



ASSESSING

HUMAN

RIGHTS

DUE

DILIGENCE



A TRADE UNION CHECKLIST

ASSESSING HUMAN RIGHTS DUE DILIGENCE – A TRADE UNION CHECKLIST

This checklist has been drafted for the attention of workers’ representatives in trade union alliances and European Work Councils (‘EWCs’) who wish to assess the quality and the relevance of existing Human Rights Due Diligence (‘HRDD’) processes. It follows the recommendations of the trade union toolkit published by UNI for effective processes that can address violations of workers’ rights in value chains.

The checklist addresses the following topics:

1. Company policy for responsible business conduct
2. Risk mapping – Transparent value chains
3. Risk mapping – Identification of risks to workers’ rights
4. Addressing the risks
5. Track implementation and results
6. Grievance mechanisms

Green flags  indicate good practices that can help secure effective outcomes. Red flags  highlight potential violation of HRDD duties. Further explanation and examples on each of the topics can be found in the corresponding sections of the trade union toolkit.

Workers’ representatives will often find answers to the questions in their company’s annual reporting. This checklist can also serve as a guide for EWCs and trade union alliances to request relevant information from management.

We recommend workers’ representatives coordinate with UNI in particular for the following steps: cross-checking of identified risks in the whole value chain, existence of global framework agreement, appropriate remediation in case of violation of HRDD duties.

I. COMPANY POLICY FOR RESPONSIBLE BUSINESS CONDUCT

HRDD should be a permanent, on-going process mainstreamed in all business operations. Companies should ensure active trade union involvement. Whilst conducting HRDD is the responsibility of management, meaningful impact on workers’ rights can only occur with full trade union engagement.

Q1.
Has the company set up a department dedicated to HRDD ?

-  a. Yes
- b. No
- c. Other (please specify)

Q2.
How does the company engage with trade unions when conducting HRDD?



-  a. Global Framework Agreement
-  b. Permanent point on the agenda of the EWC/trade union alliance
- c. Social audit carried by CSR industry
-  d. Employees’ survey (replacing consultation of workers’ representatives)
- e. Multi-stakeholder initiative
-  f. The company does not engage with trade unions

Remark: social audit and multi-stakeholder initiative that do not engage with workers’ representatives and/or trade unions should be considered as potential violation of HRDD duties.



II. RISK MAPPING – TRANSPARENT VALUE CHAIN

Companies should provide sufficient information on their business operations to enable workers' representatives to gauge the nature and scale of risks to human rights.



Q3.
Does the company share information on its suppliers (e.g. production by subsidiaries, intermediaries, first tier suppliers) ?

-  a. Yes, the company provides information on suppliers: type, number and percentage of total supplies
- b. The company only provides broad information on suppliers
-  c. The company does not provide any information on suppliers


Q4.
Aside from suppliers, does the company share information on regular business partners (e.g.: subsidiaries, franchises, licences, subcontractors, temporary work agencies)?

-  a. Yes, the company provides detailed information on business partners: type, number and volume of operations
- b. The company only provides broad information on business partners
-  c. The company does not provide any information on business partners



Q5.
Can the company share a list of all business partners?

-  a. Yes, this list is public
-  b. Yes, to the workers' representatives
- c. No

Q6.
Do you have a detailed breakdown of countries in which regular business partners are established?

-  a. Yes, the company provides a list of business partners, per country and respective volume of operations
- b. The company provides a list of business partners, per country but does not indicate the volume of operations
- c. No, the company does not provide details on regular business partners

Q7.
Does the company provide information on all the countries in which it employs workers?

-  a. Yes, the company provides a breakdown of the workforce on a country-per-country basis
- b. The company provides a breakdown of the workforce but only on a regional basis
-  c. No, the company does not provide details on the size and location of workers




III. RISK MAPPING – IDENTIFICATION OF RISKS TO WORKERS' RIGHTS

Violations of workers' rights should rank high on the company risk mapping. Here again, workers' representatives should be consulted to ensure that potentially significant risks to workers' rights are not left aside too early in the risk mapping process.




Q8.
Are trade unions rights identified as salient human rights?

Freedom of Association, the Right to Organise and to Collective Bargaining are fundamental workers' rights, guaranteed by international standards.

Salient human rights always stand out in a risk mapping because they are at risk of the most severe negative impact throughout the company's activities. In contrast, a materiality analysis involves a subjective assessment by internal and external stakeholders (e.g. investors, shareholders, workers).

-  a. Yes, trade unions right are identified as salient human rights
-  b. The company identifies risks to trade union rights but these are not prioritized
-  c. The company does not identify trade unions' rights as possible risks

Q9.
How has the company involved workers' representatives to the risk mapping?

-  a. Through consultation of workers' representatives
-  b. Through employee surveys only
-  c. The company has not engaged with workers' representatives in the risk mapping


Q10.
Have risks to workers' rights been identified?

-  a. Yes
-  b. No, the company does not identify any risk to workers' rights





Q11.
Does the company report on situations which may heighten the risks to workers?

The following situations may in particular heighten the risks to workers:

- *operations in countries at risk, as documented by the ITUC Global Rights Index;*
- *outsourcing of labour intensive activities (e.g. to subcontractors or temporary work agencies);*
- *work carried by a vulnerable category of workers (e.g. migrant workers);*
- *significant risks to health & safety (e.g. use of chemicals, hazardous maintenance work).*

-  a. Yes
-  b. No
-  c. The company does not address workers' rights



Q12.
Does the list of risks to workers' rights respond to your concerns?

-  a. Yes, the mapping is sufficiently detailed and complete
-  b. Partially: the mapping is too vague
-  c. Partially: some risks are missing
-  d. The company does not address workers' rights



IV. ADDRESSING THE RISKS

On the basis of the identified risks, the company should stop activities that cause an adverse impact on human rights violations. The company should also develop a plan to prevent or at least mitigate potential future impacts.

Q13.
Does the company commit to ensuring the respect of trade union rights in its own operations and global value chain?





-  a. Yes
-  b. No

Q14.
Has the company signed a Global Framework Agreement?



-  a. Yes
-  b. No

Q15.
Does the company action plan contain one or several of the following measures?

-  a. Training and capacity building for the advancement of decent work and trade union rights
-  b. Action to tackle health & safety issues, including election of health & safety committees in all plants
-  c. Reviewing risky business models (e.g.: outsourcing, temporary agency work)

	d. Reviewing operations in high-risk countries
	e. Suppliers/business partners codes of conduct
	f. Divestment/cessation of business relationships
	g. Other: please specify
	h. No, the action plan does not contain concrete measures to address the risks to workers' rights

Q16.
Does the action plan respond to the risks listed in the mapping (see above Q10)?

	a. Yes
	b. No, but the most important risks are addressed
	c. No

V. TRACK IMPLEMENTATION AND RESULTS

Companies should report on the way they are addressing human and workers' rights. The goal for workers' representatives is to ensure constant improvement of the due diligence process through permanent and joint monitoring.

Q17.
Has the company set up a permanent monitoring mechanism?

	a. Yes
	b. No

Q18.
Are workers' representatives associated to the monitoring of risks to workers' rights?

	a. Yes
	b. No



Q19.
Has the company provided one or several of the following indicators to measure progress?

	a. Detailed breakdown of the workforce and evolution of operations in high-risk countries
	b. Collective bargaining coverage globally and per country
	c. Number of meetings with EWC/trade union alliances/UNI
	d. Presence of elected health & safety committees
	e. Evolution of staff turnover
	f. Number of work-related accidents
	g. Corporate tax information, in line with GRI standard 207
	h. Other (please specify:)
	i. The company does not provide any objective indicators


VI. GRIEVANCE MECHANISMS

If an adverse impact on human rights occurs in spite of due diligence, remediation should be made available. This step is particularly relevant for voluntary frameworks where the legal consequences for absent or weak due diligence are unclear. Depending on the instruments, remediation procedures can sometimes be available through an independent mechanism, external to the company.

Q20.
Has the company set up a mechanism for workers to raise grievance?

	a. Yes
	b. No

Q21.
Are trade unions associated to the grievance mechanism?

	a. Yes. Please specify:
	b. No

To access UNI Europa's trade union toolkit for due diligence on human rights, scan the following QR code:



The European Services Workers Union

