

MYTH 5

Workers' rights to form unions, self-organize, and bargain collectively is extraneous to company due diligence efforts

TRUTH

Collective bargaining and freedom of association are critical tools for workers to prevent and address potential labor exploitation



What is Freedom of Association and Collective Bargaining?



Freedom of Association (ILO C87 Freedom of Association and Protection of the Right to Organize Convention): The right of workers to individually and collectively come together to organize without government interference.

This includes gatherings to:

- promote common interests,
- establish independent organizations,
- join trade unions, strike,
- engage in free speech,
- form and participate in societies, clubs, and other groups.

Collective Bargaining (ILO C98 Right to Organize and Collective Bargaining Convention): A process for workers and employers to negotiate terms and reach agreement and conditions of work.

"The freedoms to associate and to bargain collectively are fundamental rights. They are rooted in the International Labour Organization Constitution and...their core value has been reaffirmed by the international community." - International Labor Organization Source

"Strong and independent workers' and employers' organizations, and the effective recognition of their right to engage in collective bargaining, are major tools for labor market governance. Collective bargaining is a way of attaining beneficial and productive solutions to potentially conflictual relations between workers and employers." - International Labor Organization Source

Q

Why are Freedom of Association and Collective Bargaining important for seafood supply chains?

A

Freedom of association and collective bargaining allow workers to advocate for themselves by forming unions and bargaining through the power of a group.

However, in some parts of the world, migrant workers are not legally permitted to form unions, or bargain collectively. The lack of ability of many workers in supply chains to advocate for themselves is a significant obstacle to protecting workers in seafood supply chains from labor abuses. Without enforceable rights at the workplace and the strength that comes from being represented by a union, labor rights violations and the mistreatment of fishers continue. In these conditions, alternative forms of worker voice are especially critical.

Companies can support and advocate for legislation that upholds workers' rights to freedom of association and collective bargaining including ILO Conventions No. 87: The Freedom of Association and Protection of the Right to Organise Convention, and Convention No. 98: Right to Organise and Collective Bargaining Convention

Companies can support on-the-ground organizations working to protect workers from trafficking and forced labor. A number of on-the-ground CSOs working regionally to have local, direct impact on improving workers' lives, rescuing them from trafficking situations, and promoting workers' rights to unionize and bargain collectively. An example of this is the Fishers Rights Network - which is a democratic, representative union of fishers in Thailand that is campaigning to improve the wages, working conditions and labor rights of all fishers in the Thai fishing industry. It plans to expand beyond Thailand into other countries in SEA.