

This short paper elaborates on the importance of social dialogue in different contexts, as well as the roles Dutch embassies might play in contributing to an enabling environment.



The importance of social dialogue for improving workers' lives in the Ready-Made Garment industry

The embassies and consulates – bilateral missions – concern themselves with relations between the Netherlands and other countries. Their main areas of activity are political affairs, economic affairs, development cooperation, consular affairs, and press and cultural affairs. Embassies operate in all these areas and in so doing analyse and monitor domestic and foreign political developments in their host country. Furthermore, the embassies promote economic and trade relations between the Netherlands and other countries. The embassies are also involved in monitoring the strategic partnerships. One of these is the Strategic Partnership for Garment Supply Chain Transformation with Fair Wear Foundation, Mondiaal FNV and CNV

Internationaal (SP) which, in the same sector, supports the Dutch Agreement on Sustainable Garment and Textile (Covenant). In both the Covenant and the SP, there is a focus on social dialogue and Freedom of association (FoA), which are considered key to creating an enabling environment to ensure that workers' voices are heard and channelled in order to sustainably improve working conditions in the RMG industry.

The partners in the SP are active in 7 countries: Vietnam, India, Indonesia, Bangladesh, Myanmar, Cambodia, and Ethiopia and are currently investigating the opportunities in Pakistan. Most countries share the fact that civic space is limited, but they all have different contexts with respect to social dialogue and the right to organise.

WHAT IS SOCIAL DIALOGUE?

Social dialogue is the negotiation, consultation and information exchange between and among different actors, as defined by the International Labour Organisation (ILO). It covers collective bargaining, dispute prevention and resolution.

Among the preconditions for sound social dialogue are:

- strong, independent trade unions and employers' organisations;
- political will and commitment;
- respect for the fundamental rights of freedom of association and collective bargaining;
- An enabling legal and institutional framework.

Social dialogue is one of the four objectives of the Decent Work Agenda of the ILO. However, it should above all be understood as the "how-to" for making the Decent Work

Fundamental principles and regulations related to social dialogue

- The Universal Declaration of Human Rights Article 20 & 23
- Article 11 of the European Convention on Human Rights
- ILO convention 144 on Tripartite consultation
- ILO convention 87 on Freedom of Association
- ILO convention 98 on Collective Bargaining
- OECD Guidelines for Multinational enterprises, Chapter V.
- Sustainable Development Goals 8.8, 16.3, 16.6 & 16.10

Agenda work in practice and for ensuring its coherence. It is a key instrument for achieving ownership, democratic participation and fair implementation of sustainable development strategies. It is a fundamental human right, but could also be seen as an 'enabling right' or even a recipe to sustainably implement fair business practises for workers. It exists at different levels - national, regional, sectoral or

at company or plant level. It may be bipartite, tripartite or multi-stakeholder and ranges from informal talks to institutionalised dialogue processes. Many brands in the garment industry have already committed to supporting freedom of association through their internal codes of conduct, by joining multi-stakeholder initiatives, or signing Global Framework Agreements.

WHY ARE SOCIAL DIALOGUE AND FREEDOM OF ASSOCIATION SO IMPORTANT?

An effective social dialogue requires an adequate infrastructure and enabling environment. Workers should be allowed to raise their voice, organise and negotiate. In order to do so it is important that the work of independent unions is encouraged in producing countries. Social dialogue that is based on mutual respect:

- contributes to improved productivity;
- leads to fewer conflicts in the workplace;
- contributes to reduction of absenteeism;
- contributes to a harmonious working environment beneficial for management and workers;
- contributes to moving towards knowing and showing instead of naming and shaming;
- supports sustainable solutions¹.

Furthermore, freedom of association:

- creates greater balance between workers and management and provides individual workers with the opportunity to engage in dialogue and negotiate on employment conditions;
- allows trade unions to defend the interests of workers in cases of dismissal and reorganisation and to give their members legal support and advice;
- allows trade unions to add value to due diligence exercises and ongoing monitoring undertaken by brands as they support compliance with labour rights on a daily basis and are able to report and help to prevent violations of these rights.



Dutch employers on social dialogue

“Strong social partners and a good social dialogue can play an important role in the economic and social development process in a country, as evidenced by examples from various countries. A good social dialogue results in fewer strikes, improved protection of employees, greater employee satisfaction, increased employment and higher labour productivity. In many Western democracies, social dialogue has made an important contribution to growth and continued prosperity.”

Dutch Employer's Cooperation Programme 2017, Brochure: 'Options for social dialogue and the importance of trust between employers and employees.'

¹ Derived from the following publications:

HIVA Research Institute for Work and Society, ITUC/TUDCN and ILO (2017) 'Social dialogue as a driver and governance instrument for sustainable development: ILO-ITUC Issue Paper'

ILO, OECD and the Global Deal secretariat (2017) 'Thematic Brief – Achieving Decent Work and Inclusive Growth: The Business Case for Social Dialogue'

ILO 2013 'Social Dialogue. Recurrent discussion under the ILO Declaration on Social Justice for a Fair Globalization: Report VI International Labour Conference, 102nd session, Geneva 2013'

SOCIAL DIALOGUE NEEDS AN INFRASTRUCTURE - THE ROLE OF THE GOVERNMENT

Within the UNGP Guidelines the government has the specific role of protecting human rights. An infrastructure and an enabling environment for social dialogue are conditions for sustainability. This should be supported by governments, who should create conditions for social dialogue such as:

- adapting appropriate legislative and policy frameworks and well-resourced mechanisms conducive to, and supportive of social dialogue, including the ratification and implementation of ILO conventions 87, 98 and 144;
- supporting and being part of institutions that facilitate collective bargaining and a tripartite dialogue at national or regional level;
- supporting institutions that produce statistics, economic and social analyses and other necessary information.

The Dutch Embassies as government representatives also play an important role in the promotion of a well-functioning social dialogue in production countries, which supports the partners of the SP as well as the Covenant in several positive ways. This will:

- benefit brands in their ongoing due diligence process and help them to find relevant social stakeholders to mitigate and prevent labour rights being put at risk in their supply chain;
- increase the political space for local independent trade unions and support their organising work among workers;
- have the effect that local governments are inspired by the win-win that social dialogue is able to bring to the ready-made garment industry.



“Well-functioning industrial relations – where freedom of association is respected and where trade unions can bargain collectively – are key to achieving living wages and improved working conditions in our supply chain.”

**Karl-Johan Persson,
CEO, H&M**

ILO, OECD and the Global Deal secretariat (2017) ‘Thematic Brief – Achieving Decent Work and Inclusive Growth: The Business Case for Social Dialogue’

Depending on the role that each embassy plays in specific countries, the embassy could have the role of:

1. “Linking” pin in:

- encouraging Dutch brands who source or are planning to source from a production country to involve local independent trade unions as a way of carrying out proper due diligence locally – in line with CSR Covenant trajectories;
- educating Dutch brands that social dialogue is more than CBA negotiations, as it also entails regular consultation, information sharing on issues of common social economic interest;
- ensuring that trade missions focus on the importance of social dialogue and freedom of association and that local trade unions will be involved in the programme of the mission;
- organising an annual embassy meeting (for example on 7 October: Decent Work Day) where local examples of social dialogue will be discussed and best practices can be shared. Inviting employers, brands and trade unions as well as politicians and other stakeholders;
- encouraging brands to cooperate with Fair Wear Foundation, CNV and FNV and supporting local roundtables or stakeholder meetings organised by the members of the SP;
- supporting and engaging with other initiatives that aim to improve social dialogue and freedom of association, these include the Global Framework Agreements, ACT (Action, Collaboration, Transformation) and the Global Deal;
- engaging directly with local unions when defining new policies to get input.

2. “Defender of political space” in:

- expressing concern and support, political or otherwise, to the relevant local parties, where social dialogue and freedom of association are at risk;
- using in-country visits to factories to gain knowledge of and discuss the local dialogue practices.

3. “Creating regional leverage” in:

- discussing, addressing and encouraging ‘political or civic space’ in the region;
- paying special attention in the embassy’s regional task force to social dialogue and freedom of association in specific countries and by collecting best practices to share with the Dutch business contacts on a regular basis.

4. “Human Rights Ambassadors” in:

- encouraging local governments to ratify all relevant international and regional human rights instruments that guarantee the rights to freedom of association, as well as other rights for workers, including ILO Conventions 87 and 98;
- using positive examples (Dutch or otherwise) and/or best practices of social dialogue and freedom of association in meetings with local government and local and Dutch business fora;
- taking responsibility to protect workers’ rights in bilateral and multilateral trade and investment agreements.



“A good relationship between the employer and employee not only fosters mutual trust and improves communication, but also increases employee engagement. When there is a good working relationship, employees feel a greater sense of responsibility for improving business processes and you will often see an increase in productivity.”

Guy Ryder
ILO Director-General

The Strategic Partnership for Garment Supply Chain Transformation is an innovative programme aimed at improving labour conditions in the garment industry. It is an initiative undertaken by Fair Wear Foundation, Mondiaal FNV and CNV Internationaal, with support from the Dutch Ministry of Foreign Affairs. It also includes a varied network of organisations in Europe. Projects are being developed in eight garment-producing countries in Asia and Africa: Bangladesh, Cambodia, Ethiopia, India, Indonesia, Myanmar, Pakistan and Vietnam.