

Labor Toolkit

V.2 September 2008

How to use this toolkit

This toolkit aims to assist environmental and social specialists at IFC to assess the risk of likely issues under PS2 in relation to projects, to assess compliance and then to determine likely action points that need to be taken in relation to non-compliances. The toolkit follows four sequential phases: Risk > Assess > Action > Monitor.

Risk

The first stage involves the use of risk assessment tools and guidance to consider whether the project is in a particularly high-risk country, sector or location with regard to labor issues and then determine what the main issues for further assessment with the project sponsor are. In this section the toolkit uses broad questions to elicit information which should allow you to identify whether there are particular issues – child labour, retrenchment, etc – which need consideration

Assessment

During the assessment phase, the toolkit provides a range of questions that can be addressed to the client, either through questionnaires or directly on site, in order to elicit responses. These questions are organized by reference to the particular thematic issues of PS2. Alongside each question is guidance on how to interpret the answers of the client and the kinds of red flag issues that may arise.

Action

Should particular problematic issues arise, then the action section indicates the kinds of response that project sponsors should be expected to adopt.

Monitoring

A further module will be added to the toolkit which provides for monitoring of project performance.

Adding to the toolkit

The toolkit is intended to be an active living document and should you come across and use assessment points, questions and actions that can usefully be added to the toolkit, please recommend that they should be.



PS2 Risk Overview – General country/sector check

At risk overview stage, we are looking at both the **likelihood** that there will be labor rights violations within a particular project, but also considering the **severity** of any labor rights violations and the degree to which any violations in a project would have an **impact** on IFC. This may involve an overview of a number of risk factors including the potential reputational risks. The risk overview is often a form of a desk based due diligence and country analysis that precede a more detailed PS2 risk assessment.

The key point is that a range of risks and other factors should be considered before deciding how to proceed. Key higher risk matters include:

- **Labor intensive industries** – which are statistically more likely to have labor problems and also are sectors where competitive forces mean that employers are more likely to seek to reduce labor costs as much as possible, which can trigger labor rights violations
- **Migrant workers** will often be subjected to discrimination and may also be recruited under arrangements that may be considered to involve forced labor
- **Geographical factors** – certain countries or sectors of countries have a clear history of ethnic discrimination, or a high preponderance of migrant workers, or endemic issues with child labor. Similarly, in some countries there are difficulties for workers to organize or a long history of trade union militancy
- **Mining, oil, gas, textiles and agriculture** - in some parts of all of these industries there is likely to be resort to a large pool of unskilled, temporary and migrant labor
- **Construction** – projects involving the construction of new buildings or facilities will often give rise to the risk of dangerous working conditions and involve the use of temporary and migrant workers
- **Retrenchment** – where there are large-scale economic dismissals anticipated this gives rise to a labor rights violation risk; there are also specific obligations placed on the client as a result of PS2 in this regard
- **New recruitment** – where new employment is being created, this is obviously very positive for the community, but carries with it both risks, for example, of discrimination against particular groups and also an opportunities to establish good practice employment relations
- **Sub-contracted labor** - where a client relies to a large degree on sub-contracted labor, this will often be based on the fact that this will reduce labor costs and the client's perceived responsibility for compliance with labor standards. This obviously needs to be addressed as a potential risk on labor issues to IFC.
- **Supply chain** – PS2 requires an assessment of the risk of child and forced labor in primary sectors which provide goods or materials to client undertakings “where labor cost is a factor in the competitiveness of the item supplied”. Many of the supply chain sectors involved in supplying raw materials and primary goods – such as agriculture – constitute the highest risk for both child labor and forced labor of any economic sector. Supply chain risk assessment should also seek to identify potential institutional leverage to ameliorate supply chain labor rights

Risk overview checklist

- Does the client have a good reputation regarding labor issues?
- Is the project located in a high-risk country/region? If so, which issues present a high risk of non-compliance?
- Is the project in a high-risk sector? If so, what are the relevant labor issues which give rise to a risk?
- Is the project located in a high risk area – free trade zones, remote locations, etc
- Is there a history of labor unrest in the region?
- Is there any significant ethnic or gender discrimination in the region / country?



PS2 Risk Overview - General project information check

This document provides an overview of the key information that should be obtained either from the client, investment officer or other sources. It also identifies some, but not all, of the 'red flag' issues and suggestions next step action points

The Workforce

- What is the current and expected size of the workforce?
 - How many are directly employed?
 - How many are indirectly employed, for example through an agent or subcontractor?
 - Will the project lead to a reduction or increase in size of the current workforce? If yes, how many jobs will be lost or created?
 - What proportion of the workforce are migrants?
 - What is the ratio of male and female workers?

ISSUES ALERTS:

High proportion of indirectly employed workers (eg 25%+)
 Recruitment of new workers amounting to more than 15% of workforce
 Dismissal of more than 10% of workforce
 Large migrant workforce

ACTION POINTS

Look at contractor standards (para 16 PS2)
 Look at non-discrimination principles
 Look at issue specific assessment guidance
 Consider retrenchment guidance
 Check migrant workers guidance

Management systems and policies

- What is the name and contact details of the manager directly responsible for HR and personnel management issues?
- Are there any of the following? (if yes, please send a copy to IFC)
 - General human resources policy
 - Any collective bargaining agreements
 - Worker grievance mechanism
 - Disciplinary policy

ISSUES ALERTS:

No direct responsibility for HR issues
 No policies to support management structures
 No grievance mechanism
 Collective bargain should be checked for compliance

ACTION POINTS

Provide guidance on producing policies, including samples
 Check management capacity to put in place satisfactory policies and procedures

Country and employers specific issues

- Are there any special labour law rules that apply to the workplace apart from national law?
- Are there any particular reported labour violations for the sector or country?
- Have any of the following happened in relation the workplace, associated site or your company in general in the last five years?
 - State inspection on labor or occupational health and safety matters
 - Court cases brought by employees or trade unions
 - Labour unrest, strikes or other industrial disputes

ISSUES ALERTS:

Specific labour laws or regimes
 Poor history of labour relations
 Specific sector or country labour issues eg child labour, freedom of association, etc
 Recent state enforcement activity [be more specific, e.g., labor inspections, citations, etc]
 Litigation – either actual or threatened

ACTION POINTS

Further research on national situation
 Consult issue specific assessment tools
 Further information from client on labour relations history or litigation / state enforcement

General Information Check And



Health and safety

- Have you carried out health and safety risk assessments in the last year? Who did it and what were the assessor's qualifications? Please provide copy of report
- Have your company been a subject to state labor or health and safety inspection? If yes, please provide copy of report
- If there are existing operations, please provide accident statistics: number of fatalities, lost time accidents and lost workdays.

ISSUES ALERTS:

Indication of health and safety record
 Poor health and safety record

ACTION POINTS

Request copies of assessments
 Request action plans and reports
 Explore risk issue further

Employee checks / age

- What checks do you carry out in relation to employees when they start work?
- Are there age checks on employees?
- Are any documents retained?

ISSUES ALERTS:

Potential child labour, need to ensure age checks
 Potential discrimination on nationality
 Forced labour implications if docs retained

ACTION POINTS

Check forced and child labour sheets for further action
 Request further info from client

Working hours and terms and conditions

- What is the minimum wage for the project? What procedures do you have to ensure workers are paid on time?
- Does project have a policy regarding working hours? If so, please briefly describe it.
- What are the average working hours worked? Are there circumstances where employees work more than 48 hours in a week?
- How are pay and other terms and conditions set? Is there different pay paid to different categories of workers for the same work?

ISSUES ALERTS:

Non-compliance with basic wages and terms and conditions
 Long working hours or failure to record working hours

ACTION POINTS

Ask for policies to be put in place on working hours
 Check working conditions risk assessment and remediation document for further action

Contractors and supply chain

- Does the project use contractors or subcontractors and what is the policy for their compliance with labour laws?
- Is there a supply chain to the project that may have a risk of child or forced labour?

ISSUES ALERTS:

Subcontractors on site – need to check approach to labour management issues
 Supply chain – need to apply PS2, para 17

ACTION POINTS

Request documentation and arrangement between client and subcontractor
 Need to assess degree of risk in supply chain – see supply chain risk assessment document



General workplace practices and procedures

What are we trying to determine?

- Whether the employer has general human resource policies
- How the employees are contracted
- Whether there is a grievance procedure
- How general employment practices are carried out, including practices on hours, wages, etc

Preliminary risk matters

- Review whether policies requested at initial question stage have been received and follow up with any policy or requested information that was either not provided or which was unclear
- Are there complaints about particular issues, such as payment of wages?
- Is the sector one where there are long hours worked and regular overtime?

Potential questions / guidance on potential non compliance

**Does the client have a human resources policy?
Does it contain sections on:**

- **Entitlement to and payment of wages, permissible wage deductions**
- **Overtime payments, hours of work and any legal maximums**
- **Entitlement to leave for holidays, vacation, illness, injury and maternity and other reasons**
- **Entitlement to benefits**
- **The employees' right to form and join workers organizations of their choosing without any interference or employment consequences and to bargain collectively with the employer**
- **Disciplinary and termination procedures and rights**
- **Conditions of work**
- **Promotional requirements and procedures**
- **Vocational training opportunities**
- **Occupational health and safety, hygiene and emergency preparedness**
- **Other matters covered by law and IFC PS2, which may include the employment of young**

The enterprise should have written human resources policy, including rules describing unacceptable conduct and corresponding disciplinary measures. Where possible, disciplinary procedures should be subject to consultation with worker representatives during their development. Workers who engage in misconduct or perform poorly should be given written warnings and a chance to improve before they are terminated.

Ideally all managers and supervisors should be trained on the content of the policies.

Disciplinary hearings should be operated fairly and workers should have the right to representation.



<p>persons, equal opportunities, etc</p>	
<p>Is there a responsible person or team for human resource matters? Are they familiar with the terms of the human resource policy?</p>	<p>There should be a responsible person in charge of human resource matters. In smaller organizations, this need not be a dedicated post, but should be carried out by someone with sufficient training and/or experience.</p>
<p>How are terms and conditions communicated to the workforce?</p>	<p>Workers should be familiar with and understand their terms and conditions of employment, including period of employment, wages, benefits and procedures for resigning from work.</p>
<p>Are policies communicated publicly? Particularly the grievance policy?</p>	<p>Policies should be made available for all workers. The means may depend on the nature of the workplace involved. At a minimum, they should be posted on notice boards in places which are readily accessible to all employees.</p>
<p>Are all workers provided with basic information about their terms and conditions in a written form or one readily understandable by them?</p>	<p>It is not always necessary for workers to receive a copy of their contract, but it may be a requirement under national laws. PS2 requires that the details of their key employment terms are communicated to workers.</p>
<p>How often are wages paid and in what format? How is the level of wages determined?</p>	<p>National laws or collective agreements may determine how often wages are paid. In general, workers who are paid by the hour, day or week should be paid at least twice a month, and workers paid by the month or the year should be paid monthly. Piece-rate workers should be paid at least twice a month. Non-regular payment of wages may be an indicator of forced labor. Wages should be paid on working days.</p> <p>Wages must be paid in legal tender, e.g. by cheque or electronic transfer. Wages should not be paid 'in kind' – e.g. housing or childcare – unless it is expressly authorized by national laws, awards or collective agreements. Payment of non-cash wages could indicate a form of forced labor.</p> <p>The legally required minimum wage is the higher of that set by competent authorities or</p>



	<p>collective agreement. Minimum wage may differ across regions and sectors. Workers paid by piece rate must be paid at least minimum wage for ordinary hours of work, even if their actual piece-rate earnings are below minimum wage.</p>
<p>Do you keep records in relation to each workers employment and are these available for inspection by IFC if necessary?</p>	<p>This may or not be required by national law, but is always advisable good practice and useful to facilitate inspection of workplace activities.</p>
<p>Does the workplace have a grievance procedure? How many times has it been used in the last three years? How does it function? Provide a copy of the grievance procedure.</p>	<p>IFC PS2 requires that there should be a grievance procedure. Regular use is an indicator that it is known about by the workforce and it should allow for workers to communicate grievances directly to line managers, but also to more senior managers or HR (if appropriate).</p>
<p>How is the grievance procedure communicated to workers?</p>	<p>Workers should have full knowledge of the grievance routes open to them, either by direct communication or through posting of notices about the workplace</p>



Workers' organizations

What are we trying to determine?

- Whether there are labor relations / trade union / worker representation issues in the country or sector (some of this will come from desk based due diligence and country analysis)
- Whether national legislation restricts workers' organizations from operating
- Whether the client has ever been involved in disputes with trade unions or workers organizations
- Whether the client has ever discriminated against individuals on account of their workers' organization affiliation
- Whether there are other workers' organization related issues that need further investigation

Preliminary risk matters

- Consider the guidance on assessing freedom of association issues in Guidance Note 2 (paras G18 – G25 and Annex C on High Risk Practices)
- Determine as best possible the workers' organization situation in the country / sector, including, if possible, union density (% of workforce who are union members)
- Consider any trade union reports in relation to the country or sector
- Run a reputational risk check on general labor issues for the client
- In high risk situations, consider engaging with the relevant sector/country labor organizations

Potential questions / guidance on potential non compliance

<p>Does national legislation or practice restrict the right to form workers' organizations?</p>	<p>Information on this can be gathered from legislative sources or from general research as well as from the client. This is generally limited to a small number of countries.</p> <p>Useful websites to check this information are www.ituc-csi.org and www.ilo.org</p> <p>If so, check with labour resource people at IFC as recourse may be required to parallel means on worker engagement.</p>
<p>Is there a history of workers' organization conflict in the sector or at the workplace?</p>	<p>This can be discovered Information on this can be gathered from general research as well as from the client. A history of problems in labour relations should be taken seriously and should lead to further due diligence checks on the client. A history of problems is more likely to lead to conflict in the future and may be an indicator of poor management practices.</p>



<p>Do workers' organizations operate in the workplace / sector / locality?</p>	<p>The presence of trade unions and worker organizations is a positive sign as it indicates some degree of freedom of association. It will also indicate the degree of likely pressure on this issue should the client prove hostile to trade unions. Attention should also be had to whether there are collective agreements which operate at a sectoral or industry level and can be binding on workplaces.</p>
<p>Does the client recognize or negotiate with one or more workers' organizations? If yes, how many unions, which unions and how many workers are covered by the process?</p>	<p>The employer must not impose a monopoly on workers organizations. A national law may allow an employer to privilege the most representative organization (e.g. for collective bargaining) as long as the intent is not to undermine freedom of association. However, minority organizations should still be able to organize and defend the interests of their members. To this end, all unions in the workplace should have equal access to space for meetings or for posting notices. National legislation provisions need to be assessed if there is perceived to be any issue in this area</p>
<p>How often does management meet with workers' organizations and are the outcomes of the meetings formally recorded?</p> <p>Sub issues Does management consult with unions regarding business decisions having a collective impact, such as workforce restructuring or lay-offs?</p>	<p>If trade union or worker organizations are present but there is not regular dialogue with them, management should be asked to explain why. There may be lawful reasons why they have chosen not to talk with unions, but in general there should be some engagement with representative trade union organizations.</p> <p>It is a sign of positive and healthy employee relations that trade unions are consulted with about major business decisions and, in some cases, this may be a requirement of national law. IFC PS2 requires some degree of consultation where retrenchment is envisaged.</p>
<p>Are workers' organizations allowed to represent individual employees in disciplinary proceedings and the like?</p>	<p>Where employees are members of trade unions, they should be entitled to the representation of that union in relation to individual grievances or disciplinary hearings. If the answer to this question is no, the client should be asked to explain the national law justification for it.</p>
<p>Has the employer ever dismissed someone for:</p> <ul style="list-style-type: none"> • his or her membership of a workers' organization or • his or her activities as a member of a 	<p>This may include demotion or non-renewal of a worker's contract or include instances where the employer has shifted or removed production from one site or closed the production of a unit as a result of worker</p>



<p>workers' organization</p> <p>or faced allegations to this effect?</p>	<p>organization.</p> <p>Other less favourable treatment for individual workers could involve, for example, denying them the opportunity to work overtime, reducing wages or benefits, or changing their conditions of work.</p> <p>If the answer to these questions is yes, then further due diligence is necessary, as such action is contrary to both international standards, national law and IFC PS2</p>
<p>Are there other forms of worker representation within the company, for example staff council, consultative bodies, etc?</p>	<p>Elected worker representatives or committees (these may be required by national law) should not undermine the position of representative and lawfully organized trade unions.</p> <p>In the absence of unions, elected worker representatives should be able to represent workers and be the conduit for matters such as consultation on retrenchment. However, if a union exists, the employer should not try to undermine it by negotiating directly with workers or with elected worker representatives on items which are reserved for unions.</p>
<p>Are workers allowed to meet independently of management?</p> <p>Sub issue Do workers know who their representatives are?</p>	<p>Providing unions with a private space within which to hold their meetings is a good indicator of respect for freedom of association. However, the failure to provide such a space does not necessarily mean that the employer is hampering the organization's activities.</p> <p>If a management representative is frequently present in workers meetings without having been invited for a special reason, this is a strong indicator of a lack of independence. Management representatives should not be involved in the workers' organization's decision-making.</p> <p>If workers do not know who their representatives are, this could indicate that the workers' organization is not truly representative, or that it is not effective. However, this is not a determinative issue, merely one that should be further explored by contact with the client and the union.</p>
<p>Has the employer granted any special privileges to officials or offered finance to the organization?</p>	<p>The granting of special privileges or promotion to leaders or officials may indicate interference with the operation of the workers' organization</p>



	<p>committee. In the same way, financing the organization may interfere with its independence. This should not be confused with some privileges which may be required by national law, such as the granting of facilities and time off to elected officials and representatives.</p>
<p>If there is a collective agreement, how is the contents of this communicated to the workforce?</p>	<p>Employees should be given access to the collective bargaining document, or given the opportunity to learn of its contents. Normal ways include direct communication to workers, posting on notice boards, communication through meetings or other briefings.</p>



Forced labor

What are we trying to determine?

Whether there is a risk that workers are forced to work or to continue to work: which may be evidenced by recruitment practices, debts owed to employers or agents, retention of documents.

Whether the project is tainted by the risk of the use of prison or convict labor.

Whether there is further information that IFC needs to know about employment practices in this regard.

Preliminary risk matters

- Are there reports of forced labor in the country / sector?
- Is the project located near a prison or correctional facility?
- Does the project employ a significant number of migrant workers?

Guidance on answers

- If there are reports of forced labor in the country, it is essential to ensure that, the client has committed to steps to ensure that no forced labour is used in its operations.
- Prison labor may amount to forced labor
- Migrant workers are particularly susceptible to some of the forms of forced labor outlined below

Potential questions / guidance on potential non compliance

<p>Does the agent receive a fee for finding workers for the employer or in assisting in travel from home location to place of work? If so, how much?</p> <p>Sub issues If so, does the payment of the fee comply with national law?</p> <p>Are workers free to terminate their employment, even if they owe recruitment fees to the employer?</p> <p>Are workers free to terminate their employment, even if they owe recruitment fees to a third party?</p>	<p>ILO recommends that the employer should pay the recruitment fee, not the worker. National law varies, particularly with regard to migration. For example, national law may set the level of fees which can be charged.</p> <p>The employer should find out if the worker paid a fee; whether it was a reasonable amount; and how the worker is repaying the fee (e.g. is the agent actually deducting payments from the original debt?). Recruitment agencies are not allowed to charge fees to both the worker and employer.</p>
<p>Does the employer or agent keep documentation belonging to the workers – passports or other official proof of identity – during the course of their employment? If so, for what purpose and</p>	<p>If an employer keeps documentation of workers and these workers do not have free access to the documentation when they wish, this may amount to forced labor. This</p>



<p>how can the employees retrieve the documents?</p>	<p>does not mean that an employer may not retain documents for security purposes, but best practice is to take copies of any documents if necessary and return original documents to the employees.</p>
<p>Are prisoners employed on the project?</p>	<p>If the project involves a private company and prisoners are working on it, it is essential that they are doing so voluntarily and are remunerated at a level in accordance with the appropriate rate for the sector industry.</p>
<p>Are there security guards or other such measures protecting entry to the workplace? Are workers allowed to leave the premises when they wish to? (Subject to disciplinary penalties for leaving in an unauthorized manner)</p>	<p>Workers should be entitled to leave the workplace whenever they wish outside working hours, subject to security matters on remote or dangerous sites.</p>
<p>How does a worker go about terminating his or her employment?</p>	<p>Workers should be able to terminate contracts with a reasonable degree of notice in accordance with national law.</p>
<p>If there are living quarters or employer-provided accommodation, can visitors access the accommodation? What restrictions are placed on this?</p> <p>How much does the worker pay for accommodation and to who? Is the worker required to pay for any other goods or services?</p>	<p>Unless necessary due to the location or community-related issues, the living accommodation should be optional. Visitors should be able to visit living accommodation outside working hours, subject to security and order or decency restrictions.</p> <p>Any charges for accommodation or goods and services levied by the employer should be reasonable and not in excess of prevailing market rates</p>
<p>Are workers forced to work more overtime than is allowed for under national law?</p>	<p>Forced overtime can become a forced labour situation if it includes an element of compulsion, including the threat to fire the worker, and it is beyond the number of hours allowed by national law.</p>
<p>In respect of any contractors providing labor, can you describe the way in which that contractor recruits labor? Are there any written agreements between the client and their contractors prohibiting forced labor and requiring disclosure of the identity of any agents / employment brokers?</p>	<p>The client should check contractors to ensure that they are reputable: this can be done by asking for information about labor inspection or court cases and also checking local newspapers and other sources. If labor unions are present, they could be asked for information. The client should ensure that there are written arrangements to prohibit the use of forced labor and also to disclose the identity of any agents or brokers used.</p>
<p>If there are goods/materials sourced through a</p>	



supply chain – <i>apply the supply chain questions / tools</i>	
-----------------------------------------------------------------------	--



Children, young people and working conditions

What are we trying to determine?

- Whether there is a risk of children working on the project
- Whether there is a risk of young persons (under 18s) doing dangerous work
- Whether there is a risk of either of the above in the supply chain
- The client's policies to seek to prevent or remedy this

Preliminary risk matters

- Is the country and/or sector one where there are reports of child labor?
- Does the operation involve dangerous work for under 18s?
- Are there potential supply chain issues on child labour?

Guidance on answers

- If there are reports of child labor in country, it is essential to ensure that the client has committed to steps to ensure that no child labor is used in its operations.

Potential questions / guidance on potential non compliance

What are the national legislative requirements on child labor?	Determine these in order to get the framework for analysis.
What is the minimum working age for the country?	A worker is under-age if they have not yet reached the legal minimum age for employment. The minimum age for employment under international standards is 15 years, or the age at which compulsory schooling is completed, whichever is higher. National law may set a higher minimum age for employment, in which case the higher age governs. Conversely, international law enables developing countries to temporarily set the minimum age at 14 years.
Does the employer have a policy for checking worker's ages?	While this is not necessarily a legal requirement, an employer without such a procedure in place runs the risk of employing under age workers



<p>Does the employer keep a record based on a document which demonstrates employees' ages (not original document)?</p>	<p>Reliable documents for proof of age may be designated by law or regulations and may include, for example, birth certificates, identity cards, voting records or passports. Medical, school or religious records may be used for cross checking or where other reliable records are not available.</p>
<p>How many workers are over the minimum age for employment but below 18?</p>	<p>Even if there are no workers under age 18, it is still necessary to determine how age records are kept.</p>
<p>What are the jobs carried out by under 18s?</p> <p><i>Sub issues</i> Are workers who are below the minimum age for employment (14 or 15) performing light work in accordance with national laws?</p>	<p>National laws may allow for the employment of workers aged 13 to 15 years to perform light work. Light work is defined as work that:</p> <ul style="list-style-type: none"> • is not harmful to their health or development, and • does not interfere with schooling or vocational training programs. <p>Factors to consider include (amongst others):</p> <ul style="list-style-type: none"> • duration of work, • conditions under which the work is done, and • effect on school attendance. <p>There may be a national definition or guidance. In developing countries, national laws or regulations may allow for workers ages 12-14 to perform light work under those conditions.</p> <p>Workers who are 15 years old, but have not yet completed compulsory schooling also can perform light work under the same conditions.</p> <p>Children under the age of 18, but over the legal age for full-time employment, must not work on hazardous or dangerous work. This includes the following kinds of work: operating dangerous machinery or handling pesticides and chemicals.</p>
<p>Is there a health and safety assessment in relation to the work of children and young people under 18?</p>	<p>It is good practice and often a national requirement that these take place. And also for annual medical checks for young workers</p>
<p>Do under 18s work overtime or at night?</p>	<p>Young workers should not work overtime. They should have at least 12 hours of rest per day and one day off work per week.</p>



<p>For children who work and are under school leaving age, how do their working patterns fit with schooling? What general safeguards are in place for their wellbeing?</p>	<p>National laws may allow for the employment of workers aged 13 to 15 years to perform light work. Light work is defined as work that:</p> <ul style="list-style-type: none"> • is not harmful to their health or development, and • does not interfere with schooling or vocational training programs. <p>Factors to consider include (amongst others):</p> <ul style="list-style-type: none"> • duration of work, • conditions under which the work is done, and • effect on school attendance.
<p>Do children attend agricultural sites with their parents or grandparents?</p>	<p>Where this is the case, extra care should be taken to ensure that there is no actual or hidden child labor</p>
<p>Are children and young people traditionally involved in seasonal work – e.g. harvests?</p>	<p>Where this is the case, extra care should be taken to ensure that the work is not of excessive duration and does not interfere with schooling. In some instances the work will be hazardous and should not be carried out by under 18s</p>
<p>Do children carry out heavy work or work that involves contact with hazards, such as machinery or pesticides?</p>	<p>Hazardous work includes working with dangerous machinery or handling pesticides and chemicals. Young people doing this type of work should be at least 16, have received proper safety training and should be working in accordance with national health and safety laws.</p>
<p>Are migrant workers involved in work? If so, do their children work with them or attend school?</p>	<p>Where migrant workers are involved, there may be a risk that there are few options for the child other than to go to work with their parents. Care should be taken that the children are enrolled and attend school.</p>
<p>Does the supply chain extend into sectors or countries where there is a risk of child labor?</p>	<p>If so, there is a requirement under PS2 that the client should carry out due diligence in relation to the suppliers it uses and whether they have checked or can demonstrate that there is no child labor in their workforce.</p>
<p>Are there written agreements with suppliers that commit the suppliers to not use child labor in their activities?</p>	<p>This is one straightforward step that can be taken to seek to ensure that suppliers avoid the use of child labour</p>



Discrimination

What are we trying to determine?

- Whether there are groups that are likely to be discriminated against by the employer
- Whether the employer has transparent, objective non-discriminatory procedures
- Whether the employer carries out any inappropriate forms of testing
- Whether the employer has policies to prevent / remedy harassment
- What further information and / or commitments IFC require from the client

Preliminary risk matters

- Are there major issues on ethnic or religious tensions or discrimination in the country / region?
- Are there migrant workers employed in relation to the project? (note Migrant Worker resources in this toolkit)
- What are the gender-related forms and levels of discrimination in the country / region / sector?

Guidance on answers

- Discrimination involves treating people differently based on their race, colour, national extraction, sex, pregnancy, religion, political beliefs, social origin, migrant status, health status (e.g. HIV/AIDS), age or disability. In some countries, additional bases for discrimination may be considered unlawful.
- Distinctions based on the inherent requirements of the particular job or task are permissible, though this exception should be applied narrowly.
- Measures to assist or protect some workers may be permissible under international law (for example, maternity protection for women), or under national laws designed to meet the needs of persons who are generally recognized to require special protection or assistance (e.g. preferential treatment to women in hiring in order to remedy the effects of past discrimination).
- In some contexts the discrimination in question may be deeply rooted in the society or culture and may be difficult to challenge. This is not a reason not to address it and to discuss with the client to lengths they are prepared to go in order to fully comply with PS2.

Potential questions / guidance on potential non compliance

What are the main ethnic groups represented in the local area? How does this compare with the ethnic distribution within the company?

This should give general information to assess the general effect of employment policies. If there is a disproportionate number of one group than another in different parts of the organization, this may indicate discrimination, but should be assessed in the light of answers to questions on recruitment, promotion, etc



<p>What proportion of men to women is employed in defined job groups and also at defined seniority levels within the company?</p>	<p>If there is a disproportionate number of one group than another in different parts of the organization, this may indicate discrimination, but should be assessed in the light of answers to questions on recruitment, promotion, etc</p>
<p>Do you anticipate carrying out particular recruitment or dismissal in the near future?</p> <p>Sub issues Is there any evidence that characteristics such as pregnancy, age or race may be a factor with respect to decisions on hiring or dismissal?</p>	<p>Assess the process against principles of transparency, objectivity and clarity. The process should be based on factors unrelated to personal characteristics that do not have impact on the job, ie skills, experience, etc</p>
<p>What is your normal process for hiring new members of staff?</p> <p>Sub issues Do job advertisements or applications refer to or require a particular characteristic such as gender, race or age?</p> <p>Are women asked in interviews whether they are pregnant?</p>	<p>Assess the process against principles of transparency, objectivity and clarity. The process should be based on factors unrelated to personal characteristics that do not have impact on the job, ie skills, experience, etc</p>
<p>What are the overall statistics of the number of workers recruited over the last two years? Provide breakdown by gender, national extraction and any other subdivision.</p>	<p>This will give a general picture of the kinds of issues that may arise if there are major disparities in comparison to the general community at large.</p>
<p>Have you received any internal complaints over issues of sexual harassment or other harassment?</p>	<p>Sexual harassment is unwelcome conduct of a sexual nature and may include physical conduct or spoken words. Harassment in general is unwelcome conduct that creates an intimidating or humiliating work environment (also known as 'mobbing' in some contexts). The employer should have taken steps to address the sexual harassment.</p> <p>The number of complains that have taken place may be an indicator that the process is working, as well as an indicator that there has been some harassment</p>
<p>Do you have a policy to deal with sexual and other forms of harassment?</p>	<p>The policy should set out the steps that the employer must take in relation to complaints of sexual and other forms of harassment.</p>



<p>What is your policy with regard to leave for women who are pregnant?</p>	<p>Measures designed to protect maternity or the health of women are not considered discriminatory. The client should have a policy in place which complies with national law and provides for a basic period or maternity leave, support for breastfeeding and non-discrimination in respect of pregnant women.</p>
<p>Do you ever require women to undergo pregnancy testing? Why? How is this information used? What happens if the employee refuses to be tested?</p>	<p>Pregnancy tests may be required by local law, for example for workers who may be exposed to hazardous chemicals. Health and safety risks for pregnant or nursing women should be addressed.</p>
<p>To your knowledge, what religion(s) do members of the workforce adhere to?</p>	<p>Assess whether there is a potential religious disparity in the workforce or community. If there is, then consider whether there is a need to address this with the client or whether the workforce disparity could be readily explained by non-discriminatory factors</p>
<p>Do you have a policy on the issue of time off and provision of appropriate location for religious devotion and prayer?</p>	<p>Appropriate steps should be taken to provide for this where possible. However, there may be circumstances where there are operational reasons for not putting this in place</p>



General workplace practices and procedures for Financial Intermediaries

What are we trying to determine?

- Whether the employer has general human resource policies
- How the employees are contracted
- Whether there is a grievance procedure
- How general employment practices are carried out, including practices on hours, salaries, etc

Preliminary risk matters

- Review whether policies requested at initial question stage have been received and follow up with any policy or requested information that was either not provided or which was unclear
- Are there complaints about particular issues, such as payment of salaries?
- Is the sector one where there are long hours worked and regular overtime?

Potential questions / guidance on potential non compliance

1. HR Policy and Terms of Employment	
<p>Does the client have a human resources policy? Does it contain sections on:</p> <ul style="list-style-type: none"> • Entitlement to and payment of salaries, permissible wage deductions • Overtime payments, hours of work and any legal maximums • Entitlement to leave for holidays, vacation, illness, injury and maternity and other reasons • Entitlement to benefits • The employees' right to form and join Employees organizations of their choosing without any interference or employment consequences and to bargain collectively with the employer • Disciplinary and termination procedures and rights • Conditions of work • Promotional requirements and procedures • Vocational training opportunities • Occupational health and safety, hygiene and emergency preparedness 	<p>The enterprise should have written human resources policy, including rules describing unacceptable conduct and corresponding disciplinary measures. Where possible, disciplinary procedures should be subject to consultation with worker representatives during their development. Employees who engage in misconduct or perform poorly should be given written warnings and a chance to improve before they are terminated.</p> <p>Ideally all managers and supervisors should be trained on the content of the policies.</p> <p>Disciplinary hearings should be operated fairly and Employees should have the right to representation.</p>



<ul style="list-style-type: none"> • Other matters covered by law and IFC PS2, which may include the employment of young persons, equal opportunities, etc 	
<p>Is there a responsible person or team for human resource matters? Are they familiar with the terms of the human resource policy?</p>	<p>There should be a responsible person in charge of human resource matters. In smaller organizations, this need not be a dedicated post, but should be carried out by someone with sufficient training and/or experience.</p>
<p>How are terms and conditions communicated to the employees?</p>	<p>Employees should be familiar with and understand their terms and conditions of employment, including period of employment, salaries, benefits and procedures for resigning from work.</p>
<p>Are policies communicated publicly? Particularly the grievance policy?</p>	<p>Policies should be made available for all Employees. The means may depend on the nature of the workplace involved. At a minimum, they should be posted on notice boards in places which are readily accessible to all employees.</p>
<p>Are all Employees provided with basic information about their terms and conditions in a written form or one readily understandable by them? Do they receive a written contract?</p>	<p>It is not always necessary for Employees to receive a copy of their contract, but it may be a requirement under national laws. PS2 requires that the details of their key employment terms are communicated to Employees.</p>
<p>How often are salaries paid and in what format? How is the level of salaries determined?</p>	<p>National laws or collective agreements may determine how often salaries are paid. In general, Employees who are paid by the hour, day or week should be paid at least twice a month, and Employees paid by the month or the year should be paid monthly. Salaries should be paid on working days.</p> <p>Salaries must be paid in legal tender, e.g. by cheque or electronic transfer. Salaries should not be paid 'in kind' – e.g. housing or childcare – unless it is expressly authorized by national laws, awards or collective agreements. Payment of non-cash salaries could indicate a form of forced labor.</p> <p>The legally required minimum wage is the higher of that set by competent authorities or collective agreement. Minimum wage may</p>



	differ across regions and sectors. Employees paid by piece rate must be paid at least minimum wage for ordinary hours of work, even if their actual piece-rate earnings are below minimum wage.
Do you keep records in relation to each Employees employment and are these available for inspection by IFC if necessary?	This may or not be required by national law, but is always advisable good practice and useful to facilitate inspection of workplace activities.
2. Employees' Organizations	
Does national legislation or practice restrict the right to form workers' organizations?	<p>Information on this can be gathered from legislative sources or from general research as well as from the client. This is generally limited to a small number of countries.</p> <p>Useful websites to check this information are www.ituc-csi.org and www.ilo.org</p> <p>If so, check with labour resource people at IFC as recourse may be required to parallel means on worker engagement.</p>
Is there a history of workers' organization conflict in the sector or at the workplace?	This can be discovered Information on this can be gathered from general research as well as from the client. A history of problems in labour relations should be taken seriously and should lead to further due diligence checks on the client. A history of problems is more likely to lead to conflict in the future and may be an indicator of poor management practices.
Do workers' organizations operate in the workplace / sector / locality?	The presence of trade unions and worker organizations is a positive sign as it indicates some degree of freedom of association. It will also indicate the degree of likely pressure on this issue should the client prove hostile to trade unions. Attention should also be had to whether there are collective agreements which operate at a sectoral or industry level and can be binding on workplaces.



<p>Does the client recognize or negotiate with one or more workers' organizations? If yes, how many unions, which unions and how many workers are covered by the process?</p>	<p>The employer must not impose a monopoly on workers organizations. A national law may allow an employer to privilege the most representative organization (e.g. for collective bargaining) as long as the intent is not to undermine freedom of association. However, minority organizations should still be able to organize and defend the interests of their members. To this end, all unions in the workplace should have equal access to space for meetings or for posting notices. National legislation provisions need to be assessed if there is perceived to be any issue in this area</p>
<p>How often does management meet with workers' organizations and are the outcomes of the meetings formally recorded?</p> <p>Sub issues Does management consult with unions regarding business decisions having a collective impact, such as workforce restructuring or lay-offs?</p>	<p>If trade union or worker organizations are present but there is not regular dialogue with them, management should be asked to explain why. There may be lawful reasons why they have chosen not to talk with unions, but in general there should be some engagement with representative trade union organizations.</p> <p>It is a sign of positive and healthy employee relations that trade unions are consulted with about major business decisions and, in some cases, this may be a requirement of national law. IFC PS2 requires some degree of consultation where retrenchment is envisaged.</p>
<p>Are workers' organizations allowed to represent individual employees in disciplinary proceedings and the like?</p>	<p>Where employees are members of trade unions, they should be entitled to the representation of that union in relation to individual grievances or disciplinary hearings. If the answer to this question is no, the client should be asked to explain the national law justification for it.</p>
<p>Has the employer ever dismissed someone for his or her membership of a employees' organization or faced allegations to this effect?</p>	
<p>Has the employer ever dismissed someone for his or her activities as a member or representative of a employees' organization or faced allegations to this effect?</p>	
<p>Are there other forms of worker representation within the company, for example staff council, consultative bodies, etc?</p>	



Are employees allowed to meet independently of management?	
Is there a collective agreement, or independent agreements and how are these negotiated?	
Do unionized and non-unionized Employees have the same benefits?	
3. Non-Discrimination and Equal Opportunity	
What is the normal length of service with the company?	
What is the average age of employees?	
What is the retirement age?	
Is there any age limit for recruitment?	
<p>What is your normal process for hiring new members of staff?</p> <p>Sub issues Do job advertisements or applications refer to or require a particular characteristic such as gender, race or age?</p> <p>Are women asked in interviews whether they are pregnant?</p>	<p>Assess the process against principles of transparency, objectivity and clarity. The process should be based on factors unrelated to personal characteristics that do not have impact on the job, ie skills, experience, etc</p>
<p>Have you received any internal complaints over issues of sexual or other harassment?</p>	<p>Sexual harassment is unwelcome conduct of a sexual nature and may include physical conduct or spoken words. Harassment in general is unwelcome conduct that creates an intimidating or humiliating work environment (also known as 'mobbing' in some contexts). The employer should have taken steps to address the sexual harassment.</p> <p>The number of complains that have taken place may be an indicator that the process is working, as well as an indicator that there has been some harassment</p>
<p>Do you have a policy to deal with sexual harassment?</p>	<p>The policy should set out the steps that the employer must take in relation to complaints of sexual and other forms of harassment.</p>



<p>What is your policy with regard to leave for women who are pregnant?</p>	<p>Measures designed to protect maternity or the health of women are not considered discriminatory. The client should have a policy in place which complies with national law and provides for a basic period or maternity leave, support for breastfeeding and non-discrimination in respect of pregnant women.</p>
<p>Do you ever require women to undergo pregnancy testing? Why? How is this information used? What happens if the employee refuses to be tested?</p>	<p>Pregnancy tests may be required by local law, for example for workers who may be exposed to hazardous chemicals. Health and safety risks for pregnant or nursing women should be addressed.</p>
<p>4. Retrenchment</p>	
<p>Does the company anticipate retrenchment of a substantial number of employees? If so:</p>	
<p>How many employees will be laid off (by skill level and type of contract)?</p>	
<p>Describe why there is a need for retrenchment from a business point of view?</p>	
<p>What is the schedule for carrying out the retrenchment process? When will it be complete?</p>	
<p>Has the company already prepared a retrenchment plan?</p>	
<p>5. Grievance Mechanism</p>	
<p>Does the workplace have a grievance procedure? How many times has it been used in the last three years? How does it function? Provide a copy of the grievance procedure.</p>	<p>IFC PS2 requires that there should be a grievance procedure. Regular use is an indicator that it is known about by the workforce and it should allow for Employees to communicate grievances directly to line managers, but also to more senior managers or HR (if appropriate).</p>
<p>Describe the grievance procedure (how can concerns be raised to management, who deals with the concern, who takes action and provides feedback to the employee)</p>	<p>Provide a copy of the grievance procedure</p>
<p>How is the grievance procedure communicated to Employees?</p>	<p>Employees should have full knowledge of the grievance routes open to them, either by</p>



	direct communication or through posting of notices about the workplace
6. Labor Fines and Court Cases	
Has the labor authority given fines to the company related to labor issues?	
Are labor cases been filed against the company in the national/international legal system?	



Child labor – compliance and action guidance

The purpose of this section is to provide compliance guidance in respect of circumstances where there has been concern over the client’s ability to meet the performance standard 2 requirements on child labor.

Issue	Action
Client has no mechanism for checking ages of workers	Client should check documents of all workers at commencement of employment and make a record of information contained in the document. There should be no retention of documents
Young people and children are carrying out dangerous and/or hazardous work	All children and young people under the age of 18 who are carrying out hazardous and dangerous work should be removed from that work immediately – but still kept in employment Risk assessments should be put in place to assess the work of under 18s
Children are working in breach of national legislation / PS2	Obtain an assurance that children and young people shall not be immediately dismissed Obtain names of children and young people so non-dismissal can be verified Assess the tasks children are performing and their working hours and conditions Identify if the child has access to education and, if not, where and how this can be provided Try to identify key local partners to monitor and assist in implementation Work with client to agree time-bound action plan to remove all aspects of unacceptable child labour from the project, ensuring that any children who are dismissed are dismissed with compensation and an agreement for re-employment when they reach the appropriate age Seek out appropriate partners to support educational and other community initiatives Client should put in place an appropriate age checking procedure
Key components of a child labour policy	Client demonstrates understanding and compliance with national minimum age for employment legislation. Client complies with national laws that apply to young workers, i.e., those between the minimum working age and the age of 18, including regulations relating to hiring, working conditions, types of work, hours of work, proof of age documentation, and overtime. If national law requires government or parental permission as a condition of employment, the client keeps documentation on-site for inspection at all times. Client maintains a record of proof of age documentation for all workers, such as a birth certificate or passport or equivalent records, which verifies date of birth. Where proof of age documentation is not readily available, client takes precautions to ensure that all workers are at least the minimum working age, including medical or religious records, or other means considered reliable in the local context.



<p>Key action points in production / retail</p>	<p>Apprentices or vocational students will be at least the minimum working age. Client complies with all regulations and requirements of apprentice of vocational education programs, and will be able to document to monitor that these are legally recognized programs. Childcare facilities will not physically overlap with production or other work areas, and children will not have access to production areas. Children under the local minimum working age will not be allowed in the work area at any time, unless part of a guided school tour or other such unusual event. Children should not visit parents in the factory production areas and any childcare facilities need to be separate. Client has a system for identifying work stations and operations that are inappropriate for young workers according to applicable laws. Client ensures that, all workers engaged in operating or working close to hazardous equipment, working at dangerous heights or lifting heavy loads, or exposed to hazardous substances, are above the legal age for such work. Client requests information of suppliers and contractors on employment of young people Client includes written clauses to this effect in contracts with contractors and suppliers.</p>
<p>Key action points in mining and construction</p>	<p>Client has policy for checking age of workers Client applies checks on whether children working are also receiving appropriate education Client carries out risk assessment on hazards associated with children and young people’s work Client has program for removing any inappropriate child labor in an appropriate manner over a defined timeframe</p>
<p>Key action points in agriculture</p>	<p>Client has risk assessment in place in relation to work carried out by young people under the age of 18 Client ensures that children do not attend the workplace – apart from organized educational visits - and that any childcare facilities are separate Children working as part of family-based agriculture still receive appropriate education</p>



Discrimination – action and compliance guidance

Discrimination at work is both inappropriate, illegal and leads to an underutilization of resources and human capital. In this section we look at the issues that may have arisen during the assessment stage and then consider some of the action that IFC and the client can take in relation to those issues to ensure compliance with IFC PS2.

Issue	Action
<p>Client makes recruitment or other important employment decisions based on personal and arbitrary characteristics which discriminates against a group(s) protected by national law, or nullifies equality of opportunity for that group(s)</p>	<p>Encourage client to adopt clear and transparent procedures and policies for recruitment and promotion decisions where appropriate Explain to client that they should be able to explain the rationale for any decision on employment Employment decisions should be made solely on the basis of education, training, demonstrated skills or abilities.</p>
<p>Client carries out pregnancy testing prior to and during employment and refuses to employ pregnant women. It also has a policy of not recruiting married women.</p>	<p>Client should move to a policy where pregnancy testing is phased out for all reasons except genuine health and safety reasons and should only be carried out in accordance with national law. Information arising from pregnancy testing undertaken voluntarily will not be used as a factor in involuntarily reassigning, firing or making any other employment decision that disadvantages a pregnant woman. There is no economic or legal justification for refusing to employ married women, any such policy should be removed</p>
<p>There is harassment against one group – gender, ethnic, etc – in the workplace</p>	<p>The client should have policies in place to prohibit such behavior and should train both managers and workers on the implementation of this policy.</p>
<p>Pregnant women are engaged at the workplace</p>	<p>Client will not, on the basis of a woman's pregnancy, make decisions that result in dismissal, threat to dismiss, loss of seniority, or deduction of wages. Reasonable accommodation will be made in the event of pregnancy, in a manner that will not unreasonably disadvantage the pregnant woman. Client will ensure that pregnant women are not engaged in work that creates substantial risk to the health of the pregnant woman or her unborn child.</p>
<p>Men and women are paid differently for doing the same job</p>	<p>Client should review pay practices and levels to ensure that there is equal remuneration based on the employee's skills, experience, responsibilities and other objective, non gender-related factors</p>



Forced labour - compliance guidance

Forced labour is a serious issue and has great reputation impact, both for IFC and its clients. In this section we look at the issues that may have arisen during the assessment stage and then consider some of the action that IFC and the client can take in relation to those issues.

Where forced labour is discovered in relation to a project and the client is prepared to work to deal with the issue, specialist support should be engaged to consider suitable remedial measures for the workers who have been subject to forced labour, as well as the taking of measures within the project to ensure compliance with PS2.

Issue	Action
Workers are being recruited through an agency in return for a substantial fee	<p>Client should determine whether worker is free to leave employment when they chose to do so, regardless of whether they have repaid the fee in full.</p> <p>Client should determine whether employer receives any proportion of the fee</p> <p>IFC should work with client to move to use agencies who do not charge large fees or have restrictive conditions</p>
Employer or agency retains documents of employees	<p>Ensure that the only reason for retaining them is security or safety</p> <p>Ensure that lodging of documents is purely voluntary</p> <p>Determine that workers can access and remove documents at any time</p> <p>Work with the employer to move away from holding documents as soon as possible – for example by using trusted third parties to hold documents if workers require this for security</p>
The employer uses security guards or other methods to restrict access into the building	<p>Client should ensure that the workers can leave the factory when they wish to</p> <p>Client should ensure that the security guards play no part in worker control or discipline</p> <p>Client should ensure that guards are adequately trained and understand their role</p>
There is a risk of the use of prison labour or materials are being supplied from a source which may be using prison labour	<p>Examine nature of prison labour, to consider whether it is within the terms of acceptable forms under ILO instruments – client should not use prison labor, unless it is within the appropriate paid, voluntary and rehabilitative framework.</p> <p>Seek undertaking from the client on nature of work carried out in prison or correctional institution</p> <p>Consult specialist / consultant on whether prison labour is acceptable</p>
If the client sources goods or services from a	Ensure that client carries out an assessment



<p>source where there is a risk of forced labour</p>	<p>whether there is forced labour Ensure that the client makes it clear to all suppliers or suppliers that forced labour will not be tolerated</p>
<p>Questionable payment practices</p>	<p>Workers should not be working as a condition of fulfilling the terms of a debt owed to a third party or to the employer. Advances of wages paid to the worker should not exceed three months pay or legal limits, whichever is less. Workers will be compensated for their work directly through the provision of cash or its equivalent. The payment of wages 'in kind', for example food or vouchers, is compensation is permissible, if local law allows it and so long as legal limits are complied with and receipt of in-kind compensation is agreed.</p>
<p>Employee access to sites</p>	<p>Where workplace entrances are locked or guarded to prevent non-employee access for security reasons, employees will have free egress at all times. Workers should not be required to live in employer-owned or controlled residences. Workers who do live in employer owned or controlled premises should not have their freedom of movement restricted</p>
<p>Termination of employment</p>	<p>Subject to national law on notice and equivalent matters, workers should be free to terminate their employment at their own choosing</p>



Freedom of association and collective bargaining – action points and compliance guidance

Freedom of association is one of the most difficult of the labor issues for which to suggest definitive methods of moving towards compliance, on account of the different legal systems that are in place throughout the world and also as a result of the political complexities that can be associated with this issue. Working with a client that has issues related to freedom of association will inevitably involve some difficult discussions both with the client and with external stakeholders, most notably trade unions and worker rights activists. Projects in China, Vietnam, and other countries where there is a state dominated trade union movement, will also pose specific problems.

Due to the sensitivity of dealing with these issues, it is probably advisable to ensure that a social specialist is involved and, where appropriate, external consultants. Trade union issues should be subject to peer review on a regular basis

Issue	Action
<p>The employer has been allegedly sacking workers or taking other discriminatory action against them on the basis of their trade union membership or activities</p>	<p>Consult with the client to find out what their reason for dismissing the workers was. Review the complaints from trade unions Find out where the complaint is lodged in the national regulatory / court system Seek to encourage arbitration and negotiation Seek guarantee from client that there will be no unlawful dismissals based on trade union membership or activities</p>
<p>There has been a strike at the workplace and issues are unresolved</p>	<p>Encourage both parties to be involved in seeking a negotiated solution to the dispute Seek guarantees from the client that there will be no unlawful reprisals based on the strike</p>
<p>There is a disputed claim for trade union recognition or collective bargaining</p>	<p>Determine what the position is under national law Ask client for their interpretation of events Seek to encourage mediation and discussion on the way forward</p>
<p>Employer interferes with the establishment or the organization of the union or funds the union</p>	<p>Workers should have the right to join organizations of their own choosing without previous authorization. The employer should not dismiss, discipline, or otherwise threaten workers who are trying to form, join or participate in workers' organizations. Employers should not interfere with the right to freedom of association by seeking to control workers' organizations or by favoring one workers' organization over another. Workers' organizations have the right to elect their representatives and conduct their</p>



activities without employer or state interference.
The employer should not provide funds directly or indirectly to the trade union, although it may provide them with office and other facilities and may provide employees with time off to carry out union duties

There is a dispute about the terms of a collective agreement or the way in which the employer has entered into negotiations

Employers should negotiate in good faith with any union that has been recognized, by law or agreement between the employer and that union.

Both employers and employees should honor the term of any collective bargaining agreement they sign. Employees should be able to raise issues about whether an employer is complying with the agreement without fear of retaliation.