

Principle 9: Worker Representation is Respected

Workers have the right to freedom of association. In countries where the right to freedom of association is restricted under law, companies should recognize the right of workers to develop alternative means for independent and free association and to communicate and promote their rights and welfare.

Introduction

Applying the Building Responsibly principles in practice will be unique in every instance. This guidance note offers discussion around the potential issues and challenges faced and offers suggested good practice options for the implementation of each principle in the Key Components for Consideration section.

Worker representation, which is based on values such as transparency, collaboration, engagement, participation, consultation, and inclusiveness, is generally governed by local laws allowing workers to voice their concerns and represent their interests. In many countries where relevant local law falls short in protecting worker representation and association, companies seek to provide alternative ways for workers to represent and voice their interests. Having a means to engage in open and transparent discussions with workers is key to maintaining a safe, healthy, and productive work site and accommodation.

Key Terms and Definitions

- » *Freedom of Association:* The right of workers to form and join, or not join, organizations of their own choosing for the representation of their own interests.
- » *Worker Representation:* Any system or committee set up, on site, or at the company level, to address workers' concerns on various topics including living and working conditions, health and safety, and payment of agreed wages and benefits.
- » *Worker Representative:* Workers who represent legitimately and inclusively the interests of other workers.

Key Challenges

Restrictive Laws

In some countries, freedom of association is limited and may even be prohibited by law. In such instances, workers do not have access to legally protected forms of representation that would enable them to voice their concerns without fear of reprisal. As a result, companies may face challenges in developing communication mechanisms to enable the voice of their workforce and sufficiently capture the concerns of workers.

Inclusive Representation

The legitimacy or inclusiveness of worker representation and the capacity of worker representatives to represent others in diverse environments may present a challenge. Specific challenges may include:

- Ensuring appropriate representation for minorities, women, or vulnerable groups within the workforce
- Accounting for cultural and language differences
- Ensuring appropriate representation for different employment categories or worker classifications (e.g. craft, local, migrant, expatriate, seconded/posted workers)

Casual Labor

On some projects, casual workers may be recruited for short-term, low-skill work. These workers are seldom represented within traditional forms of worker representation and generally lack knowledge or information about their rights.. This is often the case when casual workers are migrants. In addition, as they do not have a long-term contract in place, they are more vulnerable to retaliation and may therefore be afraid to speak up.

Key Components for Consideration

- ☑ Companies should establish a culture of trust and ensure genuine, inclusive worker representation that accounts for differences and that values the contributions of all workers.
- ☑ Companies should respect workers' freedom of association and identify any barriers to inclusive worker representation, such as laws prohibiting representation or cultural norms that may inhibit certain workers from voicing concerns and should identify mitigation strategies to overcome these challenges,
- ☑ Companies should identify vulnerable groups of workers on the project site and develop appropriate lines of communication with these groups. These could include worker forums or issue-specific committees.
- ☑ Companies should ensure that the project has appropriate governance mechanisms in place (rules, policies, processes) to safeguard worker representation. These might include a code of conduct, a non-retaliation policy, and a grievance mechanism.
- ☑ Companies should ensure that language and literacy, or other social drivers, are not barriers to worker representation, especially for migrant labor groups.
- ☑ Where possible, companies should encourage its supply chain to adopt open communication with workers and their representatives.
- ☑ Where possible, companies should engage local stakeholders and support industry to bring local law in line with internationally accepted labor standards and to remove barriers to worker representation.

Tools and Resources

- » [ILO Helpdesk on Freedom of Association](#)
- » [ILO Good Practice on Freedom of Association](#)

About Building Responsibly

Building Responsibly is a group of leading engineering and construction companies working together to raise the bar in promoting the rights and welfare of workers across the industry. We have come together to foster and ensure a better working environment for workers in the engineering and construction sector. Doing so will allow us to more effectively respond to client, stakeholder, and regulatory expectations and manage a healthier, more productive workforce.

For more information and resources to support implementation of these Principles, visit www.building-responsibly.org.