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# **Workplace social dialogue: a toolkit**

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## Contents

|   |         |
|---|---------|
| <b>Preface</b> .....  | Page 3  |
| <b>Introduction</b> .....   | Page 4  |
| <b>What is social dialogue?</b> .....                                   | Page 6  |
| <b>The benefits of social dialogue</b> .....                            | Page 10 |
| <b>Business theory and social dialogue</b> .....                        | Page 13 |
| <b>Social dialogue in Bangladesh: participation committees</b> .....    | Page 21 |
| <b>Social dialogue in Bangladesh: mature industrial relations</b> ..... | Page 34 |
| <b>Training for workplace social dialogue</b> .....                     | Page 39 |
| <b>Useful definitions</b> .....   | Page 44 |

## **Preface**

Social Dialogue has become a widely used phrase in recent years. But it is often used without an understanding of what it really means, and how it can help those involved - business and workers.

This practical guide builds on the experience of the joint ETI programme, and similar workplace social dialogue projects in Bangladesh. It contains practical tools with a focus on “how to”.

This first edition will be followed by a second, on line edition, with more tools, and with additional sections to assist workplace social dialogue in other countries.

We would like to thank Jamil Ansari, Country ETI Manager in Bangladesh, the social dialogue team, and trainers for making the JETI programme a success.

Thank you for taking the time to read this, and please provide us with your feedback.

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## Introduction

Welcome to this toolkit, which is designed as a practical guide for anyone wishing to engage in workplace social dialogue.

There are some key points to make about workplace social dialogue from the outset.

1. It applies only in the workplace. Of course, there should be national, and sectoral dialogue, and these concepts are discussed later. But our focus has been on the workplace, and solving problems, and avoiding conflict within the workplace.
2. Social dialogue is not an alternative to trade unions and proper industrial relations. Indeed, mature industrial relations, between strong, representative trade unions and management, are one form of social dialogue.
3. Workplace social dialogue should be a voluntary process. The two parties - representatives of workers and management - should take part because they see it as mutually beneficial. It is not about compliance with codes of conduct or the law.

*Social dialogue is a bit like cricket.*

When Bangladesh started playing test cricket, the “Tigers” lost every match. But they are improving. That is good, as the best matches are those between two evenly matched sides. If one side continually steamrollers the opposition, and another side is always losing, it makes watching the game rather boring.

Social dialogue is not like 20/20 cricket, over in a few hours. Most cricket fans agree that five-day test matches are the best form of the game. Likewise, social dialogue needs time. Of course, in cricket we all want our side to win, but some of the most interesting cricket matches have ended in a draw, after five days!

And then there is the elusive "spirit of cricket", which appears in the laws of cricket but is nowhere defined.

Social dialogue needs a certain kind of spirit as well. It's about treating the other party as equals, it's about collective bargaining in good faith, it's about trying to seek solutions that work for both sides. It's not a winner takes all.

It is going to take a long time to develop that culture in Bangladesh. But it will be worth it.

## **Acronyms**

|      |  |
|------|--|
| BLA  | Bangladesh Labour Act, 2006                              |
| CBA  | Collective Bargaining Agent                              |
| DIEH | Ethical Trading Initiative (Denmark)                     |
| ETI  | Ethical Trading Initiative (UK)                          |
| IEH  | Ethical Trading Initiative (Norway)                      |
| ILO  | International Labour Organisation                        |
| JETI | Joint Ethical Trading Initiatives of Denmark, Norway, UK |
| PC   | Participation Committees                                 |
| SD   | Social Dialogue  |
| WSD  | Workplace Social Dialogue                                |

## **What is social dialogue?**

Workplace social dialogue is above all, a method of setting rules for governance of the workplace. A workplace is a social institution and needs rules. Social Dialogue is a way of agreeing those rules. Because the best rules are the rules we make ourselves. They are the rules we can follow.

## **What stakeholders say about workplace social dialogue...**

It means a good and systematic communication, discussion in relation between workers and management

*Representative of large brand*

It is a common platform for the factory owners, factory workers and any external third parties to negotiate And to build up a good and trustworthy relationship to obtain decent and productive work and conditions of freedom, equality, security and human dignity.

*Representative of small brand*

Social dialogue is the process of collaboration by which different actors in society which agreement to work together on policies and activities

*Representative of large brand*

SD is necessary throughout your life, at work, at home or in society as a whole. Anything can be sorted out through dialogue. SD is a betterment of the relationship between management and workers, it is a bridge. A problem-solving mechanism. A continuous journey.

*Factory Owner*

The PC should be in every factory. It is a basic, fundamental object of the law. Their functions include implementation of the labour law. There is a misunderstanding about social dialogue. Some people think it is an alternative to negotiations. In social dialogue, all the actors should know the role and play that role within the legal framework. Social dialogue is not a roundtable or seminar. If you commit to the process, there is an output, and agreement.

*National Trade union leader*

Each and every problem can be solved through discussion around the table

*Floor in charge (mid level manager)*

## **Key points about Workplace social dialogue**

It takes place between management and workers inside a factory. These are the two parties.

Workplace social dialogue is about solving problems and agreeing solutions inside the factory. The two parties take part because they recognise it is for their mutual benefit.

There are no outsiders involved.

Social dialogue is a voluntary process.

Topics discussed can be as per the law, or what the two parties agree.

## What is the ILO's definition of social dialogue?

The ILO defines social dialogue as:

*all types of negotiation, consultation or information sharing among representatives of governments, employers and workers, or between those of employers and workers on issues of common interest relating to economic and social policy.*

This is very broad, and some clarity is essential. Using the ILO definition, there are three basic forms:

- A forum for negotiation. Negotiation implies discussions between parties with differing or conflicting interests with a view to reaching an agreement. This would often be the process of collective bargaining. The law in Bangladesh is clear that only trade unions can do this.
- A forum for consultation, which implies an exchange of views, that may result in one party, or both parties, re-considering their position. Consultation is asking others for their views and offering them the opportunity to respond; it also implies giving careful consideration to their views.
- A forum for exchange of information, which implies a degree of confidence between parties

There are also a number of levels at which SD can take place:

1. National tripartite social dialogue
2. Sectoral tripartite social dialogue
3. Sectoral bipartite social dialogue
4. Workplace bipartite social dialogue

*Tripartite social dialogue*, of course, has three players:

- o employers' organizations
- o workers organizations
- o government

*Bipartite social dialogue* will only include:

- o employers and employers' organizations
- o workers' representatives or workers' organizations

It is up to the parties involved to decide together how, where, when, they take part in SD. An important principle to establish is that social dialogue should be voluntary. It cannot be imposed.

### **Worker representatives and ILO standards**

So, who are the “representatives of workers” in the ILO’s definition of social dialogue? ILO Convention No. 135 on worker representatives is relevant here.

#### *Article 3*

*For the purpose of this Convention the term workers' representatives means persons who are recognised as such under national law or practice, whether they are--*

*(a) trade union representatives, namely, representatives designated or elected by trade unions or by members of such unions; or*

*(b) elected representatives, namely, representatives who are freely elected by the workers of the undertaking in accordance with provisions of national laws or regulations or of collective agreements and whose functions do not include activities which are recognised as the exclusive prerogative of trade unions in the country concerned. (Our emphasis)*

#### *Article 4*

*National laws or regulations, collective agreements, arbitration awards or court decisions may determine the type or types of workers' representatives which shall be entitled to the protection and facilities provided for in this Convention.*

Article 5 goes on to provide a standard for the relationship between trade unions and worker representatives who are **not** from a trade union:

#### *Article 5*

*Where there exist in the same undertaking both trade union representatives and elected representatives, appropriate measures shall be taken, wherever necessary, to ensure that the existence of elected representatives is not used to undermine the position of the trade unions concerned or their representatives and to encourage co-operation on all relevant matters between the elected representatives and the trade unions concerned and their representatives.*

## **The benefits of social dialogue**

Factories should not be compelled to take part in social dialogue. They should embrace social dialogue because it is good for business.

And the benefits are clear.

From a managers' point of view, what do they want?

### **What managers say...**

"I wish our workers did not take leave without informing us"

"Our workers are not loyal"

"Workers sometimes just leave, they do not resign properly."

"Worker do not follow instructions"

"Our workers do not trust management"

"I am worried our workers will be misled by outsiders. Why do they listen more to some outsider than to their managers?"

"Workers just don't bother to return after the Eid festival. They do not warn us."

"So many workers just don't seem interested in their work. They lack commitment. They don't make any extra effort."

Managers want loyal workers, who follow instructions, who turn up for work, and put in effort to do their work. They would prefer that worker do not listen to rumours.

Social dialogue can help to do this, to change workers. But managers must change first. And the biggest change they must make is to really listen to what workers say, through their elected worker representatives.

## **Benefits of social dialogue**

*What stakeholders say about the benefits of social dialogue...*

Previously, the worker might come to me and ask for something. If I refused, the worker would be sulky or take an authorised absence. Now the same worker would go to the PC member, they would consult and after examination I might be able to agree with the worker's request. So the workers have learned a new behaviour. The PC members are

a bridge.

*Mid-level manager*

Realisation of responsibility by workers and able to prioritise their rights.

Management of the work of communication improves.

Participation committee members know about their duty and responsibility.

*Factory mid-level manager*

In the factory, workers' turnover has reduced as well as the unauthorised absences. Because workers can now easily share their problems with them and take them to leave they fail they can take out of their PC members to make the mid management understand about his/her so certainly absenteeism rate has decreased.

*Representative of small brand*

The major benefit which we have noticed of the workers is they can raise their voice now for any of their legal demands. The workers are now enjoying casual/sick leaves more than previously. The attitude of the middle management has changed a lot towards general workers and verbal abuse has now eliminated fully from the production floor. This is a significant output of the social dialogue.

*Representative of small brand*

Social dialogue helps make a better communication system between workers and management. It increases understanding amongst the workers about their rights and responsibilities. From social dialogue, problems can be sorted at initial stage.

*Representative of large brand*

Now the PC members are not blind, and they can ask for investigation or improvement. They make the job of the HR and welfare officers smoother. The PC members are a bridge between workers and management.

*Senior HR and compliance manager*

A general worker made a false accusation against me, which was quite serious. The elected worker PC member came forward and contradicted the general worker, giving evidence on my behalf.

*Mid level manager*

I believe the outcome is going to positive. Absenteeism and migration issues can be a potential benefit. We are not able to capture why the workers leave at this point and a system for this will be good. And the mechanism of dialogue can capture this. We have 11-15% turnover. Before we did not involve the union and PC in measuring this. As a result of the SD programme we will do this now and will be able to see this in a 3 to 4 month period.

Workers tends to listen to colleagues more than management, a well-functioning union/PC contributes to healthy and constructive relations.

*Owner/CEO*

The train is at the station. The passengers are on board, but the train is yet to move.  
Now the journey should start.  
*An experienced trainer*

### **Social dialogue key to dispute resolution in garment sector**

A lack of trust between garment workers and factory owners hinders mitigation of serious disputes, Mujibul Haque, state minister for labour, said yesterday.

"Social dialogue can play a vital role in mitigating such disputes," Haque said at the launch of a project designed to promote social dialogue and harmonious industrial relations in the garment industry, at Sonargaon Hotel in Dhaka.

The distrust between the two parties arises from a lack of awareness about workers' rights and owners' responsibilities, the minister said.

<http://www.thedailystar.net/business/social-dialogue-key-dispute-resolution-garment-sector-1328848>

### **The hard evidence**

Managers have reported a real decline in labour turnover, in unauthorised absenteeism, and in one study, a reduction in rework, which means improvement in quality.

How does this come about? In the next section of the toolkit, we look at the theoretical basis of our work. In brief, when workers can get their problems solved, through their own representative, they are more likely to stay in a factory.

If their representative has solved their problem, she or he is a credible figure. If a rumour is sweeping the factory, and the PC member can step in with the truth, this can help to "scotch" the rumour.

As the representative knows the factory rules and procedures, they can help workers to apply for benefits in the proper way, and assist them in talking to their supervisor.

## Business theory and social dialogue

Let's start with a key issue for nearly all companies.

Joseph E. Stiglitz<sup>1</sup> puts the problem this way.

*You don't need to encourage a metre of fabric to work harder. You don't have to persuade it to come to work every day. It does not get sick, or pregnant, or have children who need caring. A metre of fabric does not need training. It does not need to follow safety rules.*

*As a factor of business, a worker is a different proposition. You have to cajole, convince, attract, train, re-train and pay a worker.*

*Unless of course, you have a system of slavery, although even under slavery, workers might receive some care and attention.*

*So workers are different from fabric.*

Managing workers is one of the biggest challenges facing management. This has been so for every country that has gone through industrialisation starting with Britain more than 200 years ago.

Stiglitz points out that in order to manage labour, you need a set of rules. Predictable rules and SOPs counter balance the unpredictability of workers.

The question is: how do we set those rules? The best rules, the ones people will follow, are those rules they helped to agree. Social dialogue is the way to set those rules in the workplace.

## Taylorism

Frederick Taylor<sup>2</sup> Provided one of the most famous answers to the question of how to manage workers in his book *The Principles of Scientific Management* published in 1911. He wrote;

*In our scheme, we do not ask the initiative of our men. We do not want any initiative. All we want of them is to obey the orders we give them, do what we*

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<sup>1</sup> Joseph E. Stiglitz is a Professor at Columbia University, the winner of the 2001 Nobel Memorial Prize in Economics. He was chairman of the US Council of Economic Advisors under President Clinton and chief economist and senior vice president of the World Bank for 1997-2000.

<sup>2</sup> Frederick Winslow Taylor (1856 – 1915) was an American mechanical engineer.

*say, and do it quick.*

Taylor's theory of management, known as 'Taylorism', created a workplace culture that lacked initiative and innovation. It leads to this situation:

Managers: You're paid to do what I tell you to do.

Workers: I'll do exactly what you tell me to, and take no responsibility for the consequences.

In the 21<sup>st</sup> century, we need workers who can adapt to change and who can innovate. Taylorism is not going to help modern, forward looking factories.

### **Theory X and Theory Y**

A management consultant, Douglas McGregor <sup>3</sup>, published a book in 1960 called "The human side of enterprise". He said there were two very different ways of managing workers. He called them "theory X" and "theory Y". Theory X is essentially a form of Taylorism.

| Theory X   | Theory Y   |
|--|--|
| Workers are only interested in money.  | Work is a natural activity   |
| Workers are lazy, passive. They prefer to be led and they will always resist change. | People respond best to meeting the company's needs if their own needs are also met |
| Managers need to use coercion, tight controls, threats, and punishments.             | Rewards, not punishment help commitment  |
| Workers need to be driven - they require close direction, discipline                 | Most workers accept and seek responsibility  |
| Workers want to avoid responsibility and have little ambition.                       | Employees can show initiative and are creative, given a chance                     |
| Workers have no initiative.  |  |

McGregor thought that most managers believe in Theory X. He thought that Theory Y was a better way of managing a factory. Theory Y is liberating and assumes that people

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<sup>3</sup> Douglas Murray McGregor (1906 – 1964) was a management professor at the MIT Sloan School of Management. In 1993 he was listed as the most popular management writer of all time.

will do almost anything if they are committed to the overall goals of their organisation.

### **Does theory Y work?**

In “Frontiers of Excellence” Robert Waterman revealed that Theory Y had been a secret weapon in Procter & Gamble’s competitive armoury for many years. A senior P&G executive had invited McGregor in the mid-1950s to set up a detergent plant in Augusta, Georgia, along the lines of Theory Y. The executive, back from the Korean war, was convinced that military-style command-and-control management did not work in corporate life.

The Augusta plant was run in a non-hierarchical way with self-motivating teams along the lines of Theory Y, and by the mid-1960s it was 30% more productive than any other P&G plant. The principle was subsequently applied to other P&G plants, but the company kept the story secret for almost 40 years, regarding it as a competitive advantage.<sup>4</sup>

### **Does a factory need rules?**

Theory Y does not say that there should be no rules. Clearly a factory needs rules, and everybody needs to know them and follow them.

An obvious example is what happens when a fire alarm goes off. Everybody knows what to do, and why. The best rules are the rules that everybody understands and agrees with.

Most factories have rules that worker have not been consulted about, and do not understand. If we want workers to follow rules, it is best to involve them in drawing them up. We can do that through social dialogue.

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<sup>4</sup> Based on an article in “The Economist” Oct 3rd 2008. Accessed 23 November 2015  
<http://www.economist.com/node/12366698>

## Voice or Exit?

Albert Hirschman's book, *Exit, Voice and Loyalty: Responses to Decline in Firms, Organisations and States*, first appeared in 1970.<sup>5</sup>

Hirschman argued that people have two different ways of responding to disappointment. They can vote with their feet (exit) or stay put and complain (voice). He first developed the concept in relation to consumers. He argued that companies that failed to listen to their consumers, would lose them to rivals.

Many academics have researched to see if this applies to the workplace. If you can improve things through a voice, then you stay. The classic study, *What Workers Say: Employee Voice in the Anglo American World* (2007) is by Freeman.<sup>6</sup> He concluded that the voice or exit hypothesis does apply to the workplace. Where workers have an effective voice and can change things, like health and safety, improving the behaviour of their supervisor, then they are more likely to stay. Of course, this benefits the business. Giving workers a voice is a key way to reduce absenteeism and turnover. As we saw in the previous section, this has been one of the main benefits of social dialogue.

## What happens where there is no voice?

Some managers think if they do not bother about voice, there is no negative impact. They are wrong. There is a saying in English: "nature hates a vacuum". If there is no voice, something else fills it. In Bangladesh, we have seen:

Rumour

Sabotage

Rampage

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<sup>5</sup> Albert Hirschman (1915- 2012) was born in Berlin, fled the Nazis in 1933, and was active in the French Resistance. He was later employed by the World Bank.

<sup>6</sup> Richard B Freeman, born 1943, Herbert Ascherman Chair in Economics at Harvard University.

## Worker engagement

There is now a vast literature on the concept of worker engagement. Definitions of worker engagement do vary. Here is the definition by the Gallup organisation from 140 countries which involved interviewing carries out detailed studies of the global workforce.<sup>7</sup>

- Engaged workers are involved in, enthusiastic about, and committed to their work. They know the scope of their jobs and look for new and better ways to achieve outcomes. They are 100% committed to their work and feel a connection to their company. Globally only 13%
- Not engaged workers can be difficult to spot: They are not hostile or disruptive. They show up and kill time with little or no concern about customers, productivity, profitability, waste, safety, mission and purpose of the teams, or developing customers. They are thinking about lunch or their next break. They are essentially “checked out.” Globally 63%
- Actively disengaged workers are more or less out to damage their company. They monopolize managers’ time; have more on-the-job accidents; account for more quality defects; contribute to “shrinkage,” as theft is called; are sicker; miss more days; and quit at a higher rate than engaged employees do. Whatever the engaged do the actively disengaged try to undo. Globally 24%

A 2104 global survey by Towers Watson had a different breakdown.<sup>8</sup> The Towers Watson definition of engaged workers includes the following:

- ▶ 40% of workers are “highly engaged”
- ▶ 19% are "unsupported" - they lack support to enable them to engage
- ▶ 17% of workers are “detached”, they lack a sense of engagement
- ▶ 24% of workers are “disengaged”.

*Whether you choose the Gallup or the Towers Watson definition of engagement, they both agree that the majority of workers are not engaged.*

## Worker engagement in South Asia

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<sup>7</sup> *State of the Global Workplace: Employee Engagement Insights for Business Leaders Worldwide, 2013*

<sup>8</sup> *Towers Watson Global Workforce Study 2014*

We do not have detailed data for Bangladesh, but Gallup had done surveys in South Asia.

|                    | Engaged | Not engaged | Actively disengaged |
|--------------------|---------|-------------|---------------------|
| Pakistan           | 15      | 68          | 16                  |
| Sri Lanka          | 14      | 62          | 24                  |
| India              | 9       | 60          | 31                  |
| South Asia average | 10      | 61          | 29                  |
| China              | 6       | 68          | 26                  |
| Africa average     | 10      | 57          | 33                  |
| Global average     | 13      | 63          | 24                  |

Overall, 30% of employees in South Asia say they experienced anger at work the day before the survey — among the highest figures from any global region.

### UK data

In UK, 20% of employees are actively engaged, 20% of employees are actively disengaged, you could say almost hostile to the organisation where they work. The vast majority of workers are neither engaged, nor actively disengaged. Lack of engagement costs the UK £26 - 53 billion a year.<sup>9</sup>

### Why engage workers?

Towers Perrin compared the financial performance of organisations with a more engaged workforce to their peers with a less engaged workforce over a period of 12 months. The data comprised of 664,000 employees from 50 companies, of all sizes, around the world, representing a range of different industries. Engagement was measured alongside more traditional business performance measures such as operating income, net income and earnings per share. Findings included the following:

*Those companies with a highly engaged workforce improved operating income by 19.2 per cent over a period of 12 months, whilst those companies with low engagement scores saw operating income decline by 32.7 per cent over the same period.*

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<sup>9</sup> *Employee Engagement Task Force "Nailing the evidence"* by Bruce Rayton, University of Bath School of Management, Tanith Dodge & Gillian D'Analeze, Marks and Spencer plc

In a massive survey of over 23,000 business units, Gallup found that those with engagement scores in the highest quartile were 18 per cent more productive than those in the lowest quartile.

Those business units in the top half of engagement scores had 27 per cent higher profitability than those in the bottom half.

Gallup found that engagement levels can be predictors of sickness absence, with more highly engaged employees taking an average of 2.7 days per year, compared with disengaged employees taking an average of 6.2 days per year.

The annual cost to the UK economy of sickness absence is over £17 billion according to the CBI. The same organisation found that engaged workers take an average of 2.69 days sickness absence a year; the disengaged take 6.19 days.

The European Commission found that engaging workers more in a business brought big improvements:<sup>10</sup>

- 49% less accidents;
- 16% more profitability;
- 18% more productivity;
- 25-45% less turnover;
- 37% less absenteeism;
- 60% less defects.

### **How to engage workers?**

The MacLeod Report to the British Government<sup>11</sup> suggested that one of the four drivers of engagement is employee voice - the others being leadership, engaging managers and integrity. On employee voice they say this means:

*An effective and empowered employee voice – employees' views are sought out; they are listened to and see that their opinions count and make a difference. They speak out and challenge where appropriate. A strong listening and responsiveness permeates the organisation, enabled by effective communication.*

**Worker voice is a key way to improve performance.**

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<sup>10</sup> [http://oshwiki.eu/wiki/OSH\\_Management\\_and\\_organisation#Workers\\_involvement](http://oshwiki.eu/wiki/OSH_Management_and_organisation#Workers_involvement)

<sup>11</sup> *Engaging for success: enhancing performance through employee engagement*  
A report to Government by David MacLeod Nita Clarke, UK Government, 2009

## **Recent evidence**

Research by Professor Stephen Wood shows that involving workers “increased productivity, quality and financial performance.” This positive effect is across the whole economy, private and public, manufacturing and services.

He says there are two types of worker involvement:

A. Job or role involvement management - often known as empowerment or enriched job design - is an approach to the design of high-quality jobs that allows employees an element of discretion and flexibility over the execution and management of their primary tasks.

B. Organizational involvement means workers participating in decision-making, beyond the narrow confines of the job, in the wider organization or the business as a whole. Organizational involvement management is thus concerned with the development of broader horizons amongst all workers, so that they can think of better ways of doing their jobs, connect what they do with what others do, and react effectively to novel problems.

The evidence, says Professor Wood, is that organizational involvement is a key way of improving productivity. Organisational involvement is achieved through formal, worker representation structures.<sup>12</sup>

***Worker voice is a key way to improve productivity.***

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<sup>12</sup> Stephen Wood is a Professor of Management at University of Leicester.  
<http://www.ipa-involve.com/news/increasing-workplace-productivity-through-employee-involvement/>  
Accessed 19 November 2015

## **Social dialogue in Bangladesh: participation committees.**

### **What is Participation Committee?**

Participation Committee (PC) is a structure, which is mandated under the law, Bangladesh Labour Act, 2006, whereby representatives of workers can sit with management to discuss measures to improve the factory. It is a joint committee. Some people have created confusion by calling it Workers' Participation Committee. It is not for workers. It is for all the factory.

Participation Committee is different from the trade union which is an organisation established only by workers. The trade union represents workers and engages in collective-bargaining with the employer.

The participation committee is not a forum for collective bargaining or negotiation.

But, it is a forum for *consultation or information sharing*.

The law states:

*Section 206 (1) The functions of the participation committee shall be to inculcate and develop sense of belonging and workers commitment and, in particular-*

- a) to Endeavour to promote mutual trust, understanding and co-operation between the employer and the workers;*
- b) to ensure application of labour laws;*
- c) to foster a sense of discipline and to improve and maintain safety, occupational health and working condition;*
- d) to encourage vocational training, workers education and family welfare training;*
- e) to adopt measures for improvement of welfare services for the workers and their families;*
- f) to fulfill production target, improve productivity, reduce production cost and wastes and raise quality of products.*

The amendment to Bangladesh Labour Act (BLA) in 2013 introduced a new clause in Section 202, namely:

*Section 205 (6KA) If there is no trade union in any establishment, workers representatives in the participation committee shall conduct the activities related to workers interests till a trade union is formed in that establishment.*

However, workers' representatives on PC were given no additional powers. The law is quite clear that the Participation Committee (PC) cannot be a trade union.

## **Why do workers stand for election to the Participation Committee?**

*What elected PC members say...*

1. Stand for other workers
2. To do something better for us, all the workers
3. To talk about workers benefits
4. I stand for discuss with management workers problems
5. To raise the voice for workers benefits and others
6. Since we did not have a way to discuss floor issues with management, I stand for election to get the opportunity to discuss with management directly
7. To get benefits for workers and to understand the responsibility of the PC
8. Our main problem is gate pass and leave so I stood for election to address these issues.
9. In my floor other workers like me and that inspired me to stand for election.
10. To be a bridge between workers and management

## **Does and don'ts for management**

### **DO**

- Listen to workers' representatives, welcome their comments. Don't ignore what they say, just because you do not like what they say.
- Allow the PC representatives time in between meetings to take up and solve the workers issues.
- Instruct supervisors to co-operate with PC representatives.
- Let workers place items on PC agenda
- Invite PC members to be present when suggestion box is opened. Allow them to go through the suggestions, and to make proposals to resolve issues.

### **DO NOT**

- Victimise worker representatives who say things you do not like to hear.
- Say that demands are "illegal" when worker representatives suggest something above the law.
- Worry about the PC elections

## Election procedures

The law is clear that where trade unions exist in the workplace, it is their sole prerogative to nominate the members of the participation committee. BLA Section 205 (4) states "the representatives of the workers shall be appointed on the basis of nomination given by the trade unions in the establishment."

It is only in the case where there is no trade union that an election is held and workers can elect their own representatives to the PC. The 2013 amendment makes it clear that there must be an election, rather than a selection by the employer.

Elections for workers representatives need to be carried out in a very transparent way to ensure that all stakeholders have confidence that there has been no interference by management in the workers' free choice.

Genuine **worker representatives** need to be elected in a secret ballot in a fair, open process.

There is no fixed number for the number of workers per representative. The appropriate number of representatives should depend on the structure of the factory.

In deciding the numbers of employee representatives, you should adopt what might be described as a 'constituency-based' approach. The appropriate number of representatives, in other words, should depend on the structure of the organisation, with each major grouping and/or location (the "constituency") having their own representatives. For example, if there are 200 employees, all doing exactly the same job, 3 representatives might be adequate. But if there are 200 employees divided into five major groups or units, each doing different jobs, there will be a need for a minimum of 5 representatives.

Employees need to feel that their interests are being represented and management needs to know that they are getting the true picture. If the constituency is too large, it will be difficult for representatives to communicate effectively and seek feedback from their constituents. The same will be true if representatives have to cover too many different groups.

The basis of constituencies will need to reflect the individual circumstances of the organisation.

## Practical tools

This section of the toolkit provides procedures, and sample documents that you could use.

### Possible procedure for elections

1. Qualifications of candidates for election as a workers' representative.- Any worker of not less than 18 years of age and with service of not less than six months in the establishment may be a candidate for election.
2. Qualification of voters.- All workers, who have put not less than 3 months service in the establishment shall be entitled to vote in the election of the representatives of the workers.
3. Procedure for election.- (1) For the purpose of election by secret ballot to choose the representatives of workers, the employer shall, by notice affixed to the notice board and by giving adequate publicity amongst the workers, call upon the workers to elect representatives.  
  
(2) Copies of voters' list shall simultaneously be displayed in the notice board and also in other conspicuous places in the establishment.  
  
(3) The employer shall constitute an Election Committee consisting of equal number of representatives of the employer and the workers to conduct the election, which shall by notice, appoint-
  - a) a day, at least seven days after the date of such notice, for the nomination of candidates;
  - b) a day for the scrutiny of nomination papers;
  - c) a day, which shall not be less than four days or more than ten days after the scrutiny day, for the holding of the election by secret ballot.(4) The notice shall also explain the constituencies.
4. Nominations.- (1) Any voter may propose or second the name of any person who is qualified to be elected as such representative.  
  
(2) Every proposal shall be made by a separate nomination form which shall be supplied by the employer, and signed by the proposer, seconder and the candidate.  
  
(3) Every nomination paper shall be delivered on or before the nomination day by the candidate or his proposer or seconder to the employer who shall acknowledge in writing the receipt of the nomination paper.
5. Scrutiny.- (1) The candidates, their proposers and seconders may attend the

scrutiny of nomination papers, and the Election Committee shall give them reasonable opportunity for examination papers.

(2) The Election Committee shall, in the presence of the persons attending the scrutiny, examine the nomination papers and dispose of any objection raised by any such person to any nomination.

(3) The Election Committee may reject any nomination paper if it is satisfied that.-

(a) the candidate is disqualified to be a representative of the workers under rule 2;

6. Voting in election.- (1) If the number of candidates who have been validly nominated is equal to the number of representatives to be elected, the Election Committee shall, by a notice, declare such candidates to be elected.

(2) If in any group, section, shop or department, the number of candidates is more than the number of seats allotted to it, voting shall take place on the day fixed for election.

(3) The election shall be held through secret ballot and shall be conducted by the Election Committee .

7. Arrangement for election.- The Election Committee shall be responsible for making all arrangements in connection with the election.

8. All candidates will contest individually; there should not be any scope of submitting a panel. Any form of party political campaigning should be avoided.

9. On the election day, the EC, including third-party observers should be present in the factory. They must carefully check that ballot boxes have not been interfered with and they should be present during the counting of ballots

10. Term of office.- (1) The term of the representatives shall be two years.  
(2) A member chosen to fill a casual vacancy shall hold office for two years.

11. Vacancies.- In the event of workers's representative ceasing to be employed in the establishment or in the event of his resigning, his or her successor shall be elected from the group, section, shop or department to which the member vacating the seat belonged.

### **SAMPLE: Information about the elections for all workers - for Notice Board**

Our factory is going to have elections of Worker Representatives for the Participation

Committee. This is a chance for all workers to have a say in solving problems and making suggestions to improve the factory.

Workers in [Name of section/department] can elect one of your own co-workers to be your representative on the PC.

The elections will be held on [DATE] and will be by secret ballot. An independent and neutral Election Committee has been set up to make sure the election is conducted fairly. The members of the Election Committee are: [LIST AND HOW TO CONTACT].

Candidates for election are allowed to talk with you about why they are suitable for election and to try to win your votes. But they cannot do more than talk with you. You have the right to complain to the Election Committee if there is any attempt to threaten or intimidate you at any time during the election process.

By law, x% [insert as appropriate to factory] of the members of the PC must be women workers, so the worker elected for [Name of section/department] must be a woman worker.

No supervisor, manager, Welfare Officer can interfere in any part of the election process. It is a free, democratic election among the workers themselves.

Advice to workers on choosing candidates

You have the right to nominate one of your co-workers in [Name of section/department] as your representative.

You should choose somebody who:

\$ Is good at listening

\$ Is patient

\$ Will be able to put forward your problems and issues clearly, not just what they think.

\$ Can read and write.

\$ You feel confident will keep you informed about what is discussed

\$ Has worked in the factory for at least six months (this is the law).

You can propose one of your co-workers to be your representative, but you should ask them first whether they are willing to do the job. You may also propose your own name if you feel that you could do this job and that your co-workers would support you. Ask

your Welfare Officer for a nomination form.

You must give the nomination form to [Returning officer/member of Election Committee] by [closing date].

**SAMPLE: Terms of Reference/ "job description" for workers thinking of standing for PC election**

If you would like to represent your co-workers on the Participation Committee, please remember that:

Your main task is to represent the views of your co-workers. Being a Worker Representative is not about you, it is about your co-workers.

It is not a chance to show how loudly you can shout, it is a chance to show that you can serve your co-workers, help to solve problems, and improve the factory.

You do not become a "leader" if you are elected to PC. You carry on doing your normal job as sewing machine operator, helper, cutter - whatever it is.

*What will you do as PC member?*

PC will meet every two months at least, and may meet more often. You must attend these meetings. You will be given paid time away from your regular work to do this. At these meetings, you and the other elected worker members, can talk with management about problems that you cannot solve at section/department level, or problems that affect the whole factory.

But most of your task as a Worker Representative is outside the PC meetings. Workers will come to you with their concerns, problems and questions. You must try to help them. It may be that you will need to talk to the Supervisor, Welfare Officer or HR, to try to sort out these problems.

You will get your average pay rate when you leave your work to attend the PC meetings. There are no other privileges or bonus payments. [some factories have offered very small amounts, but these should not be excessive, say no more than 5% of basic pay]

BUT, you will need to give up some of your free time during breaks and mealtimes, maybe after your shift, to listen to workers who want to talk to you about their worries and problems. So you must be patient, and good at listening to workers and explaining to Supervisor, Welfare Officer, HR, wages office, that worker's problem.

You will need to be able to read documents like factory policies and the labour law. If

you cannot read well, do not stand.

You will need to be able to write, to help workers by filling in forms like leave application forms. If you cannot write well, do not stand.

You must have worked in the factory for at least six months

If you are not sure about standing for election, ask your co-workers what they think.

Remember:

If you want to help other workers - please stand

If you only want to help yourself - please do not stand.

Nomination procedure

There is a nomination form which must be completed by yourself, a co-worker who is nominating you, and one other co-worker. Ask a Welfare Officer or members of the Election Committee for a nomination form. Then you need to ask other workers to nominate and support you as a candidate. You must not try to bribe them or threaten them.

Submit the nomination form by the due date.

After the nominations are all received, the Election Committee will organise the election. Each candidate will be given a symbol by the Election Committee to identify them.

**SAMPLE: Election procedure - for distribution to candidates for election to PC**

Election will be by secret ballot on [DATE]. There will be a voting form, with each candidate's name and symbol. There will be voting booths in the [Name of section/department] run by the Welfare Officers and the Election Committee members

Every regular worker who has worked for more than three months at the factory is eligible to vote. There will be a voters list prepared by the Election Committee and workers will have to produce their ID card to vote, and then their thumb will be marked.

You can campaign only by talking to other workers. You must not threaten or induce them by bribes or promises to vote for you. This is a clean election.

Do not introduce any outside politics. This election is only concerned with what happens INSIDE the factory.

You and one of your supporters can be present when all the votes are counted. The

person who gets the highest number of votes will be elected.

You will then get some training to help you.

## **Frequently Asked Questions (FAQs) Participation Committees**

### **How should PC meeting be convened?**

The member secretary should send out a formal written notice with details of the time and place of the Participation Committee meeting, at least seven days in advance to all members of the Participation Committee.

### **What should be the agenda for meetings?**

All members of the Participation Committee have the right to request the inclusion of items on the agenda. For practical reasons, suggestions from the elected worker members can be routed via the Vice Chair. Any proposal from the elected worker members for agenda items should be included, except in the most exceptional cases. If management feels that an item should not be included, this may be discussed with the Vice Chair in advance.

### **Is there need of minutes of meetings?**

Yes. Minutes shall be prepared after every PC meeting and circulated to all members for comment. Revised minutes shall be presented at the following PC meeting for approval. Minutes should clearly indicate the person responsible for any follow-up action and the timetable.

### **Are any other documents needed?**

Yes. Copies of relevant documents shall be shared with elected worker members of the PC. Examples of relevant documentation can be found in the appendix.

### **How should Vice Chair be chosen?**

The Vice Chair of the PC must be chosen by the elected worker members of the PC. After PC election workers should get an opportunity to have a separate meeting among themselves for nominating the Vice-Chair on their behalf by consensus or majority votes of workers reps. Present. He or she must not be chosen by management.

From time to time, the vice-chair may need to make copies of documents, and this facility will be extended.

### **What if elected worker member of PC leaves or gets promoted?**

Any PC member promoted to supervisor or any other promotion, should stand down at once from the PC, and a bye-election should be held to replace them, within one month, following the same process as for the original election.

If any PC member leaves the factory, a bye-election should be held to replace them, within one month, following the same process as for the original election.

No PC member should be transferred from the line or section from where he/she elected by the workers within the tenure of PC without their consent.

### **What if PC member goes against factory rules and regulations?**

PC member remains a worker as regards disciplinary issues and domestic enquiries

If accused of a disciplinary offence, PC member has the right to defend himself/herself at the time of enquiry as per the provision of Labour Law-2006, under article-24.

### **Do the PC members require any facilities?**

PC members will require some time off to perform their functions. The general principle to be followed for all elected worker members of the Participation Committee is that they should not suffer any loss of earnings as a result of being a member of the committee.

The Participation Committee shall draw up guidelines on the procedures to be followed when PC members (including the Vice Chair) need to leave their workstation in connection with PC functions and their workload needs adjusting.

Attendance at the participation committee, or any training should count as normal working duties. Elected members should not lose any attendance bonus because they attend training or meetings. If they are unable to undertake overtime which they would normally have done, because of participation committee duties, they should receive payment as if they had undertaken that overtime.

The elected worker members of the participation committee should be able to meet together at least once a month, for up to 2 hours, to prepare for a participation committee meeting, to discuss any follow-up, and to discuss any general problem.

The employer should provide all necessary facilities to the committee.

### **Why so many committees? What is the relationship between them?**

In Bangladesh, there are three committees established as per law. So factories cannot choose between them. Each committee has defined functions.

### **Should different people sit on different committees?**

Our advice is that some PC members should sit on the Safety Committee and Sexual Harassment Committee, so that there is a linkage between all three committees. So the

other committees could have 50% PC members, and 50% other workers - as the worker members.

If a worker comes to their PC member with a query or problem, they should try to solve it as soon as possible with the appropriate supervisor, manager or department. If they cannot, then the PC member can suggest referring the problem to the appropriate committee. In the case of sexual harassment, the concerned worker should have the right to go directly to the committee.

But the key is, the PC member should be informed and trained, to advise the worker.

## Examples of documents to be shared with elected members of PC

| Function of PC, as per the law   | Documents to share with PC   |
|--|--|
| To inculcate and develop sense of belonging and workers commitment   | Grievance procedure.<br>Analysis of issues placed in Suggestion Box      |
| To endeavour to promote mutual trust, understanding and co-operation between the employer and the workmen      | Migration (turnover) data  |
| To ensure application of labour laws   | Copies of labour law   |
| To foster a sense of discipline and to improve and maintain safety, occupational health and working condition; | Discipline procedures; OSH statistics;<br>Reports by the Accord/Alliance |
| To encourage vocational training, workers education, and family welfare training;                              | Details of vocational training, welfare facilities.                      |
| To adopt measures for improvement of welfare services for the workers and their families;                      | Factory welfare and CSR plans  |
| To fulfil production target, reduce production cost, and waste and raise quality of products.                  | Production data<br>Productivity data                                     |

## **Social dialogue in Bangladesh: mature industrial relations**

Industrial relations is one part of social dialogue. It is about the system for managing relationships between the workforce, as represented by the trade union, and the employer.

Industrial relations should ensure a smooth and harmonious cooperation between the management and the trade union. Both sides benefit by working together for the common good of the company and the workers.

The dialogue with the trade union can take place at any time, and does not need to just focus on negotiating the Collective Bargaining Agreement (CBA). Involving the trade union at the earliest stage in consultation and just providing information will develop a more constructive relationship.

### **Managers and trade unions**

For most managers in the RMG sector in Bangladesh trade unions are something to fear and avoid. The experience of Adamjee Jute Mill is often mentioned.

Trade unionists will counter that when they try to organise in a factory, they experience false cases and dismissals, even violence by management goondas.

JETI has proved that a new approach is possible. We have trained the trade union office bearers and committee member of a number of factory level trade unions. Then we trained the management in those factories. Then we brought them both together in a joint course.

The results have been constructive, peaceful relations.

### **Role of trade union**

The law states that trade unions have the following functions (extract is from Bangladesh Labour Act, 2006, Section 202 [24]):

- a) *undertake collective bargaining with the employer on matters connected with the employment, non-employment, the term of employment or the conditions of work;*
- b) *represent all or any of the workers in any proceedings;*
- c) *give notice of, and declare, a strike in accordance with the provisions of this Chapter; and*
- d) *nominate representatives of workers on the board of trustees of any welfare institutions or Provident Funds, and of the Workers participation Fund established under Chapter XV,*
- e) *To conduct cases on behalf of any individual worker or group of workers.*

So, there is plenty of scope to build constructive relations on a day to day basis. Trade unions can represent workers in proceedings like grievance and discipline. But on day to day basis, they can try to solve problems on the spot with supervisors or managers.

### ***What people say...***

“Prior to the programme the T.U did not have sufficient knowledge about the labour law and there were misunderstandings. They needed explanation of the rules of the game – this is what the training does.”

*Owner & CEO*

“I had never been disciplined in behaviour before and often absent in the factory without notice. After ETI's training, I learned to be responsible. Because of the training of ETI, I have solved this kind of problem.”

*General Secretary of factory level trade union*

We asked management to install more fans in the canteen, and to improve the toilets. They readily agreed. We will eventually go for collective bargaining, but we do not think we should hurry. We need time to build up the relationship

*Factory level Trade union leader*

### **Collective bargaining**

Where there is an employer, paying wages to workers, then negotiation on behalf of workers with that employer is one of the main tasks of a trade union. This is called "collective bargaining" and results in a Collective Bargaining Agreement (CBA), sometimes called simply a collective agreement. Collective Bargaining Agreements are a compromise between what the workers - through their union - want, and what the employer wants to give.

It is called "collective" because workers associate together. The alternative would be for the individual worker to negotiate with the employer; however, an individual worker cannot negotiate about problems affecting the workforce on their own.

It is called "bargaining", because it leads to a bargain, an agreement about what each side will do for the other. Just making representation or appealing is not bargaining.

Collective bargaining is defined in ILO Convention No. 154 which refers to

*all negotiations between an employer, a group of employers or one or more employers' organisations on the one hand, and one or more workers organisations on the other, for one or more of the following purposes:*

- a. Determining working conditions and terms of employment*
- b. Regulating relations between employers and workers*

*c. Regulating relations between employers or their organisations and a workers' organisation or workers' organisations*

### **Collective bargaining agreements and the law**

A collective bargaining agreement cannot provide a worse standard of protection than the law. The law should be a minimum and collective bargaining should improve on the minimum legal standards.

#### **How long does a collective agreement last?**

This is a matter for the two parties to agree. Normally, one to three years.

#### **Who should be involved in the negotiations?**

The answer to this question depends upon the numbers of workers and the size of the workplace.

In most cases, a small negotiating team from the trade union should be given the authority to carry out the negotiations. This team needs to reflect, as far as possible, the different groups in the workforce. This negotiating team should report back regularly to the larger trade union committee, or meetings of all the workers - depending on the size of workplace.

Management should not interfere at all in the selection of the negotiating team, and they should be given time off with normal pay to prepare for and to attend all the negotiation meetings.

The management team for negotiations is a matter for management to decide.

#### **Topics for collective bargaining**

There is really no limit to the topics that can be discussed in collective-bargaining. It is a matter for the two parties involved to agree. These topics are mentioned in the law:

- Employment rights and guarantees
- Work and rest times
- Wages, allowances and bonuses
- Working norms
- Occupational health and safety regulations
- Social insurance

There can be one comprehensive document, or many which are collected together in a book. As new agreements on different subjects are agreed, they are added to the book.

Collective Bargaining Agreements (CBAs) are normally divided into two categories:

**Procedural Agreements** cover how certain matters will be dealt with and negotiated, Examples:

- Discipline
- Grievance
- Facilities for the trade union
- Dealing with retrenchment of workers
- Provision of information about the enterprise
- Procedures for negotiations
- Procedures for introducing change at work

**Substantive Agreements** cover all matters relating to wages, pensions, bonuses and allowances and all types of non-wage issues including holidays and leave, and also such matters as vocational training.

This category is sometimes sub-divided into:

A: wages, allowances and bonuses, covering all possible ways of making up workers pay; and

B: non-wage bargaining, which covers working hours, holidays, working norms, occupational health and safety regulations and social insurance.

### **The principle of “good faith”**

Collective bargaining can only function efficiently if it is conducted in good faith by both parties. While the legislative framework can encourage employers and trade unions to bargain in good faith, ultimately it is the commitment of the parties to negotiate in good faith that ensures the harmonious development of labour relations. Good faith bargaining implies genuine and persistent efforts by both parties to reach an agreement, that the negotiations are constructive and avoid unjustified delays, and that the terms of the agreement be respected and complied with. In some countries, labour legislation outlines detailed requirements of what is expected from employers, employers' organizations and trade unions and may even deem the failure to meet these requirements an unfair labour practice. In others, while the legislation may not explicitly refer to the principle of good faith, it may encourage this through requirements to provide information necessary for negotiations.

The basic elements of the duty to negotiate in good faith are for each party to:

- ▶ Meet at all reasonable times and places.
- ▶ Bargain with the intention of reaching an agreement, also described as making best efforts to consider and respond to proposals made by the other party.
- ▶ Endeavour to agree on an effective bargaining process.
- ▶ The employer must respect the role of the trade union and not try to bargain directly with the employees represented by the unit.
- ▶ Not do anything to undermine the bargaining process or the authority of the other side.
- ▶ Make every reasonable effort to conclude negotiations with a final written agreement in a timely manner.
- ▶ Put in writing the matters agreed on as a result of the negotiations.
- ▶ Honour existing agreements.

The duty to negotiate in good faith does not mean that a party is compelled to make a proposal, or to agree to a proposal.

**Examples of bad faith bargaining:**

Meeting and merely going through the motions of bargaining with no intent of reaching an agreement.

Not allowing trade union side facilities for negotiation. For example: reasonable paid time off, a place to meet between meetings

Adopt a "take-it-or-leave-it" position

Refusing to meet, or delaying meetings

Failing to give the chief negotiator sufficient authority to make agreements.

"Good faith" is an obligation for both sides.

ETI training helps both sides with collective bargaining through training.

## Training for workplace social dialogue

Successful social dialogue requires training. Social dialogue needs to be "learned".

The Joint ETI program, and the H&M programme both organised comprehensive training for different target groups. Standardised training materials were prepared, to ensure that consistent messages were presented.

Trainers were trained by the JETI training expert from UK, who provided detailed guidance to all the training courses as well. This ensures a standardised product for factories and all our "learners".

One point often raised is that workers do not possess the educational level to understand their role as dissipation committee members. Therefore there should be some kind of qualification. There are two important points to be made.

Firstly, the law does not place any such constraint. The only qualification for being a member of a proposed committee is to be a worker in the factory for a certain length of time.

Secondly, the methodology used in the training does not require all the learners to be literate. The group work role-plays and dramas give plenty of opportunity for those with lower literacy levels to participate. Trainees can select groups which include learners who can write down the responses of those were less literate.

Here is the list of training courses delivered by the joint ETI programme

| Title/topic                             | Target group  | Notes   |
|---|---|---|
| Elected participation committee members | All those elected. Could be up to 20 persons.<br>Minimum four days duration | To minimise disruption to production, batches of five at a time should be sent to a mixed course off-site |
| Management PC members                   | Management who attend the PC  | One-day course, preferably off-site.  |
| Combined PC course                      | All PC members  | At factory site   |
| Member secretaries of PC                | Just one per factory  | Off-site. One day course.   |
| Supervisor training                     | All supervisors   | On-site, one-day course, basic awareness of soft skills, and understanding of project.                    |

|   |  |  |
|---|--|--|
| Industrial relations, collective-bargaining | Trade union office bearers and committee   | Assumption is would be approximately 10/12 persons. Preferably off-site to create a constructive atmosphere. |
| Industrial relations, collective-bargaining | Members of management responsible for dealing with trade union including negotiations. | Two-day course, depending on numbers might need to be off-site and with several factories attending.         |
| Industrial relations, collective-bargaining | Both sides, trade union and management, practical course on negotiating skills.        | Two days duration, on site.  |
| Vice chair of PC                            | The elected vice-chair; One per factory  | Off-site, minimum four days duration   |
| Elected women members of PC                 | Elected women members of PC.   | Numbers will vary, ideally mix batches from factories. A two-day course                                      |

## Methodology

The training methodology used on social dialogue training needs to be practical and interactive. We build on Action Learning, first developed by Reg Revans.<sup>13</sup> He was Director of Education at the National Coal Board, one of the largest employers in Britain in the 1950s. He held many other positions in industry and universities. His training methodology applied in companies was found to increase productivity by up to 30%.

We have built upon Action Learning to develop what we call "kinetic pedagogy". Everybody must be involved and take part in dramas and role plays. This type of training is effective with those workers who have limited education.

Our training model is:

Information

+

Skills

+

Mind set change

=

Change in behaviour

---

<sup>13</sup> Reg Revans, 1907 - 2003

*What people say about training...*

We have seen women workers speaking out much more in the separate training. They are generally too shy to speak in general training in front of men"

*JETI trainer*

"Before the training we were shy to discuss with management. With the training, the fear went away and now they work to bridge the gap. We got more clarity about processes and procedures."

*Factory level trade union leader*

"When we joined the training another colleague was put in to manage the line. It was worth the loss of time as we learned how to improve the dialogue with workers. The training had proven to be very fruitful"

*Production manager*

In the latest round of training, JETI used a team from Legal Counsel, a leading chamber of lawyers. This is what they wrote:

"The ETI Social Dialogue Programme has contributed immensely towards the skill building of the worker-participants. The worker-participant's drastic change in approach, while addressing an issue was fascinating to witness. We have seen the worker-participants become, inter alia, more confident, pro-active and sincere while using the concept of social dialogue during various role playing scenarios, group works, etc. during the training sessions. We are very confident that the worker-participants, if able to show, such tenacity and maturity in their work place, shall ensure a conflict-free and harmonious working environment."

Regarding Trade Union & Participation Committee, they say:

"The participants were very motivated to learn about their roles and responsibilities in order to become an effective member of their respective committees. Their exuberance was contagious and it allowed for many a constructive discussions. It was clear that the participants took their roles seriously and were determined to effectively represent the workers. They wanted to ensure that the workers have a voice in their workplace. It seemed that, the members of both the Trade Union and the Participation Committee understood that they can co-exist in a factory and collectively work for the betterment of the factory and workers."

And about women workers:

"The Women workers reflect the strength of women empowerment. Their will to fight against harassment and discrimination is commendable. They have an unbreakable spirit and urge to learn about the different dimensions of law. They understand the importance of both control and compromise. They are ready to mend their ways through mutual cooperation to achieve the desired goals."

And, finally, supervisor training:

“Supervisors by far have the most difficult job, they are the junction between the Management and Workers. The extent of pressure on them makes their work both backbreaking and vital. Their enthusiasm to adapt the "Y" theory reflected how eager they were to change the old system. They were ready to discard the idea of being the boss and uptake the role of a leader for the workers in a harmonious atmosphere.”

## **Training does and don'ts**

### **DO**

- Get the elected PC members trained as soon as possible.
- Recognise different groups have different training needs and require different training courses
- Use active learning methods, with game, groups work, drama and role plays.
- Use standardised training materials
- Use neutral trainers, as far as possible
- Use rounded trainers, in other words, all trainers should deliver all courses (with exception of courses for women)
- Train ALL the elected PC reps, supervisors and mid-level managers
- Accept that training is an investment, in the same way as new sewing machines are an investment.

## **Training FAQs**

Q:Who pays for training?

A: So far, the JETI programme has borne the cost of training but going forward, it is planned there will be an element of cost sharing by brands. Factories bear the cost of sending participants to off site training, and of course, the factory must pay all its workers and staffs their full wages while attending training. If workers are piece rated, their lost wages should include a calculation of average earnings. Attending training should count as attending at work for the purposes of all bonuses.

Q: Who should deliver training?

A: To ensure a high and consistent quality, JETI has engaged independent, professional trainers with a legal background. These have been trained in the active methodology which is essential to bring about minds set change.

Q: Who has prepared the training materials?

A: The training materials have been written by Stirling Smith, a former ILO official who has been visiting Bangladesh since 1992. He has written manuals for the ILO on social dialogue for the ILO, and run training projects on social dialogue in several countries.

Q: Why do we need so many different courses?

A: Social dialogue involves different parties who have different training needs. Elected PC members which have less educational level will need longer to understand the requirements of problem solving, taking part in meetings etc. Managers need less time. Some courses are highly specialised, such as the course for Member Secretaries, because that role requires some specific training.

## **Useful definitions**

### **Collective Agreements**

(1) For the purpose of this Recommendation, the term collective agreements means all agreements in writing regarding working conditions and terms of employment concluded between an employer, a group of employers or one or more employers' organisations, on the one hand, and one or more representative workers' organisations, or, in the absence of such organisations, the representatives of the workers duly elected and authorised by them in accordance with national laws and regulations, on the other.

(2) Nothing in the present definition should be interpreted as implying the recognition of any association of workers established, dominated or financed by employers or their representatives.

ILO Collective Agreements Recommendation 1951 (No. 91)

### **Collective bargaining**

The term collective bargaining means all negotiations between employers and/or employers' organizations on the one hand, and workers' organizations on the other, for:

- (1) determining working conditions and terms of employment; and/or
- (2) regulating relations between employers and workers; and/or
- (3) regulating relations between employers or their organizations and a workers' organization or workers' organizations."

ILO Collective Bargaining Convention, 1981 (No. 154)

### **Consultation**

Consultation by the employer with worker representatives should involve:

- (a) consultation when the proposals are still at a formative stage;
- (b) adequate information on which to respond;
- © adequate time in which to respond and
- (d) conscientious consideration of the response.'

Source: UK court ruling, quoted in Acas Policy Discussion Papers  
*Employee Representatives: Challenges and changes in the workplace*

### **Labour law**

A body of legal rules which regulates the relationship between:-

- an employer and a worker

- an employer and workers
- employer(s) and trade union representing workers
- employers' organization and trade unions
- the state, employers, workers, unions and employer organizations

## **Labour relations**

Collective relations between employers and employees, between employers and trade unions, or between employers, unions and the government.

## **Social dialogue**

*all types of negotiation, consultation or information sharing among representatives of governments, employers and workers, or between those of employers and workers on issues of common interest relating to economic and social policy.*

Source: ILO

## **Negotiation**

A give and take process between two or more parties (each with its own aims, needs, and viewpoints) seeking to discover a common ground and reach an agreement to settle a matter of mutual concern or resolve a conflict.

<http://www.businessdictionary.com/definition/negotiation.html#ixzz3bgUXO0VL>

## **Workers representative**

*“The function of representing the interests of, or speaking for, the workers of a given enterprise.”*

Workers' representatives means persons who are recognised as such under national law or practice, whether they are--

(a) trade union representatives, namely representatives designated or elected by trade unions or by the members of such unions; or

(b) elected representatives, namely representatives who are freely elected by the workers of the undertaking in accordance with provisions of national laws or regulations or of collective agreements and whose functions do not include activities which are recognised as the exclusive prerogative of trade unions in the country concerned.

ILO Workers' Representatives Convention, 1971 (No. 135)

## **Where to find definitions**

The ILO thesaurus provides definitions of many terms, and can be found at <http://www.ilo.org/thesaurus/defaulten.asp>