



Questions to address freedom of association and social dialogue in the agrifood sector

A guide for traders, buyers, CSR managers, brand or retail representatives



Agriculture is an important source of employment and income for producers and workers in developing countries. Most of (the ingredients in) our food, such as sugar, tea, bananas, cocoa, coffee or palm oil is produced elsewhere. These goods make their way to consumers via (certified) producers, plantations, traders, buyers and retailers.

Despite importance of agricultural products worldwide, farmers and agricultural workers often face harsh working conditions and lack the means to effectively address their situation. Reducing poverty and realizing sustainable food systems can only happen when workers who produce food for local and global supply chains have decent working conditions and stable livelihoods. Two important aspects of decent working conditions are the freedom of association and the right to collective bargaining; both are **fundamental human rights**. These rights allow workers to start a constructive dialogue with employers. Unfortunately, in many countries, workers face all kinds of obstacles when trying to organise themselves.

All supply chain actors have a role to play in addressing these fundamental human rights, whether driven by need (ensuring sustainable food surplus, in anticipation of



(EU) due diligence laws) or purpose (intrinsic motivation, passion for meeting the the Sustainable Development Goals). Therefore it is key to gain insight in local workers and management relations. For example, are trade unionists active on plantations? Do workers know their basic rights? Is there a collective bargaining agreement? Are workers aware of complaint mechanisms?

Addressing labour rights

Below are questions that traders, buyers, CSR managers, brand or retail representatives can ask to get a better understanding of policies and practices with regard to freedom of association and social dialogue at farms, plantations and processing factory levels in their supply chains. Social dialogue can lead to addressing other important labour rights such as child labour and/or living wages.

The questions will provide you, as traders, buyers, CSR managers, brand or retail representatives, with a better assessment of the current situation in the food production workplace with regard to freedom of association and social dialogue. These questions are in addition to and not a substitute for audits being part of certification schemes such as Fairtrade, Bonsucro and RSPO.



Constructive dialogue

The idea is to select a few questions you feel are most relevant to your supply chain. The questions can be asked in a random order and to either producers, plantation management, trade union representatives or individual workers.

The fact that you, as traders, buyers, CSR managers, brand or retail representatives show an interest in the dialogue between producers, managers and workers will in fact help to raise awareness with regards to the rights of freedom of association and the right to collective bargaining for workers. Starting this supply chain dialogue might even encourage producers to open up to independent workers' representatives and to enter into a constructive dialogue with their workers.



Glossary

Freedom of Association (FoA)

The right of workers to join and form trade unions or organizations of their choosing.

Social Dialogue (SD)

Social dialogue includes all types of negotiation, consultation or simply exchange of information between representatives of employers and workers. The main goal is consensus building and the democratic involvement of workers.

Collective Bargaining

The process of all negotiations between an employer or an employers' organization and one or more trade unions with the aim of developing a Collective Bargaining Agreement (CBA). It allows workers to freely negotiate their working conditions with their employers.

Trade unions, workers' committees



1. Are trade unions active in your plantation and/or processing facility? If yes, **which one(s)?**
2. What kind of **workers'** committees or representatives exist and are active in your company? For example, committees covering occupational safety and health, women/ gender topics, harassment issues, trade unions, etc.
3. Do you know how many workers and what percentage of workers at the plantation and/or in the processing facility are **union members?**
4. To what extent are the unions that are active able to operate as **independent** workers' representatives (that is, not influenced by the producer, management or human resources department)?
5. Which rules or **guidelines** are in place within the company to ensure democratic and free elections of trade union leaders and representatives?
6. Are there any policies in place to **protect** trade unionists in the factory or at the farm? Can you describe these policies?
7. What is required by the **certification scheme** for trade union work and workers representation? Have these requirements helped strengthen trade unions in practice? If so, how?
8. If there are no unions present at the plantation or factory, can you elaborate why? How do you ensure that the rights of workers are fairly represented?
9. How do trade unions **communicate** with their members and with other workers within the company? How often do trade unions meet and **consult their members?**
10. Are union members allowed to do **trade union work during working hours?** If so, please share some examples.
11. Does the company **facilitate** meeting rooms for

trade unions to use? Does it offer the trade unions ways to communicate with workers and make announcements?

12. Do other trade unions who are not yet active within the company have **access** to the plantation and/or factory? And are NGOs allowed to enter the plantation and meet workers to talk about their rights?



Freedom of association and social dialogue policies



1. Does the plantation and/or processing facility have a **written policy** or protocol regarding freedom of association? Is that policy required by a certification scheme?
2. Can you elaborate on that policy? What does it entail in **practice?**
3. **How do workers know** about this policy and its content?
4. Does the plantation and/or processing facility management openly **communicate** and encourage workers to make use of their rights related to freedom of association? If so, how?
5. What are the most **difficult elements** in the policy to live up to in practice? Why?
6. Does the plantation and/or processing facility management know about and **comply with the local regulations** and possible additional certification scheme regulations to let unions organise elections and fulfil their **legal requirements?**
7. Has the plantation and or processing facility recently been audited by Bonsucro, RSPO, Fairtrade or any other relevant **certification scheme?** Is the plantation or processing facility informed about non-conformities in the areas of freedom of association and social dialogue?
8. Does plantation and/or processing facility management 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?
9. Are workers and unions **involved** in this procedure/
addressing the violation?
10. If so, how can brands, retailers, traders and buyers support **freedom of association** and social dialogue in their supply chains?

Collective Bargaining Agreement



1. Does the plantation and/or processing facility operate under a **CBA**? If so, how was it established? How often is it revised?
2. If there is no CBA with a recognised trade union, what is the reason? And does your company still permit trade union representatives to have **access to their members** and or workers?
3. Does the plantation and/or processing facility negotiate **different CBAs with different unions**? If so, list which unions CBAs have been negotiated with, and to which (group of) workers they apply?
4. What are the main points in the current CBA? Do these grant **any advantages for workers compared with the regulations in local legislation** or does the CBA just comply with local legislation or does it (potentially) weaken standard legal regulations?
5. If the current CBA does grant advantages for workers in comparison, how does the **CBA differ from local legislation**? What makes it more beneficial for workers?
6. Does the CBA also cover **temporary/ seasonal workers, subcontracted workers and or migrants**? How are these groups involved, consulted and informed of CBA processes?
7. Are **women** fairly represented during CBA negotiations too?
8. Does the plantation and/or processing facility have arrangements for trade unions to be able to organise meetings and talk to workers to **collect input for CBA negotiations**?
9. How are (all) workers **informed** about the CBA content and by whom?
10. Can you give examples of how the CBA is being **implemented**?
11. **What should be addressed** in the new CBA,

according to the producers or factory management? What should be addressed according to the unions, the workers' representatives, and the workers themselves?

12. Did the plantation and/or processing facility **face any strikes** by workers during the last few years? If yes, what was it about and how was it handled? according to the unions, the workers' representatives, and the workers themselves?



Social Dialogue



1. Does the plantation and or factory management have regular meetings or other contact with **workers**? Are any records kept of those meetings? If so, are these records made public/shared afterwards?
2. Does the plantation and or factory management have regular meetings or other contact with **union representatives**? Are any records kept of those meetings? If so, are these records made public/shared afterwards?

3. **What topics** have been discussed lately between plantation management and the trade union(s) or workers (representatives)? Have working conditions and workers' rights been part of the discussion?
4. What kind of information is exchanged between the management and the trade unions or workers? For example, do they share **socio-economic data, information on orders, training opportunities, buyers and traders demands, working conditions/ rights** etc.
5. Do meetings between management and trade unions and/ or workers' representatives focus on the **negotiation process** (if applicable), or do they deal with different **workers' issues** on a day-to-day basis or both?
6. What is the **frequency** of meetings between management and trade unions and/or workers' representatives? Do you consider them to be instances of dialogue? Do you consider them to be formal or informal?
7. How would you describe the **relationship/ atmosphere** between workers and management? (friendly, relaxed, open, tense, etc.)
8. Are trade unions or workers **allowed and free to discuss** any (potential) violations of their rights, other issues or ideas with management? Can you give an example?
9. Are there any non-retaliation policy, procedures or other opportunities for workers to communicate in an open way with management regarding working conditions, **without fear of reprisal or intimidation**?
10. Does the plantation, factory or certification scheme have a **(written) procedure to address complaints and grievances**?
11. How often do the workers file a **complaint** and what are the complaints about? Do you have dialogues about (the follow-up of) certain complaints with workers committees and unions?

If you have a question or would like to know more, please contact us: Eva Smulders (CNV Internationaal - e.smulders@cnv.nl) or Karen Bouwsma (Fairtrade - karen@fairtradenederland.nl).