

Considerations for briefing social auditors, compliance teams, trainers & workplace managers



Communicating freedom of association & the right to organise?

FOA is good for workers, good for business and good for morale. It is central to dignity, choice, economic power and long-term business sustainability. FOA means that all workers have the right to join (or form) organisations of their own choosing, which can independently promote and defend their collective interests. The right also applies to workers in the informal sector (those not working under contracts of employment.)

The Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) is called an “enabling” right as all other universal working rights, or core labour standards and worker protections, flow from this. It could also be viewed as the key to formally unlocking dialogue, consultation, exchange of ideas and negotiation between employers and workers.

Why FOA?

FOA is not just an aspiration but has the same importance as the abolition of child or forced labour because it is the key to unlocking other rights and protections and enables workers to defend themselves against other abuses.

FOA is the foundation for a balanced mechanism for reaching agreements between workers and managers. It creates a working environment that is organised, respectful, and free from fear. It is a key reference point for a company’s worker and business relationships on human rights at work, ethical business practices and HR or industrial relations policy. Central to FOA is the freedom of workers to choose how they raise and discuss collective issues that are important to them. This basic right is replicated in various ways and is found in global frameworks such as the Sustainable Development Goals; its forms the basis for the Decent Work agenda, the Just Transition

principles in the climate change section and the Social Dialogue narrative.

FOA is one of the most basic rights enjoyed by humans, ensuring that every individual is free to organise and to form and participate in groups, either formally or informally. It also provides for equality. Article 2 of the Universal Declaration of Human Rights states; “Everyone is entitled to all the rights and freedoms set

FOA is a human right in the world of work – it is part of the Universal Declaration of Human Rights where Article 23(4) provides for the right of freedom of assembly and FOA and trade union membership

forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.”

Mature industrial relations

Worker representation hinges on FOA and is therefore the ‘enabling’ factor for sound and representative industrial relations.

Independently-elected worker representatives are the measure of how freely workers can express and contribute to their industry or workplace through formal structures such as collective bargaining.

Good for workers

Workers approaching an employer collectively help balance the power inherent in any employment relationship. The relative security of numbers allows individuals to express themselves more openly and with less fear of reprisal, and adds to the value of information that is exchanged.

In tabular format below are ideas on how to communicate FOA to different audiences in your supply chain.

Audience	Recommended ideas for communication
<p>Preparing to brief:</p> <ul style="list-style-type: none"> • social auditors /+ or convergence frameworks • compliance teams • managers 	<p>Apart from policy documents and commitment, freedom of association is difficult to measure and identify. As trade union or independently elected worker representatives and collective bargaining are intrinsically linked to FOA, evidence that workers work in an atmosphere where they can raise collective concerns via elected representatives is tangible evidence of FOA.</p> <p>Specific considerations should include:</p> <ul style="list-style-type: none"> • FOA is a key requirement in all OECD compliance and responsible business initiatives, standards, codes and policies. • Number of workers represented by a trade union/s or elected worker bodies. • Establishing who is NOT covered by representation is also important. This could include for example, casual, contract and migrant workers that have no platform or forum to raise collective concerns. • Election balloting could be assessed as to whether it is a secret ballot or show of hands on the factory floor.
<p>Ideas for:</p> <ul style="list-style-type: none"> • trainers • discussion groups 	<p>FOA is a fundamental or core human right. In a working environment it is intrinsically linked to collective bargaining and representation but has broader implications on equal treatment of all workers and that no discrimination is practiced against workers of any class, caste, creed or gender.</p> <p>Proposed discussion ideas:</p> <ul style="list-style-type: none"> • On a diverse production line, shipping vessel or farm (for example - language, gender, culture) what would the impact be if FOA is denied or forbidden? • What are the benefits of FOA to a business and to workers?

This resource works in conjunction with the five-step implementation plan on clause two of the base code.

1. Leaflet to download <https://www.ethicaltrade.org/resources/implementing-freedom-association-five-step-plan>
2. Policy and definitions <https://www.ethicaltrade.org/resources/foa-worker-representation/step-1-review-refine-policy>
3. Communication strategy and approach: <https://www.ethicaltrade.org/resources/foa-worker-representationstep-4-communicate-remediate/communication-approach-and-strategy>