

A young woman with dark hair, wearing a green patterned shirt, stands in a factory or textile mill. She has a serious expression. In the background, other workers are visible, some in traditional attire. The scene is brightly lit, and there are stacks of fabric or clothing in the foreground.

Questions

on freedom of association
and social dialogue



Internationaal



Procesindustrie

Questions brand representatives can ask in order to get a better understanding of policies and practices with regard to freedom of association (FoA) and social dialogue at company level.

Both freedom of association and the right to collective bargaining are **fundamental human rights**. These rights allow

workers to enter into a constructive dialogue with employers. Unfortunately, in many countries, workers face all kinds of obstacles when trying to organise themselves in order to take part in social dialogue.

Using the questions below can provide you, as a brand representative, with **hands-on information on what is actually going on**

with regard to freedom of association and social dialogue at company level. The questions can be asked in random order, and they can be put **to either company management or trade union representatives as well as to workers**. It is important to realize that they are **not a substitute for an audit**.*

*Such audits are part of verification schedules applied by BSCI, FWF, ETI etc.

On the basis of your audit outcomes and your personal intuition you can use the most suitable questions to go more in-depth about what is really going on in the workplace. **You can really make a difference**. The fact that you show an interest in establishing a dialogue between managers and workers will in fact

help raise awareness with regard to the rights to freedom of association and collective bargaining. Showing that you value these rights might even encourage managers and/or factory owners to open up to the designation of independent workers' representatives and to **constructive dialogue** with workers.



Trade unions / workers' council

1. Are trade unions active in your company? If yes, **which one(s)**? Are representatives and leaders regularly elected?
2. Does your company have a workers' council? How was it established? Can you explain the **election process**?

3. Do you know how many workers in your company, if any, are union members?

4. To what extent the unions that are active in your company are able to operate as **independent** workers' representatives (that is, not influenced by the factory's management or human resources department)?

5. Are there any mechanisms in place to **protect** trade unionists in the company? Can you describe these mechanisms?

6. Which rules or **guidelines** are in place within the company to ensure democratic and free elections of trade union leaders and representatives?

7. How does the union or the workers' council ensure that it represents the workers?

8. How often do trade unions **consult their members** at the factory level?

9. How do trade unions **communicate** with members and other workers within the company?

10. Do other trade unions which are not yet active within the company have **access** to it?

11. Does your company recognise any trade union of its workers for **negotiating** purposes?

12. Are union members allowed to do **trade union work during working hours**? If so, please share some examples.

13. Does the company **facilitate** meeting rooms for trade union use? Does it offer the trade unions ways to communicate with workers and make announcements?



Policy

1. Has the company recently been audited under any **buyers' code of conduct on Corporate Social Responsibility (such as BSCI, ETI, FWF)**?

2. Does the company have a **written policy** regarding freedom of association?

3. **Do workers know** about this policy? Ask a random worker and or a workers' representative about the company's policy on freedom of association.

4. Can you elaborate on that policy? What does it entail in **practice**?

5. Does the company comply with (legal) regulations in order to let unions organise elections and fulfil their **legal requirements**?

6. Does the company openly **communicate** with its workers on the rights related to freedom of association?

7. Please explain how the company creates or provides **environments in the workplace** where workers are able to organize and meet.

8. What kind of **workers' committees** or representatives are active in the company? (*Think of OSH committees, gender committees, trade unions, harassment committees*)

9. Does the company have a procedure in place for creating **corrective action plans** whenever an audit or a monitoring process discovers violations in the areas of social dialogue and freedom of association?

Collective Bargaining Agreement (CBA) or Collective Labour Agreement (CLA)

1. Does the company operate under a **CBA**? If so, how was it established, who were the parties involved? How often is it revised?

2. If the company does not have any collective agreement with a recognised trade union,

does the company permit trade union representatives to have **access to their members** in the workplace?

3. Did the company negotiate **different CBAs with different unions**? If so, explain which unions CBAs have been negotiated with, and to which (group of) workers they apply?

4. Can you explain the main points in the current CBA (or CBAs)? Do these imply any **advantages for workers compared with the regulations in local legislation**, does the CBA just comply with that legislation, or does it even (potentially) chip away at the legal regulations?

5. Where does the CBA **differ from local legislation**? What makes it beneficial for workers?

6. Does the CBA also cover **temporary workers, flex-workers, teleworkers and/or subcontracted workers**?

7. Does the company have arrangements for trade union activities to be able to organise meetings and talk to workers in order to **collect input for CBA negotiations**?

8. How are (all) workers **informed** about their CBA, and by whom?

9. Can you explain how the CBA is being **implemented**?

10. What is the **duration** of the current CBA? Will it be possible to further elaborate on the current collective agreement in a new version?

11. **What should be addressed** in the new CBA, according to the management? What according to the unions, the workers' representatives and the workers themselves?



Social Dialogue

1. Does the company management have regular meetings or other contacts with **workers**? Are any records kept of those meetings?

2. Does the company management have regular meetings or other contacts with **union representatives**? Are any records kept of those meetings?

3. What **topics** have been discussed lately between company and trade union representatives? What has been the conclusion?

4. What kind of information do the company management and the trade unions share? Think of **socio-economic data, information on orders, training opportunities**, etc.

5. What is the **frequency** of these meetings? Do you consider them to be instances of dialogue? Do you consider them to be formal or informal?

6. Are these meetings focussing on the **negotiation process** (if applicable), or do they deal with different **workers' issues**?

7. Does the company have a **(written) procedure to process complaints and grievances**?

8. Are there any procedures or other opportunities for workers to communicate in an open way with management regarding working conditions, **without fear of reprisal or intimidation**?





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