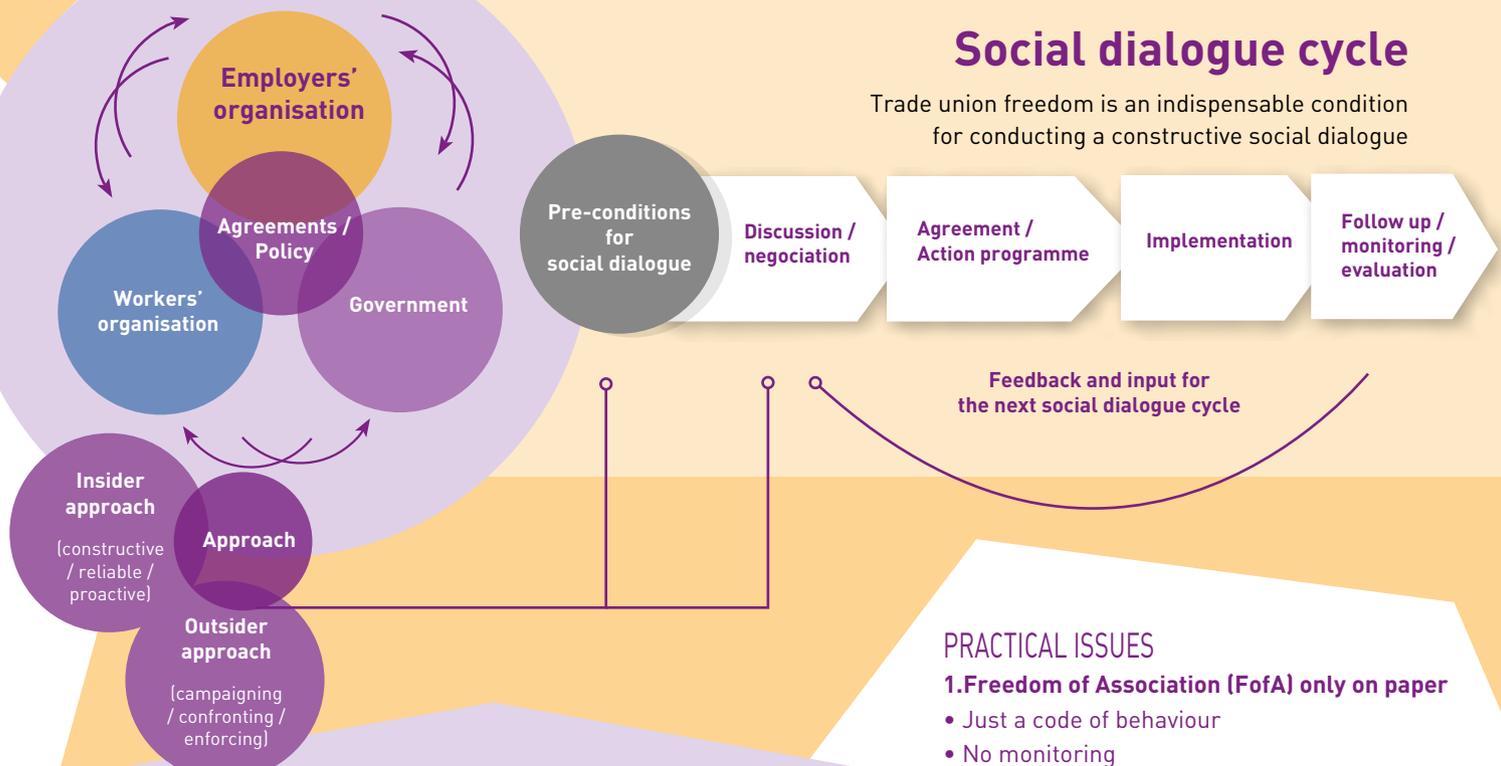
where freedom of speech and the freedom to hold union meetings has been hindered. In 81% of these countries, collective negotiations are also not permitted.

59 countries

(a 25% increase over the last two years) where workers are exposed to threats and violence. Union members are kidnapped on a regular basis in these countries.

Social dialogue cycle

Trade union freedom is an indispensable condition for conducting a constructive social dialogue



CORE ILO STANDARDS ON TRADE UNION FREEDOM



FREEDOM TO ORGANIZE #C87



THE RIGHT TO NEGOTIATE #C98



PROVIDE RELEVANT TRAINING #R117



THE RIGHT TO THE FILING AND HANDLING OF COMPLAINTS
(ILO TRIPARTITE DECLARATION ART. 57 AND 58)



PROTECTION AND FACILITIES TO WORKERS REPRESENTATIVES #C135

PRACTICAL ISSUES

1. Freedom of Association (FofA) only on paper

- Just a code of behaviour
- No monitoring
- No trade unions allowed in Free economic zones

2. Lack of access to information for workers

- Reglementations, FofA, rights and duties
- Labour legislation
- Not available in local language

3. Obstacles

- Minimum number of trade union members
- Yellow unions (company unions)

4. Fear of repercussions

- Discrimination and intimidation
- Black lists

For explanation see pages 18 & 19.

“Workers worldwide should be able to have a trade union representative advocate their interests. This is not an obligation; it is their right. Workers can then decide for themselves if they want to exercise this right or not.”

→ Rutger Goethart, Heineken



“Respect for people, the environment and the society in which we live and work” is one of Heineken’s core values. The beer brewer works toward keeping this goal in all the countries they do business with. Rutger Goethart, Heineken’s Manager of International Labour Relations says, “This is an ongoing theme for us, a daily issue.”

How does Heineken make sure their agreements are kept?

“We do audits and internal controls on our own operations. The managing directors in our production countries have to sign off on the risks. This is part of the Heineken Risk Control Framework. In addition, all of our suppliers – even the smallest - must sign the Supplier Code. With the use of the Supplier Code and our own assessments, we can keep a pretty good eye on all our suppliers. That’s around 80,000!”

What do the assessments do?

“Based on the information we have on the countries, the sectors, and the companies, we can estimate our suppliers’ risk factors. Our suppliers also have to answer questions. If the assessment indicates higher risk factors, we do more research. Sometimes we go a step further and visit the production location. And of course, not all suppliers meet our standards or keep their agreements. Things can always go wrong. Recently, one of our suppliers in South Africa wasn’t paying the proper minimum living wage.”



What happens when suppliers don't keep the agreements?

“That presents a dilemma. If we cancel our contract with them, people end up on the street. Is that the best solution? We always try to solve the problem first. A while back, rights were being violated in Haiti. We worked with the European Works Council to determine our course of action. One of the activities we came up with was a training for the brewery's local management team and the board of the trade union. CNV Internationaal gives these trainings and this one worked really well for us.”

More improvements on the way?

“Heineken would like to look more critically at the process of acquiring workers, for example, how this is being done via employment agencies. We want to be sure our workers are being paid a decent wage and if these employment agencies are also using other agencies, we want to know that every one of our workers gets paid a decent wage, no matter who is employing them for us. We're starting with our own breweries because they are most at risk.”



Practical Issues

Why don't all production and supply chains respect freedom for trade unions? We often have regulations on paper but there are still many problems when it comes to real life. Some countries just ignore them; some don't follow through. Or workers avoid being involved with the difficulties and risks of creating and joining a union.

ONLY ON PAPER

Many countries have added the international guidelines of the ILO and OECD to their legislation. On paper, things look good, sometimes even better than the international guidelines themselves.

Just a code of behaviour

Many companies have "paper policy." The company recognizes the workers' right to form unions, but this remains a formal code of behaviour. There are clauses saying that the company cannot be subjected to negative consequences resulting from the unions. Guidelines are often quite unspecific in their wording so that the company doesn't actually have any concrete agreements to adhere to. Specific references to ILO or OECD conventions are not included. In this way, no one has a firm platform of "official rules" to fall back on.

Further, the paper policy is often often only applicable to permanent employees. Not to flex workers or temporary workers. It is dangerous for these workers to try to join a union, let alone play a leading role.

No monitoring

In practice, there is often no guideline and concrete activities to implement the agreements. Or there is no verification of compliance by the local labour inspectorate.

No access to Free economic zones

Sometimes the CSR paper policies of companies refer back to less strict guidelines in local legislation or tradition. They use these less strict models in their actual policy implementation. This can result in huge differences among how policies are implemented in different countries from which the company is sourcing.

To make things more complicated, local governments often have a double standard. On the one hand, they have legislation that recognizes trade union freedom and dialogue, but on the other hand, they also create free economic zones (export production zones or free trade zones) to stimulate the economy. In these zones, International businesses have a lot of freedom and independent trade unions often are prohibited.

LACK OF INFORMATION

Many workers have had little education and don't know their rights, let alone how to fight for them.

Information isn't accessible to workers

Guidelines and policies have often not been translated into the workers' native language. Further, texts are complicated and lack pictures or images to make them more understandable. Helpful training programs practically do not exist. All of these factors keep workers in the dark regarding their rights.

They don't know their own local legislation, let alone international conventions that have been established by organizations like the ILO. Even when they are made aware, many workers have little faith in the agreements, often based on their own experience.



OBSTACLES

Forming unions is often allowed; however, countless obstacles stand in the way of their work. Things like obtaining funding, creating activities, and communicating or working with politicians and policy makers are difficult to do.

Independence brings more obstacles

Business managers would rather not have to deal with independent unions. Maybe they make it difficult for them by saying they can play a role only when they have a certain number of members. Unions associated with particular political parties or with management (Yellow Unions) get recognized more quickly, receive more information, and are included more in social dialogue at various levels.

FEAR OF REPERCUSSIONS

Many workers don't get involved with unions, let alone be a union leader, because they're afraid of the repercussions. They could be black-listed, making it difficult for them to find work.

Discrimination and Intimidation

Workers often experience discrimination when they are union members. They are overlooked for promotions, get a lower wage, or get transferred. Intimidation is not uncommon either. Workers who are in unions are quite often threatened with dismissal (or are simply dismissed). It's even common for someone with union association to be rejected during the interview stage.



ARRESTS, ABUSE, AND WITHHOLDING SALARIES

The education sector in Niger has been in unrest for some time now. Teachers aren't paid well and education facilities are lacking. The government refuses to keep its previously made agreements with unions and they refuse dialogue completely with other unions. The government has also stopped making its financial contributions to these unions.

Certain education sector union leaders were abused, arrested and imprisoned after striking in March 2017. The charges were random and unclear. A union office was broken into as well. A journalist daring to cover the events got into trouble with the police. Several leaders of these education unions had their salaries cut off.

NIGER

TRADE UNION LAW MAKES UNION WORK IMPOSSIBLE

The new trade union law in Cambodia has had a serious effect on workers' freedom to organize. Strikes are strictly restricted, as is other union work. The government is now permitted to interfere with the internal affairs of unions and can even dissolve existing trade unions. These new trade union laws violate international labour conventions, conventions that Cambodia itself approved.

Trade unions in Cambodia can only represent their members if they meet certain conditions. If a union doesn't have enough members in a particular factory, they may not participate in negotiations for working conditions. Sanctions against employers who violate workers' rights are virtually non-existent.

CAMBODIA



NO COLLECTIVE NEGOTIATIONS

After a fire in the Tazreen factory at the end of 2012 and the collapse of the Rana Plaza building in April of 2013, steps are being taken to improve labour conditions in the clothing industry in Bangladesh. Many new trade unions have been registered, but workers often still don't have the right to collective negotiations about salaries and working conditions.

The government in Bangladesh signed the EU Sustainability Compact in 2013, implying that they agreed with revising the laws and respecting fundamental rights for workers. This should include trade union freedom. However, actual legislation is not yet in line with international standards and recent circumstances indicate that rights are still being violated on a regular basis. According to ITUC, International Trade Union Confederation, hundreds of thousands of workers in the free trade zones in Bangladesh still don't have the right to form a union. The Internationale Labour Organisation ILO has also confirmed violations of the right to assemble and confronted the government in 2016.

BANGLADESH



TRADE UNION FREEDOM NEEDED IF CONDITIONS ARE TO IMPROVE

Sugar cane forms the basis of many food products and it's the main ingredient for spirits like rum. Many companies in the alcohol industry, including Bacardi and Diageo, get ingredients

from Central America. Working conditions on sugar cane plantations in these countries are extremely difficult. Many plantation workers suffer from the fatal kidney disease CKDnT. In addition, many employers forbid their workers to join unions.

CNV Internationaal has taken inventory, looking at causes and solutions to these issues. The combination of long work days, not enough breaks, heavy physical labour, too little drinking water, and extreme heat, work together to create a "deadly cocktail" for plantation workers.

The workers can't do very much about their circumstances. They first need to be able to talk with their employers. Then maybe they could work on negotiating. Even though sugar plantation workers appear to have fundamental rights as established by international agreements and the laws of their country, in real life, the workers in Guatemala are not free to assemble, organize, or negotiate. Those who protest or try to establish a union are fired. Employers have black lists of these "troublesome" workers and they are no longer hired anywhere.

CNV Internationaal urges major brands to take responsibility for their practices. International companies can insist on fundamental rights for plantation workers where they do business.

GUATEMALA

“We believe that transparency in the supply chain leads to accountability and trade unions are key partners in promoting change for good,” C&A says



The clothing brand C&A’s supply chain due diligence approach is clear: First, find out what the risks are, who you can turn to in order to counter those risks, and where the company’s responsibility lies. Then, prioritise the risks according to their importance; and finally, take concrete action. One of the themes the company tackles in this way is trade union freedom. We talked to Aleix Busquets, Head of External Stakeholder Engagement.

IMPOSING THINGS FROM ABOVE DOESN'T WORK

“We encourage there is opportunity for social dialogue at our production locations. We want to see a proper structure for discussions and know that negotiators have the right skills. We think it is important that they can reach agreements on relevant matters on their own. What doesn’t work, is imposing requirements and then, in the end, telling the suppliers to figure things out for themselves.”

WE URGENTLY NEED COLLABORATION WITH OTHER BRANDS

“The textile supply chain is complex and addressing the embedded challenges cannot be done by a single organisation. We have to work together. We cannot do it alone,” the C&A representative tells us. “Cooperation with other clothing brands is necessary. But also with stakeholders, such as trade unions and civil society organisations. Key success factors are mutual trust, personal relationships and the shared belief that everyone is in the same boat.” To illustrate this, Busquets explains that C&A has its own training programme, which includes a component on workers’



communication. “Other brands have similar activities, also covering this subject. However, the reality is that having a wide range of tailor-made approaches is likely to diminish our influence and confuse our suppliers and customers. A cooperative effort to address common issues would have much more impact in the long run.”

THE EXISTENCE OF YELLOW UNIONS IS A CONCERN

Trade unions or works councils are present in most of the factories where C&A produces its garments. Still, Busquets thinks there is room for improvement in how these function.

“We know that some factories have “yellow” unions, (unions associated with political parties or the company management), which is a concern. But, the inspections we carry out in the factories give the factory managers a better understanding of the usefulness of and the need for trade union freedom. Our round-table meetings with factories also contribute to greater understanding. Still, it is not always possible to turn the tide, especially when you consider the current legal situations in some countries.”

TRAINING AND MENTORING

Experience has shown that support is welcome in places where trade unions and works councils are free to perform their tasks. “Trade union negotiators and workers’ representatives often have little or no access to training. Low literacy is also a problem in many places. We are aware of the gaps in knowledge and we are glad organisations like CNV International are willing to invest in the capacity building of trade unions worldwide.”

THE POWER OF
**Trade Union
Freedom**

Good practices

Expanding trade union freedom together

Of course it's up to workers to form a union. But when it comes to the issue of trade union freedom, companies play an important role. They can make sure workers have opportunities to practice their right to form unions and collectively negotiate—within the company and throughout the supply chains. CNV Internationaal can provide support.

HONDURAS

TRADE UNION FREEDOM IN EXPORT PRODUCTION ZONES

Many low wage countries set up special export production zones where national labour legislation isn't applicable, in the hopes of attracting foreign companies. This is the case in Honduras. The export production zone, "maquilas" or "maquiladoras," is the country's largest source of employment.

"The biggest improvement is that nowadays it is possible to form a union," Evangelina Argueta tells us. She is the Coordinator for Unions in the export production zones in San Pedro Sula in northern Honduras. Here many different things are produced—from clothing for major brands like Nike and Adidas, to things like car parts. 23 unions form a network that has managed to establish a minimum wage agreement for 150 factories and some 140,000 workers. "When I started working, people who tried to do such things usually lost their jobs.

The government didn't get involved. But, the CAFTA Free Trade Agreement encouraged us to take a stand as a union and file a complaint in 2012. In 2015, the government of Honduras was found guilty of negligence in protecting its workers."

"Since this verdict, we've seen improvement in how businesses and the government are respecting the right to assemble and to negotiate. But we still have to do all of our preparations for setting up unions in secret," Argueta says. "Otherwise union members run a huge risk of



getting fired. Or suddenly the company decides to re-locate. Only when the new union has enough members and is officially registered, can we come out into the open.”

Argueta tells us how they’ve succeeded in setting up unions at three Gildan factories. Gildan is a Canadian athletic wear brand and their factories in Honduras employ some 15,000 workers. “We’ve now begun negotiations for collective labour agreements. Partly due to the support of CNV Internationaal (a project funded with support agreed within a Dutch

textile sector CBA), we have been able to train members on how to recruit new members and how to work through the negotiation process.”



“In the companies that allow unions, circumstances have definitely improved. Workers’ rights are being respected more. Especially when they

can also negotiate collective labour agreements. These agreements cover more than just a wage. Topics like health and safety at work, transportation, and housing are all important topics for workers. When good agreements are made for all of these issues, workers perform better at work.”

SNTT LOGISTICS REPRIMANDED FOR DISCRIMINATING AGAINST UNION MEMBERS

SNTT Logistics, a company that works in the harbor of Dakar, the capital of Senegal, refused to pay several months' wages to 32 union members at the end of 2017. In addition, they cut back on permanent contracts. Legal union UDTS went to court for the union workers. The judge ruled in favour of the workers and SNTT was found guilty of the wrongful termination of workers and violating ILO conventions. SNTT was required to pay the wages owed and the workers have been re-instated in their positions at the company, with permanent contracts.



WITH THE ILO FOR EXCLUSION OF INDEPENDENT TRADE UNIONS

Union elections are held in many West-African countries. After the social elections for the education sector in Senegal in 2017, the government decided to only allow certain unions to participate in the negotiations. The socially critical independent unions were excluded. The right to negotiate was violated, even though this right had been established in ILO conventions and the Senegalese government itself had ratified it.

Therefore, national trade unions filed a formal complaint with the ILO. This complaint was reviewed in Geneva in June 2018 and is being investigated. The situation will be reviewed next year to see if it has improved.

COLLECTIVE LABOUR AGREEMENTS IMPROVE CONDITIONS FOR VULNERABLE HOME WORKERS

Sewing t-shirts and printing logos doesn't just happen at factories. Much of this work is done from homes. In Bandung, Indonesia, there is an entire neighbourhood of these small home-based ateliers. The people who work in these ateliers often come from villages far away from the large city. Going back to their own home each evening after work is not an option. They often live on the premises; they usually have no set wage and are paid per piece. These workers are extremely vulnerable.

Together with their Indonesian partner KSBSI, CNV Internationaal is working to make a difference for these workers. With good results. They have recently made a collective labour agreement with SME businesses. This agreement affects approximately 2000 home workers. This is an important and remarkable process. Collective agreements are rarely made with these types of home workers in Indonesia. To take these results even further, KSBSI is currently working to set up a trade association to transition towards a formally recognized situation for these workers.



PERMANENT CONTRACTS FOR MINE WORKERS

PERU

Until very recently, most Austria Duvaz mine workers, working high in the mountains of the Peruvian Morococha, had no permanent work contracts. This made it difficult to address problems like ventilation and dangerous substances in the mines. Organizing workers who have no work security is nearly impossible.

Trade union organization FENTECAMP began trying to organize these workers. Their first priority was to obtain permanent contracts for them. “And we succeeded,” trade union leader and mine worker, Jesus Cárdenas, tells us proudly. “This gives the workers more security and makes it easier to start to address improving

ventilation and dangerous substance issues. But, now the union for non-permanent workers doesn’t have members,” he says, laughing. But we immediately started establishing a new union for the permanent workers. “There’s still a lot of room for improvements, especially when it comes to control and sanctions regarding safety issues.”

Freedom for Dialogue in Sumatra

This is what trade union freedom is all about. Having freedom to establish dialogue at a local level between unions and owners, and thereby improving working conditions in a concrete way.

INDONESIA

In April 2017, CNV Internationaal published research about working conditions on palm oil plantations in Indonesia. This research, performed by the Centre for Research on Multinational Corporations (SOMO in Dutch), showed that even certified palm oil companies violated workers' rights on a regular basis.

FEAR OF DISMISSAL

Workers on the Murini Sam Sam palm oil plantation in Sumatra told researchers they were afraid to join a union because several years ago, the leaders and members, lost their jobs. The workers living and working on this secluded plantation had little knowledge of their rights. And this while Wilmar International, the owner of this plantation and the largest palm oil company in the world, is a member of Round Table on Sustainable Palm Oil (RSPO), an official certification organization.

IN DISCUSSION WITH CNV INTERNATIONAAL

With facts and figures from their research in hand, CNV Internationaal began dialogue with Wilmar International and other plantations. The goal: To improve working conditions. And they were successful! In response to the investigation, Wilmar International invited HUKATAN to resume their work on the plantation and in the factory. Discussions between company representatives and the new union representatives are underway. They are working together to start negotiations for a collective labour agreement.





THE POWER OF
**Trade Union
Freedom**

Tips & tricks

APPROACHING THE SUBJECT AT THE HEADQUARTERS: THE ABCDE

Attention and award → Give attention to social issues and award socially responsible behaviour.

Brainstorm → Be actively involved in pilots on trade union freedom and social dialogue. Activities like the ones discussed in sector agreements or that have been set up by CNV Internationaal. Hold brainstorming sessions at work that include those not directly involved in buying. What risks can they identify? What concrete solutions can they come up with?

Company Handbook → Create a special handbook containing your behaviour codes and references to the relevant ILO conventions and OECD guidelines. Make the handbook easily accessible by publishing it in a prominent place on your company website.

Discuss → Raise the topic of trade union freedom at conferences and meetings with suppliers and others involved in the production and supply chains. Provide information and training regarding company policies and their implementation. This will inspire other companies to address and expand trade union freedom.

Engage → Engage Dutch unions and their international network. They can then become part of a local stakeholder group in the area of labour rights and have knowledge of Freedom of Association and social dialogue.



PAY SPECIAL ATTENTION TO THESE AREAS

- Perform regular **audits** focusing on workers' rights and ask questions (use the CNV Internationaal checklist "Questions on freedom of association and social dialogue")
- Forbid **black lists** of workers
- Do away with **ghost unions**
- Prevent **Yellow Union** formation and work to create independent unions
- Establish a system for **complaints** (anonymous)
- Prevent workers from signing **blank contract papers**
- Have trade union freedom written into **contracts**
- Attach **consequences** to consistent violations of rules



TALKING TO LOCAL MANAGEMENT: THESE ARE THE DISCUSSION POINTS

- Focus on the win win of social dialogue
- Explain company policy and business principles regarding trade union freedom and labour rights
- Check whether everyone knows what is expected and what this means in their context
- Ask which are local regulations and emphasize the indispensability of labour rights;
- Explore possibilities to cooperate with other brands sourcing in the factory
- Make space and time available at the locations so that employees can come together
- Discuss the outcomes of audits and the possible improvement plans
- Check whether information for employees is sufficient and available

COMMUNICATION IS KEY

Making information easily accessible is essential and something you as a company can influence. Some practical tips:

Write in the native language and use visuals

Make sure workers know the content of their collective labour agreements and CSR policies. Make sure they get a copy in their native language. Also include alternatives for workers lacking literacy skills, for example, include simple pictures showing behaviour codes. Hang these prominently in the factory buildings. Make sure that workers and management who are not well-educated understand the policies.

Talk about the advantages of unions

Workers are often fearful due to previous negative experiences with unions. Reassure them if they've had unpleasant experiences because of their union membership in the past. You can help them by actively informing them over current policy regarding trade union freedom.

Maintain good communication with independent unions

Make sure independent unions are kept up to date about (upcoming) meetings, discussions, and negotiations. Make sure local management keeps them in the loop.

TIP

Encourage a democratic electoral process at factory and company levels. Stimulate the creation of alternative, independent workers' committees when a country has only one national trade union. But—don't intervene in the union elections. Local management should not intervene either.

Visit your production locations. It only adds one extra day. Ask lots of questions. Be thorough.”
→ Carolien Mewe, Alchemist

USE THE CNV INTERNATIONAAL LIST OF QUESTIONS REGARDING FREEDOM OF ASSOCIATION AND SOCIAL DIALOGUE

Attention for trade union freedom doesn't just come by chance. Asking questions can help. Showing interest in social dialogue with workers will increase awareness of workers' rights issues. The more we talk with stakeholders, the more they'll open up to independent union representatives.

CNV Internationaal has developed a short list of questions to use during visits to suppliers. You can choose several questions based on the results of an audit or your own ideas regarding what is actually happening at the work place.

Trade Union Freedom Questions is available in Dutch, English, French, and Spanish. You can get yours at internationaal@cnv.nl

Or read it online:

<https://bit.ly/2NYeWwF> (Dutch)

<https://bit.ly/2NpMOBK> (English)

<https://bit.ly/2lh5lZZ> (French)

<https://bit.ly/2OMvpE9> (Spanish)



TIP

Use “preferred suppliers” whenever you can. This stimulates progress -companies get rewarded for their socially responsible practices. In turn, it will be easier for you to make demands regarding trade union freedom.

“Do research to find out what kinds of risks are in your production countries. Let experts help and use all the information you can get. Share knowledge, experiences, and dilemmas. This contributes to consciousness raising and improvements.”
→ Rutger Goethart, Heineken



“Key success factors are mutual trust, personal relationships and the shared belief that everyone is in the same boat.” → C&A

CONTACT CNV INTERNATIONAAL

There are many types of unions at many levels. Unions can be active in many countries at company, sector, and national levels. Umbrella organizations exist at regional, continental, and global levels. 331 national trade union organizations from 163 different countries are affiliated to the Trade Union Confederation, ITUC. CNV is also a member of ITUC.

CNV Internationaal can provide you with information about the countries where your company is located or from which you company is sourcing. Some topics include:

- What is the status of trade union freedom in that country
- How to get in contact with local unions
- How to organize training programs and set up social dialogue opportunities (and help you to do this)
- How to get help from partner organizations to form a union



OUR WORK

The Foundation CNV Internationaal is 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.

COLOPHON

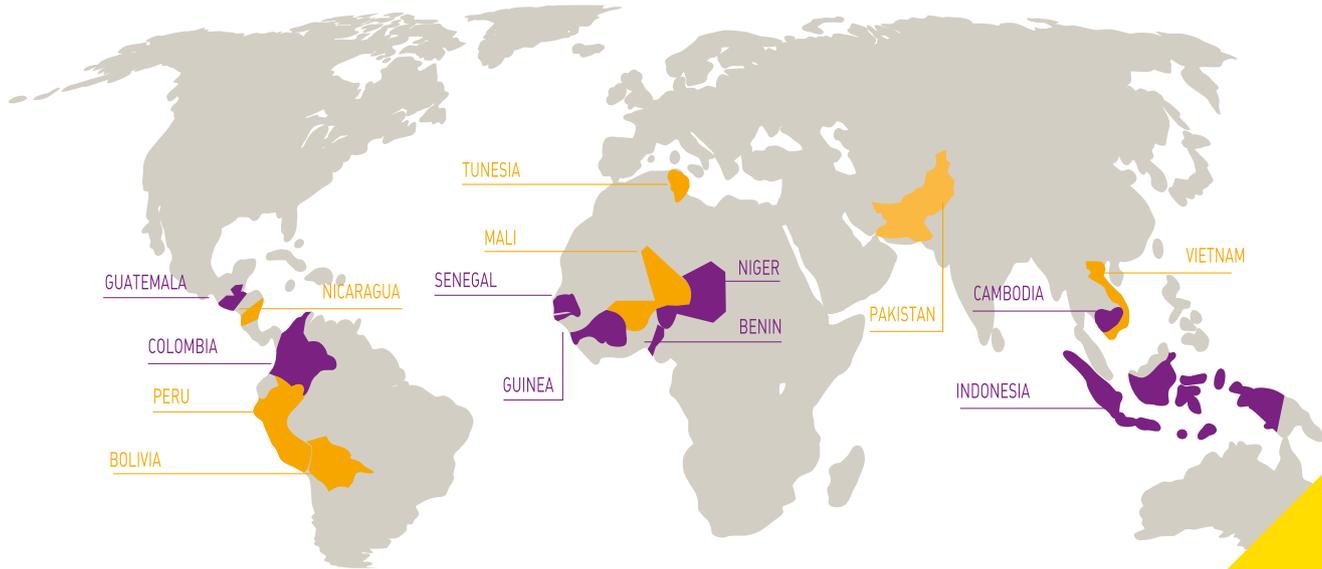
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Where we work



■ *Current partner countries: Benin, Cambodia, Colombia, Guatemala, Guinea, Indonesia, Niger, Senegal*

■ *New countries where CNV Internationaal recently started or where cooperation is being explored: Bolivia, Mali, Nicaragua, Pakistan, Peru, Tunisia and Vietnam*



THE POWER OF

Trade Union Freedom

The freedom to form and join a union is a fundamental human right. This right enables workers to engage in dialogue with their employers. Unfortunately, in many places in the world, workers come up against countless obstacles when they try to exercise this right. This is also detrimental to employers. CNV Internationaal, together with its partner organizations, strives to expand trade union freedom throughout the world.

Does your business source from developing countries? Do you have branches or production sites abroad? Then this booklet is for you! It will give you more insight into the different aspects of trade union freedom: the legislation and guidelines, the advantages and issues surrounding it. Real companies with international supply chains - Alchemist, C&A and Heineken - give us a glimpse behind the scenes and share inspiring insights and tips.