ICFTU CEE & NIS Women's Network

Negotiating Better Working and Living Conditions

Gender Mainstreaming in Collective Bargaining

Company Level Booklet 1

ICFTU / International Confederation of Free Trade Unions
WCL / World Confederation of Labour

This Manual has been prepared within the framework of a project supported by the International Labour Organisation - ILO ACTRAV and the Flemish Government of Belgium

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A Resource Kit for Trade Unionists

Negotiating Better Working and Living Conditions.

Gender Mainstreaming in Collective Bargaining.

Company Level

Booklet 1

Prepared by Jasna A. Petrovic
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NEGOTIATING HAPPENS EVERY DAY EVERYWHERE!

By Mamounata Cisse
ICFTU Assistant General Secretary

If there is a simple definition of the historic mission of trade unionism, it would be the struggle to impose regulation and control on the operation of markets so that they yield socially acceptable outcomes, with protection of the rights, interests and security of working people everywhere. This was strongly re-affirmed by the 18th World Congress of the ICFTU, held in December 2004.

For decades, trade unions have had very powerful tools for improving working and living conditions of workers: collective bargaining and social dialogue. Although employers argue more and more that contractual relationships between workers and employer should be at an individual, one-to-one level, trade unions have successfully proven the effectiveness of negotiating collective rights.

Trade unions today have many more advanced channels, tools and mechanisms for negotiating. Forms of social dialogue require more proactive and sophisticated strategies. The negotiating agenda is changing: work and family reconciliation issues are being given due attention; gender mainstreaming is now a must of contemporary trade union policy and strategy development. The identification of the ways in which policies and decision-making processes reflect and reinforce inequalities between men and women and the development of policies and practices to overcame these have become daily concerns of trade unions.

Women are the most vulnerable group of workers in the world labour market, and trade unions must give special attention to protecting their needs and interests. This is especially important in the countries of Central and Eastern Europe, which are still today undergoing the difficult phase of transition of their economies and societies. Trade unions in the CEE (Central and Eastern Europe) and NIS (New Independent States) countries cannot be left behind; they need to reform their structures, policies and strategies.

The manual developed within the ILO/ICFTU/WCL gender project on collective bargaining has very definite objectives: to raise the unions' awareness about bargaining, as a daily task for every level of activity; to stress the importance of gender mainstreaming in collective bargaining; to impart knowledge on how to undertake effectively collective bargaining and to change the bargaining agenda to include issues of family and work reconciliation; to acquire an understanding of the changes in the world of work and, therefore, of the changes in channels, modes and tools which unions must utilise; and to understand the need to work with new partners and allies in order to resolve problems of workers.

The Manual explains different negotiating levels, agenda, partners and allies, starting from company level up to the global level. It is rich in information and new ideas on a gender sensitive approach to collective bargaining.

What is very special about the project and the Manual is the fact that these have been worked out in close cooperation between the women's structures of the ICFTU and WCL in the CEE and NIS region, together with a large number of partners (ICFTU; WCL; ILO; FGTB; FNV etc.).

This Manual, which consists of four kits, can be used as a regional resource kit for training of trade union trainers, women and men, in collective bargaining at all levels. It is our hope that it will open a new door, a new vision for everyone.

Time for Implementation

By Jaap Wienen
WCL Deputy Secretary General

When one looks at the history of the "gender equality" issue in the international trade union movement, one can hardly say that there is a lack of policy. Quite the contrary. We have plenty of good intentions and we have produced several documents in order to enforce our policy. Nevertheless we are not fully satisfied with the results of our common efforts.

Women and men are not yet represented on an equal basis in our structures, certainly not in the trade union teams responsible for collective bargaining with employers and the government.

Fortunately, in all trade unions a process of "gender mainstreaming" has been started up that will correct the lower representation level of women in trade union structures.

It is nonetheless a necessity to keep on stimulating the gender dimension in all aspects of our trade union work.

This manual is a very good example of such an initiative.
Not only have the authors of the manual succeeded in showing a concrete picture of present everyday reality, they also provide several possibilities in order to improve this reality.
Congratulations for this!

Now it is the responsibility of us all, united in the international trade union movement, to make full use of this beautiful instrument in order to enhance the awareness of the current trade union negotiators as regards gender equality.

But we'll have to give to as many new and young trade union colleagues as possible the opportunity to further develop their capacities in the field of collective bargaining and gender equality through training programs. In our action plans, these kinds of programs should receive high priority.

We have no time to lose...

How to improve working and living conditions at the company level

How to protect workers in the best possible way?
How to improve their working and living conditions?
How to gender mainstream the negotiating agenda and include work-family reconciliation issue on it?

These eternal questions for the trade unionists in the CEE and NIS region are usually answered with two magic words: collective bargaining!

The first step is to provide conditions so that every worker receives a formal employment contract and her or his work registered.

The second step is to conclude a company level collective agreement.

Yes, collective bargaining is the most important tool for improving working conditions, but trade unionists could use many other channels to influence positively the company policy towards workers and their families.

How does it usually work at the company level? Collective agreements are not only too rare, but they are too formal and have too poor an agenda. Collective agreements are usually signed for a 1-3 year period and in the meantime there are still many workers' problems to be resolved.

The first thing a trade unionist can do is to enrich the bargaining agenda and to gender mainstream the negotiating process and its contents. The collective bargaining agenda has to be extended to the issues of special interest to workers with family responsibilities, to the issues important for the most vulnerable categories of workers, especially women!

However, a unionist cannot extend the bargaining agenda to squeeze all issues important for workers into a single company collective agreement. But she or he can add them to a different negotiating agenda; he/she can launch different initiatives within the company, include important policy measures in the company annual plans, codes of conduct, books of regulation, and many other places!

And there are more and more participatory channels at the company level (e.g. works councils, health & safety committees), which can be used for the benefit of workers.

Trade unionists negotiate 365 days a year and they use collective agreements and various other channels and tools to improve working and living conditions of workers.

Trade unionists fight for workers rights every day.

Collective interests, as well as the individual problems of union members, have to be on the trade union agenda 24 hours a day, 30 days a month and 12 months a year!

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Acknowledgments & Instructions

The manual "Negotiating Better Working and Living Conditions. Gender Mainstreaming in Collective Bargaining" has been produced within the ILO-ICFTU-WCL Project "Negotiating better working and living conditions - special needs of workers with family responsibilities - gender mainstreaming", sponsored by the Flemish Government of Belgium. The authors of this manual are Jasna A. Petrovic (Kits 1, 2 and 3) and Agnieszka Ghinararu (Kit 4; methodological advising).

The partners of the Project are: ILO/International Labour Organisation, ICFTU/ International Confederation of Free Trade Unions, WCL/World Confederation of Labour, three Belgian trade union confederations (ABVV/FGTB; ACV/CSC and ACLVB/CGSLB) and all affiliates of the two international trade union confederations from 23 countries of the CEE and NIS Region. The Project gathers over 40 trade union women's groups from 23 countries.

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1. Aims and Structure of the Resource Kit

"Negotiating Better Working and Living Conditions. Gender Mainstreaming in Collective Bargaining" is a manual consisting of four kits. This manual intends to provide background information, practical guidelines and checklists, case studies and examples, with the main aims:

- to become aware that bargaining is an everyday activity at all levels
- to learn about the importance of gender mainstreaming in collective bargaining and learn how to do it
- to change the bargaining agenda by including family and work reconciliation
- to understand that the world of work has changed which leads to changes in channels, modes and tools
- to learn that in order to resolve problems of workers you have to seek new partners and allies.

The present Kit 1, a training package for trainers, is just a part of the larger training material which consists of the following four KITs:

Kit 1: Company level
Kit 2: Over the company walls: Community level, Sectoral collective bargaining, National social dialogue
Kit 3: Collective negotiating at European and global level
Kit 4: Strategy and techniques of negotiations.

2. General Trainer's Notes: How to Use this KIT?

The manual is rich both with information and new ideas, as it is promoting new and gender approach to collective bargaining on all levels, starting from the company level (Kit 1); moving

to community, sectoral and national levels (Kit 2), and ending with the European and global level (Kit 3). Kit 4 is supplementary as it explains the basis of negotiations, skills and techniques, but also strategies and gender mainstreaming in the negotiating process.

The manual can be treated as a "menu" to choose from - as it requires minimum 10 full training days to go through the four KITs. Thus trainers themselves can and have to decide which parts/topics are the most important for their target group and create their own educational programme based on the manual, according to the needs of their participants.

2.1. Objectives of Kit 1

- to learn more about traditional, company level collective bargaining
- to learn about and encourage use of new channels and mechanisms of collective bargaining
- to become familiar with and understand new participatory models as tools in collective bargaining
- to discover the importance of gender mainstreaming in company level collective bargaining

2.2. Structure of Kit 1

This manual (training kit), which is part of a training set consisting of 4 kits, has been developed for trainers and it can be used in any trade union course on negotiations. It is composed of three main parts:

Part 1: Collective bargaining at the company level - improving the existing model
Part 2: Alternative channels
Part 3: Workers participatory models at company level

To facilitate your work as a trainer, you will find written materials for your own preparation, and also possible handouts for the participants and activities in the manual. The texts are also illustrated by case studies.

2.3. Presentation and implementation of materials

2.3.1. Handouts are explanations of the topics or checklists that will help you introduce a topic to participants in short presentations (15-20 min.). The handouts are to be distributed to participants - preferably in a shorter version (to be shortened by a trainer depending on her/his target group). In the handouts there are case studies included for better illustration and understanding of the presented material. Please include them in your presentations, or in activities (if suggested in the trainers' notes).
Note! *The handouts should preferably be given out AFTER you present and cover a given topic. There are some exceptional cases where participants will be required to use the handouts while working in groups (this will be indicated in trainer's notes).*
Feel free to make any necessary cuts or add things to the handouts according to your target group's needs.

2.3.2. ***Activities are practical exercises*** *composed of the following elements:*

Aim(s) explain what the participants should learn from the activities. When organising group work, always carefully consider the aims. You must think about how to achieve them.
Task(s) (for participants) are explanations of what the participants should do during each exer-

cise. Most of the activities involve work in groups, but also other methods like individual work, discussion, "brainstorming" or simulation.
Note: *explain the aims, working method(s) and task(s) to the participants so that everyone knows what to do and why they are doing it.*

2.3.3. There are also **trainer's notes** that serve as guidelines for the trainer. They are there to help explain how to organise and run a given activity. Read them carefully when preparing yourself for the seminar!

2.3.4. **Group reports** - Most of the activities end with a group report. This should be brief and the main points from the reports should be written on flip-chart paper or on OHP transparencies (overhead projector). This will help underline the key points. If reports cover several different points, you may wish to take up one point from each group at a time. When groups report back, there will not be one answer. Agreement or differences may ensue. This stage can be difficult to organise because your role is to steer the discussion and engage others in providing feedback. Plan ahead, think about the aims!

Always strive to:
1. **Share experiences - guide participants to learn from one another. Try to build links between people's experiences and information passed on to them during the course;**
2. **Test attitudes - the aim is always to test attitudes against information given during the course, the experiences of participants, and trade union policy.**
3. **Combine everyone's ideas - put them all together around the main points from each of the reports.**
4. **Solve problems or make plans - find out if further discussion is needed and check whether the plans will work (use the checklist included in the manual).**

Note: *Reporting back may take 20 or 30 minutes, depending on the number of groups and the tasks. Make sure you tell the participants that each group will have only 3-5 minutes for reporting back and ask for concrete reports which will be to the point! Again, depending on the participants and the aim, you may wish to consider shortening the reporting or make it more interesting (in case all the small groups share the same task) by letting the first group present their full report and asking the rest to present only those parts which were not covered in the first report. Then move to the next group's report in the same way.*
Remember to make a summary!

2.3.5. ***How to Work on a Given Topic*** *- The structure of a working session is simple:*

1. **Short introduction** of the topic given by trainer (approximately 10 - 15 min.) - you may wish to involve participants in this early stage by asking them, for example, to define something with you. You can use the handouts to guide you in preparing the presentations.
Remember to use visual aids to illustrate your presentation (ex. Power Point presentation, transparencies or posters, etc.)
IMPORTANT: Try to provide a short example/case study from your country for each session in order to illustrate the key point (the message) of the session.

2. **Practical exercises** (one or more) - activities - their aim is to help participants practise their new knowledge or skills. They are usually followed by reports during a plenary session (see above under reporting).

3. Always remember to **sum up the topic**! You will find more guidance on this in the trainer's notes attached to the activities.

4. Remember to **show appreciation for participants' work** - for example, applaud after the group report, etc.

5. Remember to **use ice-breaking activities** - they are not a waste of time! They help with group integration; they release tensions, etc.

2.3.6. Practical remarks

a. Translation - it is important to keep the lay-out of the manual as it is in the original. Make sure that all the handouts and activities are on separate pages.

b. Distribution of the material during the seminar - make sure that you have a copy of the manual for each participant. DO NOT distribute the manual BEFORE the seminar in form of a book! Keep all the copies with you (loose pages; photocopied on one side only). You will need a table in a plenary room for the manuals. Lay them out separately and use handouts one by one according to the programme of the seminar.

c. Training Programme - attached at the end of the detailed Kit programme.

d. "Ice-breaking" activities:
We strongly suggest beginning with two such activities during the introductory session (of course, if this Kit No. 1 is used for a separate one-day training):

1. Introduction of the participants:
Distribute papers and markers to everybody;
Ask the participants to draw a situation/person that/who influenced them to become trade unionists;
Organise them into pairs;
Ask them to present their situation/person to their partner (one to another), also adding their present position in the union, experience related to the seminar topic, etc;
Ask person "A" to present person "B's" situation/person and vice versa.

2. "Golden Rules" of the seminar
Prepare a flip chart and a white board marker and write "Golden Rules" on the top. Give a small introduction-"We will be working together for some time, we don't know each other, so to make our work easier, let's think about a set of rules for everyone...." Follow this by asking the participants to make a set of rules using a "brain-storming" session. The trainer will write all the proposals and when the list is complete, read it one-by-one and ask for everyone's agreement (you can use voting by show of hands).
What can be included? - Here are some examples: No smoking in the plenary room; Be punctual; Stick to the subject; Switch off your mobile phones, etc.

3. Relaxing activities during the seminar
During the seminar you may face different problems, from people being tired and loosing concentration, to tension and frustration in the group. In order to make the atmosphere more relaxed you can ask the group:
- to sing a song (for example: ask all men during a break to prepare a song and sing it before the next session for women and vice versa)
- to make a "living sculpture" (divide participants into two groups during the break and ask them to prepare a "sculpture" from their bodies which would show/express something connected to trade union movement/trade unionism. Ask them to perform it in front of the other group which has to guess what it is about, then the second group goes)
- to recite a poem (ask during the break again if anyone knows a nice poem and could recite it in front of the group), etc.

e. Suggestions for group division
The examples below are designed for a group of 20 participants to be divided into 4 smaller groups - if you have a different number of participants or if you want to have another number of small groups - RECALCULATE accordingly!

Postcard puzzle
Cut 4 different postcards into 5 pieces each and mix the pieces in a bread basket/hat, etc. Let the participants pick ONE piece each. Ask them to find their groups by putting the "puzzle" together. Make sure that the postcards are quite different in colours/patterns, etc. - otherwise the puzzle will take too long!
Sweets
Prepare 20 (wrapped in distinct colours) sweets: 4 different kinds at 5 pieces each. Mix them in a bread basket/hat, etc. and let the participants pick ONE each.
Counting
Ask your participants to count: 1, 2, 3, 4 and again 1,2,3,4 .... (5 times in total) and all "numbers 1" should form one group, "numbers 2" the second one, etc.
Colour papers
Prepare yourself 4 sets of small pieces of paper of different (4) colours. Mix them in a bread basket/hat, etc. and let the participants pick ONE each. Each colour forms one group.
Picture cards
Prepare 20 small "cards" - 4 sets of 5 cards. Each set of five should have the same picture on it; do for example 5 flowers, 5 birds, etc.

f. Additional preparation: make a list of the technical equipment and stationery that you will use during the seminar (check the programme for these in the materials and equipment column).

g. Check the division of work between trainer and co-trainer/s. Decide on your responsibilities BEFORE the seminar (for more details see the attached training programme at the end of the Kit).

PART 1

Collective bargaining at company level - improving the existing model

H1

HANDOUT 1: Traditional Collective Bargaining

Collective bargaining serves a **dual purpose. It provides a means of determining the wages and conditions of work applying to the group of workers covered by the ensuing agreement through free and voluntary negotiations between the two independent parties concerned.** It also enables employers and workers to define by agreement the rules governing their relationship. These two aspects of the bargaining process are closely interrelated.

Collective bargaining takes place between an employer, a group of employers or one or more employers' organisations on the one hand and one or more workers' organisations on the other. It may take place at many different levels, with one level sometimes complementing the other: **a unit within an enterprise, enterprise level, sectoral, regional and national level.**

Collective bargaining can be **advantageous for both workers and employers.** For workers, collective bargaining, more so than individual employment relations, ensures adequate wages and working conditions by providing them with a "collective voice". It also allows them to influence personnel decisions and to achieve a fair distribution of gains from technological progress and productivity increases. For employers, collective bargaining helps to stabilise industrial relations by maintaining industrial peace that otherwise may be disrupted by labour unrest. Through collective bargaining employers can also address the need for adjustment to facilitate modernisation and restructuring.

There are certain legal and structural pre-conditions for collective bargaining to function properly. The democratic foundations and the appropriate legal framework with which to ensure independence and the effective participation of social partners are essential. The ratification of the **Freedom of Association and Protection of the Right to Organise Convention, 1948 (C 87) and Right to Organise and Collective Bargaining Convention, 1949 (C 98)**, two of the fundamental ILO Conventions, is essential to provide a legal basis. There are many other ILO Conventions and Recommendations related to collective bargaining, which stipulate the rights and principles of workers belonging to specific sectors. If there exists an **extension mechanism,** the coverage of collective agreements can be extended to those who are not directly involved in collective bargaining. A proper enforcement mechanism (legal, regulatory or soft regulations) is essential for collective agreements to become effective. As for structural and institutional conditions, legitimate, strong, consistent and pragmatic workers' and employers' organisations on equal footing facilitate fair negotiation and effective bargaining.

The ILO is undertaking technical assistance and cooperation in many countries to build the capacity of employers' and workers' organisations to engage in collective bargaining from which both sides can benefit.

The ICFTU and WCL, the two global trade union confederations, are fully committed to the promotion and strengthening of the social dialogue and collective bargaining at all the levels, as this is the main tool for improving working and living conditions of all the workers and their families.

H2

HANDOUT 2: The Importance of Registered Work

How do workers exercise their rights based on their work? If you get a job, you have no evidence of your rights unless you have something in writing. If your employer does not pay you, you can hardly win your case in court.

INDIVIDUAL EMPLOYMENT CONTRACT: That is what the trade unions fought in almost all the countries of the world to include in the labour legislation provisions, which would obligate the employers to give to their employees a duly signed employment contract, whether they have a "permanent", a short-term employment contract, or whether they are freelancers. That is why trade unions fight for each worker to receive proof of his or her employment status.

Where there is an employee-employer employment contract, the income earned (employment income) may be subject to statutory deductions such as income tax and different contributions. But, it is on the basis of that that workers receive their regular pay cheque, social security and health insurance rights and all the other benefits.

In legally and socially regulated countries, both the company and the employee benefit from a written pact that clearly sets out responsibilities and rewards for both sides.

NON-REGISTERED WORKERS: Workers whose work is not registered are the most vulnerable group because they depend completely on their bosses. They are a kind of contemporary "slaves". They usually agree to work without a contract only because they desperately need a job or because the employer convinces them they would get a higher salary if the employer did not have to pay statutory taxes and contributions for them.

It is a double criminal act: a violation of workers rights (for example, no social security contributions are paid), and evasion of tax payment to the state budget. At the end of the day non-registered workers help the informal economy to grow, and employers to earn money on the basis of unfair competition and deceit. And corruption and bribery go hand in hand with tax evasion and multiple exploitation and violation of workers rights. Who would want to live in such a country?

Trade unions in all countries worldwide are faced with this problem, placing informal economy and the organising of informal workers on the top of their priority agenda. If they do not, it becomes dangerous for the union itself.

Contracted work is important. Getting a formal contract is a priority.

But, that is only a first step.

COLLECTIVE AGREEMENTS: Employers usually argue that contractual relationships between workers and their employer should be at an individual, one-to-one level. Most workers realise, however, that there is no equality in status or bargaining position between the employer and the individual on his or her own. A balance can only be achieved where the workers interest is supported by collective organisation and representation. This does not automatically imply conflict or adversarial relationships between workers and their employer. On the contrary, a **balance of influence and strength** can provide a more solid foundation for partnership and co-operation within, or parallel to, the collective bargaining system.

Collective bargaining is the process by which workers collectively negotiate agreements with their employers. At the company level, collective bargaining takes place where workers are

collectively organised in a trade union which negotiates on their behalf with a management which recognises the union's right to represent their members. The object of collective bargaining is to conclude a collective agreement. The agreement may deal with pay and the other working conditions and benefits or procedural arrangements governing the relationships between workers and their management. The bargaining process is based on an understanding that there are differing and often conflicting interests to be reconciled between the workforce as wage earners and the employer as shareholder\owner.
Trade unions worldwide still fight to make it binding for employers by law to accept collective bargaining and negotiating as part of a regular social dialogue.

Collective bargaining is one of trade union's most important tasks.

In a way, it is a means of ensuring that workers receive an equitable share of the national product. Collective bargaining, however, is intended to be more than just an instrument with which to improve workers' material standard of living; its purpose is also to enhance the social position of workers and to protect their health. The humanization of working conditions has, therefore, long been part of all trade unions collective bargaining policy. Moreover, collective agreements must ensure that workers are protected against arbitrary decisions by employers as well as the negative effects of changes in technology.

Trainer's notes:
As the issue of unregistered work is so important and at the same difficult for trade unions, allow, after your presentation based on Handout 2, for a short discussion. Ask participants about their opinion about it? Do they have any experience in trade union dealing with unregistered work?

A1

Activity 1
HOW DO YOU NEGOTIATE?

Aims:

To find out HOW and WHAT to negotiate
To find out the general "rules" of collective bargaining
To become aware that workers interests are not the same as the employers'

Methods:

Group work
Role play
Discussion

Tasks:

You will be preparing a role play (simulation) based on the following information:
Imagine that in your company your trade union and the employer agreed that there would be collective bargaining; you have already gone through all the initial procedures foreseen by the law and now you are ready to put your demands (trade union side) on the table and the employer's side is ready to negotiate them.

Tasks for the TRADE UNION GROUP

Working in your group, prepare for negotiations by doing the following:

1. develop a LIST of DEMANDS (three main points) - when the list is ready give it to the employer's representative (do not spend more than 10 min. on that)
2. divide roles in your group (for example, the main speaker, expert, etc.)
3. develop your strategy for negotiations (arguments in support of your demands;
4. think also about the possible counter-arguments the other side may use, etc.)
5. do the role play in the plenary room (you will have 10 minutes in total for "performing" your role play together with the other side)

Tasks for the EMPLOYER'S GROUP

Working in your group, prepare for negotiations by doing the following:

1. divide roles in your group (for example, the main speaker, expert, etc.)
2. based on the received trade union list of DEMANDS, develop your strategy for negotiations (think about the arguments trade unionists may use, try to find counter-arguments, decide on the maximum of what you can give, etc.)

Role play in plenary room (you will have 10 minutes in total for "performing" your role play together with the other side)

Time: 40 min. for preparation; 10 min. for role play

Trainer's notes:

General remark: this is an initial exercise - a warm up for the activities to follow, so there is no need for long, detailed preparation on either side.

1. *Divide your participants into two groups by distributing them small pieces of paper (with "trade union" written on one half of them, and "employer" on the other). If the group is a large one, you can have two role plays (i.e. 2 trade union groups and 2 employers groups)*
2. *Explain the exercise in detail and show the groups their working space/rooms; explain the time framework - 40 min. for group work, followed by a 10 min. role play.*
3. *Make sure that the representative(s) of the trade union group(s) pass their list of demands to the employer's group(s) on time (they should do it after 10 min.)*
4. *Arrange (if necessary) the plenary room to have space needed for the "negotiating table"*
5. *Let them act for 10 minutes max. (if you have two "role plays" - allocate more time!)*
6. *Open a guided discussion using the below questions: (you can write them in advance on a flip-chart or a white board to make them visible):*
   - *Does the agenda cover all the workers (who are not the winners)?*
   - *The interests/needs (e.g. what else could you include on the negotiating agenda)?*
   - *Are we satisfied with today's collective bargaining contents?*
   - *What can we do in order to improve it?*
7. Remember *to sum up the discussion by stressing the most important points from it and pay special attention to the representation of women and gender-specific topics on the agenda. Comment on that!*

Total time: max. 1 hour 20 min.; 40 min. for preparation, 10 min. (or 20 min.) for role play, 20 min. for evaluation of the role play and discussion.

A2

Activity 2
WHAT YOU HAVE TO DO BEFORE LAUNCHING COLLECTIVE BARGAINING

Aims:
To realize that legislation/regulations/ international standards are useful, realistic and pragmatic tools

Method:
Discussion

Task:
Discuss the provided checklist in the plenary.

Time: 30 min.

Trainer's notes:
NOTE! Before the seminar you have to:
A. Add to the checklist below (Handout 3) your national LEGAL & INSTITUTIONAL FRAMEWORK for collective bargaining (point 5 on the checklist)
B. Check if your country has ratified the below listed ILO Conventions and other documents (for the ILO, visit: www.ilo.org/ilolex/)
C. Make sure that you have copies of all the listed documents (at least one copy for yourself)

If you don't prepare this, you cannot carry on with the course!

1. Distribute the below checklist to all participants (INCLUDING YOUR NATIONAL PART!)
2. Explain that these are the pragmatic tools which participants can use and that they actually cannot have successful negotiations without all this information. Such checklists should be developed by confederations and sent out to all the affiliates.
3. Read the checklist - point by point. You can ask the participants to do it.
4. Subsequently, open the discussion on usage of all these documents - the international and the national ones.
Total time: 30 min. (max. 45 - depending on the discussion)
NOTE! The checklist can become rather lengthy (when you add your national legislation), so you may consider reading all the points and giving them to the participants as points of reference. As for the discussion - set your priorities.

H3

HANDOUT 3 Checklist: What you have to do before launching collective bargaining

What is the first thing that a trade unionist at the company level must do before trying to negotiate his/her (first?) company level collective agreement:

CHECK the following:

I. Has your country ratified the following conventions of the International Labour Organisation (ILO)?

- Convention No. 87 (Freedom of Association and Protection of the Right to Organize, 1948)
- Convention No. 98 (Right to Organize and Collective Bargaining, 1949)
- Convention No. 111 (Discrimination (Employment and Occupation), 1958)
- Convention No. 100 (Equal Remuneration, 1951)
- Convention No. 156 (Workers with Family Responsibilities, 1981)
- Convention No. 122 (Employment Policy)
- Convention No. 142 (Human Resources Development, 1975)
- Convention No. 89 (Night Work (Women), 1948 and Protocol 1990)
- Convention No. 171 (Night Work, 1990)
- Convention No. 47 (Forty Hour Working Week, 1935)
- Convention No. 177 (Home Work, 1997)
- Convention No. 131 (Minimum Wage Fixing, 1979)
- Convention No. 183 (Maternity Protection. 2000)
- Convention No. 85 (Labour Inspection, 1945)
- Convention No. 102 (Social Security, 1952)
- Convention N0. 135 (Workers Representatives, 1971)
- Convention No. 144 (Tripartite Consultation, 1976)
- Convention No. 175 (Part Time, 1994)
- Convention No. 154 (Collective Bargaining, 1981)

II. Has your country ratified the revised Social Charter of Europe?

III. Which acts regulate/include the right on collective bargaining and social dialogue?

a. State Constitution
b. Labour legislation
c. Law on Trade Unions
d. Law on Trade Union Representativity
e. Different laws and regulation for the sectors/branches (health care, railways, police, education, energy, etc.)
f. Any other special laws/regulations, which?

IV. Is the right to collective bargaining and social dialogue/social partnership included in the following papers:

a. National tripartite or bipartite agreements
b. Social pacts
c. Branch collective agreements (especially the one from your branch)
d. Territorial bipartite or multipartite collective agreements (check the agreement for your county, region)
e. Collective agreements at the company level (check all the previous agreements in your company, and find and evaluate agreements from similar companies from the same sector)
f. Company level books of regulation and similar papers
g. Internal books of regulations of the trade union to which you belong (to learn about the regular procedure in concluding collective agreements, organising strike, etc.)
h. Any other documents and papers related to collective bargaining?

V. National legal and institutional framework for collective bargaining

H4

HANDOUT 4: Company Identity Card

Which categories of workers are the most vulnerable? How to recognise which workers in your company are those whom you should take special care of? Who are those who have special needs to be covered by collective agreements or the company policies?

As soon as you are elected trade union shop-steward in your company, you have to learn about the members of the union in your company and their needs. Furthermore, you have to collect all **possible data about ALL EMPLOYEES in your company**, because the trade unionists have to negotiate for the benefit of all the workers.

Also, do not forget to investigate how many **workers are linked to your company**, how many of them are **subcontracted or depend on it**. It might tell you where to collect the data and who could be your possible partners in finding solutions.

How can you find out what the "identity card" of the company employees is?
Check with the human resources department; contact the health and safety department; collect all possible data. Prepare a questionnaire and survey the employees, including questions on their income, family and health. Prepare a PC programme which will help you archive and systemise the data.

WHAT YOU CAN DO:

1. Collect the data.
2. Select gender sensitive data. (If there are not any, request the introduction of gender related statistics and keeping records).
3. Systematise the data.
4. Identify initial issues and problems.
5. Do not forget to carry out gender analyses: gender differences and disparities need to be diagnosed.
6. List all most vulnerable categories of employees in your company.
7. Count them.
8. Talk to them.
9. Conduct a survey. Ask all the workers or only some categories of workers, to fill in the questionnaire you prepare.
10. Analyse their special interests and needs.
11. Contact experts.
12. Organise meetings with them.
13. Organise a debate.
14. Elaborate a strategic plan
15. Get them involved in the preparing of the negotiating agenda.
16. Motivate your workmates.
17. Make them active.
18. Make them take full part in the decision making process.
19. Raise the level of awareness on respective issues.
20. Inform and educate others on respective issues.

21. Prepare special information for the members and employees.
22. Prepare some information and reports for the employer, share your data on the situation of workers, and especially on the problems of the most vulnerable categories among them.
23. Improve the dialogue with the employer.
24. Engage in dialogue with the local community.
25. Consider possible coalitions with other networks/groups.
26. Launch campaigns.
27. Represent them through collective bargaining and social dialogue.
28. Include their needs in your priority list for the collective bargaining agenda.
29. Try to involve the desired issues in regular collective negotiations carried out by your trade union.
30. If this fails, try to hold separate negotiations and achieve the signing of a special agreement.
31. Establish accountability mechanisms for monitoring progress.
32. Try to make analysis by shifts, by professions, by posts.

Negotiate 365 days to find solutions to their problems!

If it does not seem realistic to cover all their needs and interests, do not give up.
Launch a new round of negotiations. Seek possible solutions to their specific problems through other policy documents or decision making agenda. Try to find partners within the company first.

CROATIA: REPRESENTING OUT-SOURCED WORKERS

Some 10% of the outsourced workers in Croatia (estimated at less than ten thousand) are organised in the Republic Trade Union of Workers of Croatia, established in 1990. Most of them work for the "Eurest"/Compass Holding, a London-based company, and for the two Croatian companies, usually as cleaning, maintenance and catering staff. Unfortunately, only those who were previously employed by the Croatian Telecom are still protected by the 3-year social clause which covers them by the unchanged collective agreement and protects them against dismissal.
"Eurest" tried to avoid the implementation of the collective agreement and there were many disputes on the health and safety provisions, working time and shifts and payment of the over-time work hours. Trade union have thus far succeeded in resolving the problems, threatening the management by labour inspection and strike. The union is not sure that they will succeed to renew the collective agreement when the 3-year clause expires.

LATVIA: COLLECTING DATA

Latvian Seafarers' Union of Merchant Fleet

We have created a special computer program for our office use. This program contains data of each member, i.e. each member has his own personal card. The card details the following: name, surname, father's name; date of birth; nationality; Identity Code; marital status; children (name, surname, date of birth); education; home address, contact details; position; company; membership card No, date of joining the union; notes.
When we open the program, we can find each member either by company for which he/she works or worked when he joined the union or by his surname (it suffices to type in the first three letters). We also have a separate list of women-union members and men-union members. We have a full members list also. All the data in the program is very easy to change (amend or delete, i.e. company, address, position, marital status) if necessary.
Of course, we ensure the privacy of workers is protected and the data are included only with the consent of the members, making it available for use only to certain trade union officials.

A3

Activity 3
NEGOTIATING FOR VULNERABLE WORKERS

Aims:

-To realise the importance of recognition of different "categories" of workers

-To learn how to negotiate on behalf of vulnerable workers

Method:

Discussion
Questionnaire (individual work)
Meta plan
Small group work

Tasks:

General remark:
Please pay special attention to the GENDER dimension of the issues discussed!

1. Working individually please fill in the provided questionnaire and write your answers separately on sticky notes (one category per note);
2. Working in your small group on given category of vulnerable workers, please:
   a/. list 3 typical problems they are facing;
   b/. choose ONE of them, which could be solved via collective bargaining
   c/. and discuss and propose (in detail) the trade union strategy for tackling the problem (how you could include it in negotiation agenda, what arguments you would use to support your demand, etc.)
   e/. ensure that you choose a person to present your report in the plenary (use a flip-chart and markers)

Time: total: 1h 40 min.

Trainer's notes:

1. *Distribute the questionnaire below to all participants, together with 3 sticky-notes. Ask them to read it carefully.*
2. *Then open a short discussion (10 min.) by asking if they have a trade union policy for these groups of vulnerable workers.*
3. *After the discussion, explain task no 1 and give them 3-5 min. to complete the questionnaire. Ask the participants to stick the sticky-notes on a flip-chart.*
4. *Group them (count the "scores"). Take 3 biggest groups and write them on the flip chart.*
5. *Present the outcomes of the meta plan - read the chosen priorities/groups. It may happen that women do not appear, or are one of the last ones to be mentioned. Ask WHY?*
6. *Divide the groups (by counting: 1,2,3) and explain task no 2; remind about the time: 35-40 min. for group work;*
7. *Reporting on task no 2 - ask participants for concrete solutions as again you will have just max. 30 min. for reporting and summary*
8. *To summarise, ask: "What have you learned?" (ask for short comments) as you have about 5 min.for that.*

TIME: 1 hour 40 minutes in total.

- *Guided discussion - 10 min.*
- *Questionnaire - 5 min.*
- *Meta-plan - 10 min.*
- *Group work - 40 min.*
- *Reporting and summary 35 min.*

QUESTIONNAIRE: VULNERABLE WORKERS

A. Please read carefully.

B. Circle only 3 "categories" of workers you consider the most vulnerable and in need of union representation:

1. **Women**
2. **Single parents**
3. **Non-permanent workers; short-term workers**
4. **Workers with family responsibilities**
5. **Elderly workers**
6. **Part time workers**
7. **Seasonal workers**
8. **Disabled workers**
9. **Ethnic minorities workers**
10. **Young workers**
11. **Immigrants**
12. **Domestic workers**
13. **Home workers**
14. **Atypical workers, which?**
15. **Seasonal workers**
16. **Tele-workers**
17. **Dislocated workers**
18. **Outsourced workers**
19. **Workers in mega-stores**
20. **Workers in export-zones**
21. **Subcontracted workers**
22. **Informal workers (cooperating with the company)**
23. **Temporary agency workers**
24. **Workers of different sexual orientation**
25. **Unemployed**
26. **Other:**

REMEMBER!

First, ***women usually represent the majority of the above mentioned vulnerable categories of workers,*** and you have to develop an intersectional approach to find the best solutions to resolve their problems. At the end of the day you will have a list with a mix of different categories: e.g. elderly women with family responsibilities, working part time or with short-term contracts. And you have to try to filter all the categories from the gender-main-streamed point of view to make it easier to understand their problems. The discrimination of women in the workplace is usually multiple; it does not come just in one "instance".

Second, it would be good if you ***collected the data about all the low-wage workers*** in your company and analysed their workplaces, health and safety protection level, typical characteristics of the group, their problems; try to understand what you could do to improve the quality of their life and work.

Third, do not state that your union ***"does not refer to separate categories of workers when negotiating your collective agreements as all these categories are already fully covered by provisions of our legislation and covered by serious social dialogue, so up to now there has been no real need to pay special attention to the above mentioned categories of workers",*** as the majority of trade unions in the CEE and NIS region do. If you do not pay special attention and collect data on the most vulnerable workers, and you do not make a special effort to represent their special needs, you will fail in the most important part of your duty as a trade unionist.

H5

HANDOUT 5: Women's Committee/Group/Structure at Company Level

It is very important to have a women's committee at the company level. Such structures can have different names in different countries, e.g.: women's group, women's board, women's council, etc. In some cases they constitute an important part of trade union structure, in other - they can be organised ad hoc if there is a need for solving certain issues of interest to women workers. For example, these can be organised during collective negotiations.

❶ Why have a women's committee?

- to increase participation of women in our union
- to encourage women to run for elected positions
- to help build women's rights in your workplace and in your community
- to identify and work on issues of particular concern to women in your union
- to gain equality and achieve our goals.

❷ What can a women's committee do?

Here are some ideas:

1. Attract women organised in your company to become members of their trade union women's group;
2. Organise unorganised women in your company;
3. Keep track of members on a regular basis, with a specific number of useful data (foreign languages, special skills, number and ages of children, marital status, profession, occupation, etc.)
4. Call regular meetings for the main/executive board of your women's group and plan and prepare the items on the agenda as well as the materials for discussion and agreement;
5. Keep detailed notes/minutes of meetings, attendance, decisions;
6. Regularly inform the union leadership of meetings, conclusions, initiatives and overall activities of the women's group;
7. Make annual and quarterly work plans for women's groups;
8. Create a strong team of women's interest groups, with recognisable specialisations for individual areas of work;
9. Involve as many interested female activists in the activities at the very top of the women's interest group and co-opt the most active women in leadership;
10. Keep in touch with your territorial/branch women's (equality) unit (department or person responsible);
11. Draw up a list of women's issues for collective agreements;
12. Make sure that women are part of negotiating teams and their voice is being heard;
13. Make sure that women are informed and take active part in ALL trade union activities;
14. Organise various women's trade union meetings, round tables, panels, debates;
15. Work on the sensitivity of the public regarding certain hidden issues (e.g. sexual harassment of women);
16. Establish a women's trade union club in cities on a given day of the week;

17. Organise popular lectures for members and the greater public;
18. Celebrate various occasions;
19. Nominate your candidates for trade unions' positions, for awards etc.;
20. Organise social events for women: outdoor trips, walks (sponsored or self-financed);
21. Other

❸ Building an active women's committee - Checklist

Obviously, having good committee members who are committed to the mission and goals of the union is an important first step, but it is only a first step! The following are "tried and true" strategies for building an active committee:

1. Have regular and well-planned committee meetings.
Meetings should be called regularly; committee leadership should not just keep in touch with each person separately. People need to see and feel that they are part of something big. Committee should know well in advance the next meeting's date, time and place. If possible, an annual calendar of committee dates should be created. Each person should be called before a meeting, to make sure she will be there. There should be a list of names and addresses and special jobs or skills of committee members. Each member should be given a copy of meeting minutes which gives all group decisions. Minutes also serve as a reminder of job/task assignments. Members should jointly determine what jobs need to be done, how they can best be done, and who can do them best. Meetings should have agendas and be well planned. Remember, meetings are for transacting business, making decisions, reviewing past work and planning.

2. Keep records
No one can keep it all in his/her head! There should be a list of members with names and up-to-date addresses and phone numbers. Minutes or notes of jobs and decisions made should be kept. A list of each person's assignments should be kept up-to-date, along with a list of each person's skills.

3. Engage in a strategic planning/work plan development process
The committee needs to discuss and reach consensus about its goals and mission. It is also important for the committee to develop a work plan, which details specific tasks, those assigned to complete the tasks, and a time frame for completion.

4. Keep committee members motivated and active
Members will take their cue from the standards set by the committee chairperson. Recognition of accomplished goals and tasks is also a good motivator! The committee needs to be large enough to accomplish its objectives. Overworked volunteers stop volunteering, and numbers are needed to create group energy. Good work should be recognised!

5. Create a strong team
Members should be encouraged to help each other. Members who do not live up to the committee's standards need guidance and support. The chair should speak to them, try to find the problem, encourage them and offer them help. If necessary, work reassignments should be made.

6. Finally, assess the committee's work regularly to ensure that it is in keeping with the union's mission and goals.
Remember, committees are tools for the union to accomplish its mission and goals. Committees are required to give reports and recommendations to the union's leadership and/or membership.

A4

Activity 4
HOW TO BUILD AN ACTIVE WOMEN'S COMMITTEE

Aims:

To discuss how your group/committee is organised (or can be organised)

To discuss its role in the collective bargaining process

Method: Group work

Tasks:

Group A: In case you HAVE a Women's Committee:

In your group, discuss the following:

1. Using the provided checklist (Handout 5), check how well you are organised. What is missing? What changes should be implemented?
2. Does your women's committee have any experience in collective bargaining?
   - If yes, what kind? (did you work on the agenda (demands) or were involved in the negotiations themselves? Etc.)
   - If not, why not? Think what you should do in order to take an active part in the collective bargaining process.
3. Prepare a report to be presented in the plenary session.

Group B: In case you DO NOT HAVE a Women's Committee:

In your small working group discuss the following:

1. How would you organise a women's committee in your company? (think about the structure, in the context of the existing trade union structure; and its main aims)
2. Write down arguments (supporting the idea of establishing the committee) which can be useful while presenting the proposal in a trade union meeting.
3. What role could your committee play in collective bargaining?
4. Prepare a report to be presented in the plenary session.

Time: 45 min.

Trainer's notes:

After your presentation based on Handout 5:

1. *Ask participants if they have women's committees in their enterprises. Count the answers in order to divide groups.*
2. *Divide participants into 2 groups according to the situation in their company. Those who have a women's committee will work on tasks for group A, and those who do not have one - on tasks for group B. Of course, in case the groups are not even - for example do not have the committee - organise two groups for task "B" and one with tasks "A", etc.*
3. *Explain the tasks and time (40 minutes) to the groups. Reporting on flip-chart.*

Total time: depending on the number of reports (max 3): app. 1 hour 30 min.

(45 min. group work; 10 min. for each report; 10 min. summary)

A5

Activity 5
WHAT IS GENDER MAINSTREAMING?

Aim:
- To understand gender and gender mainstreaming

Method:
- Brain storming

Task:
Working in plenary, try to define/describe:
GENDER
GENDER MAINSTREAMING

Time: 15 min.

Trainer's notes:
The aim of the exercise is to make sure that everybody understands the two terms: "gender" and "gender mainstreaming". So before your presentation:

1. *Prepare two flipchart papers: on the first write GENDER on the second GENDER MAINSTREAMING*
2. *Ask participants what comes to their mind when they hear "gender" - ask them for key words and write them on the relevant poster. When there are no more comments, sum up by reading the notes from the poster and give the definition of gender (below).*
3. *Ask participants how they understand the term "gender mainstreaming" - ask them for key words and write them on the relevant poster. When there are no more comments, sum up by reading the notes from the poster and give the definition of gender mainstreaming (Handout 6)*
4. *Continue with your presentation of gender mainstreaming in collective bargaining (based on Handout 6)*

Definition/explanation of GENDER:
Gender refers to the socially determined differences between women and men such as roles, attitudes, behaviours and values.
Sex identifies the biological differences between women and men. While sex is genetically determined, gender roles are learned, vary widely within and between cultures, and are thus amenable to change over time.
Gender equality: equal rights, responsibilities and opportunities of women and men, girls and boys. Gender equality is not just a "women's issue"; it concerns men as well. Equality does not mean that women and men will become the same, but that women's and men's rights, responsibilities and opportunities will not depend on whether they are born male or female.

H6

HANDOUT 6:
CHANGE OF AGENDA 1: What is Gender Mainstreaming?

The concept of gender mainstreaming was adopted as a new strategy by the UN 4th Women's Conference in Beijing in 1995. Within the European Union, the principle of gender mainstreaming was first described in the 4th Action Programme on Equal Opportunities in 1995 when it was stated that "gender relations should be taken into account in every policy measures from the planning stage to the performance review". The gender mainstreaming principle was further reinforced in the 1996 Amsterdam Treaty when all Member States in the European Union pledged to apply the principle.

"Mainstreaming a gender perspective is the process of assessing the implications for women and men of any planned action, including legislation, policies or programmes, in any area and at all levels. It is a strategy for making the concerns and experiences of women as well as of men an integral part of the design, implementation, monitoring and evaluation of policies and programmes in all political, economic and societal spheres, so that women and men benefit equally, and inequality is not perpetuated. The ultimate goal of mainstreaming is to achieve gender equality. *(July 1997 - UN Economic and Social Council (ECOSOC)*
Mainstreaming includes gender-specific activities and affirmative action, whenever women or men are in a particularly disadvantageous position. Gender-specific interventions can target women exclusively, men and women together, or only men, to enable them to participate in and benefit equally from development efforts. Gender specific measures are necessary temporary measures designed to combat the direct and indirect consequences of past discrimination.

Gender mainstreaming consists of the re-organisation of decision-making processes in all areas of an organisation's policy and work to take into account the existence of unequal gender relations. The goal of gender mainstreaming is to ensure that all policies and activities of an organisation take into account direct and indirect discrimination and promote equality treatment and opportunities between men and women and the equitable distribution of measures and benefits.

How does gender mainstreaming work in practice?
Gender mainstreaming consists of two main aspects:
1. the identification of the ways in which existing policies and decision-making processes within any organisation are reflecting and reinforcing existing inequalities between men and women
2. the development of policies and practices to overcome these inequalities.

What changes with gender mainstreaming?

When gender equality becomes a central policy objective of an organisation, many common assumptions are given a new perspective. The gender mainstreaming policy is replacing the traditional women's policy, which was too narrow:

Perspective of a traditional women's policy	Perspective of a gender mainstreaming policy
Women are responsible for solving women's problems	Women and men jointly accept responsibility for changing gender relations
Women have specific problems	Socially determined circumstances place women in unfavourable situations
Women have specific interests	Women's specific interests are a reflection of their living conditions (such as intense cohabitation with young children). Men would have the same interest if they shared the same living conditions
Women approach decision-making centres as petitioners to seek support for their concepts	Decision-making centres take account of gender mainstreaming as a central objective. Women are consulted as experts on specific aspects of women's life. Initiatives by women themselves are warmly welcomed as a vital component of achieving gender equality.

Source: PSI Policy on Gender Mainstreaming leaflet, January 2002

For the trade union work at the company level, the principle of mainstreaming means **systematic consideration of the differences between the conditions, situations and needs of women and men** in all company policies and actions. It means that the trade union shop-steward has to make **"gender re-checking"** of all the problems, issues, solutions, decisions, recommendations, policies, measures etc. before making them formal or giving approval to them.

Furthermore, gender mainstreaming involves not restricting efforts to promote equality to the implementation of specific measures to help women, but mobilising all general policies and measures specifically for the purpose of achieving equality by actively and openly taking into account at the planning stage their possible effects on the respective situation of men and women (gender perspective). This means systematically examining measures and policies and taking into account such possible effects when defining and implementing them.

For the trade union representative, for example, it also means that he/she has to **monitor the level of representation of women,** firstly, within the trade union unit, which **should reflect the share of women in the workforce.** Secondly, he/she should take care that in all negotiating teams there is a **parity of women,** as well as in all trade union delegations or the other workers representation and participation bodies for which the trade union unit has right to candidate or nominate representatives. Thirdly, it is not, of course, only about the representation, but to observe that topics relevant for women workers are included in the agenda.

"If collective bargaining lacks a gender perspective, it is very likely that agreements will institutionalise discriminatory practices, entrench rather than challenge gender segregation of work, and operate on a male norm of employment, to the obvious disadvantage of women."

How can we gender-mainstream trade union policies and programmes? How can we gender-mainstream the collective bargaining process?

Trainer's notes:
After the presentation based on Handout 6, present also the main points from the below case study "Europe: Equal opportunities and collective bargaining". Explain shortly:
- job segregation
- gender pay gap
- reconciling work and family life
- sexual harassment/unfair treatment

A6

Activity 6
GENDER MAINSTREAMING IN COLLECTIVE BARGAINING

Aims:

- To learn more and become aware of job segregation, gender pay gap, reconciling work and family life and sexual harassment/unfair treatment at work.
- To realise that collective bargaining without a gender perspective may institutionalise discriminatory practices

Method:

Work in small groups

Tasks:

Working in your group:

1. Read the allocated PART of the case study Based on your topic from the text:
   group a: job segregation;
   group b: gender pay gap;
   group c: reconciling work and family life;
   group d: sexual harassment/unfair treatment
2. Think about examples from real life and share them with the other participants in your group.
3. Discuss what the trade union policy for collective bargaining in this area should be and make a list of your recommendations
4. Remember to select a person to report in the plenary

Time: 40 min.

Trainer's notes:

1. *Explain the tasks to the participants and distribute the below case study (as a whole) to all participants*
2. *Divide the participants into 4 groups (A, B, C, D - corresponding to the division of the case study) by distributing pieces of paper which will be marked as "A", another as "B", etc.*
3. *Tell each group where to go and remind them that they have 40 minutes to work. Also inform them about back-reporting (on flip-chart)*
4. *Reporting: ask them to be very concrete and precise in their answers - time for each report app. 7-8 minutes*
5. *Sum up by presenting some useful recommendations from the EIRO recommendations included after the case study - you can distribute it at the end of this session as a handout for the participants).*

Total time: minimum 1 hour 30 min.

CASE STUDY EUROPE: Equal opportunities and collective bargaining

The European Foundation for the Improvement in Living and Working Conditions has conducted a five-year research project on collective bargaining and equal opportunities in the EU, identifying and analysing agreements with good potential for promoting equality, and exploring the process by which such agreements were reached.

The report, issued in 2002, stresses the value of collective bargaining - as a complement to legislation - in: achieving a more flexible and tailored (and more acceptable and workable) approach in the promotion of equality; developing positive measures to promote equality rather than simply measures to counter discrimination; and giving women and men a voice in shaping their own working conditions, enabling them to define their own needs and interests and to set their own priorities.

In the past five years, the report notes, there has been growing consensus in the EU about mainstreaming equal opportunities within general policies. Since bargaining plays an important role in determining the terms and conditions of employment for large numbers of citizens, it is therefore a key mechanism for mainstreaming equality in employment. The equality potential of collective bargaining must be developed since, in its absence, bargaining may serve to underpin inequalities.

Examples of collective agreements with provisions that are potentially good for equality can be found, to a greater or lesser extent, in all Member States. They can be found: in the public and private sectors; in manufacturing and services; at sectoral and company level; and in branches with varying levels of female participation. This suggests that **there are no areas where collective bargaining cannot be used to promote and strengthen equal opportunities,** although its use varies among and within the Member States.

The two key areas identified are tackling **gender gaps** and **reconciling work and family life.** These accord with areas of impact to aid the identification of good agreements - reducing pay inequality, narrowing the "gender hierarchy", breaking down horizontal segregation, and encouraging a more equal distribution of paid and unpaid work between women and men. In addition, however, the research sought to identify agreements with the potential to change organisational cultures and structures.

HORIZONTAL AND VERTICAL SEGREGATION

The gender segregation of employment has increased in many countries, mostly changing its face. Women in employment are facing new forms of job segregation - often due to prejudices of new employers and managers against women. While traditional industrial segregation by gender seems on the decrease, better positions now tend more often to be occupied by men regardless of economic sectors.

The newly emerging small private sector has also begun to exercise a significant influence on women's employment. Most small businesses are run by men, not only because women are traditionally less confident in starting up their own firms, but also because they are faced with discrimination in connection with bank loans, treatment by the state ad-ministration, etc. In family firms women often serve as bookkeepers or help family members without any official status, a role which can leave them in a precarious situation if the firm - or their family - should fail.

Men have moved into private sector employment, while women have remained in public employment, especially services. In all countries women's share in the education sector, for example, increased to 70-85%, and a similar trend can be observed in the fields of health and social care. Women's jobs in the public sector are paid lower than private sector employment, and, what is the worst, is that women are becoming increasingly insecure under the pressure of public sector reforms pushed by the international financial institutions (IMF, World Bank).

The data on gender segregation in employment contracts in 15 EU countries confirms the following: Women are over-represented in part-time jobs in all countries considered, but while in northern Europe such allocation roughly reflects women's preferences and their need to combine work with child care, in southern Europe part-time jobs are often involuntary and provide significantly lower job satisfaction than fulltime ones. Women are also over-represented in fixed-term contracts in southern Europe, and again this job allocation cannot be explained by preferences or productivity differentials between the two genders. There is thus a largely unexplained residual in the gender job allocation, which may be consistent with some degree of discrimination in a few of the labour markets considered, especially in southern Europe. *(Various sources)*

A. JOB SEGREGATION - Collective agreements which address the issues of **women's access to and progress in jobs and sex segregation** in the workforce, focus on three, often overlapping aspects - recruitment, promotion and training.

1. On ***recruitment and selection***, features of the good agreements analysed include:

- elimination of sex stereotyping in job descriptions and advertisements;
- opportunities to combine work and caring and to work part time;
- removing or raising age limits and eliminating discriminatory requests for information;
- checking for suitable internal candidates;
- positive action recruitment advertising (encouraging applications from the under-represented sex);
- setting recruitment targets; and
- setting recruitment targets; and inviting all female candidates for interview or putting female candidates on shortlists for jobs in which they are under-represented, at least in proportion to the number of women among applicants.

The agreements analysed, in this EIRO research, cover:

- studying the workforce's sex composition;
- identifying obstacles to the promotion of women; and
- mapping career paths to facilitate women' access to higher posts.

2. Another instrument which can be used to tackle gender segregation is ***promotion policy***. Targets for the promotion of women range from achieving an equal balance of the sexes at all hierarchical levels to defining possible proportions in selected departments for selected groups of positions. Measures to achieve the targets include:

- gender-sensitive promotion criteria;
- preferential treatment of women;
- promotional pools;
- encouraging women; and
- incentives for departments to achieve targets.

3. The research also found that agreements which provide for ***training*** can help women progress within organisations and break down gender segregation. Such agreements cover:

- equal or preferential access to training and work experience;
- special training (e.g. enabling women to acquire "male" skills and for managers and others in equal opportunities awareness);
- training funds and places reserved for women; and
- arrangements for care facilities during training. *(Source: EIRO web-site)*

B. GENDER PAY GAP - The EU has a long tradition of regulating equal pay for women and men. Nevertheless, **gender pay gaps** persist. This is due partly to labour market segmentation processes, which, for example, encourage women to re-enter the labour market into low paid jobs, and partly to the undervaluing of traditional women's jobs. **On average, women still earn 20% less than men.** Pay differences exist to differing degrees in all Member States, in both manufacturing and services. However, the pay gap tends to be narrower in countries with strong statutory protection - where there is, for example, a minimum wage and/or centralised wage fixing (e.g. Sweden, Denmark and France) - than in countries which have traditionally not had such features (e.g. the UK and Ireland).
It follows that the way in which the gender pay gap is best tackled varies according to the national context. However, pay determination is a central component of collective bargaining, and if an equal opportunities perspective is not incorporated into agreements, gender gaps will be (re)institutionalised by bargaining.

In the CEE and NIS countries, **prior to 1989, average female wages were 20-25% lower than men's.** The differences were due to occupational segregation in less paid sectors and lower positions in the economy, but there was also an element of discrimination. After the fall of the Berlin Wall, the data from some countries suggests that **the wage gap may have increased.** In 1997 women's wages in Russia were estimated at only about 55% of male wages as compared to about 70% in 1989 (NHDR 1999). The opening of the gender gap is partly explained by growing wage differentiation in favour of male dominated industries and better job opportunities for men in the private sector.

It is important **to reveal any invisible discrimination in a collective agreement** by looking at the context within which it will be implemented. This context (e.g. organisational or sectoral) is generally one of labour market segregation by employment forms, combined with sex segregation.

Consequently, it is necessary to ask: *Who are the workers in the various categories of the agreement? Who is left outside the scope of the agreement (e.g. employees in flexible and part-time jobs)? Who in practice receives the different benefits negotiated?*

More positively formulated, bargaining can help remove discrimination, for example by ensuring transparency, the review of pay structures and the development of gender-neutral job evaluation schemes. The undervaluing of traditional women's work could thus be addressed. Other possibilities are a systematic re-evaluation of work traditionally done by women, and using equality supplements to balance out discriminatory tendencies in the wage-fixing process.

It is evident from the table (below) that in all the surveyed countries, the average salaries of women are significantly lower than the average salaries of men, by as much as 13.3% (Bosnia-Herzegovina), and as high as 27% (Estonia). In the 12 countries in which the data was collected, the average salary of women is **86.7% of the average salary of men** at best, while in the worst case, it is only 63%. We may conclude that women are incomplete workers as they are not valued equally on the labour market.

Country	% Av. female wage/Av. male wage
Estonia	63
Latvia	80
Lithuania	74.5
Poland	80.7
Czech Republic	73.1
Slovak Republic	75
Croatia	75
Hungary	78.9
Serbia	84.9
Bosnia/Herzegovina Fed.	86.7
Bulgaria	74.4
Romania	80.1

Source: CEE & NIS ICFTU Women's Network survey, April 2002

C. RECONCILING WORK AND FAMILY LIFE - The ability to combine paid work and family life is important for male and female employees at different stages of life, not only with regard to childcare, but also care for elderly relatives. To improve the possibilities for reconciling work and family life, it is important to point to the desirability of **"family-friendly" policies** such as career breaks, parental leave facilities, possibilities for part-time working, and flexible working time. Opportunities for care time (e.g. parental leave, care leave or part-time work) in combination with care services (childcare and elderly care facilities) would give employees the possibility to choose an arrangement which fits best with their individual needs or situation.

Provisions relating to the reconciliation of work and family life must be available equally to women and men. Otherwise the traditional unequal distribution of family work would be reinforced and constitute a barrier to equal opportunities in paid employment. Some agreements aim to encourage the take-up of provisions by men - for example, full pay for parental leave.

The research identified many examples of agreements with leave facilities that go beyond the legal minimum standards. Good examples were also found of agreements where the social partners provide for childcare facilities, sometimes in cooperation with national or local government or non-governmental organisations.

The main areas touched on are:
- training measures during parental leave and in relation to reintegration into employment;
- ways of maintaining contact while on leave; and
- building up seniority and social security rights during periods of leave.

CASE STUDY

"Solidarity" for Charity

Independent Trade Union "Solidarnost" (affiliated to the ITUC), organises employees in the State Financial Agency of Croatia among whom women make the majority at 76%. For this reason, they paid considerable attention to the issues of reconciliation of work and family issues in the bargaining agenda. 57% of the bargaining team which succesfully concluded such an agreement were men!

- establishment of a charity foundation (financed by the union and the employer) aimed at providing assistance to ill workers and workers with families in difficult social conditions;
- the employer can not dislocate to a distance exceeding 50 kilometres the following categories of workers: pregnant workers, mothers of children under 7, workers with disabilities, single parents and parents of children with disabilities; these categories of workers can not be requested to work longer than the regular working hours;
- pregnant workers can not be requested to perform their jobs while standing during their full working hours;
- in case the employer decides to transfer a male worker over 60 or a female worker over 55 to another job with lower wages, he/she will continue receiving their previous wage until completing 65 (male) or 60 (female) years of age (when they can fully retire according to the recent legislation);
- the following categories of workers may not be dismissed: pregnant workers; parents on parental leave; workers temporarily unable to work due to illness; single parents or adoptive parents with children under 7; parents or adoptive parents with three or more children; parents of a child with special needs;
- disabled workers enjoy special protection regarding dismissals, change of workplace etc., and they receive an annual bonus (2,500 HRK= app. €340);
- fathers have the right to 5 days of paid leave for childbirth;
- parents or adoptive parents of a child under 15 years of age have 3 extra days of annual leave;
- every worker when having a child, born or adopted, receives a bonus of 5,000 HRK (app. €670) per child;
- workers who take parental leave, especially women, have the right to free of charge training, postgraduate courses or any other courses related to their job in order to allow them to adapt to their job once they return from maternity leave;
- women are protected against discrimination and sexual harassment and the employer has the responsibility to guarantee such an environment; a worker has the right to cease work and file a case in court in case of discrimination or harassment, while the employer is obliged to pay him/her a full salary during the period during which the case is being resolved.

D. SEXUAL HARRASMENT/UNFAIR TREATMENT - Modernising organisations is also directed at adapting organisational cultures to accommodate a diversity of employees. To attract women to higher positions and to technical sectors, a safe and **hospitable working environment must be created.** Too often, organisational cultures are unfriendly or even hostile to female employees. Sexual harassment and unfair treatment are not isolated phenomena affecting only individual women, as seen in the fact that research indicates that **in one year 3% (2 million) of the women in the EU had been subjected to sexual harassment.** Health disorders, loss of production and resignation are more likely to occur in this situation, making sexual harassment both an equality and efficiency issue.

In the research, different examples were found of collective agreements with provisions to combat sexual harassment and other kinds of intimidation.

Agreements include:

- **a clear, contextual definition of sexual harassment;**
- **detailed provisions on preventative measures;**
- **a complaints procedure and complaints officer;**
- **protection and support for harassed employees;**
- **sanctions for those found guilty of harassment; and**
- **supportive initiatives such as special training programmes, designed to raise awareness of the issue and to equip those given responsibility for operating the procedures.**

Some agreements distinguish between harassment from superiors and from others and regard sexual harassment that takes place in the context of a hierarchical workplace relationship as particularly grave.

GREAT BRITAIN: GUIDELINES FOR DEALING WITH SEXUAL HARASSMENT

Agreement between the British Printing Industries Federation and the Graphical, Printing and Media Union (GPMU) in 1991 led to the issuing of guidelines for dealing with sexual harassment at work covering all member companies and all employees. The guidelines define sexual harassment and place a duty on all employees to adhere to them and on management to take responsibility to prevent sexual harassment. The guidelines also provide for advice, support and counselling to be provided confidentially to complainants and procedures for dealing with perpetuators of harassment are laid down.

SPAIN: DISCIPLINARY MEASURES IN COLLECTIVE AGREEMENT

The collective agreement negotiated for the metal-printing sector in Catalonia, Spain, for 1996-1997 contained a comprehensive agreement covering sexual harassment, linked to the principle of equality and non-discrimination. The agreement provides a clear definition of sexual harassment and outlines responsibilities dealing with misconduct through disciplinary measures.

Source: Equal Opportunities and Collective Bargaining in Europe, background briefing paper by Dr Jane Pillinger

H7

HANDOUT 7: Recommendations for the Promotion of Equality Bargaining

The below listed recommendations are the outcomes of the previously used case study (EIRO - research report from 2002 on equal opportunities in collective bargaining). If your union is from the country which is not an EU member, still you can use it as a reminder. Which factors can encourage the use of collective bargaining as an instrument for strengthening and mainstreaming equal opportunities, and offer some suggestions for action? To whom would such recommendations for future action be addressed: the first, to the social partners and, in the second, to national and supra-national authorities which are in a position to request, stimulate and/or facilitate action by the social partners. The recommendations are as follows.

A. SOCIAL PARTNERS (AT THE APPROPRIATE LEVELS) SHOULD:

1. Improve their expertise on equality issues by establishing equality officers or expertise centres within their organisations at national, sectoral and/or company level.
2. Take positive action to ensure women's proper representation within their organisations and to improve women's participation in the bargaining process both in terms of quantity (increasing the number) and quality (increasing women's influence).
3. Develop equality guidelines or manuals for their negotiators, to promote equality on the bargaining agenda and to help mainstream equality in all agenda items.
4. Provide training to develop equality awareness of negotiators.
5. Develop an equal opportunities scan as an instrument for gender-proofing collective agreements.
6. Ensure that agreements include provisions for implementation and monitoring of equality measures.
7. Set up joint equality bodies on national, sectoral or company level with responsibility for overseeing the implementation and elaboration of equality provisions.
8. Conclude general framework agreements on equality issues, at European, sectoral and national level, as appropriate, to tackle, for example, the gender pay gap or sexual harassment.
9. In order to integrate an equality perspective in all collective bargaining, focus, for example, on the creation of good quality new jobs and on the inclusion of flexible and part-time workers in all collective arrangements.

B. ACTION BY OTHERS:

- National governments should seek to utilise (or establish) mechanisms to disseminate good practice in equality bargaining, for example by stimulating national expertise centres and expert groups and by ensuring that attention is paid to equality in the administrative collection and review of agreements.
- National Action Plans should report at least on quantitative developments on the decrease of the pay gap between the sexes, changes in horizontal and vertical sex segregation and the increase of female negotiators in collective bargaining.
- National governments should develop equality legislation and review how new and existing equality legislation requires action by the social partners, and facilitate and monitor such action.
- National governments should ensure action by the social partners to promote collective bargaining includes an equality dimension.
- The European Commission should maintain a database on the results of equality bargaining throughout the EU

H8

HANDOUT 8
CHANGE OF AGENDA 2: Workers with family responsibilities - Family friendly collective agreements

In the past collective bargaining was largely confined to wages and hours of work. Today, collective bargaining covers a much broader agenda, encompassing such things as pensions, health and safety, equality of opportunity, training and personal development, and consultation on participative arrangements. Collective agreements usually stipulate procedures for dealing with grievances and disciplinary matters. More than ever before, collective bargaining takes into account the competitive pressures faced by a company and related issues involving rationalisation, restructuring and new technology.

Because national collective agreements today cover mostly pay and hours of work, negotiations at company level have tended to extend into the non-pay area more and more. Frequently, the emphasis is on developing a strategy and culture which combines employers' needs for greater competitivity and innovation with workers' desire for improved conditions and a better workplace environment.

In **AUSTRIA** collective agreements may be concluded at national, regional or branch level. In addition to that, there are general collective agreements governing certain social rights of all employees (e.g. minimum holiday or reduction of working time).
Collective agreements regulate:
- wages and salaries
- additional pay for overtime
- holiday pay and Christmas allowance
- working time and leisure (e.g. December 24th and 31st)
- protective regulations in case of dismissal
- extra-pay, bonuses, travel and daily allowances
- credits for unpaid leave periods
- approved leave for special occasions (move, wedding, case of death, etc.)

In **FINLAND** the Metalworkers Union national collective agreements stipulate the minimum terms of employment to which the employee is entitled.
Agreements cover for example the following:

- minimum levels of pay
- recommendations for the payroll system
- working hours (36.4 hours per week on average)
- pay during sick leave and maternity leave
- overtime and overtime pay
- pay entitlements for national holidays
- annual holiday and holiday pay
- rights of the shop steward

In **POLAND** collective agreements usually have the following content:
- remuneration - e.g. components of the remuneration package and their value, principles governing the extension of assorted payments and bonuses and retirement/disability severance;
- employment conditions and especially working time - e.g. the rules for various working time systems, schedules, and settlement periods; and
- recreational leave.

Issues relating to the fostering of a healthy and safe working environment and to cooperation with trade union organisations received less attention. A frequent feature of collective agree-

ments was provisions concerning in-house social benefits funds - most such provisions, however, provided for reduction of the fund's commitments or for its total abolition.

GREECE: The collective agreement for accountants in private commerce, industry and services provides that employees with children up to the age of 16 may take five days' paid leave per year to monitor their children's school progress and six days unpaid leave for exceptional domestic problems. Either partner may opt to work reduced hours to care for a child.

BELGIUM: An agreement concluded in the National Labour Council provides a right to unpaid leave of up to 10 days per year for urgent reasons: illness, accident or hospitalisation of a person living under the same roof, or a parent or close relation.

SWEDEN: A 1995 agreement in insurance provides for a review of employees' salaries after a return to work following full-time parental leave, to address the fact that returners' salaries tended to lag behind those of fellow employees.

IRELAND: The broadcasting authority, in conjunction with unions, created a childcare cooperative - an on-site crčche - in 1987. The employer bears the cost of the building and maintenance. An overall management committee works in conjunction with an operational committee elected by parents whose children attend the crčche.

NETHERLANDS: An agreement in medical insurance provides for the employer to invest 0.4% of paybill in childcare provision, in the context of the government subsidising childcare places together with places financed by employers.

PORTUGAL: An agreement in the Post Office entitles employees with children under the age of 12, and those responsible for disabled family members, to work part time. In banking, employees are entitled to part-time work to care for children under 12. A 1996 agreement in the paper and cardboard industry entitles parents with children under 12 to work on a reduced or flexible timetable.

SLOVENIA: WOMEN'S RECOMMENDATIONS FOR COLLECTIVE AGREEMENTS

ZSSS Equal Opportunities Committee drafted 11 articles which should be part and parcel of every branch collective agreement, which ZSSS also proposed to its branch trade unions for motions:

1. Article
It is proposed that the agreement use the term 'worker' - denoting either a female or a male worker.

2. Article
The Employer shall not use technical devices (cctv) in rooms used by workers for the purpose of rest.

3. Article
When a female worker returns from her maternity leave, the employer shall not dismiss her but rather provide her with training or offer her a new job. Should any difficulties arise, the employer shall invite the trade union to act as a mediator and work on the solution of the problem together with the worker and the employer.

4. Article
While timetabling the working hours, the employer shall be obliged to take into consideration family obligations both in case of working hours as well as annual vacation.

5. Article
A single mother or a single father of a child under 6 shall work night shifts only on the condition of their written consent.

6. Article
Annual vacation shall be arranged during the period of school leave.

7. Article
If a worker's working hours are changed as he/she is working, the change in the hours shall be paid as if he/she had worked overtime.

8. Article
If a larger number of workers are being laid off, the criteria for selection of workers to be made redundant shall not include such criteria as worker's looks, weight, or similar.

9. Article
Sexual harassment at workplace shall be stipulated in the way that the employer shall ensure such working conditions free of any forms of harassment, intimidation or abuse of workers. The trade union shall provide the members with professional staff who shall provide the workers with assistance in such situations.

10. Article
In the preparation of his plan, the employer shall include an equal opportunities programme for working men and women. The trade union shall participate in the preparation of the above.

11. Article
Every year the employer shall describe in the annual report all the activities he had undertaken to improve the position of women and men at work. The employer shall inform workers and the trade union on the progress made - the improvements and the possible difficulties and conduct talks with the trade union and the works council.

MACEDONIA: SPECIAL MEASURES FOR WOMEN

1. Special protection of single mothers is also envisaged in the collective agreement at the level of the public company, primarily against redundancy and dismissal.

2. The Macedonian Trade Union of Police Forces included several advantages for women in its branch collective agreement:

A. a pregnant woman and a mother of a child under the age of 2 cannot be required to work at night or to work hours longer than the full-time working hours;

B. in case an employee of the Ministry of Interior dies (particularly if this should happen on duty), the wife of the deceased worker, if unemployed, must be employed within the Ministry.

Trainer's notes:

1 Present the above two case studies (or ask two participants the day BEFORE to prepare the case studies and present them to the rest of the class)

2 Distribute them to the participants and ask:

- Do you consider the case studies too weak or strong enough point?

- In what way are such issues covered in your collective agreements?

- Are such measures applicable in your country?

- How realistic would it be to introduce them? (if they have not been introduced yet)

Total time: 30 min. (10 min. for presentation and 20 min. for discussion)

H9

HANDOUT 9: Collective Bargaining Checklist

Issues of special interest of workers with family responsibilities:

1. PRE-SCHOOL CHILDCARE

- in-company day-care facilities; special agreement with the local self-government on the programme and working hours of the kindergarten - work in shifts, night work, etc; subsidies to parents; co-financing of programmes in childcare institutions;
- adjustment of working hours for workers with pre-school children;
- additional forms of childcare; organised transport for children, etc.

This is a "service" that must remain a part of the public system of a general interest, although it is usually regulated at the level of local self-government; develop coalitions at the level of local community - non-governmental organisations, local associations of small employers, etc.

2. CARE FOR THE ELDERLY

- mediated accommodation for retired workers in existing homes (criteria, priorities, subsidies);
- meal deliveries;
- organised house care for elderly persons in need of such care, giving medications, visits, shopping, escorting to therapies, walking pets, watering flowers, etc.
- right to free meals in the company; taking meals home
- organised transport and escort
- social life (e.g. retired workers' club, annual gatherings, awards, etc.)

3. CARE FOR FAMILY MEMBERS

- meals for family members, particularly with single parents (school children, disabled persons, elderly, etc.): in-company/institution canteen; public kitchen; local centres; home delivery of meals; arrangements made with restaurants, etc.
- children's allowance
- after-school activity programme
- organised vacations for children and youth
- day-care/social activities
- groups for problematic adolescents; youth groups; alcoholics anonymous groups
- organised recreation, leisure
- stipends/scholarships for children

4. HEALTH CARE

- free annual medical check
- free annual gynaecological examination + cervical smear test + mammography
- additional health care insurance for the employed/family members
- company fund for assistance in case of increased health care needs (purchase of medications, orthopaedic aids, surgeries, etc.)
- increased sickness benefit in comparison with the minimum sickness benefit stipulated by law
- remuneration for special time-off due to illness of a family member

5. TRANSPORT TO WORK

- free transport to work
- organised

- regular subsidised transport of workers to work
- reimbursement of full transport costs

6. WORKING HOURS

- duration of working week, working days
- remuneration for overtime, shift, night work, etc.
- night work
- shift work
- teleworking
- flexible working hours
- part-time work
- job-sharing
- compressed work week
- possibility of shift swapping
- shorter working week (e.g. for finding employment during notice period)
- outsourcing

7. HUMANE WORKING CONDITIONS

- workers' committees dealing with working conditions
- bathrooms for workers
- availability of refreshments
- safety clothes and equipment
- regulations on new technology
- carrying heavy weights
- expository to hazardous waste, etc.
- working conditions: ventilation, light, extreme temperatures, noise, vibrations, position at work
- rooms for rest; changing clothes; prayer
- organised meals or space for meals
- ergometric furniture
- humanised machines and work tools
- protection of privacy (video surveillance, evidences, testing, etc.)
- insurance against occupational accidents and illnesses
- control over supervision policies
- life insurance
- protection of employees with AIDS and other infectious diseases

8. PENSION INSURANCE

- additional pension insurance programmes (various pension schemes)
- higher payments made in the 2nd pillar of the pension insurance; taking over the burden
- third pillar instead of the workers
- insurance for additional risks

9. EMPLOYMENT/ADDITIONAL TRAINING /WAGE/PROMOTION

- advertising jobs in compliance with the gender equality principle
- parity in employment
- parity committees for employment/supervision of work
- equal pays for equal jobs
- equal/parity promotion at work
- equality in job grading by categories and hierarchy
- representatives of women's trade union groups in committees for employment and dismissals

- respect of the principle of gender, seniority and family responsibilities when dealing with dismissals

10. PREGNANCY AND MATERNITY

- facilitated working conditions for pregnant women/young mothers
- rights in case of miscarriage or early/still birth
- rights in case of adoption
- benefits/bonuses for pregnant women, young mothers (lump sums, additional)
- medical checks during working hours
- shorter working hours
- additional breaks for rest
- no overtime or shift work
- breast-feeding breaks

11. HUMAN RELATIONS AT THE WORKPLACE

a/. to achieve a general feeling of safety

- good relationship with employer
- no threats from the employer side
- no atmosphere of fear
- to provide information on how to avoid rumours
- to provide professional psychological assistance

b/. sexual harassment and other form of violence

Forms:

1. **physical** (touching, pinching, gestures, assaults, etc.);
2. **verbal** (obscene jokes, comments of sexual, ethnic, racial or similar nature, questions about the body/clothes/personal life, etc.);
3. **visual** (obscene posters, drawings, films, e-mails, etc.)
4. **rumours** (provocation, gossip, spreading rumours, etc.).

- protect the dignity of working women (and men) and stress the responsibility of the management
- stipulate sexual harassment as a misdemeanour, ensure a procedure for a case of sexual harassment (discretion/secrecy if necessary)
- stipulate a procedure for a case of sexual harassment (discretion/secrecy if necessary)
- take measures of reprimand, transfer, dismissal
- prevention programmes
- compulsory information material and courses for the management (and employees)
- assistance and protection of victims from retaliation

12. ABSENCE FROM WORK

- annual vacation, additional benefits for children, health, years of service, etc.
- paid and unpaid leaves (schooling, exams, weddings, etc.)
- trade union days (trade union training, meetings, etc.)
- personal leave for private purposes

13. PROTECTION OF VULNERABLE CATEGORIES OF WORKERS

- special programmes to prohibit job discrimination on the basis of race, ethnicity, colour,

religion, sex or national origin, and ensure quality of opportunity in all aspects of employment.
- prohibit discrimination in hiring, promotion, discharge, pay, fringe benefits, job training, classification, refferal, and other aspects of employment of specially vulnerable categories of workers (employment contract security, job security, protection against discrimination, infringement of privacy, dignity,) including: women; disabled persons; youth; seasonal, casual, temporary, part-time workers, etc.; migrants, ethnic and religious minorities, workers with "different" sexual orientation
- special protection against child and forced labour

14. QUALITY OF HOUSING

- company flats/houses
- favourable loans
- housing co-operatives
- joint projects with local self-government in the community
- subsidising/covering rent costs
- personal housing loans

15. THE RIGHT OF WOMEN TO HAVE A VOICE AND BE VISIBLE

At workplace: parity representation of women in negotiating teams for collective agreements; in employment committees; in health and safety committees; workers representation bodies; trade union locals; business and other committees in the company; training and additional training programmes; committees/occasions for representation or advocation on behalf of the employees at all levels

In trade unions: women's committees; women's groups; women representatives at all levels

16. EMPLOYEE SERVICE

- informing workers on their rights at workplace, at state institutions, their social rights, pension and health schemes, etc.
- bulletins, newsletters, notice boards
- counselling and information of workers, courses, seminars
- psychological and social support
- support groups for ill workers
- alcoholics anonymous groups

This "women's list", an additional collective bargaining agenda, was developed at the Third International Trade Union Women's School held in Rovinj on October 8-12, 2002, by app. 80 women participants from 20 countries.

Trainer's notes:

To present the checklist:

1. *Prepare a slide(s) (transparency) with the key points from the checklist (or, alternatively, a PowerPoint presentation)*
2. *Pause after each of the 16 main points and present an illustrating example or a case from real life, or involve participants - ask if they have any short examples on the topics from the checklist (ask for 1 -2, otherwise this may take too long).*
3. *Allocate app. 45 min. (max. 1 hour if involving participants)*

A7

Activity 7
GENDER SENSITIVE COLLECTIVE BARGAINING AGENDA

Aims:
- To realise that there are many forgotten issues which deserve to become bargaining issues
- To enlarge your bargaining agenda by discussing new ideas

Method:
- Questionnaire
- Meta plan
- Group work

Tasks:
1. Fill in the questionnaire and write numbers of the circled answers on a piece of paper. Give it to the trainer (if you chose points 1, 2 and 3 - write 1, 2, 3 on the paper)
2. Based on task one, think about two issues which are important for you, apart from the ones presented by the trainer (the "top" ones), and write them on separate sticky-notes
3. Working in your group on the allocated question:
   - identify the allies in the company for negotiation
   - identify the tools
   - develop strategy - timing, what/who might be an obstacle, etc.
   - remember to choose a person to report on your group's work at the plenary

Time:
- Questionnaire: 5 min.
- Meta plan: 3 min.
- Small group work: 30 min.
- Discussion: 15 min.

Trainer's notes:

1. *Prepare in advance a flipchart with a copy of the questionnaire. Make sure you leave enough space to insert scores. Remind participants that they have 3-5 minutes. Warn them against embellishing the picture...This is not a contest and scores will be taken anonymously.*
2. *Distribute the below questionnaire to all participants and explain the task (no 1). Give them also small pieces of paper on which you will ask them to write the NUMBERS of circled answers. Collect them after 3 minutes (place them in a hat or a bread basket)*
3. *Write down the score on "your" questionnaire on the flipchart. Ask the co-trainer (or a participant) to make the count and write the results on the flipchart. After this, sum up by indicating the most "popular" issues.*
4. *Distribute two sticky-notes to each participant and ask them to write the following on each of them: one area for negotiation on company level - they MUST NOT choose among those on the "top" of the list (results from task 1), but those that have been "neglected" so far.*
5. *Ask them to come to the flip-chart and stick the sticky notes on it. Group them; choose 3-4 groups (depending on the number of participants and time available) and they will be the issues to be discussed in small working groups. Remember gender mainstreaming - try to make groups from the gender point of view - in many cases they will be the ones to which the participants pay the least attention).*
6. *Divide the participants into 3 or 4 small groups (e.g. using the "postcard puzzle" - see general remarks for trainers at the beginning of Kit 1) and explain task 3 to them; remind them of time available for the activity (30 min) and back-reporting*
7. *Reporting: ask them to give concrete and precise answers - each group will have 3-4 min. for reporting (max. 20 minutes)*
8. *Sum-up the session by guided discussion, ask participants the following questions:*
   - *Do you find such issues important?*
   - *Do you want to include them on your bargaining agenda?*
   - *Why have you not done it so far? What were the obstacles?*
   - *Is it realistic to include such issues in collective bargaining agenda in your company?*

Total time: 1 hour 40 min.
- *Questionnaire: 15 min. (including the collection of answers and the count)*
- *Meta plan: 15 min.(including collecting, counting)*
- *Group work: 35 min. (including explanations)*
- *Reporting: 15-20 min.*
- *Guided discussion and summary: 15 min.*

QUESTIONNAIRE: ISSUES OF SPECIAL INTEREST TO WORKERS WITH FAMILY RESPONSIBILITIES

Are these issues (areas of interests) already included in the collective bargaining agenda in your company?
*Please **circle** the categories below which are included.*

Note: the questionnaire is anonymous!

1. Pre-school childcare
2. Care for the elderly
3. Care for family members
4. Health care
5. Transport to work
6. Working hours
7. Human working conditions
8. Pension insurance
9. Employment/Additional training/Wage/Promotion
10. Pregnancy and maternity
11. Sexual harrasment and other forms of violence
12. Absence from work
13. Protection of vulnerable categories of workers
14. Quality of housing
15. Right of women to have a voice and be visible
16. Employee service

Note: *For clarification purposes check the enclosed Checklist*

H 10

HANDOUT 10: ILO standards for Workers with Family Responsibilities

Women's interests and issues, with, perhaps, the exception of the maternity protection, are usually not in the focal point of collective bargaining. Traditional bargaining topics are dealt with without the involvement of women, and issues of women's special interest are usually not involved in negotiations. However, considering the fact that women today make a far greater proportion in the labour market and that there is an ever-increasing number of unionised women, there is a need to involve issues of women's special interest in collective bargaining. Women's issues are - trade union issues, and trade union issues are - women's issues.

Convention No. 156: Workers with Family Responsibilities, 1981

The Convention No. 156 has been ratified only by 36 countries, among which 9 are from our Region of CEE and NIS:

1. Bosnia & Herzegovina
2. Croatia
3. Lithuania
4. Republic of Macedonia
5. Russian Federation
6. Serbia & Montenegro
7. Slovakia
8. Slovenia
9. Ukraine

Source: www.ilo.org/ilolex (26/07/2004)

Aim: to create equality of opportunity and treatment for women and men workers with family responsibilities

Summary:

The Convention applies to women and men workers with responsibilities for their dependent children or other members of their immediate family where such responsibilities restrict their participation in economic activity.

It requires states to make it an aim of national policy to enable workers with such responsibilities to engage in employment without being subject to discrimination, and, as far as possible, without conflict between their employment and family responsibilities.

All measures compatible with national conditions and possibilities should be taken to enable the workers in question to exercise their right to free choice of employment and to take account of their needs in terms and conditions of employment and in social security.

The Convention then provides for corresponding measures to be taken in community planning and in the development of community services such as child care and family services and facilities.

In addition, it provides for information and education to engender a broader understanding of the principle of equality of opportunity and treatment for women and men workers and of the problems of workers with family responsibilities. It also lays the basis for specific measures in the field of vocational guidance and training.

The Convention states that family responsibilities alone are not a valid reason for a person to lose her or his job.

Recommendation No. 165: Workers with Family Responsibilities, 1981

Aim: to supplement Convention No. 156 in creating effective equality of opportunity and treatment for women and men workers with family responsibilities.

Summary:

Within the national policy to promote equality of opportunity and treatment for workers with family responsibilities, it is recommended that states develop or promote childcare, family and other community services, public or private. Appropriate research should be undertaken to provide information upon which national policies should be based and educational programmes should encourage the sharing of family responsibilities between women and men.
Services, including counselling, guidance and placement, should be made available to help workers in question to enter or re-enter employment. It is recommended that particular attention should be given to improving working conditions and the quality of working life by means such as more flexible working hours, rest periods and holidays.
It is recommended that either parent should be able to take parental leave within a period immediately following maternity leave with the right to return to employment; and to take leave in case of a dependant's illness. Guidance is provided as to how childcare and family services and facilities can be arranged, with particular emphasis on the local community.

A8

Activity 8
ILO Standards Concerning Workers with Family Responsibilities

Aims:

- To analyse the contents of Convention No. 156
- To find arguments for/against its ratification (or if not ratified: discuss how to implement it in practice)

Method:

individual work
group work

Tasks:

1. Read Convention No. 156 and underline the most important provisions
2. Working in your small group, answer the following question:

Group 1:

a. if your State has not ratified Convention 156, discuss and write down ARGUMENTS for its ratification
b. if your state has ratified Convention 156, discuss how to implement it in practice

Group 2: What can trade unions do in order to raise awareness and to use Convention 156?

3. Remember to select a person who will present a group's report on the plenary (use transparencies and special markers whilst preparing the report).

Time: 50 min.

individual reading 15 min.
group work 35 min.

Resources: Handout no 4, Convention 156
List of ratifications in the CEE and NIS region

Trainer's notes:

1. *Make sure that you have enough copies of the ILO Convention 156 for all the participants. Hand them out and ask the participants to read them individually (while sitting in plenary) and, at the same time, to underline the most important provisions. Allow about 10 min. for this.*
2. *Divide the participants into two groups (e.g. by distributing two kinds of sweets) and explain task no 2. Remind them about time (35 min.) and instruct each group about where to work.*
3. *Reporting: hand out transparencies and markers for the report and ask the participants to be as concrete as possible. Each group should have about 5 minutes for reporting.*
4. *Remember to sum-up the activity by stressing the most important findings.*

Total time: 1 h 15 min. - 1 h 30 min.

H 11

HANDOUT 11: International Standards for Collective Bargaining

Convention No. 98 on the Right to Organize and Collective Bargaining (1949) has been ratified by 154 ILO Member States. It extends workers' protection against acts of anti-union discrimination, and encourages and protects the process of voluntary negotiation between worker and employer organizations to regulate terms and conditions of em ployment by means of collective agreements. It does not deal directly with public servants, who are cov ered by Convention No. 151 (1978).

Among the countries which have ratified Convention No 98 are 27 countries from the CEE and NIS Region:

1	Albania	15.	Lithuania
2.	Armenia	16.	Republic of Macedonia
3.	Azerbaijan	17.	Republic of Moldova
4.	Belarus	18.	Poland
5.	Bosnia & Herzegovina	19.	Romania
6.	Bulgaria	20.	Russian Federation
7.	Croatia	21.	Serbia & Montenegro
8.	Czech Republic	22.	Slovakia
9.	Estonia	23.	Slovenia
10.	Georgia	24.	Tajikistan
11.	Hungary	25.	Turkmenistan
12.	Kazakhstan	26.	Ukraine
13.	Kyrgyzstan	27.	Uzbekistan
14.	Latvia		

Source: www.ilo.org/ilolex (26/07/2004)

The ILO **Convention No. 154 on Collective Bargaining (1981)** (followed by the Recommendation 163 on Collective Bargaining) has been ratified so far by 35 countries, including 11 countries from the CEE and CIS Region:

1.	Albania	7.	Lithuania
2.	Azerbaijan	8.	Republic of Moldova
3.	Belarus		
4.	Hungary	9.	Romania
5.	Kyrgyzstan	10.	Ukraine
6.	Latvia	11.	Uzbekistan

Source: www.ilo.org/ilolex (30/07/2004)

The collective bargaining determines the terms of employment and is the main function of the trade unions for their members. This is as well the main reason why people join unions. Any restriction on the right to collective bargaining therefore has a direct impact on the organizing ability of trade unions, as well as on the conditions in which people work.

One difficulty for the trade union movement is that ILO Conventions often provide limited pro tection in the field of bargaining rights. Convention 98 encourages voluntary negotiations

between employers' and workers' organizations, but it does not oblige an employer to bargain. The ILO's procedures have therefore been of limited value in seeking to deal with some of the threats to collective bargaining.

Collective Bargaining Convention became one of the eight fundamental international labour standards and it is supposed to be ratified and implemented by every democratic country. Usually it is guaranteed in the State Constitution and through main laws. But, even those countries which did not ratified Convention No. 98, have obligation to implement it and to report to the ILO about it.

CONVENTION 98: CRITICAL OBSERVATIONS

The observations made by the Committee of Experts on the application of the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), show that the large majority of states which have ratified the Convention apply it in a satisfactory manner. This demonstrates that it is a right which enjoys almost universal recognition. By way of example, it may be pointed out that in its 1998 and 1999 reports the Committee of Experts made critical observations on 47 out of the 145 governments which have ratified Convention No. 98 (ILO, 1998c, pp. 249-299; and ILO, 1999c, pp. 322-351).

The problems noted most frequently in the observations of the Committee of Experts relate in particular to the denial of the right to collective bargaining, to public servants who are not engaged in the administration of the State, as well as the requirement for trade union organizations to represent too high a proportion of workers to be recognized or to engage in collective bargaining. Immediately afterwards comes the significant number of countries in which collective bargaining is subjected to the government's economic policy. Finally, **certain countries exclude some subjects from collective bargaining, submit it to compulsory arbitration in certain cases, restrict the right of the parties to determine the level of bargaining, or prohibit collective bargaining by specific categories of workers in the private sector or of federations and confederations.**

H 12

HANDOUT 12: Summary of ILO Principles on the Right to Collective Bargaining

The standards and principles emerging from the ILO's Conventions, Recommendations and other instruments on the right to collective bargaining, and the principles set forth by the Committee of Experts and the Committee on Freedom of Association on the basis of these instruments, may be summarized as follows:

1. The **right to collective bargaining is a fundamental right** endorsed by the members of the ILO in joining the Organisation, which they have an obligation to respect, to promote and to realize, in good faith (ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up).

2. **Collective bargaining is a right of employers and their organisations,** on the one hand, and organisations of workers, on the other hand (first- level trade unions, federations and confederations); only in the absence of these latter organisations may representatives of the workers concerned conclude collective agreements.

3. **The right to collective bargaining should be recognized throughout the private and public sectors,** and it is only the armed forces, the police and public servants engaged in the administration of the State who may be excluded from the exercise thereof (Convention No. 98).

4. **The purpose** of collective bargaining **is the regulation of terms and conditions of employment,** in a broad sense, and the relations between the parties.

5. **Collective agreements should be binding.** It must be possible to determine terms and conditions of employment which are more favourable than those established by law and preference must not be given to individual contracts over collective agreements, except where more favourable provisions are contained in individual contracts.

6. To be effective, the exercise of **the right to collective bargaining requires that workers' organisations are independent** and not "under the control of employers or employers' organisations" and that the process of collective bargaining can proceed without undue interference by the authorities.

7. **A trade union which represents the majority or a high percentage of the workers in a bargaining unit may enjoy preferential or exclusive bargaining rights.** However, in cases where no trade union fulfils these conditions or such exclusive rights are not recognized, workers' organisations should nevertheless be able to conclude a collective agreement on behalf of their own members.

8. **The principle of good faith in collective bargaining** implies recognizing representative organisation, endeavouring to reach an agreement, engaging in genuine and constructive negotiations, avoiding unjustified delays in negotiation and mutually respecting the commitments entered into, taking into account the results of negotiations in good faith.

9. In view of the fact that **the voluntary nature of collective bargaining is a fundamental aspect of the principles of freedom of association,** collective bargaining may not be imposed upon the parties and procedures to support bargaining must, in principle, take into account its voluntary nature; moreover, the level of bargaining must not be imposed unilaterally by law or by the authorities, and it must be possible for bargaining to take place at any level.

10. **It is acceptable for conciliation and mediation to be imposed by law in the framework of the process of collective bargaining,** providing that reasonable time limits are established. However, the imposition of compulsory arbitration in cases where the parties do not reach agreement is generally contrary to the principle of voluntary collective bargaining and is only admissible: (1) in essential services in the strict sense of the term (those whose interruption would endanger the life, personal safety or health of the whole or part of the population); (2) with regard to public servants engaged in the administration of the State; (3) where, after prolonged and fruitless negotiations, it is clear that the deadlock will not be overcome without an initiative by the authorities; and (4) in the event of an acute national crisis. **Arbitration which is accepted by both parties (voluntary arbitration) is always legitimate.**

11. **Interventions by the legislative or administrative authorities which have the effect of annulling or modifying the content of freely concluded collective agreements,** including wage clauses, **are contrary to the principle of voluntary collective bargaining.** These interventions include: the suspension or derogation of collective agreements by decree without the agreement of the parties; the interruption of agreement which have already been negotiated; the requirement that freely concluded collective agreements be renegotiated; the annulment of collective agreements; and the forced renegotiation of agreements which are currently in force. Other types of interventions, such as the compulsory extension of the validity of collective agreements by law are only admissible in cases of emergency and for short periods.

12. **Restrictions on the content of future collective agreements,** particularly in relation to wages, which are imposed by the authorities as part of economic stabilisation or structural adjustment policies for imperative reasons of economic interest, **are admissible only in so far as such restrictions are preceded by consultations with the organisations:** they are applied as an exceptional measures, and only to the extent necessary; do not exceed a reasonable period and are accompanied by adequate guarantees designed to protect effectively the standards of living of the workers concerned; and particularly those who are likely to be most affected.

Source: International Labour Review, Vol. 139 (2000), No 1; B. Gernington, A. Odero, H. Guido "ILO Principles concerning Collective bargaining", ILO Geneva

A9

Activity 9
ILO CONVENTIONS NO. 98 AND NO. 154

Aim:
To familiarise ourselves with Conventions No. 98 and No. 154
To discuss the rights covered by those conventions

Method: group work

Tasks:
1. Working in your group:
   Read the ILO Conventions 98 and 154. While reading underline the main provisions (you can do it by individual reading, or one person could read aloud while everyone else is underlining the main provisions)
2. Discuss: are these provisions respected in your country? If not, why not?
3. Make a list of problems you are facing in the field of collective bargaining.
4. Remember to select a person to present the group's report in the plenary (use the flipchart and markers while preparing the report).

Time: 45 min.

Resources:
ILO Conventions 98 and 154

Trainer's notes:
1. *Hand out copies of the Conventions 98 and 154 (to be found in a separate booklet called "Appendices").*
2. *Divide the participants into two smaller groups (by using pieces of paper of different colours)*
3. *Explain tasks to working groups and remind them about time and the report (each group should have only 6 minutes for reporting - they should report on tasks 2 and 3)*
4. *During the reports, allow participants to speak freely. Do not interrupt the discussion which is important to them: this is a way for them to release their frustrations.*
5. *Remember to sum up by underlining the importance of using the ILO standards as tools and by stressing the key points from the reports. Be careful not to allow the session to end in complaints only.*

Total time: minimum 1 hour

H 13

HANDOUT 13: Why is Collective Bargaining Important?

First, collective bargaining has the advantage of settlement through dialogue and consensus rather than through conflict and confrontation. It differs from arbitration where the solution is based on a decision of a third party, while arrangements resulting from collective bargaining usually represent the choice or compromise of the parties themselves. Arbitration may displease one party because it usually involves a win/lose situation, and sometimes it may even displease both parties.

Second, collective bargaining agreements often institutionalise settlement through dialogue. For instance, a collective agreement may provide for methods by which disputes between the parties will be settled. In that event the parties know beforehand that if they are in disagreement there is an agreed method by which such disagreement may be resolved.

Third, collective bargaining is a form of participation. Both parties participate in deciding what proportion of the 'cake' is to be shared by the parties entitled to a share. It is a form of participation also because it involves a sharing of rule-making power between employers and unions in areas which in earlier times were regarded as management prerogatives, e.g. transfer, promotion, redundancy, discipline, modernisation, production norms.

Fourth, collective bargaining agreements sometimes renounce or limit the settlement of disputes through trade union action. Such agreements have the effect of guaranteeing industrial peace for the duration of the agreements, either generally or more usually on matters covered by the agreement.

Fifth, collective bargaining is an essential feature in the concept of social partnership towards which labour relations should strive. Social partnership in this context may be described as a partnership between organised employer institutions and organised labour institutions designed to maintain non-confrontational processes in the settlement of disputes which may arise between employers and employees.

Sixth, collective bargaining has valuable by-products relevant to the relationship between the two parties. For instance, a long course of successful and bona fide dealings leads to the generation of trust. It contributes towards mutual understanding by establishing a continuing relationship. The process, once the relationship of trust and understanding has been established, creates an attitude of attacking problems together rather than each other.

Seventh, in societies where there is a multiplicity of unions and shifting union loyalties, collective bargaining and consequent agreements tend to stabilise union membership. For instance, where there is a collective agreement, employees are less likely to change union affiliations frequently. This is of value also to employers who are faced with constant changes in union membership and consequent inter-union rivalries resulting in more disputes in the workplace than otherwise.

Eighth - perhaps most important of all - collective bargaining usually has the effect of improving industrial relations. This improvement can be at different levels. The continuing dialogue tends to improve relations at the workplace level between workers and the union on the one hand and the employer on the other. It also establishes a productive relationship between the union and the employers' organization where the latter is involved in the negotiation process.

Source: Collective Bargaining Negotiations, by Sriyan de Silva, ILO, 1996

Trainer's notes:
Use the above text as a summary of the previous session and a starting point for the discussion:
After presenting each of the points ask participants to give comments/illustrations (keep it BRIEF!)
Total time: 40 min.

A10

Activity 10
GLOBALISATION - WHAT DOES IT MEAN FOR ME?

Aim:
To understand what globalisation is

Method:
Individual work

Tasks:
1. What comes to your mind when you hear the term 'globalisation'?
2. Try to draw it on the provided sticky-notes (you can also use 2-3 words in your drawing)
3. Place your "pictures" on the flipchart

Time: 5 min.

Trainer's notes:
1. *Hand out one sticky-note (the biggest size) per person and explain tasks and time (5 min.)*
2. *When the participants are ready, ask them to stick the pictures on the flipchart*
3. *Present them to the participants - by describing/reading them to the group.*
4. *Proceed immediately to the definition of globalisation (beginning of Handout 14), continuing with your presentation on globalisation (based on Handout 14).*

Total time: 20 min. for the activity and another 20-30 min. for the presentation.

H 14

HANDOUT 14: Globalisation - What is Collective Bargaining like Today?

What is globalisation? Each of thousands of academic papers begins with the own definition. In its literal sense it is a **social change**, an increased connectivity among societies which leads to the phenomenon of *transculturation*. Globalisation means **explosive evolution of transport and communication technologies** to facilitate international cultural and economic exchange. Economic globalisation defines more **freedom of trade** and increasing relations among members of an industry in different parts of the world. It brings to the top **privatisation, trade and financial liberalisation and deregulation.** It leads to erosion of the nation state or national boundaries.

The negative effects of profit-oriented transnational corporations - the use of substantial and sophisticated legal and financial means to avoid the bounds of local laws and standards, in order to pull the labour and services of **unequally-developed regions against each other.** At the end of a day, it means the pressure on deregulation in the labour markets and glorification of **cheap labour.**

When did the globalisation start? There are different statements as well, but most papers agree that the fall of the Berlin Wall and the collapse of the Soviet Union ended the cold war between the forces of capitalism and socialism with capitalism triumphant. Parallel, the development of the Internet made possible the organisation of business on a global scale with greater facility than ever before.

SHOCKING

1. The main causes for the persistent and rising unemployment in Europe, as identified by the OECD secretariat in 2002 are: too restrictive employment and labour protection legislation, which discourages recruitment; collective bargaining, which enables the social partners to fix collective wage levels above productivity levels pricing workers out of the market, particularly the lower skilled; the extension procedures for collective agreements to non-signatory firms - a common practice in most European countries within this global context…

2. In September 2001, the Confederation of Norwegian Business and Industry (NHO) stated that they will work towards **decentralisation of collective bargaining;** an increased use of **result-oriented wage systems,** at the individual level or the level of the group, department or company; that the **regular pay should to a greater extent be individualised and differentiated;** and that collective agreement should become **simplified and flexible.**

3. *In Sweden,* although almost 90% of workers in the private sector are covered by collective agreements, lately however, employers in **small companies are increasingly resisting to collective agreements.**

4. *Hungary,* like many other accession countries, has a decentralised bargaining structure. The statistical report from the Ministry of Employment and Labour shows a **decreasing overall bargaining coverage rate.** The shrinking coverage of wage agreements and the lack of tariff agreements shows that many employers are withdrawing from wage negotiations, and the individualisation of wage determination seems to be an irreversible trend in the Hungarian private sector.

5. In *Albania* the union registered many cases, especially in the foreign owned companies like the cement factory Selenica Bitumen Mine, where the employer does not want to negotiate with the unions, claiming that in their countries there are such labour standards that they just sign individual contracts with employees and they do not have any intention to do more. The same reply was received from the Italian Shoes Company, Coca-Cola, furniture factory, all of them owned by the foreign employers. The trend of **individualisation** on the labour market equates directly to the dramatic increase in individual contracts by employers.

6. In *Croatia,* of the total number of the newly employed workers in 2002, **94%** were employed with **short-term contracts.** Of all newly employed women, 97% had short-term contracts for a period under 12 months. This trend makes workers feel unsafe and afraid to organise themselves in trade unions.

VICTIMS OF SOCIALLY IRRESPONSIBLE COMPETITION: The globalisation of the world economy and the rapid spread of international companies are having a **major impact on the practice of collective bargaining.** Most countries are interested in attracting mobile investment and governments and employers often argue that legal protections for workers will discourage investment. Most multinational companies indulge in intra-plant competition. This means that subsidiaries in one country are effectively competing against equivalent facilities elsewhere in the world or even within the same country. The threat of transferring all or part of production is often implicit during negotiations for improved pay or conditions. Some multinational **companies have a policy against union recognition.** Although unions in each country are usually connected, through affiliations to global unions within the ICFTU/International Confederation of Free Trade Unions or WCL/World Confederation of Labour, the extent of these contacts has not seriously rivalled the international bargaining strength of multinational companies.

DECENTRALISATION AND DE-UNIONISATION: The **tendency** during the last decade - and especially in the 1990s - even among industrialised countries with a highly centralised bargaining system, is **towards enterprise level bargaining.** Only few countries are spared the trends toward the decentralisation of bargaining and **de-unionisation of the workforce.**

Trade unions fight for the national level (centralised) collective agreements - sectoral or intersectoral - because it gives ***better chance for providing minimum rights to as many workers as possible and for establishing of the practice of extending the agreements*** to all employees in the sector or in the country. On the contrary, decentralisation of collective agreement restricted to the company level, leads to the weaking of the workers position, decreases their employment rights and security of their jobs. Moreover, it weakens the trade unions.

Even a country like Sweden with a strong employers' organization, a strong trade union movement, and a previous tradition of centralised bargaining is changing the pattern. In the 1990s, the declared policy of the Swedish Employers' Confederation was to move negotiation to the enterprise level. **Decline in union membership** and an **increase in corporate power** in Europe have contributed to this trend. But most importantly, restructuring of enterprises flowing from intense competition has created the need to focus on enterprise level issues such as flexible working time, removal of narrow job classifications, new work organization, promotion of more worker involvement schemes and decentralised decision-making. Many employers view centralised bargaining as facilitating more equal distribution of income, but depriving employers of the ability to use pay as an instrument for productivity enhancement and to compensate for skills and performance. The **push by employers for flexibility** in the context of increasing global competition has raised many issues which are more appropriately dealt with at the enterprise level. Some of the many concerns of employers such as productivity and quality, performance, and skills development to retain or gain the competitive edge and to make rapid changes to adapt to the global marketplace are likely to increase the movement towards more enterprise level negotiation.

Existence of **new forms of employment** that are certainly more precarious but also less codified in relation to the traditional wage-earning model leads to the **new model of collective negotiating**, as well as these forms of employment also play a role in the remodelling of the organisation of work. All this has sped up working patterns and made living conditions harder.

COVERAGE AND EXTENSION: With information available for 16 of the 20 European countries examined, it is striking that within the EU Member States and Norway **bargaining coverage remains at a rather high level.** For the overwhelming majority of the countries surveyed, an analysis of recent trends in collective bargaining coverage reveals a high degree of stability.

!

Trade unions are strictly *opposing decentralisation, flexibilisation and de-unionisation* and they fight to preserve collective bargaining at all the levels: in addition to the national and branch level collective agreements and enterprise negotiations, they are trying to strengthen supranational collective negotiating at the global and the EU level; introducing new channels for collective negotiation on improvement of working and living conditions within companies (e.g. corporate social responsibility; workers participation) and at the local community level.

• In 16 of the 20 European countries examined, **bargaining coverage remains at a rather high level** *(except Germany and UK)*

• **10 countries can be considered to have high density (over 70% collective bargaining coverage); three medium density (between 40% and 70%); and three low density (less than 40%)**

• **Extension of collective agreements** applies in the great majority of countries examined

• With the exception of Slovenia, **collective bargaining is in decline in the "new European countries"**, reaching only medium coverage rates at best.

While in the area of extension provisions, developments in Hungary, Poland, Slovakia and Slovenia go along the same lines as the majority of western European countries in maintaining a stable legal framework, the situation is different in the case of bargaining coverage. With the exception of Slovenia, **collective bargaining is in decline**, reaching only medium coverage rates at best. As in the case of Hungary, where there are attempts to use special EU programmes to stabilise the collective bargaining system, it will be difficult to reverse the downward trend and to keep coverage rates from declining even further.

The **level of trade union density** differs greatly, even within the European Union. Trade union membership as a proportion of the workforce is at its highest in the Scandinavian countries and Belgium, while France has one of the lowest densities of trade union membership. Trade union density in the transition countries (CEE and CIS) is on the continuous decrease. The lowest is in the Baltic countries (Estonia, Lithuania and Latvia), and the highest in the South-Eastern European countries (Slovenia, Serbia, Macedonia). However, **the collective bargaining process in many countries covers workers who are not unionised.** This is because agreements reached at a sectoral level apply to all workers in the sector, or because non-unionised companies comply with the national or sectoral agreements.

Direct collective bargaining coverage, selected EU and candidate countries

Country	Coverage
Belgium	c.100%
Slovenia	c.100%
Austria	98%
Sweden	94%
Finland	90%
France	90%
Denmark	85%
Spain	81%
Netherlands	78%
Cyprus	65%-70%
Germany	67%
Portugal	62%
Luxembourg	60%
Slovakia	48%
Poland	40%
UK	36%
Hungary	34%
Czech Republic	25%-30%
Estonia	29%
Latvia	Under 20%
Lithuania	10%-15%

GOVERNMENTS' ROLE: It should be said loudly: What is the role of the governments in collective bargaining?

Governments are insufficiently committed to the collective bargaining, although they are, according to the international labour standards, directly responsible for promoting and facilitating collective bargaining.

1. Notwithstanding the voluntary nature of collective bargaining, governments can be highly influential - both through **legislation** and through **provision of supportive institutions** - in promoting collective bargaining.

2. They have to provide the **necessary climate** for it.

3. For instance, they **should provide effective conciliation services** in the event of a breakdown in the process, and even provide the necessary legal framework for it to operate in where necessary, e.g. **provision for the registration of agreements.**

4. The governments should **not support a party in breach** of agreements concluded consequent to collective bargaining, especially not the stronger side.

5. The governments **should secure observance of collective bargaining agreements,** and provide methods for the settlement of disputes arising from collective bargaining if the parties themselves have not so provided.

CASE STUDY

ALBANIA: COLLECTIVE AGREEMENTS

According to the Albanian legislation, more precisely Article 159 of the Labour Code of the Republic of Albania, collective bargaining agreements are signed between the trade unions and the employers.

The Federations, in the make-up of the Confederation of Trade Unions of Albania, have concluded 18 collective bargaining agreements at the first level and 391 at the second level. Despite the efforts made, the number of employees covered by the collective agreements is very low on the national scale. In other words, they constitute 29% of the total number of the employees. There are two main reasons of this situation: 1) the state administration and the companies do not implement the labour legislation; and 2) the inefficient work of the trade unions in this respect. In most cases, there are no union organizations in the private sector and sometimes even when they exist; they are too weak to impose the signing of collective agreements on the employers. The lack of collective agreements makes workers feel unprotected and left at the mercy of the employers. It is not rare that employers violate the most essential rights of the employees, rights which are sanctioned by the Albanian legislation. The shortage of collective agreemnets in the private sector has brought about the growth of informality and corruption.

Usually, collective agreements are concluded for a 1-year period. But practice over the past two years has seen agreements signed for a longer period of time, such as a 2-3 year term. Collective agreements cover issues dealing with recruitment, working hours, periods of rest (weekly rest, bank holidays, annual leave, leave due to marriage, death and sickness of a spouse, child sickness), equal wages for equal work , remuneration, working conditions and protection, protection of pregnant women and breastfeeding mothers, social insurance, union rights, settlement of disputes, obligations and sanctions for the parties bound by the contractual agreement in cases when one of the parties does not observe the collective agreement, etc. Once the collective agreement has been signed, its implementation becomes a prerogative. It may undergo further changes upon request of the signing parties.

Changes are made in writing and are binding for both parties.

LATVIA: FAMILY SENSITIVE PROVISIONS

Year after year, the number of concluded collective bargaining agreements (CBAs) is growing, e.g. in 2002 - 2,035 CBAs were concluded, in 2003: 2,049. It is up to each branch union whether to make annual analysis of concluded CBA or not. Mostly they are reviewed upon request of workers or if some essential legislative provision is coming into force. There are many companies with good CBAs, such as "Latvian Railways", "Latvenergo", "Aldaris", "Laima", "Riga Traffic", etc. Numerous additional issues are covered by their CBAs: scholarships, very good health insurance, free of charge medical examinations, organised rest/holidays for workers and their family members, bonuses for mothers with small children, special bonuses for mothers with children starting school in September, gifts for children graduating from schools, colleges, universities, etc.

6. The governments **could extend the validity of the collective agreements in cases of expiration** of the agreement or if the employer's side cancels the agreement.

7. Finally, the governments **could extend the validity of the sectoral collective agreement on all employees in the sector.**

CASE STUDY

SPAIN: SUBCONTRACTING

Subcontracting and outsourcing are thought to be on the increase in Spain. Some commentators see this as part of a model of business relations and employment that is based on larger companies reducing their own risks and responsibilities. Other techniques used to this end include temporary agency work, various forms of remote and teleworking, satellite offices/centres and flexible working. The main company becomes 'leaner' and is surrounded by a constellation of companies with which it has flexible relations of a purely business character, with little commitment. Observers believe that Spain is a particularly open to the proliferation of this type of business relations, given the nature of its economy, which relies to a comparatively large extent on services auxiliary to production.

From the industrial relations viewpoint, confusion arises about which collective agreement should be applied to the workers in subcontracted/outsourced activities, an issue that is particularly obvious in multi-service activities. By outsourcing some activities, according to some analysts, main companies can choose the collective agreement that is most favourable to them by using a subsidiary or a subcontractor.

The spread of subcontracting is, it is claimed, leading to many new agreements that offer less protection to workers because they start from scratch, and to the fragmentation of collective bargaining. Furthermore, the stability provided by an employment contract (open-ended or temporary) may vary according to whether the worker is employed by the main company (which is more stable because of its dominant position) or by a dependent company (operating in a more fragile and volatile market).

The phenomenon of subcontracting/outsourcing has attracted a degree of public concern. According to a recent study from the Trade Union Confederation of Workers' Commissions (CC.OO), subcontracting is extremely common in construction, hotels and catering, and industry. Trade unions are very interested in monitoring and controlling subcontracting through collective bargaining. In general, in order to avoid a loss of rights due to such decentralisation, collective agreements on the issue place limits on the types of subcontracting that are allowed, establish the employers' responsibilities arising from it and a right to information for trade union representatives, regulate occupational risk prevention and seek to maintain employment as far as possible.

LITHUANIA: WOMEN AND GLOBALISATION

"Inkaro avalyne" (a shoe factory) was engaged in cooperation with "Adidas". The work in the factory was organised in 3 shifts. When, at the beginning of 2000, "Adidas" left Lithuania for Belarus, 1,120 employees (98 % of them were women) were left without jobs and one year pay (i.e. they did not receive their wages for the previous 12 months). The union approached the Lithuanian Government and the Parliament requesting wages to be paid to the workers. Since this demand was not fulfilled, a decision was made to engage in a hunger strike in which about 20 women took part. The strike started in March 2000 and ended in December that year. As a result, 80 % of workers received part of their wages. However, the problem has yet not been fully resolved.

A11

Activity 11
GLOBALISATION AND COLLECTIVE BARGAINING

Aims:

To learn more about the outcomes of globalisation and its influence on collective bargaining

To find possible solutions for these problems and to discuss them

Method:

- group work

Tasks:

Working in your group on ONE topic:

a. Discuss and evaluate the situation in your country/ies in the given area
b. List facts which illustrate the negative trend in the given area
c. List min. 3 actions which should be taken by trade unions to deal with or to stop the trend
d. Develop a report to be presented in the plenary (choose a reporter) using transparencies and special markers

TOPICS:

(each group works on one topic allocated by the trainer)

Gr. 1 Deregulation and flexibilisation of labour legislation in your country/ies

Gr. 2 De-unionisation and decline of trade union density

Gr. 3 Decentralisation of collective bargaining

Gr. 4 Collective bargaining coverage

Time: 40 min.

Trainer's notes:

1. *Explain the activity (the tasks) to the participants. Ensure that everyone has a copy of Handout 14. Despite this, be careful to explain well the topics for groups' discussions - you may need to explain again (based on Handout 14) the terms used there - e.g. deregulation, decentralisation, etc.*
2. *Distribute handout 14 (participants may use it during group discussion)*
3. *Divide the participants into 4 groups (e.g. by randomly distributing cards with 4 different pictures (e.g.: sun, flower, star, tree))*
4. *Remind everyone of the time available - allow 35 min. initially (if necessary, extend it up to 45 min). Show the groups their designated work area.*
5. *Hand out transparencies and markers and remind participants about reporting*
6. *Reporting should take maximum 5-6 min. per group.*
7. *Sum up by recapitulating the most important and relevant ideas from the reports*

Total time for the activity (including group work, reporting and summary): 1 h 15 min. - 1 h. 30 min.

A12

Activity 12
WOMEN IN GLOBALISATION

Aims:

- To become aware of the situation of women and other vulnerable groups in the world of globalisation

Method:

- Discussion

Tasks:

1. Read to all the participants the statement/sentence which you have received from the trainer
2. Share your comments with the group in plenary discussion

Time: 20 min.

Trainer's notes:

1. *Prepare the below statements separately (e.g. write them on separate paper slips in different colours ("spaghetti"), or print them off in big letters and cut into separate strips of paper)*
2. *It may be useful to prepare and add to the list 2-3 examples from your country.*
3. *Give one copy of each statement to a different participant (e.g. to every other participant) to read*
4. *Ask them to read them to the group (one by one).*
5. *Open a plenary discussion, asking for comments on what had just been heard.*

H 15

HANDOUT 15: Women and Globalisation: Painful Statistics

- Only one third of women's working hours are paid.
- 70 percent of people living in conditions of extreme poverty are women and children.
- 20 percent of people control 80 percent of world's wealth.
- Women represent two thirds of more than one billion illiterate persons in the world.
- 20 to 50 percent of women in the world are victims of various forms of marital/extra-marital violence.
- Unpaid women's work is estimated at $11 billion - approximately one half of the annual world production.
- Women and girls work approximately 70 percent of the total number of working hours, whereas they receive only 10 percent of remuneration and own 1 percent of world's wealth.
- There are 841 million malnourished persons in the world; among them the majority can be divided in three groups: children under the age of five - particularly girls; women of the reproductive age; poor households of single women/mothers.
- An example: thanks to free trade, Pepsi has opened a factory manufacturing 'bikaneri bhujia', a small Indian dish which used to be generally made by women in private homes or produced by small companies. Today the factory produces 50 tons per day - the amount that previously took over 80,000 people to produce.
- 90 percent of 27 million workers in export-processing zones are young women.
- Working women in families are often victims of sexual exploitation, forced by their bosses to perform additional sexual favours, working in slavery conditions. They are often also coerced into prostitution.
- According to UN statistics, 4 million women and children are victims of human trafficking every year, and it is estimated that their exploiters pocket some 7 billion dollars a year.
- A portion of the loans issued by international financial institutions to the developing countries is used towards the development of tourism and entertainment industry, including sex industry.

A13

Activity 13
FINDING ALTERNATIVE CHANNELS FOR COLLECTIVE NEGOTIATIONS

Aims:
To think about alternative channels for collective negotiations
To learn how to use them

Method:
Small group work
Case studies

Tasks: Working in your group:

1. Read the allocated case study
2. Think about who with you might resolve such problems - list some of so many potential partners
3. Discuss: which tools you can use within the "company walls", apart from the company collective agreement - make a list
4. Discuss how you would resolve this particular problem
5. Remember to select a reporter to present your group's work on the resolution of this particular problem.

Time: 30 min.

Trainer's notes:

1. *IN ADVANCE! Prepare the below five case studies according to the following model made for 20 participants: four copies of each case study (you will have 4 copies of "Woman from the fishing industry"; 4 x "Single parents"; etc.) - they should be on separate sheets of paper.*
2. *Explain the activity to the participants (aims, tasks, time, etc)*
3. *Place the case studies in a basket/hat and let the participants choose one - this will help you divide them into groups.*
4. *Once everyone has ONE case study, show them working space for their group and remind them about reporting.*
5. *Allow each group app. 6 minutes for reporting back - ask for very concrete answers concerning THE SOLUTION to THE GIVEN PROBLEM*
6. *Sum-up by way of a discussion. Ask the participants: **What have you learned from this activity?***

Total time: app. 1 h 15 min.

Additional guidelines for the trainers:

Explain to the participants that:

a. *You do not need to and you cannot wait for the annual collective bargaining procedure - collective problems need to be negotiated and resolved every day, as soon as possible ...*
b. *Ask participants with **whom** they might resolve such problems - they should make a list of some of so many potential partners:*

1. *employers side: line manager, head of unit, department, etc.; experts; health and safety department, human resources department, doctors...*

2. *workers side: workers representatives (works councils, health and safety councils or representative, representatives in the management or supervisory board - workers families etc.)*

3. *Which **tools** could you use within the "company walls", apart from the company collective agreement:*
   - *any written agreement*
   - *non-written agreement (manager's order or similar)*
   - *annual working plans*
   - *books of regulation*
   - *agreements of the works council*
   - *corporate social responsibility policy*
   - *European Works Councils (EWC) in multinational companies, etc.*

CASE STUDIES A13

WOMAN FROM THE FISHING INDUSTRY

Maria works on the assembly line in a fishery. The norm is high and wages are very low. Maria is 36 years old and already has 18 years of service. However, she is afraid of losing her job as the company is facing ever more severe difficulties. Therefore, although she can request rubber gloves for work, she rather uses bare hands as it allows her to work to the norm. At the end of her working hours, every inch of her skin smells of fish, and bits of fish are stuck everywhere. She takes her rubber apron and her white cap off in haste, and washes her hands and face in cold water in the workshop. Every day, on the way home she picks up her younger son from the nursery. She has noticed that her son never wants to give her a hug and that other parents move away from her due to the intensive fish smell. Maria is growing sadder and sadder; she is depressed. She has been prescribed anti-depressants by the factory GP.

?

What would you, as a trade unionist, do in order solve her problem? If the worker in question came to you?

SUMMER TIME

Summers are unbearable in the workshop of a large chemical factory. The heat is impossible, the air-conditioning is loud and inefficient. Workers complain to the factory GP of a dry and ticklish throat, perspiration and sweating, while work productivity is very low due to frequent visits to the distant toilet. Absence from work due to sickness is considerably higher than in any other season of the year. Foremen spied on the workers' movements and found out that they washed their faces in toilets and drank water from taps or from dirty plastic cups. The foreman spoke to the shop steward about the problem.

?

What would you, as a trade unionist, do in order solve his problem? If the worker in question came to you?

CASE STUDIES A13

POSTERS OF NAKED WOMEN

Women workers working on the packaging of products in a large food-processing company work in the same room in which goods are shipped and loaded onto vans by male employees. On the way to their workplace, as well as on the way to the toilet, women must go through the "male" part of the workshop which is completely covered with posters of women in the nude as well as images of explicit pornography. After several vain requests for the posters to be removed made to their fellow workers, as well as the manager of the packaging unit, women workers addressed the female shop steward with a claim that this was a matter of sexual harassment. They demanded that they be no longer humiliated and their dignity offended by such posters.

?

What would you, as a trade unionist, do in order solve their problem? If the worker in question came to you?

SINGLE PARENTS - WORKING TIME

Gregor is a single father of a son who is attending the second class in a primary school and of a daughter who is almost 5. He works as a school caretaker and the school principal demands that he come to work at 5 every morning to switch the heating on. He is requested to work until 2 pm without a break, which is when the other caretaker comes in to work until 10 pm. They work in alternate shifts every week, which doesn't suit Gregor because he has to pay from his relatively low wages a lady to take his daughter to nursery and wake his son up to go to school on his own during the weeks when he works from 5 am. Gregor spoke to the school principal asking him to permit him to go home immediately after having switched the heating on instead of using his lunch break and return to work immediately after he takes his daughter to the nursery. The school principal refused to grant him this. Gregor is desperate because he does not have family support and his ex-wife lives in another country. He doesn't know whom to address for help.

?

What would you, as a trade unionist, do in order solve his problem? If the worker in question came to you?

CASE STUDIES A13

TOILETS

One day a dozen women workers at a central railway station, working on ticket sales, organised a protest by sticking a paper badge on their blouses saying: We want a ladies toilet! Shocked passengers demanded from the manager in charge to have women remove their badges because this made them feel uncomfortable. The manager reacted immediately, and after women refused to remove the badges, threatened to dismiss them. Knowing that there was no one to replace them, women continued with their protest. They distributed a flyer to passengers stating that, apart from being exposed to constant draft between the small openings of the ticket sales booths, they had great difficulty obtaining replacement to merely visit the toilet. They found that the worst humiliation was the fact that they had to share the toilets with the predominantly male employees, and that the toilet was in a very poor state. The management had previously refused to secure a separate ladies toilet. The shop steward refused to do anything under the pretext of not being a shop steward in charge of toilets.

? *What would you, as a trade unionist, do in order solve their problem? If the workers in question came to you?*

H 16

HANDOUT 16: Different Voluntary Initiatives

There are many types of voluntary initiatives which have emerged in various forms in recent decades. Although voluntary initiatives are based on the desire to add value to the enterprise, they may serve for improvement of workplace and living conditions. Private voluntary initiatives can relate to individual unilateral enterprise initiatives (codes of conduct) or concerted initiatives developed and implemented by coalitions that can group together enterprise associations, trade unions, NGOs and other stakeholders in civil society (e.g. consumer groups). Social initiatives cover a number of activities. They include initiatives in terms of employment and skills development; they cover matters such as job tenure, benefit systems, and worker protection; they also cover educational, charitable, and artistic provision; they may include the participation and representation of employees and other groups in the governance of the enterprise.

a. Codes of conduct - refers to a written policy or statement of principles, intended to serve as the basis for a commitment to particular enterprise conduct. Unfortunately, the International Organisation of Employers (IOE) estimates, based on the review of 258 codes of conducts, that 80 per cent of codes of conduct fall into the category of general business ethics with no implementation methods. They usually address labour practices, like child labour, employment discrimination, freedom of association and collective bargaining, wage levels, occupational health and safety and other workplace-related issues. Enterprise codes of conduct are usually issued by enterprise, trade unions or enterprise associations. Such multi-stakeholder codes involving employers and trade unions are increasing and often focus on labour practices. The main problem emerged is how to monitor their implementation.

*An ILO Report by Michael Urminsky defines 'code of conduct' as **"a written policy, or statement of principles, intended to serve as the basis for a commitment to particular enterprise conduct".** In his study of 258 codes he found that 67% were devised by enterprises themselves, 11% by enterprise associations, 7% by NGOs, 8% by framework agreement (whatever that means), **3.5% by trade unions** and only 0.4% by Governmental bodies. Of the codes examined, only 20 (8%) included some statement regarding commitment to communicating the code. While, only **6% were interested in external monitoring** or inspection. (Source: Michael Urminsky (ed.): "Self-regulation in the workplace: Codes of conduct, social labelling and socially responsible investment", ILO, Geneva, 2002)*

b. Social labelling - reports about the social conditions surrounding the production of a product or rendering of a service. They may be single issue (child-labour free; trade union organised work e.g.) or multiple issue - including labour issues. As trade unions became more involved in the programmes, more labour issues were included in the social labelling.

c. Investor initiatives - this term generally indicates investment-related decisions that seek social change while maintaining economic returns.

d. Screening of investment funds and international financial institutions - there are available evidences which suggest that socially responsible investment is growing. Global trade unions, for example, launched last year a campaign against investing in Burma due to the forced labour still existing in this country. The criteria might serve as bases for exclusion or inclusion.

e. Shareholder initiatives - like shareholder resolutions and submitting questions at annual shareholder meetings; "shadow annual reports" etc.

f. Employees initiatives - for improvement of working and living conditions.

g. Consumers initiatives - boycotts, rallies, declarations etc.

Most Well-Known Business Principles

Government and Intergovernmental Initiatives	Date	Main Issues
ILO Tripartite Declaration on TNCs	Geneva, 1977 - revised 2000	Employment
OECD Guidelines	Paris, 1976 - revised 2000	Multi-stakeholder including employment & triple bottom line
UN Global Compact	New York, 2000	Human Rights, labour and environment
EU Principles	Brussels, 2001 - revised 2002	Multi-stakeholder
Company led Initiatives		
Global Sullivan Principles	USA, 1999	Mainly external stakeholders
ICC Business Charter for Sustainable Development	Brussels, 1991	Environment, health & safety
World Economic Forum	Davos/Geneva, 2002	Corporate Governance, Managers
NGO led Initiatives		
AccountAbility 1000	London, 1999 - revised 2002	Social & ethical 'assurance' not environment, stakeholder model
Amnesty International HR Guidelines	London, 1998	Human rights & security
Global Reporting Initiative (GRi)	Boston, 1997 - revised 2002	Multi-stakeholder, triple bottom line indicators
ICFTU Code of Labour Practice	Brussels/Geneva,	Labour and Trade Union issues
	1997	
Social Venture Network Standards on CSR	Brussels, 1999	CSR multi-stakeholder, social audits
Governance Initiatives		
OECD Principles/Millstein Report (International)	Paris	Management
Merged Code Recommendations, Belgium	Brussels	Management
World Bank Corporate Governance Forum	Wash., DC, 2000	Management and finance

A14

Activity 14
VOLUNTARY INITIATIVES - NEW TOOLS FOR TRADE UNIONS?

Aims:
- To learn more about voluntary initiatives
- To discuss if your trade union could use them in order to improve working and living conditions of workers and their families

Method:
- Discussion

Tasks:
Based on the presentation given by the trainer and your own experience take part in a plenary discussion on the following questions:
- Do you find the new voluntary initiatives useful for improving working and living conditions of workers and their families?
- Can you give any examples of such voluntary initiatives in your company? In your country?

Time: 30 min.

Trainer's notes:
After your presentation based on Handout 16 (and illustrated, if possible, with examples of such voluntary initiatives in your country), open a discussion (use questions from the above tasks)
Sum up by underlining the most important issues from the discussion.
Total time: about 30 min. (depending on the discussion)

Trainer's notes:
As an introduction to the next session on CSR: before presenting the issue of CSR, ask the participants in the plenary session:
- Have you heard of CSR?
- How would you define or describe it?

H 17

HANDOUT 17: Corporate Social Responsibility Model

1 INTRODUCTION: BUSINESS WITH A SOUL?

TERMS: A variety of terms are used to talk about corporate social responsibility (CSR): *business ethics, corporate citizenship, corporate accountability, corporate citizenship, and corporate sustainability.* CSR has become an extremely fashionable acronym and very much IN. Though sometimes those who use it have no idea what it really means.

DEFINITIONS: Corporate social responsibility can be defined as **achieving commercial success in ways that honour ethical values and respect people, communities, and the natural environment.**

CSR means **addressing the legal, ethical, commercial and other expectations society has for business, and making decisions that fairly balance the claims of all key stakeholders.**

The European Commission defines corporate social responsibility as **a concept whereby companies integrate social and environmental concerns in their business operations** and in their interactions with their stakeholders on a voluntary basis.

Corporate social responsibility is viewed as a **set of policies, practices and programs that are integrated into business operations, supply chains, and decision-making processes throughout the company** - wherever the company does business - and **includes responsibility for current and past actions as well as future impacts.**

- CSR is about giving consideration, throughout the organisation, to the social case business has, not only the economic one.
- It is about respect for all stakeholders, not only the interests of shareholders.
- It is about moral responsibility for the consequences of business decisions locally, nationally and internationally; in present and in future.

Although the model draws a sort of capitalism with a human face, still there are many people opposing CSR who believe that it is **purely a public relations exercise to further empower business** to control the lives of people in the pursuit of profit maximisation; or that it is only about public respectability of companies. Critics claim that contemporary "captains of industry" are suddenly popping up everywhere, protecting the environment, upholding human rights principles and generally making the world a safer place, but only because of profit interests, and due to the changed criteria and values of consumers.

CONSUMERS' NEW ATTITUDE: *A 2001 Environics International study found that more than two-thirds of 20,000 consumers surveyed across 20 countries around the world believe that large companies should do more than "focus on making a profit, paying taxes, providing employment and obeying all laws." Often framing their concerns in ethical terms, activist groups pose another challenge in their ability to pressure corporations and damage reputation through campaigns, protests and even denial-of-service attacks. As a result, ethics officers who once focused solely on legal compliance now find themselves answering questions about bioethics, privacy, child labour etc. Business ethics also play a role in strengthening employee commitment and boosting financial performance.* ***A 1999 DePaul University study showed that firms making an explicit commitment to an ethics code provide more than twice the value to shareholders than companies that do not.***

Some academics consider that the concept of Corporate Social Responsibility (CSR) has emerged as a 'win-win' solution: **firms are made to account for the social consequences of their actions,** and at the same time progressive managements protect company image and profits.

Summary of First World Report on Corporate Social Responsibility:
Internet consultation of Stakeholders (September 2001)

- CSR is still viewed as essentially philanthropy
- Only 27% of companies produced a social report
- Companies that had a code of ethics did better on CSR than those without yet few produced a social report that suggests that many companies and institutions could better publicise the positive things they are doing through a social report
- Only 35% of companies had a suppliers code of conduct
- Only 41% of companies applied an environmental code
- Yet 81% of companies said that they had a statement of the company's mission & values (i.e. business principles or vision of corporate responsibility)
- This reduced to 65% when companies were asked if they had a code of ethics or code of business conduct
- This further reduced to 57% when companies were asked whether the code had been distributed to employees and then only 40% of companies had trained their staff on their code
- 71% of companies supported their community in some way
- 72% felt that their products were socially responsible
- Companies with ten to fifty employees have a worse record on CSR than all other size categories
- Training on codes of ethics is more pervasive the larger the company
- There is general scope for increased training on ethics, particularly for medium sized enterprises or institutions
- Those companies or institutions with specific ethics training programme had a much higher CSR score than those without
- The highest CSR score, i.e. highest corporate responsibility, was found among the telecommunications companies
- The lowest CSR scores were from the service sectors
- Companies in telecommunications, retail trade and insurance tended to have codes of ethics
- The absence of training is noticeable across the board with the exceptions of telecoms, retail and insurance where between two thirds and three quarters of the firms have training schemes in place
- Few companies or institutions have a manager responsible for CSR or ethical issues - service sectors and education fare very badly
- 55% of companies and institutions in the sample had a human rights policy
- Only about a third of small and medium sized companies had an human rights policy while two-thirds of large companies and institutions had a human rights policy
- Telecommunication companies came top with 100% saying they had a human rights policy followed by 75% of companies and institutions in the finance, education and public sectors
- Service sectors performed poorly with only 43% having a human rights policy followed by the energy and manufacturing sectors with just about half having some form of human rights policy
- Those companies or institutions that paid much better wages than average did much better on CSR than those paying below average

STAKEHOLDERS: CSR must take on board **the needs of all those affected by the activities of multinational and national companies:** the **actors** and the **stakeholders.** The actors are not only the management centres, but they are the *local factories* across the globe, the *subsidiaries,* the *sub-contractors* and *small and medium-sized enterprises.* The stakeholders are, among others, *the firms' employees and trade unions,* those *working further down the supply chain* in third countries, the *consumers* who are increasingly demanding more information about the products they are buying; the *local communities,* etc.

The field of corporate social responsibility has grown exponentially in the last decade. More companies than ever before are engaged in serious or less serious efforts to define and integrate CSR into all aspects of their business, with their experiences being bolstered by a growing body of evidence that **CSR has a positive impact on business economic performance.**

It is to be stressed that CSR is considered **a process and not a certificate** that, once earned, allows a company to sit back and relax. Any scheme - ***social reporting, listing of socially responsible companies, social labels, or codes of conduct*** are a means of ensuring that companies act in a socially responsible manner, and are not ends in themselves.

2 PROS AND CONS: VOLUNTARY APPROACH NOT ENOUGH TO BENEFIT WORKERS

SUCCESS OR FAILURE: It's hard to judge whether all these hundreds of voluntary codes of conduct, as the most often scheme of CSR, are really working, as their **success or failure** is difficult to measure. They are frequently overlapping and contradictory efforts by well-intentioned organizations to systematize voluntary reporting on corporate impacts across a range of basic rights are not really working. Although supporters of the CSR project in business and government frequently present voluntary systems as fully up and running, a common feature of these initiatives is that they are works in progress.

It is **hard to boil down all the international human rights conventions, treaties and findings of focus groups into a single code** or audit standard. As a result, they are often trying to implement confusing muddles of various core standards.

REPORTING PROCESS: There is also a problem with **access to appeals processes and verification of the information gathered in the reporting process.** For example, it is reckoned that the body reviewing appeals to the OECD for breaches of its corporate code of conduct is currently looking at twelve cases worldwide. But the review process is closed, and the **public has no access** to this information.

And while it might be possible for a charity, trade union or pressure group with an office in an OECD country to bring such an appeal, how would a poor factory worker from a former socialist country launch a case against a company registered within the OECD?

Some of the difficulties faced in implementing such standards lie in the fact that it is difficult to satisfy all stakeholders, but much more it is difficult also to find the right people to form an **internal audit team**, and to find **credible external monitors.** But its main problem is the **lack of good governance** in national and local governments. Unfortunately, the responsibility of governments is quite often under-estimated.

IMPORTANT: *The most successful way to monitor is through capacity building with the workers and free* ***trade unions on the ground,*** *so that they are* ***empowered to report abuses of labour rights.*** *Other forms of* ***monitoring*** *are, in comparison, only of limited use and value.* ***Without the trade unions and freedom to organise, workers are often afraid to complain.*** *Therefore once again we highlight the fundamental basis to CSR, from creation through to monitoring, is freedom of association and collective bargaining.*

LEGITIMATE STAKEHOLDERS - There are many conceptual problems with how the use of this term has evolved. "Stakeholder" is a term that requires a relationship to be of use. Not all stakeholders are equal. And not all stakeholders have a legitimate claim against the behaviour of a company arising out of the broader interests of society including the protection of or promotion of respect for human rights. ICFTU is convinced that NGOs have important contributions to make to the promotion, protection and, yes, even the enforcement of human rights. But this role does not have to be explained or justified because these groups are "indirect stakeholders" whatever this expression might be considered to mean. (Trade unions have a genuine stakeholder position!).

DANGER: ICFTU is concerned about the use of "monitoring" and "verification" that appear to be inspired by controversial CSR practices. There are limits to how private arrangements can substitute for an inadequate institutional and legal framework. ICFTU also believes that it is dangerous to borrow expressions used in the business world such as "continuous improvement" and apply them to the world of human rights where it is easy to misunderstand or hide what is really being said.

Source: ICFTU Comments on the Draft Norms on the responsibilities of transnational corporations and other business enterprises with regard to human rights (Jim Baker, 2003)

TRAINING: Many companies now recognize that managers and employees cannot be held accountable for responsible behaviour if they are not aware of its importance and provided with the information and tools they need to act appropriately in carrying out their job requirements. These companies publicize the importance of corporate social responsibility internally, include it as a subject in management and employees training programs, and provide managers and employees with decision-making processes that help them achieve responsible outcomes. Works councils or the other participatory bodies and trade unions are becoming more and more involved in this area.

OBLIGATORY - NOT VOLUNTARY: Finally, let us just suppose that there really were corporations that wanted to transform themselves into responsible global citizens. The current **lack of legal incentives to behave responsibly** gives an unfair advantage to companies that are prepared to undercut them. In this sense it is still both valid and true: the "rules of the game" - whether these are the **rules of world trade, national laws or the way stock markets are run - need to define baselines for environmental management, labour and other human rights impacts of commercial operations.**

It appears that **a voluntary approach alone will not deliver any real benefits to the workers,** communities and societies affected by the growing power of corporations. **As the 1999 UN Human Development report says: "Multinational corporations are too important a part of the global economy for voluntary codes to be enough."**

No doubt that new voluntary CSR standards and performance measurement tools continue to proliferate the ongoing debate about whether (employers!) and **how (trade unions!) to formalize legal CSR requirements for companies.**

Finally, as some trade unions state, the problem with voluntary codes is that those companies where good governance is most needed are likely to be those that are least likely to adopt change that is non mandatory. So, no use of voluntary initiatives!

EUROPEAN TRADE UNION CONFEDERATION: CSR - Not an alternative, but a "plus"

As globalisation intensifies, the ETUC strongly reaffirms its demand for European businesses to behave responsibly towards their workforces and the wider community, both within the European Union and beyond its borders. At the same time, it insists that Corporate Social Responsibility cannot be an alternative to necessary regulation, social dialogue, or agreement with democratically elected workers' representatives.

The ETUC believes that Corporate Social Responsibility should complement, but in no way replace, legislation on social and environmental rights or standards set by collective bargaining…No company failing to comply with agreements or legislation can be defined as socially responsible.

The ETUC re-emphasises its view that CSR, to be effective, must mean a change of attitude permeating the entire company, making environmental and social considerations an intrinsic part of day-to-day management and decision-making. 'Responsibility' is not merely about improving commercial image or winning over consumers, but rather a challenge for corporate thinking on a worldwide basis.

CSR in the EU must also reflect the principles of Social Europe and the aims of the Lisabon Agenda, such as better jobs, sustainable development, and lifelong learning.

The ETUC insists that, while CSR is a voluntary undertaking, it must be shaped by consistent guidelines established at European level:

- Lay down a single framework of standards and criteria that companies must comply with;
- Promote global responsibility, to prevent social dumping and the exploitation of weaker communities;
- Require larger companies to publish an annual report outlining activities in the field of CSR;
- Set standards for transparency and quality throughout the production chain, also covering supply and subcontracting;
- Adopt a consistent policy for the use of EU funds to promote CSR;
- Support the setting up of a resource centre, for information, training, and the exchange of good practice;
- Develop a system of certification to verify the legitimacy of CSR claims;
- Set up a permanent monitoring body with responsibility for maintaining European standards, and publish an annual report for the social partners, measuring progress on CSR.

(Source: Resolution adopted by the ETUC Executive Committee, Brussels, 9-10 June 2004)

3 CSR: ARGUMENTS FOR EMPLOYERS, ARGUMENTS FOR WORKERS

1. Improved Financial Performance: Business and investment communities have long debated whether there is a real connection between socially responsible business practices and positive financial performance.

One of the more recent analyses - a 2002 DePaul University study - showed that overall financial performance of the 2001 Business Ethics Best Citizen **companies was significantly better** than that of the remaining companies in the S&P 500 Index, based on the 2001 BusinessWeek ranking of total financial performance. The ranking was based on eight statistical criteria, including total return, sales growth, and profit growth over the one-year and three-year periods, as well as net profit margins and return on equity.

2. Reduced Operating Costs: Some CSR initiatives can reduce operating costs dramatically. For example, many recycling initiatives cut waste-disposal costs and generate income by selling recycled materials. In the human resources arena, flexible scheduling and other work-life programs that result in reduced absenteeism and increased retention of employees often save companies' money through increased productivity and reduction of hiring and training costs.

3. Enhanced Brand Image and Reputation: Customers are often drawn to brands and companies with good reputations in CSR-related areas. A company considered socially responsible can benefit both from its enhanced reputation with the public as well as its reputation within the business community, increasing a company's ability to attract capital and trading partners.

A 2001 Environics International CSR Monitor survey showed that the **factors most influencing public impressions of companies were social responsibility** (49%); brand quality/reputation (40%); and business fundamentals (32%). The answers in the survey represent the percent of respondents mentioning these factors as one of their top two.

4. Increased Sales and Customer Loyalty: A number of studies have suggested a large and growing market for the products and services of companies perceived to be socially responsible. While businesses must first satisfy customers' key buying criteria - such as price, quality, availability, safety and convenience - studies also show a growing desire to buy (or not buy) because of other values-based criteria, such as "sweatshop-free", "child-labour-free" clothing, "trade union made", lower environmental impact, and absence of genetically-modified materials or ingredients.

A 2001 Hill&Knowlton/Harris Interactive poll showed that 79% of Americans take corporate citizenship into account when deciding whether to buy a particular company's product; 36% of Americans consider corporate citizenship an important factor when making purchasing decisions.

A 2002 Cone Corporate Citizenship Study found that of U.S. consumers who learn about a firm's negative corporate citizenship practices, 91% would consider switching to another company, 85% would pass the information to family and friends, 83% would refuse to invest in that company, 80% would refuse to work at that company and 76% would boycott that company's products.

5. Increased Productivity and Quality: Company efforts to improve working conditions, lessen environmental impacts or increase employee involvement in decision-making often lead to increased productivity and reduced error rate. For example, companies that improve working conditions and labour practices among their suppliers often experience a decrease in merchandise that is defective or can't be sold.

6. Increased Ability to Attract and Retain Employees: Companies perceived to have strong CSR commitments often find it easier to recruit and retain employees, resulting in a reduction in turnover and associated recruitment and training costs. Even in difficult labour markets, potential employees evaluate a company's CSR performance to determine whether it is the right "fit".

A survey conducted by The Aspen Institute Initiative for Social Innovation through Business between 1999 and 2001 found more than half of students would seek another job if they found that their values conflicted with the business where they work.

7. Access to Capital: The growth of socially responsible investing (SRI) means companies with strong CSR performance have increased access to capital that might not otherwise have been available.

The Region of Umbria in central Italy has introduced a law giving preference for government contracts with companies that have been certified as being in compliance with the SA8000 Standard. The regional government is creating a dedicated registry of SA8000-certified companies, and those companies will be given priority for tenders for public works or for supplying goods and services as long as they meet cost and quality specifications.

8. Working conditions/workers rights:

For employees CSR should include investment in **lifelong learning**, including training, paid educational leave and accredited qualifications.

A commitment to work-life balance with positive dialogue to create the circumstances where a real difference in addressing the **balance between work, home and leisure** can be made. Inserting human rights in the company policy papers and practices is **important especially for women** and the other vulnerable groups, because such companies pay much more importance to promote non-discrimination of employees on any basis.

Such companies might be good in promoting policies of **reconciliation of work and family** responsibilities, which can substantially improve working and living conditions of women. Furthermore, if the company takes care about environmental issues, it is to assume that the **health and safe conditions** for workers would be better. Finally, if the company promotes sensitivity for poor in the world, it could be considered that it would create socially **sensitive policies** and schemes for its own employees.

Most of such companies understand that employees tend to engage in behaviour that is recognized and rewarded and avoid behaviour that is penalized. The **system of recruiting, hiring, promoting, compensating and publicly honouring employees,** with a special emphasize on the most disadvantaged workers - **women and the other vulnerable groups** - can be designed to promote corporate social responsibility.

Inclusion of the fundamental labour standards (at least the eight basic conventions of the International Labour Organisation) is becoming quite fashionable, but when being publicly and practically announced, it helps for them to be implemented, which includes the **right on organising and the right on collective bargaining,** what is of utmost importance for trade unions. Companies which introduced CSR usually do not reject collective bargaining.

Aside from having strong trade unions, many European countries introduced specific models of workers' participation bodies (consultation; self-management; co-determination etc.) in the decision-making process. While in Denmark and Belgium, for example, there are well functioning bi-partite models, in Germany, Slovenia, Croatia etc. there are works councils representing workers' interests. Such bodies have **better environment for the work of workers participatory bodies** in the companies that introduced CSR.

(Source: Workers' Tool or PR Ploy (trick): A Guide to Codes of International Labour Practice, Third Revised Edition, by Ingeborg Wick, Friedrich Ebert Stiftung)

Codes of conduct enable workers to strengthen their power in factories where globalisation pressures have caused them to lose ground during the past 30 years, but only if they know their advantages and limitations. Codes of conduct can be useful tools to implement social standards if they fulfill certain conditions and are part and parcel of broader political activities.

IMPORTANT!

1. The model of corporate social responsibility was *born on the basis of trade union achievements through the decades of trade union struggle, strikes and collective bargaining.*

2. *CSR cannot just be voluntary.* All current models of CSR are based on a voluntary process that aims at promoting good practices going beyond national legislation. However market forces alone clearly do not suffice to make companies socially responsible. The largest global trade union associations, like ICFTU/International Confederation of Free Trade Unions and WCL/World Confederation of Labour, and ETUC/European Trade Union Confederation, firmly state that the voluntary initiatives serve well to drive standards upwards, but this must then be complemented by legislation that will bring up the bottom line and ensure that companies putting in place CSR are not subsequently penalised in competition by those who are not. An example of where legislation is clearly needed is for instance in the establishment of a system of *Annual Social Reporting* in the EU, requiring all European companies to observe internationally recognised standards.

If there are no mechanisms for legal enforcement of CSR, this entire story fails to be relevant. Companies continue doing exactly what they want or not doing what they declare in their schemes and paper policies. Trade unions believe we are moving from a self-regulatory context, in which multinationals set their own rules, to a context in which regulation by the public authorities becomes possible.

3. Companies operate on a global level and therefore so must CSR. For instance, any scheme created within the EU must not only address the activities of companies within the member states, but also their activities, those of their suppliers and subcontractors, in all third countries. *Companies cannot be 'rewarded' for complying with social standards in their own country if they are violating basic labour and social norms in other parts of the world.*

4. Trade unionists are very positive that any CSR system must place the *Core Labour Standards,* set out in the ILO Declaration on Fundamental Principles and Rights at Work (1998) and enshrined in the 8 ILO conventions, as the minimum entrance criteria for any scheme. Core Labour Standards are the foundation for the protection of basic labour rights in all regions where the company is active. These incorporate the *four basic rights at work, which are the rights to organise and bargain collectively, to refuse forced labour, to reject child labour, and to work free from discrimination* (including discrimination against women). This includes abiding by the national legislation on the minimum wage requirements.

5. *The rights to freedom of association and collective bargaining are the basic framework in the empowerment of workers to act for their own collective rights* - that is why trade unions are central to any CSR policy. The most effective way to guarantee workers' rights in the long-term is to open the door for the freedom of association in free trade unions and collective bargaining. *Trade unions must be involved in the definition of criteria and in the monitoring of any CSR policy.*

Trade unionists strongly oppose self imposed codes of conduct only by the managements of the companies. They have to be fully integrated in the creation of such important documents.

EXCERPTS

INTERNATIONAL CONFEDERATION OF FREE TRADE UNIONS
EIGHTEENTH WORLD CONGRESS
Miyazaki, 5 - 10 December 2004

SOCIAL RESPONSIBILITIES OF BUSINESS IN A GLOBAL ECONOMY

In addition to regulation and corporate governance, **the most important instrument to increase the positive social impact of business is collective bargaining**. International business activity and the changing organisation of business pose particular challenges to effective exercise of the right to organise and to collective bargaining…

Congress notes that in the period since the 17th ICFTU World Congress, corporate social responsibility (CSR) has been presented as a new form of business ethics, based on the declared moral responsibility of enterprises to take into account the impact of their activities on other elements in society. CSR is most often defined as a voluntary concept, involving responsibilities identified unilaterally by enterprise management. **Congress insists that business has no political legitimacy to define, on its own, its responsibilities to society.** The processes of technical standard-setting associated with the International Organisation for Standardisation (ISO) are increasingly imitated by organisations created to set CSR standards. These processes of standard-setting are inappropriate means to establish social responsibility. Congress warns that business may use CSR to redefine or reinterpret its responsibilities, and emphasises that private standard-setting cannot be allowed to substitute for the proper role of the International Labour Organisation or of government.

Congress finds that **trade unions must not take an uncritical or a dismissive approach to CSR**. CSR cannot be an objective or an end in itself, as the protection and advancement of workers cannot be based on a concept that centres on the role of management. On the other hand, **CSR can provide trade unions with opportunities to engage companies about the social impact of their business activities**. There is a proliferation of voluntary private initiatives, public-private partnerships and statements of ethical principles in the name of CSR, and a growing industry of enterprises offering services to business and investors. CSR is increasingly being incorporated into the policy and programmes of governments and intergovernmental organisations. CSR cannot be ignored because it can lead to changes in the environment in which workers and their trade unions relate to employers, business organisations, non governmental organisations, governments and international organisations.

Congress declares that CSR must not be permitted to be used as a substitute for the proper role of government or for trade unions. Congress recalls that regulation is necessary because the business case for responsibility and paternalism are neither sufficient nor sustainable. **Congress also declares that willingness to engage in social dialogue, a commitment to having good industrial relations and an open and positive attitude toward trade unions are among the most important and universal social responsibilities of business**. Legal and regulatory frameworks, including sound corporate governance, together with the institutions of collective bargaining and industrial relations, will remain decisive in holding management accountable and ensuring responsible business behaviour.

A15

Activity 15
WHAT DO TRADE UNIONS AND WORKERS GAIN FROM NEW CHANNELS?

Aims:

- To discuss how trade unions can use CSR

Method:

- Discussion

Tasks:

1. Listen to the presentations given by your fellow participants
2. Plenary discussion on:
   - Do you find CSR useful for improving of work and living conditions of workers and their families?
   - Do you find it dangerous for trade unions? If yes, why?

Time: 60 min.

Trainer's notes:

NOTE!

1. *Prepare a day in advance! As an introduction to this exercise ask for 3 volunteers to work on CSR (Handouts 17 and 18). Have a meeting with them and ask them to divide the text from the three Handouts among themselves and prepare their parts for a short presentation (app. 30 min. in total). Ask them to use visual aids (poster(s) or slides/transparencies, etc.). Ensure they understand their task.*
2. *Three short presentations by the volunteers (make sure that all the important points from Handouts 17 and 18 have been introduced, if not, add them yourself)*
3. *Start the discussion (use questions from task 2)*
4. *For question 2 you may wish to use the "brain-storming" method in order to make a list of dangers connected to CSR.*
5. *Sum up by underlining the most important issues on CSR and also stress the dangers for trade unions.*

Total time: about 60-75 min. (including presentations by volunteers and the discussion)

PART 3

WORKERS PARTICIPATORY MODELS AT COMPANY LEVEL

H 18

HANDOUT 18: Work(er)s Councils

Works councils or similar bodies represent the employees in a single workplace. In most Central and Eastern European countries, employee representative bodies/councils are established at the employees' initiative, usually by secret ballot, and council members are elected by employees in the workplace, generally for a fixed term. In most cases, employees do not have to be union members to elect council representatives, and representatives do not have to be affiliated with a union.

The extent to which there is a division of labor between unions and councils varies by country. In theory, if both a union and a council exist in the workplace, councils control workplace-specific issues such as hours of work, overtime, training, promotion, discipline, and redundancy. Unions oversee wage bargaining. When only one is present, either unions or a council, the representatives exercise all rights except collective bargaining, which is solely the domain of unions.

Trade unions might run for the election with their special lists and get their representatives being elected. If they win, it makes their representatives being informed, consulted and able to influence the company policy. It could be **just another channel for representing workers** interests and combating for improvement of the working and living conditions of the employees.

Similar to union officials, employee representatives are usually **protected from any discrimination** by the employer during their active service on the council. Employers are not required to take an active role in the establishment of the councils; however, employers must provide adequate favourable conditions for the establishment and ongoing functioning of the councils.

National labour laws in Central and Eastern Europe provide for different employee thresholds at which creation of a council becomes mandatory. Once established, a typical council has three or more members, depending on the employee headcount at the company. In the EU, the Directive on National Level Information and Consultation allows Member States to use either "undertakings with at least 50 employees" or "establishments with at least 20 employees" as the threshold at which establishment of a works council becomes mandatory.

Employee representatives have information, consultation, and "codetermination" rights. **Codetermination** refers to the council's right to participate in decisions relating to the business. The extent to which employers must inform employees and/or consult or share decision-making with employee representative bodies on various business matters varies by country. In general, under **information rights,** management is required to give specified information to the council. In most Central and Eastern European countries, this includes the company's financial results (actual and projected) and any activities or events that could have an impact on employees (for example, a change in the legal form of the company).

Consultation rights oblige management to inform the council before a decision is taken, to wait for a considered response or counterproposal, and to take the response in consideration when making the final decision. Whenever an employer's action results in a collective dismissal, employee representatives must be informed and consulted. In addition, employee representatives may have the right to be informed on matters related to employment plans (for example, recruitment strategies, selection criteria, part-time arrangements, allowed number of fixed-term contracts, etc.), changes in working time, organizational structure, health and safety rules in the workplace, and any terms and conditions of employment.

Unfortunately, instead of entering into collective agreements, some companies prefer to make direct agreements with the works council (e.g. Hungary). Company-specific arrangements, in the form of 'personnel guides', drafted with or without consultation with the trade union, are becoming increasingly popular. An important difference between collective agreements on one hand and agreements with the works council on the other is that the latter do not necessarily apply imperatively to individual employment contracts.

IMPORTANT: It is not possible to arrive at a collective agreement with a works council instead of a trade union. The works council is a body within the organisation and is therefore not an independent negotiating party. Besides, only those associations in possession of full legal rights are allowed to conclude collective agreements; the works council is not an association. Additionally, treaties limit works councils from acting independently in such a way as to overlap with the activities of trade unions. The works council may not undermine the position of trade unions.

H 19

HANDOUT 19: Work(er)'s Councils: Situation in your Country

CASE STUDY
SAMPLE

CROATIA: From self-management to co-determination

In Croatia (as part of former Yugoslavia) some rudimentary practice of social dialogue existed even during the socialism period. Workers participation model ("workers self-management") was established in June 1950, and became one of the founding models for today's European works councils. The substantial difference was that it was a fake participation model, a nice frame without real power on the workers' and employers' side, which lay in the hands of political oligarchy.

The first self-management system was developed in such a way that it applied also to public occupations and the community, and particularly by being transferred from the company level to its lower structures, units. By 1961 self-management had become dominant in all the areas of human activity. An employee worked with the production tools in the system of social ownership, thus having a two-fold role: that of a producer-manager and a producer-executive.

Nevertheless, the Croatian workers participation model has been preserved and further developed, being only narrowed down to two interest sides at the company level: every three years, workers (mostly nominated by trade unions) elect their representatives to works councils which have certain informative, consultant, advisory, supervisory and negotiating rights. The majority of the councils are controlled by the unions and are the extended hand of the union influence. They are obliged by the law to maintain regular communication with the management/employers side and to find peaceful solutions to possible conflicts.

In January 1996 trade unions succeeded in having introduced new legal provisions into the Labour Law, namely - workers participation in the decision-making through works councils, establishment and activity of trade unions, collective agreements, peaceful settlement of collective labour disputes, strike, establishment and activity of the Economic and Social Council as a national tripartite body, etc. Works council can be established in companies employing minimum 20 workers on a regular basis, however employees in the state administration bodies do not have the right to found works councils. This is a right, not an obligation, and if a trade union active in the company or at least 10% of the employed do not launch an initiative for it, there will be no elections. The council, once elected, has the right to control the application of all regulations adopted in favour of the employed and the payment of social security contributions by gaining access to the relevant documentation; it has the right to be informed by the employer every three months about the business and the performance of the company; it has the right to be consulted before any decision affecting the economic and social interest of workers is made; it has the right to participate in the decision-making on a dismissal of a member of the works council, a disabled worker, worker over 60 years of age (women over 55 years

of age), or a trade union shop steward. Members of works councils have the right to work for the council six hours a week during their regular working hours, and the employer is obliged to provide the necessary working conditions (premises, equipment, staff, etc.). The works council has the right to sign different agreements with the employer, e.g. about working conditions, unless these issues are already covered by collective agreements.

The new legislation introduced in Croatia in January 2003 stipulates that employers have to introduce a workers' representative seat on the supervisory board of a company employing over 200 workers, as well as in a company 25% of which is owned by state or local/regional authorities. If there is no works council in the company, the representative will be elected directly by workers in a secret ballot.

Since 1996 another parallel participatory model has been introduced for health and safety representatives who are elected every three years and deal with working conditions. These representatives are mostly nominated by trade unions. Finally, at the company level, there are regular trade union organizations ("commissioners") as the only body which has the collective bargaining right and quite often they successfully sign one, two or three-year collective agreements which regulate salaries and other workers rights.

Trainer's notes:

1 The above case study from Croatia is just AN EXAMPLE. For your national seminar you should prepare YOUR OWN PRESENTATION of the national situation, regarding work(er)s councils, including the following:
-national legislation
-trade union policy
-practice, etc.

2 For this session invite a guest speaker and an expert working at a works council who could present the national framework to the participants. If there are no works councils in your country, invite a trade union leader who can explain why this is the case and the implications of the situation for trade unions.

H 20

HANDOUT 20: CEE Countries PROS AND CONS

The relationship between labour organizations and participatory representation through works councils is an East European dilemma. There are, from country to country, varieties of recent answers between rejecting it and copying it. Experience in some countries like Slovenia and Croatia is pro-participatory, in Hungary it is not. Furthermore, it has to be remembered that various participatory bodies existed in most CEE candidate countries, and workers had a rather mixed experience of these structures. Although they have been dismantled, these bodies still to some extent cast a shadow on any seemingly similar institutions. Workers' modest interest in the issue, and the infrequency of initiatives to establish works councils when the relevant legal framework is provided, can be partly traced back to this negative past experience.

The transposition of the Community acquis relating to workers' information and consultation rights has prompted the **Czech Republic** and **Slovakia** to introduce works councils.
An amendment to the Czech Labour Code in 2000 has made it possible to establish works councils in enterprises with at least 25 employees, where no trade unions operate. Should any trade union emerge in the enterprise, the works council has to be dismantled. The only power of works councils is to be the channel for workers' rights to information and consultation as set out in the Community acquis relating to 'labour law' (e.g. transfers of undertakings or collective redundancies). In smaller enterprises, a workers' delegate may be elected, whose rights are identical to those of the works councils. The introduction of these new institutions is not obligatory but optional, and their existence is conditional upon the absence of trade unions.
The provisions are similar in Slovakia, where works councils were introduced by a comprehensive modification of the Labour Code in 2000. The only difference relates to the size of the enterprises covered: in Slovakia the threshold for establishing works councils is 20 employees. In both countries, the new provisions on worker participation came into force on 1 January 2001. So far, no information is available on the number of works councils created and their actual functioning. Interestingly, in the Czech Republic, some employers established works councils without any legal basis in the late 1990s. Their aim was to overcome the contradiction between their obligation to inform and consult workers (as already stipulated in the Labour Code) and the lack of suitable institutional arrangements. These initiatives were strongly opposed by trade unions.

In the **Baltic** countries, the possible introduction of works councils was put on the agenda in mid/late 2000. In **Latvia** and **Lithuania**, for example, trade unions very much opposed the idea set out in the relevant draft legislation that employee representatives should be appointed by employers, believing that this could lead to the manipulation of works councils. Mid 2004 there are still (only) discussions on the draft of the legislation which would introduce works councils in Lithuania. For example, in 1997 the **Polish** government had to withdraw a draft law that provided for the establishment of works councils, due to its firm rejection by both employers and trade unions.

In **Slovenia,** the establishment of works councils (and the election of workers' delegates in enterprises with fewer than 20 employees) is a right granted to workers, and not an obligation imposed on employers. In Hungary, by contrast, the law obliges employers to establish works councils (or to ensure the election of workers' delegates in enterprises with more than 15 but fewer than 50 employees), though no special penalty is stipulated for infringement; etc.

A16

Activity 16
WORK(ER)S COUNCILS: ADVANTAGES AND FEARS

Aims:

-To become aware of the fears with regards to works councils

-To discuss the advantages of having them

Method:

-group work

-discussion

Tasks:

"White group":

1. Make a list of advantages regarding works councils (how unions can use them to their advantage).
2. Select a person to present your report in the plenary. Use slides/transparencies and markers for your report.

"Black group":

1. Make a list of fears (why are unions afraid of works councils?)
2. Select a person to present your report in the plenary. Use slides/transparencies and markers for your report.

Time: 25 min.

Trainer's notes:

1. *After your presentation based on Handout 22, divide participants into two even groups, by distributing white and black pieces of paper (or other white and black objects (e.g. sweets)*
2. *Explain the tasks (the "White group" has to simply list positive aspects and the "black" one - the negative aspects), remind participants about time, reporting, etc.*
3. *Ask for concrete, short reports (5 min. each) which are going to set up the premises for the discussion to follow (20 min.)*
4. *Note: if you have a guest speaker, ask him/her to run the discussion.*

Total time: app. 60 min. (25 min. for group work; 10 minutes for reporting; 20 min. for discussion)

H 21

HANDOUT 21: Health and Safety Committees

Health and safety representatives are pillars of any health and safety system. In most countries, special committees or representatives are exclusively responsible for health and safety questions. Most of these are joint committees (e.g. Canada), but in some countries works councils themselves often appoint a special committee for working conditions (e.g. the Netherlands). The size class of enterprises required to appoint a safety committee or representative in Europe is low (ten to twenty employees), and monitoring this question becomes an important issue for trade union organisation involvement in small enterprises. Representation systems vary considerably between different countries in Europe.

BELGIUM: A health and safety committee must be set up in enterprises with more than 50 employees, whereas a works council is appointed in companies with more than 100 employees. These participatory bodies are vital for a trade union presence in small companies.

CANADA: A joint health and safety committee is composed of people who represent the workers and the employer. Committees identify potential health and safety problems and bring them to the employer's attention. As well, members must be kept informed of health and safety developments in the workplace.

UNITED KINGDOM - The presence of union safety representatives prevents thousands of major injuries at work every year. And there's an army of them out there. TUC Education has trained over 320,000 trade union safety reps; with 10,000 more trained each year. The more trade union training the reps get, the more marked the "union safety effect."

FRANCE: The Act of 23 December 1982 set up the new institution of the CHSCT by merging the former hygiene and safety committee with the former commission for the improvement of working conditions. CHSCTs, which are compulsory in establishments with more than 50 employees, must be consulted before any decision leading to significant changes in working conditions is taken. They are made up of employee representatives, plus the head of the company. There are currently 22,000 CHSCTs in existence, with 140,000 members, and they are present 73% of the companies covered by the legislation. All companies with more than 50 employees are required to have a CHSCT. The presence of trade unions in companies is positively associated with the existence of a CHSCT, since 82% of relevant workplaces which have both a works council and a trade union delegate have a CHSCT, as opposed to just 62% of those with a works council but no union delegate.

SWEDEN: Enterprises with more than ten employees are required to have a representative, and those with more than 50 employees have a safety committee. Due to the a huge number of small enterprises, it became necessary to appoint regional representatives for small enterprises, and at the end of 1990s there were 2000 territorial safety representatives working part time. The Swedish model was adopted by other Scandinavian countries, as well as Italy and France.

REMEMBER!

Health and safety committees or representatives are of huge importance for the presence of trade unions in the companies, especially in the small and medium ones. Of course, their first task is to protect workers against the job risks and to improve health and safety working conditions, but trade unions often use this channel as an important part of their activities, strengthening their position in the company.

A17

Activity 17
HEALTH AND SAFETY COMMITTEES

Aims:
- To discuss how health and safety committees can be used in order to improve working conditions

Method:
- Discussion

Tasks:
1. Based on the information obtained during this seminar and from your own experience, take an active part in the discussion on:
   - How health and safety committees can be used in order to improve working conditions in the company
2. Pay special attention to the following issues:
   - cooperation of the trade union and members of the committee
   - the need to have trade union members on the committee
   - possibilities to use this additional channel in trade union work at the company level.

Time: 25 min.

Trainer's notes:
1. *For this session only, invite someone working for a health and safety committee who could present the legal framework in this field and describe the work of such a committee.*
2. *If you cannot have a guest speaker, perhaps one of the participants works/has worked on the health and safety committee (check this the day before and ask the person to prepare a short presentation)*
3. *In any case stress:*
   - *cooperation of the trade union and members of the committee*
   - *the need to have trade union members on the committee*
   - *possibilities to use this additional channel in trade union work at the company level.*
4. *Open a discussion, to be led by the guest speaker, if possible (discuss the issues from p. 3)*

Total time: 45 min. for both the presentation and the discussion

H 22

HANDOUT 22: European Workers' Councils in Transnational Companies

A European Works Council Directive provides for the establishment of European Works Councils (EWC) in all transnational companies (TNC) with more than 1,000 workers in employment in European Union countries (excluding the UK) where there are more than 150 staff in each national subsidiary. If more than 100 workers in two facilities of the company in different states request the establishment of Works Council, management must establish a special negotiating body with representatives of workers and management. This negotiating Council can agree on the structure of the European Works Council. Shortly, EWCs are bodies for information and consultation between the employer and workers in international firms operating in Europe. They are an alternative channel for trade unions to fight for improving of working and living conditions of the employees.
For EWC to be effective it is very important that the members have a thorough understanding of each other industrial relations background. The understanding of each others' day to day practices as trade unionists and work councils members can be continuously improved, for example, by informal contacts between EWC representatives.
The Directive gives the EWC the right to:
- consultation and information

and two ways to exercise them:
- regular meetings with central management
- additional meetings in the event of exceptional circumstances affecting the employees' interests to a considerable extent.

According to the subsidiary requirements in the Directive, the rights of the EWC to information consists of the right to receive information once per year concerning, among other things:
- structure of the group
- economic and financial situation
- probable development of the business
- production and sales
- situation and probable trend of employment and investments.

In almost all agreements the right to information has been formalised. Additional subjects in the agreements include health and safety, training, equal opportunities and environment. The Danone agreement on **equal opportunities** is a well known example.
Consultation is defined in the Directive and in most national legislation based on this Directive as exchange of opinions and the setting up of a the dialogue. In practice, consultation often means nothing more then the right to ask questions. However, in many EWC this procedure has evolved from a very formal one - often based on written questions to be handed in in advance - to a more open discussion. Moves towards consultation where the EWC can influence events may be seen in a small number of companies. Some case studies also show a tendency towards company specific negotiations on conditions issues, such as share ownership.

Source: Working with the European Works Council. Training materials for the EWC representatives, Sjef Stoop, ETUCO/AFETT, Brussels, 1999 (available on: www.etuc.org/etuco)

Trainer's notes:
This exercise will depend on your group:
a. if no participants come from multinationals - keep it short and informative (a short presentation done by you should suffice)
b. if some participants come from multinationals:
1. *Try to invite to this session a person active in the European Works Council who could describe the work of this body.*
2. *If you cannot have a guest speaker, perhaps one of the participants works/has worked in an EWC (check this the day before and ask the person to prepare a short presentation).*
3. *If neither is possible, prepare a case study (e.g.: by interviewing an EWC rep from your union).*
4. *Open a discussion on using the EWC as another channel through which working and living conditions can be improved.*

Total time: about 45 min. - for both presentation and discussion (depending on the group's interests)

H 23

HANDOUT 23: Other Workers' Representatives/Other Channels

There are different workers representatives models and structures in the European countries. In some countries workers have their representatives in the supervisory boards of the companies, and in the other representatives in the management boards or in the stakeholders bodies. Trade unions usually take care of the establishment of such representatives' seats and influence the work of the decision making body or board via the workers representative.

There are still some unionists rejecting participation in such boards or through workers participatory bodies, as a false alternative to collective bargaining. They do not want to experiment with any alternatives! And the changing world of work and labour calls for changes in bargaining tools and channels. Trade unionists should not be afraid to use all the possible ways to improve working and living conditions if these do not decrease the power of the union itself and if they are not used instead of collective bargaining but rather as its supplement.

SLOVAK REPUBLIC: According to the national legislation, every employer must create a special social fund at the enterprise level amounting to 0,6-1,5 % of the employees' gross salaries. The majority of workers' benefits (e.g. financial hardship support, work or life jubilee, assistance to families with children under 10, bonus for parents with children with disability, etc.) are paid from this fund, and trade unions consider it an important part of collective agreements.

Trainer's notes:
A short presentation by the trainer as a summary of the part 3 of the KIT should suffice. No need for discussion.

APPENDIX 1

Optimal full educational programme based on Kit 1: COMPANY LEVEL

Negotiating Better Working and Living Conditions. Gender Mainstreaming in Collective Bargaining.

DAY 1

Time	Contents of teaching sessions	Duration	Method	Materials	Equipment and stationary	Trainer in charge
9.00-9.30	Introduction to the Seminar: welcome; presentation of aims; programme; technical details, etc.	30 min.	Presentation		OHP + slides (transparencies) with programme and aims	
9.30-10.00	Introduction of participants	30 min.	E.g.: pair work followed by presentations			
10.00-10.15	"Golden rules of trade union training"	15 min.	Brain-storming		Flipchart + markers	
10.15-10.30	**Traditional Collective Bargaining**	15 min.	Presentation	H 1		
10.30-11.00	Coffee break	30 min.				
11.00-11.30	**Importance of Registered Work**	30 min	Presentation followed by discussion	H 2, slides based on H 2	OHP	
11.30-13.00	Activity1: How do you negotiate?	1 h 30 min.	Group work Role play Discussion	AS 1	Paper slips (for group division); flip-chart; designated space for role play	
13.00-14.30	Lunch break	1 hour				
14.30-15.00	Activity 2: What you have to do before collective bargaining	30 min.	Discussion	AS 2 + II 3: Checklist NOTE: Add your legal framework to the Checklist which is under the Activity 2	Flipchart + markers	
14.30-14.50	**Company Identity Card**	20 min.	Presentation based on H4 and case studies	H4; slides based on H4 to be made	OHP	
14.50–16.30	Activity 3: Negotiating for Vulnerable Workers	1 hour 40 min.	Discussion Questionnaire Meta plan Group work	AS3; copies of questionnaire	Sticky-notes; flip-chart; blank slides + markers; OHP	
16.30-17.00	Coffee break	30 min.				
17.00-17.20	**Women's Committee on Company Level**	20 min.	Presentation	H5, slides based on H 5 to be made	OHP	
17.20-	Activity 4: How to build an active women's committee?	1 h	Group work	AS 4	Flipchart, markers	

DAY 2

Time	Contents of teaching sessions	Duration	Method	Materials	Equipment and stationary	Trainer (in charge)
9.00-9.30	Activity 4: How to build an active women's committee? Reporting	30 min.	Reporting		Flipchart, markers	
9.30-9.50	Activity 5: What is gender mainstreaming?	15 min.	Brain-storming	As 5	Flipchart, markers	
9.50-10.10	**CHANGE OF AGENDA 1: What is gender mainstreaming?**	20 min.	Presentation	H6; slides based on H6 to be made	OHP	
10.10	Activity 6: Gender mainstreaming in collective bargaining agenda	1 h 30 min.	Group work Discussion	AS6; copies of case study; H7	Paper slips for group division; flipchart + markers	
10.45-11.00	Coffee break (work groups continue with their work)	15 min.				
11.00-11.40	Activity 6 Continued	cont.	Reporting and discussion		Flipchart and markers	
11.40-12.10	**CHANGE OF AGENDA 2: Workers with family responsibilities – family friendly collective agreements**	30 min	Presentation followed by discussion	H8; slides to be made based on H8	OHP	
12.10-13.00	**Collective bargaining Checklist: Issues of special interest to workers with family responsibilities**	45 min. (max 60)	Presentation with involvement of participants	H 9, slides based on it	OHP	
13.00-14.30	Lunch break	1 hour 30 min.				
14.30-16.10	Activity 7: Gender sensitive collective bargaining	1 h 40 min.	Questionnaire Meta plan Group work	AS 7; Questionnaire	Small pieces of paper; hat or basket; sticky-notes; NOTE: prepare a questionnaire on flipchart paper in advance!	
16.10-16.30	Coffee break	20 min.				
16.30-16.45	**ILO standards for workers with family responsibilities**	15 min	presentation	H 10; slides to be made based on it	OHP	
16.45-18.00	Activity 8: ILO standards concerning workers with family responsibilities	1 h 15 min.	Individual work Brain-storming; Group work	AS 8; ILO Convention No. 156	Flip-chart; blank slides; markers: OHP	

DAY 3

Time	Contents of teaching sessions	Duration	Method	Materials	Equipment, stationary	Trainer in charge
9.00-9.20	**International standards for collective bargaining Summary of ILO principles on the right to collective bargaining**	20 min.	Presentation	H 11 and 12; slides based on them	OHP	
9.20-10.20	Activity 9: ILO Conventions No. 98 and No. 154	1 h	Group work	AS 9, ILO Conventions No. 98 and No. 154	Small pieces of paper (two colours) for group division; flip-chart; markers	
10.20-11.00	**Why is collective bargaining important**	40 min	Presentation with involvement of participants	H 13; slides based on it	OHP	
11.00-11.30	Coffee break	30 min.				
11.30-11.50	Activity 10: Globalization: What does it mean for me?	15 min.	Individual work		Large sticky-notes; flipchart	
11.50-12.20	**GLOBALISATION – What is collective bargaining like today?**	30 min	Presentation	H 14; case studies	OHP	
12.20-13.00	Activity 11: Globalisation and collective bargaining	1 h 20 min.	Group work	AS 11;	4 types of small "cards" with different pictures on them; blank slides; markers; OHP	
13.00-14.30	Lunch break	1 h 30 min.				
14.30-15.00	Activity 11 Continued: Reporting	30 min.	Reporting		OHP	
15.00-15.20	Activity12: Women in globalization	20 min.	Discussion	AS 12; H 15 cut into separate statements/slips	Prepare a set of statements	
15.20	Activity 13: Finding alternative channels for collective negotiating	1 h 15 min.	Group work Case studies	AS 13; four sets of case studies	Flipchart; markers; basket or hat	
16.00-16.30	Coffee break (groups may continue working during the break)	30 min.				
16.30-17.00	Activity 13 continued: Reporting	30 min.	Reporting		Flipchart	
17.00-17.20	**Different voluntary initiatives**	25 min.	Presentation	H 16, and slides based on it	OHP	
17.20-18.00	Activity 14: Voluntary initiatives – new tools for trade unions?	40 min.	Discussion	AS 14		

DAY 4

Time	Contents of teaching sessions	Duration	Method	Materials	Equipment, stationary	Trainer in charge
9.00-10.00	**ADDITIONAL CHANNELS** Activity 15: What can trade unions and workers gain from the new models? **Corporate Social Responsibility Model**	1 h	Presentations by 3 volunteers; Discussion	AS 15; H 17	OHP; slides, markers, flipchart	
10.00-10.30	**WORKERS PARTICIPATORY MODELS AT COMPANY LEVEL** **Work(er)s councils**	30 min.	Presentation by a guest speaker	H 18, 19, 20		
10.30-11.00	Activity 16: Work(er)s councils: advantages and fears	1 h 10 min.	Group work Discussion	AS 16	OHP, slides, markers	
11.00-11.20	Coffee break (group work may continue during the break)	20 min.				
11.20-12.00	Activity 16 Continued - Reporting	30 min.	Reporting Discussion		OHP	
12.00-12.20	**Health and safety committees**	20 min.	Presentation by a guest speaker	H 21	OHP	
12.20-12.45	Activity 17: Health and safety committee	25 min.	Discussion			
12.45-13.30	**European Works Councils**	45 min.	Presentation by a guest speaker (and discussion)	H 22	OHP	
13.30	**Other Worker's representatives/ other channels**	15 min.	Presentation and Summary	H 23	OHP	
13.30-14.00	Closing and evaluation.	30 min.	Presentation; Individual work and Discussion	Evaluation forms		
14.00	lunch					
	Departure of participants					

EXPLANATIONS:

Duration - total time of the training session
Method - teaching method to be applied for this part of the training
Materials: written materials (handouts, activity sheets, case studies, resource materials, etc.)
Equipment & Stationery - list of technical equipment, stationary, etc. to be used during this part of the training
Trainer - write the name of the trainer who is to deliver the presentation/explanations, etc. (in charge of a given topic, activity, etc.)

H 1 - Handout number 1
AS 1 - Activity sheet number 1
OHP - Overhead projector

NOTE: *instead of using slides/transparencies and OHP to illustrate your presentations you may wish to prepare a PowerPoint presentation (remember that you need to ensure special equipment for that!)*

APPENDIX 2

Sample Evaluation Form

Please tick ONE answer (on a scale 1-5)

1. Have the aims of the seminar been achieved?
1……2……3……4……5

2. How would you rate the contents of the seminar?
1……2……3……4……5

3. How would you rate the general level of the seminar?
1……2……3……4……5

4. How supportive and useful were the written materials?
a/ Activity sheets
1……2……3……4……5

b/. Handouts
1……2……3……4……5

1. How would you evaluate teaching METHODS used during the seminar?
1……2……3……4……5

2. How useful were the presentations given by the trainer(s)
1……2……3……4……5

3. Please indicate level of TEACHING:
1……2……3……4……5

4. Please indicate the relevance of this seminar to your trade union work:
1……2……3……4……5

5. Weak points of the seminar:
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……
……

6. Strong points of the seminar:
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……

7. Organisation of the seminar (accommodation, meals, room, etc.):
1……2……3……4……5

8. Please feel free to write any other comments concerning the seminar:
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……
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THANK YOU!