

Potential Recommendations for Human Rights Due Diligence and Global Framework Agreements from Homeworkers' Perspective¹



Buyers must identify, prevent and mitigate behaviour in its supply chains that might lead to human rights violations.

A) Identify rights' violations

In order to be able to identify labour rights' violations and improve homeworkers' pay, social protection and working conditions, the buyer must:

1. Insist in its contracts with suppliers that suppliers and sub-contractors conclude written contracts with homeworkers, give homeworkers a copy of their contract, and include the name of the buyer in the contract.
2. Provide funds for unions to mobilize and organize the most vulnerable workers in the chain—homeworkers; and make available facilities for workers, including homeworkers to organize (as per the OECD Guidelines) given homeworkers' isolation from each other and other workers in the supply chain.
3. Pay for and ensure that "know your rights" training is offered by unions or homeworker organizations or their appointees to homeworkers in their mother tongue, so that homeworkers know their rights and are able to complain.
4. Require suppliers and contractors to disclose the names, addresses and contract details of any homeworkers to unions [like the Australian legislation].
5. Establish appropriate operational level grievance mechanisms in consultation with unions and homeworkers, on which homeworkers have equal representation to other stakeholders. Grievance mechanisms must be designed so that workers will not have to fear losing their work if they complain.
6. Consult with representative bodies, not with individual workers chosen by employers. These representative bodies may choose for unions and/or civil society organizations to assist them with these consultations, and business should bear the [reasonable] costs of this assistance.

B) Prevent rights' violations

For discussion: how to calculate piece rates; innovative social protection plans.

In order to be prevent labour rights' violations and improve homeworkers' pay, social protection and working conditions, the buyer must:

7. Recognize representative organizations of homeworkers (either unions, associations, or cooperatives) as legitimate partners, together with unions, for collective bargaining.
8. Insist on specific contract provisions with homeworkers including:
 - Payment within seven days of receipt of goods
 - No withholding of parts of payment
 - Safety equipment must be provided by the contractor/sub-contractor
 - A homeworker may not lose his/her job without written reasons
 - A homeworker can always bring a complaint to a body set up to hear complaints [a grievance mechanism]
9. Make its due diligence report publically available on its website and also deliver its report to government, unions and to representative organizations of homeworkers.

10. Include in its due diligence report a report on social protection provided to workers, including homeworkers, in the states from which they source goods, and on their initiatives to contribute to social protection where state protection is insufficient. [This provision mirrors the IndustriALL/H&M Global Framework Agreement.
11. When appropriate, provide direct support to homeworker organizations for their organizing, research and capacity-building efforts with members.

C) Mitigate rights' violations

To discuss: Different forms of Restitution

In order to be able to mitigate labour rights' violations the buyer must:

12. Design grievance procedures with union and homeworkers organizations' (including regional representative organizations') participation so that there are processes to protect homeworkers from losing their work if they complain.
13. Ensure that homeworkers' organizations participate in discussions together with unions on steps to mitigate the rights' violations i.e. they must co-decide what the remedies should be, and how they should be operationalized.
14. Remedies must include some form of restitution (as per the UN Guiding Principles) such as buyers contributing to a social protection fund for homeworkers and other informal (factory) workers. [India has modeled sector-based social protection funds to which corporations in the sector (and government) contribute].

¹ This document was produced by WIEGO's Law Director, in consultation with HomeNet South Asia, HomeNet Southeast Asia and others working with homeworkers, for a consultative workshop by the Global Labour University and FES held in Nepal, October 2016.