

# Freedom of Association and Collective Bargaining

UK Law (ERA 2004)/ ETI Code/ ILO Conventions 87, 98, 135  
A rights-based approach

A code compliant system of rights-based collective dialogue is impossible without FOA  
but FOA and Collective Bargaining are twins  
What about wages? "Dialogue" on conditions alone not enough

## Is there a union presence?

Ask the national **unions**/  
local officials  
individual workers (with care)  
CAC decisions

**Labour market conditions:**  
nature of workforce  
size of company  
work patterns

**Company culture**  
Attempts to keep **union** out?:  
Hostility communicated at teams  
Paternalism

Is their union access?  
Has there been a presence before?  
Evidence of anti-union hostility?  
Derecognition

Do these hinder organisation?  
Do workers know their rights?  
lack of legal protection -  
unprotected/informal work

Do **your price and lead times**  
support FOA and CB?  
Or is suppression of producer prices  
encouraging anti-union hostility?

# Overtime, low wages and forced labour

**What do we know about China**  
Paper law - no workers' rights  
Excessive overtime the norm  
Preferred manufacturing base of MNEs

**Chinese law says**  
148 hrs per month - 5 day week  
36 hrs OT per month  
peak time derogations

**Causes of excessive OT**  
Compulsion = forced labour  
No trade union rights - low wages  
MNE price and lead times

**Ascertaining the truth**  
Are the books cooked?  
OSH record  
product quality

**Rule of law needs democratic rights**  
insufficient/irregular enforcement  
Export industries  
Comprehensive Calculations System

**Is contract compliance possible?**  
If not, why do MNEs move jobs there?  
**Can a collective MNE response work?**  
Why have you abandoned democracies

**Are your auditors competent?**  
Can workers speak freely  
Views of independent sources

**Short term: OSH productivity committees**  
genuine worker involvement improves both  
**long term stability in China requires**  
**fundamental rights at work**

# Sex Discrimination in Kenya

Male supervisors - female workforce  
A cultural norm? - not in Kenya  
**Human rights are universal - all countries, both genders!**  
"Cultural norms" = excuse for oppression

**How, where is abuse happening?**  
eg do women have separate facilities?  
if not, improvement needed now

**Auditing techniques**  
female auditors  
talk to women privately  
have they been primed/threatened?

**Management/complaints structures**  
Can women complain to women?  
Male only supervisors = discrimination  
promotion and training structures

**Are price and lead times making women vulnerable?**  
(low pay, late hours, transport, job insecurity)

Women only workforce =  
**women shop stewards- talk to them**  
no union presence - contact KPAWU  
labour inspectorate

Employment and occupation  
**equity plan needed**  
involve trade union in negotiation

# Child Labour

ETI Code is underpinned by ILO Conventions 138 and 182  
Local law and company policy on child labour and education can be better  
Minimum age in C138 is 14/15  
Minimum age for hazardous work is 18

Minimum age of 16 - fine  
**but requirement for 2 years experience?**  
means encouraging CL from 14 at least  
probably in unregulated work

**Age verification**  
Is there birth registration?  
are there school records?  
non-intrusive methods

16 and 17 year-olds **dyeing and cutting**  
is there adequate training for cutters?  
chemical dyes  
reproductive health