



Supporting Worker Empowerment - Including Support for Workers' Assertion of their Human Rights - in the Supply Chain

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The UN Global Compact is a strategic policy initiative for businesses that are committed to aligning their operations and strategies with ten universally accepted principles in the areas of human rights, labour, environment, and anti-corruption. In June 2006, the Global Compact Board established a Human Rights Working Group. The goal of the working group, which is currently co-chaired by Mr. Pierre Sane and Sir Mark Moody-Stuart, is to provide strategic input to the Global Compact's human rights work. The following is one of an ongoing series of notes on good business practices on human rights endorsed by the working group. Rather than highlighting specific practices of individual companies, Good Practice Notes seek to identify general approaches that have been recognized by a number of companies and stakeholders as being good for business and good for human rights.

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I. Introduction

In recent years, around the world and in every sector, companies have been ramping up their efforts in the area of sustainable supply chain management. In part, this is a response to stakeholder concerns about social conditions in companies' supply chains "C fueled by increasingly available information about working conditions in factories, mines, and farms "C and rising expectations that companies should seek to improve the working conditions provided by their suppliers. The other part of the equation is a combination of national and local regulations, international covenants, declarations, and frameworks that have made clear that there is a corporate responsibility to respect human rights, including workers' rights, in supply chains. In addition, companies are increasingly recognizing the benefits for business and for society of investing in their supply chain.

The corporate responsibility to respect human rights, which applies to all businesses everywhere, whether or not they have signed on to the UN Global Compact, is well-established and has been re-affirmed with the endorsement by the UN Human Rights Council of the UN "Protect, Respect and Remedy" Framework in 2008 and the Guiding Principles on Business and Human Rights for implementation of the Framework in June 2011. The UN Framework and the Guiding Principles clarify that businesses have a responsibility to avoid infringing on the human rights of others and to adequately address any adverse human rights impacts that nevertheless occur. In addition to being responsible for respecting human rights within their operations, businesses also have a responsibility to prevent and mitigate adverse human rights impacts that are directly linked to their operations, products, or services by their business relationships, e.g., supplier relationships, even if they have not otherwise contributed to those impacts.

The corporate responsibility to respect human rights, along with the corporate commitment to support human rights, is a fundamental part of the UN Global Compact (Principle 1). Support for human rights "C additional voluntary actions to advance or promote human rights - can be met through core business approaches, strategic social investment, or philanthropy, public policy engagement and advocacy, or collective action, including partnerships. A new trend has arisen in which companies develop their own initiatives to directly support their suppliers' workers with training and information. Such initiatives are yielding promising results for both workers and companies "C as discussed in this Good Practice Note "C as a complement, and not substitute, for respecting workers' human rights. .

➤ ***Focus of this Note***

This Note is focused on what businesses can do to better support workers in their supply chain, including through supporting workers' assertion of their human rights. As such, it is relevant to both the corporate responsibility to respect human rights and the corporate commitment to support human rights. Empowered workers and stronger management-worker relationships increase worker productivity, reduce absenteeism and staff turnover, and help prevent work stoppages in supply chains.¹ To achieve these outcomes, employees need to be able to hold their employers to account. Freedom of association is a crucial enabler of workers being able to assert their full set of rights relevant to the workplace. Its

¹ BSR Insight: Building a Baseline on Worker Empowerment Programmes, Business for Social Responsibility, 2010.

importance, together with the importance of collective bargaining, is expressly reiterated in Principle 3 of the Global Compact. In many countries, however, the exercise of workers' (and sometimes also employers') freedom of association is curtailed by law. The good practices suggested by this Note may be of particular value in such situations.

This Note explores some of the good practices, advantages and pitfalls related to working with suppliers and other stakeholders, especially trade unions, to support workers in the supply chain, including in assertion of their human rights. The practices outlined in no way purport to be a comprehensive overview of actions that can be taken, but rather seek to suggest some of the new and emerging practices relevant to this area.

While this Note focuses mainly on programmes at the initiative of a customer organization, this is not intended to distract from the fact that suppliers have the responsibility to respect their own workers' human rights, including labour rights. Such programmes can help suppliers with the implementation of such responsibility, but are not intended to be a substitute. Similarly, the description of business case benefits for such programmes is intended to provide additional rationales for these programmes, but respect and support for the workers' human rights must be the paramount concern.

II. Human Rights Standards

The UN Human Rights Council's unanimous endorsement of the Guiding Principles on Business and Human Rights for implementing the UN "Protect, Respect and Remedy" Framework reaffirms the corporate responsibility to respect human rights as the global standard for all businesses. This responsibility means that businesses should avoid infringing on the human rights of others and should address adverse human rights with which they are involved. In order to meet the responsibility, the Principles stipulate that enterprises need to have in place certain policies and processes to know and show that they are respecting human rights. These include a policy commitment to respect human rights, a human rights due diligence process, and processes to enable the remediation of adverse human rights impacts. These are also the key elements underlying all human rights-related good business practices.

There are also a large number of highly developed human rights standards applicable to employees.² This Note takes as its foundation such standards, and describes approaches to supporting workers, including in asserting their human rights under such standards as a complement to the roles and functions of organizations active in this area, such as the International Labour Organization ("ILO"), global and local trade unions, and employer organizations.

III. Why Support Workers, Including in Assertion of their Human Rights, in the Supply Chain?³

➤ *Workers' freedom to associate is the best mechanism for assuring quality working conditions*

Workers' genuine freedom to associate is the best protection against having working conditions that fall below national and international labour standards. Audits are useful to obtain data identifying needs for improvement, training, and capacity building, and to confirm improvements have been implemented. They thus are useful alongside employer and worker dialogue. Neither audits nor other external measures to assure labour standards are being met, however, can provide reliable feedback on a particular workplace's working conditions on an ongoing basis. Ensuring the ability of workers to assert their own human rights is the more direct way to ensure quality working conditions, which is important for both legal compliance and productivity.

² For an overview of and a list of international labour standards, see <http://www.ilo.org/global/standards/lang--en/index.htm>.

³ An overview of the advantages of supply chain sustainability programmes can be found on the "Supply Chain Sustainability" page of the UN Global Compact Website, at http://www.unglobalcompact.org/Issues/supply_chain/index.html.

It is acknowledged that freedom of association is not always fully recognized by law or fully supported by enforcement. In such circumstances, worker support programmes and training on worker-manager communication may be particularly helpful in boosting suppliers' respect for workers' human rights, and in improving the enabling environment for workers to assert their human rights.

➤ ***Greater confidence that workers' human rights are actually being respected***

One of the challenges that companies often cite with regard to sustainable supply chain management is the lack of reliable knowledge and control over working conditions that suppliers provide. Successful worker support programmes, especially those that also yield benefits for suppliers, including in reduced cost, can be an important complement to compliance-based approaches to encourage and help suppliers to meet their responsibility to respect workers' human rights, improving the sustainability of the supply chain as a whole. Programmes to support workers' human rights can be helpful in identifying human rights risks, and opportunities for mutually beneficial outcomes. Mutual commitments, from suppliers to respect human rights and from customer organizations to use responsible procurement practices that support and do not undermine the ability of suppliers to respect workers' human rights, are increasingly recognized as an important tool in this regard.

➤ ***Quality of life improvements***

Well designed and implemented initiatives to support workers in the supply chain, including in assertion of their human rights, are yielding direct benefits in working conditions and quality of life, such as improved health, increased incomes, greater opportunities for career advancement, and increased self-esteem and confidence. They also tend to improve product quality and make it easier to retain skilled and experienced staff, as noted below. In addition, such initiatives can yield benefits for the broader community. For example, improvements in working conditions and educational opportunities for workers improve their capacity to educate their children with lasting benefits for economic development. Investments in the communities from which suppliers draw their workforce can have long-term benefits for business too, especially for companies with long-term supply arrangements and those dependent on particular regions for raw materials.

For example, one of the world's largest retailers works with its suppliers to support women working in the factories that supply products to the organization with job training, education, and other benefits. This initiative helps workers to develop the skills they need to become better decision-makers, both in the workplace and at home. Another example comes from a well-respected non-profit organization. It designed and helped over eighty factories to implement a worker empowerment initiative where female factory workers were informed about women's health issues through a peer-to-peer education programme. As well as improving productivity, the programme had a positive impact on workers' lives by providing important information, such as how to guard against infections and plan their families.

➤ ***Improved worker satisfaction, leading to operational efficiency and productivity gains***

Effective programmes to support workers can yield significant performance improvements. Increased employee satisfaction, due to a working environment where workers' human rights are respected and supported, leads to higher quality products and improved productivity, according to several academic and company studies and extensive corporate experience. Higher job satisfaction also lowers turnover, and lower turnover rates lead to more experienced workers and fewer mistakes. Improved health in the workforce also lowers absenteeism and error rates, as indicated in the section below.

One factory-based women's health initiative that recognized these potential efficiency gains taught women how to manage common health concerns and additionally provided some basic health services. Enhanced productivity, reduced absenteeism, and lowered employee turnover resulted; but, more importantly, tens of thousands of women, many of whom were young, undereducated, impoverished migrants, were enabled to combat anemia, poor hygiene, inadequate pre- and post-natal care, sexual violence, and exposure to common and otherwise easily treated infections and illness. Even simple

trainings and the provision of inexpensive services can create huge lifestyle improvements for workers especially those from vulnerable groups.

➤ ***Risks of operational disruptions are mitigated***

Improved employee satisfaction, achieved through worker empowerment, is a highly effective and mutually beneficial way to reduce the risk of operational disruption. For one thing, healthy and satisfied workers are less likely to be absent or leave. Worker education and health initiatives can reduce operational disruptions due to illness and accidents. In addition, worker support programmes which engage the workforce with the company outside the sphere of typical tasks and duties can improve and strengthen relationships between managers and employees, improving worker loyalty and retention. This not only has the potential to reduce the number and severity of management-employee conflicts, but it also increases the likelihood that any conflicts that arise will be dealt with in a more constructive manner.

➤ ***Corporate brand and customer confidence and loyalty are enhanced***

Earning a “social license” to operate through good labor practices that go beyond minimum compliance can help to build a positive brand association while securing customer confidence and loyalty. Proactively collaborating with suppliers to help support their workers, including in assertion of workers’ human rights, demonstrates the sort of commitment to social responsibility that customers and stakeholders around the world are increasingly expecting.

IV. Potential Pitfalls of Programmes to Support Workers, Including in Assertion of their Human Rights in Supply Chains

➤ ***Failing to confer and accord with trade unions, labour organizations, and internationally recognized human rights standards***

The first and foremost pitfall to avoid is designing a programme to support suppliers’ workers without fully considering and engaging with the institutions, experts, processes and standards already involved in empowering workers. For example, trade unions and collective bargaining processes have long served the function of empowering workers in their industries and individual workplaces. Labour organizations seek to educate employees on, and increase compliance of employers with, internationally recognized human rights standards. Enterprises and individual suppliers should familiarize themselves with such standards and consult with the relevant organizations and trade unions, where they exist, before designing their own programmes to support workers. Not only will these programmes be enriched and made more effective by the aid or advice afforded by such experienced institutions, but failing to take due consideration of the current human rights terrain and actors may duplicate efforts or even undermine legitimate trade unions, labour organizations, etc. In short, engaging with institutions and experts and taking full account of processes and standards already in place is essential to designing and implementing an effective programme to support workers’ human rights.

➤ ***Reinventing the wheel or going it alone when it’s unnecessary or counter-productive***

Before embarking on designing your own programme, find out what existing programmes there may be that your firm could support.⁴ Working with existing programmes may be far more cost effective as well as impactful. Even if a new initiative is to be developed, there may be other companies sourcing from the same suppliers or suppliers in the same area, allowing programmes and their costs to be shared. Other organizations, of all types, may have valuable skills or resources that could help with programme design and delivery.

⁴ The portal at: <http://supply-chain.unglobalcompact.org/> provides a comprehensive overview of codes, initiatives, policies, practices, tools, and resources for sustainable supply chain management.

➤ ***Failing to address workforce realities, such as employee demographics, organizational structure, human resources policies, and informal practices***

Programmes to support workers' human rights may not be successful if they fail to account for the character and demographics of the target workforce, the effects of local or national legislation, and/or the formal and informal rules and expectations that govern the supplier's geography and industry. Important demographics to consider include: age, birthrate, work experience, education, gender, income level, family size, career trends, cultural context, and living situation. It is especially important to identify the presence of vulnerable groups in a workforce, which include, among more specific categories: youth, women, migrant workers, persons with disabilities, persons belonging to minorities or indigenous groups, and impoverished persons. Knowing the organizational structure and relevant human resources policies of the company in which the programme to support workers' human rights will be implemented is also important, since those factors will determine the need for managerial and leadership training.

Even cultural predispositions can challenge the effectiveness of programmes to support workers' human rights. For example, in a programme designed to enhance worker compliance with health and safety requirements, it would be relevant to know that workers in some cultures perceive that wearing protective equipment, such as a helmet, is a sign of cowardice. While industry and human/labour rights standards, corporate policies, and even supplier regulations may require employees to wear protective equipment, this type of preconception must be addressed to educate workers in order to minimize oversights or low-level under-enforcement. Knowledge of the supplier's other policies and workplace culture may also be important, as these have the potential to undermine the programme if inconsistent with the programme's objectives, for example, by incentivizing, rewarding, or even requiring behavior that is inconsistent with the programme.

➤ ***Failing to respond to actual worker needs and interests***

To be impactful, programmes to support workers' human rights should respond to actual worker needs and interests, not assumptions about what the workers need and want. For example, do not assume that women workers want household equipment. They may prefer training to develop new, job-relevant skills to be able to secure better paying jobs.

➤ ***Unmanageable programme scope***

Developing an impactful programme will require investment of sufficient time and resources for adequate planning. The best intended programme may not be successful and could even be counter-productive if not adequately planned and thought through. This includes the role that the suppliers themselves are to play. Care should be taken to make sure that programmes to support workers' human rights in the supply chain are not unmanageable for the suppliers, considering that suppliers often face production constraints, such as time, financial resources, and space. Well-designed programmes avoid further burdening suppliers by making use of otherwise unallocated resources. For example, when time is scarce, mandatory training programmes can be held outside of working hours if employees are paid overtime for participating. If (as is generally the case) both time and money are scarce, optional training programmes can be made available, and local organizations, including NGOs, could be involved to lead the trainings at a lower cost. Importantly, programmes to support workers should be manageable for workers as well, i.e., they should not increase workers' burdens. Compulsory programmes held outside work hours may interfere with family or other responsibilities and make suppliers' workers' lives more difficult rather than improving them.

➤ ***Undertaking programmes for inauthentic reasons and under-appreciating the fact that human rights are at stake***

While human rights-related initiatives should never be undertaken for public relations reasons alone, it is especially important to act genuinely when initiatives are focused on supporting workers. The trust that is necessary for the successful implementation of such a programme is undermined if the programme's

legitimacy is suspect. Moreover, such initiatives set expectations in the workforce that employment conditions and/or quality of life will improve. Disappointing these expectations with a superficial or ill-fitting programme can both create and exacerbate worker dissatisfaction in the supply chain, especially when the rights of already vulnerable workers are at stake.

V. Commonly Used Good Practices to Support Workers in Supply Chains

➤ *Using Supplier Codes of Conduct as a basis for collaboration*

Supplier Codes of Conduct, aligned with international standards, serve as good starting points for engaging with suppliers to develop worker support initiatives. Reference Codes, such as that of the Global Social Compliance Programme (GSCP) and other industry groups, and cross-sectoral codes, are also invaluable sources. When compliance with a Code of Conduct or such a Reference Code functions as a baseline measure of meeting the corporate responsibility to respect human rights, companies can use the standards as a common language with which to plan collaborations. Since workers and their representatives should be involved in all programmes that are for workers' benefit, companies should ensure that suppliers' workers fully understand their rights and responsibilities under the Code of Conduct and international standards through clear and recurring communication. If a Code of Conduct is not being appropriately monitored or enforced, however, companies should work towards remedying this in order to set the stage for successful collaboration with suppliers on a worker support programme.

Some points about Codes of Conduct that should be borne in mind are: (1) Does the Code accord with international standards? (2) Does the Code take account of the specificities of the country where it is being applied? (3) What role, if any, has the supplier had in implementation plans, assessing cost implications and selecting monitoring mechanisms? (4) What efforts have been undertaken to address the reality that many suppliers are confronted with a number of different Codes from their customer organizations?

➤ *Developing a shared vision for the programme with suppliers*

Once a supplier shows interest in partnering on a worker support programme, developing a “shared vision” for what is to be achieved through the collaboration is a good next step. Companies that can sit down with their suppliers and work through the goals of the project, define expected benefits, and allocate roles and responsibilities can avoid encountering surprises (e.g., ambiguities in which party will organize and manage training sessions, who will pay for the project, etc.) once resources have already been invested. Where possible, companies should structure incentives for continued engagement with the shared vision, so that suppliers will not lose interest in the programme if it fails to deliver immediate benefits. One good practice is to provide suppliers with assistance and incentives to demonstrate their commitment, capabilities, and performance related to human rights.

Developing or participating in such programmes with suppliers also creates opportunities to engage with suppliers on their corporate responsibility policies and practices more deeply, including to demonstrate the business case for respecting human rights, including worker rights. Enhanced relationships with suppliers may heighten the likelihood that problems will be proactively brought to the attention of the company for joint-problem solving rather than remain hidden. Resources may then go into improving conditions rather than beating audits.

➤ *Facilitating accountability by supporting channels for workers to communicate concerns and assert their human rights*

As indicated above, workers' genuine freedom to associate is the best protection against having working conditions that fall below national and international labour standards. However, freedom of association is not fully recognized in many countries. Especially in such instances, but in any event, implementing one or more of the following accountability support mechanisms can support workers to communicate concerns and assert their human rights in the supply chain:

Operational-level grievance mechanisms: Operational-level grievance mechanisms accessible directly to workers and communities who may be adversely impacted by a business enterprise are an important component of the corporate responsibility to respect for human rights. These are typically administered by enterprises themselves, alone or in collaboration with others, including relevant stakeholders. Operational-level grievance mechanisms perform two key functions regarding the responsibility of business enterprises to respect human rights: (1) they support identification of adverse human rights impacts as part of the enterprise's ongoing human rights due diligence, by providing a channel for those directly impacted by the enterprise's operations to raise concerns, and (2) they make it possible for grievances, once identified, to be addressed. Human rights hotlines are a popular form of operational-level grievance mechanism because they are relatively easy to implement and highly effective at providing employees with anonymous opportunities to voice concerns. In the supply chain context, through human rights hotlines, suppliers' employees alert their managers or other stakeholders, e.g., labour unions, of potential human rights concerns, thereby enabling their concerns to be remedied. To be effective such mechanisms should accord with the provisions of the Guiding Principles on Business and Human Rights.⁵ By working with suppliers to develop and implement human rights hotlines and other grievance mechanisms, companies can increase accountability within their supply chain while simultaneously helping suppliers meet their responsibility to identify and remedy adverse human rights impacts of their own operations.

Audits: Companies can use audits, directly or through independent auditors, to measure degrees of compliance with Supplier Codes of Conduct, thus identifying areas where improvement is needed, with the goal of respecting workers' human rights.

Worker-inclusive corporate social responsibility ("CSR") committees: Worker-inclusive CSR committees operate by 1) surveying the internal CSR environment, 2) engaging workers with peer-to-peer elections to select representatives to serve on committees, and 3) providing committees with tools with which to develop and implement a self-sustaining system of ongoing monitoring and representation, e.g., reference materials, audit checklists, follow-up procedures, etc. Where recognized in accordance with national law, such committees should also include union and/or trade representatives, and factory managers and/or supervisors, not only encouraging congenial relationships and effective cooperation with these other groups, but also affording workers opportunities to work alongside such stakeholders. At the very least, however, the committees should interface with free trade unions and labour organizations, where they exist, to determine their scope and functions.

➤ ***Providing human rights-focused trainings to suppliers' workers***

Providing human rights-focused trainings is one of the easiest ways to support suppliers' workers in assertion of their human rights. Training sessions, led by higher-level employees, consultants, representatives from labour organizations or trade unions, etc., can teach workers how to protect themselves and those they care about vis-à-vis a particular human right or set of rights. Suppliers can benefit from the assistance of multiple stakeholders in helping them to strengthen their compliance monitoring system and in improving employee morale, often drastically. High-impact training topics commonly used by leading global companies include:

Codes of Conduct and human rights policies: Educating suppliers' workers as to the content and meaning of their employer's Code of Conduct and human rights policies is vital. It ensures that such policies reach beyond managers and supervisors, directly to workers, who are often in the best initial positions to implement and/or enforce the codes and policies.

Specific and regionally relevant human rights issues: Conducting trainings on the human rights concerns most critical to the target workforce is an efficient way to address working and/or living conditions. Trainings on less acute local and regional issues can also be helpful, since localized information is less likely to be available to workers elsewhere.

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For a full list of the effectiveness criteria for non-judicial grievance mechanisms, see the Guiding Principles §31.

Labour rights and grievance management: Teaching workers how to manage their workplace, how to communicate with their colleagues and managers, and how to ensure that their labour rights are not being violated is an excellent way to support workers' rights. When workers are trained in recognizing and appropriately registering grievances about labour rights violations, there is less risk of violations going unnoticed or being ignored until the point of intolerability. In less extreme cases, showing workers how and where to voice their grievances can give the supplier an opportunity to remedy the matter, potentially reducing employee turnover.

Helpful tools for conducting employee trainings include:

Innovative and audience-tailored training media: Using creative media to reach workers and educate them about human rights issues can reduce the training programme's costs and attain greater employee buy-in. Social media is frequently used to this end, e.g., online discussion platforms managed by employees, but transparently open to upper management for review and engagement. Ideally, training media should be tailored to specific audiences, accounting for language, literacy rates, gender, average age and age range, etc.

Peer-to-peer learning: Peer-to-peer learning can multiply the reach of a training programme, increasing its value, by taking advantage of collegial networks where they exist. In peer-to-peer learning, employees are encouraged to share what they have learned through a training session with their colleagues. This has the added benefit of encouraging employees to discuss the content of the training, which can enhance retention and inspire personal reflection.

Trainings on conducting trainings: Like peer-to-peer learning, this tool can extend the reach of training programmes; but in this case, those leading the trainings share information. Teaching suppliers how to engage and collaborate with their own suppliers on worker support trainings is a great way to ensure that efforts to advance human rights in the supply chain do not stop at the first tier, or even at the second tier, but include "hot spots," and perceived lower risk, or more distant, areas from where the highest risks often emerge. The worst human rights abuses may occur where profit margins are lowest, e.g., at the level of raw materials production.

➤ ***Partnering with others, including diverse stakeholders, to multiply investment impact***

Partnering with others, including interest groups and diverse stakeholders, can increase the impact and overall efficiency of worker empowerment efforts by extending the reach of individual entities, pooling resources, reducing duplication, and reducing the risk of conflicting or diluted messages. NGOs, governments, and other stakeholders with interests in promoting labour rights and other human rights for workers are usually eager to partner with companies to plan, finance, and/or implement worker empowerment initiatives. ILO's Decent Work/Better Work initiatives, for example, are products of deep engagement with such stakeholders. Other stakeholders to consider include trade unions, industry peers, other supply chain members, international organizations focused on labour rights or the advancement of vulnerable populations, academic and research institutions, foundations, and philanthropists. Local organizations and trade unions are often the most experienced and effective actors in particular geographic, industry, and/or human rights areas. These and other organizations specializing or experienced in particular issues and/or industries can lend their expertise or even develop complementary initiatives. Several companies researched successfully initiated dialogue with such diverse groups by holding conferences on worker support or operational challenges that programmes to support workers could help solve.

➤ ***Demonstrating the willingness to continually share and learn***

Sustainable supply chain management remains one of the most challenging areas of corporate sustainability that no company can claim to have completely resolved. Thus companies and their suppliers can benefit from opportunities to share and learn from others about what is and isn't working. Global Compact Local Networks (see <http://www.unglobalcompact.org/NetworksAroundTheWorld/index.html> for contact information) in more than 100 countries provide one such forum for doing so. Information about supply chain initiatives

and resources can also be shared online at <http://supply-chain.unglobalcompact.org/>, a “one-stop-shop” for business seeking information about supply chain sustainability. On this website is information about initiatives, programmes, codes, standards and networks, resources, tools and case examples of company practices. It is searchable by issue area, sector, region and practice category.

Comments on the *Supporting Worker Empowerment - Including Workers' Assertion of their Human Rights - in the Supply Chain* Good Practice Note are welcomed and may be directed to Prof. Chip Pitts (chip.pitts@att.net).