

Learning Activity 8.2

Negotiating a collective bargaining agreement on violence and abuse in the workplace

Overview

This activity looks at the process of negotiating an agreement on sexual harassment, through a discussion in small groups.

Target group

- Stakeholders involved in developing and implementing workplace gender-based violence programmes;
- Programme managers, factory/farm managers and supervisors;
- Representatives from global, national and local employers and trade unions;
- Representatives from local, national and local NGOs and women's organizations.

Suggested time

60-90 minutes

Aims

- Appreciate the role and the benefits of and challenges in negotiating workplace collective agreements.

Preparation

- Prepare the activity by collecting sources of information for the group work session, including relevant case studies.
- Provide contextual information and tips about the issues that can be discussed.
- Elaborate a version of the scenario in the hand-out which may be appropriate to the group, if needed.

Setting

A room large enough to accommodate several groups.

Materials

- Flip charts or post-it cards
- Markers
- Tape (if needed)

Time/Steps

Step 1: Preparation (suggested time: 30 minutes)

Read the following scenario. In plenary

Scenario

A new collective agreement on sexual harassment is to be negotiated in a factory.

To date the union has had a number of off-site meetings with garment workers about the culture of sexual harassment that exists in the factory and the growing number of complaints from workers. Several young women workers have been sexually assaulted on their way home from work and production pressures have become more pronounced in recent months.

One meeting has already been held between the manager and the union and the company realises that it needs to address the issue as it wants to retain its workers.

The manager is willing to consider a collective agreement.

In plenary, ask participants to consider the following:

- A clause on who is covered by the collective agreement and the date when it expires.
- Clauses setting out the main company provisions on sexual harassment (e.g. complaints committee, policy, complaints and grievance procedures for dealing with cases of sexual harassment, communications and information, training of managers, supervisors and workers, monitoring of the implementation of the agreement).
- The main parties to the agreement (usually the manager/employer and union representative)

Step 2: Work in two groups (suggested time: 30 minutes)

Split participants in two groups:

- Group One will examine the arguments of the employer / factory owner (who also carries out a rudimentary human resources role) / production managers (e.g. production pressures, strict deadlines, need to retain workers).
- Group Two will examine the arguments of the trade union representatives and of the women workers themselves (e.g. need for security, defence against sexual harassment, better work organization).

Distribute as a hand-out the ITUC Sample sexual harassment clause for collective bargaining agreements (below)

Sample sexual harassment clause for collective bargaining agreements: ITUC

(a) Introduction. The union and the employer recognise that sexual harassment may occur in the workplace and are committed to preventing and ending it. Sexual harassment is also a disciplinary offence.

(b) Definition. Sexual harassment is unwanted, unwelcome and unasked-for behaviour of a sexual nature. It can occur either on a one-time basis or as a series of incidents, however minor. Sexual harassment is coercive and one-sided and both males and females can be victims. See page 3 for examples of sexually-harassing behaviour.

(c) Action. A harassment victim may lodge a harassment complaint with a person of confidence, designated by the union in agreement with the company. The person(s) of confidence, who will be appropriately trained, shall investigate any harassment complaint, in a timely fashion and on a confidential basis.

An employee alleging harassment in the workplace has the right, after informing the person of confidence, to leave the work area without loss of pay, rights or benefits, and to refuse to return to the work area until there has been an investigation of the complaint. The redress must reflect the seriousness of the harassment case. It may be an apology, a transfer to another department or a layoff. The harasser, not the victim, must suffer the consequences of his or her actions.

The employers will include compulsory anti-sexual harassment training in its orientation for new employees in company time.

Source: ITUC (2008) Stopping Sexual harassment at work: A Trade Union Guide http://www.ituc-csi.org/IMG/pdf/Harcelement_ENG_12pgs_BR.pdf

Each group will come out with their own version of the model clause, taking into account the suggested scenario.

Step 3: De-briefing (30 minutes)

In the plenary each group gives a five-minute presentation about the outcomes of their group work. Discuss the steps that need to be put in place prior to negotiating a collective agreement and during the negotiation phase. Discuss the challenges and benefits of negotiating the collective agreement.

How to adapt it

- The activity can be carried out in a full group discussion or in small groups.
- Provide a range of examples of collective agreements.

Tips

- Ensure that participants are properly briefed about the preparation needed prior to negotiating an agreement, and the importance of monitoring and implementation of the agreement.
- Aim to emphasise the role played by trade union and employer representatives, and the arguments that each will make.
- Discuss the benefits of and challenges in negotiating a collective agreement.

Resources

- Refer to examples of collective agreements in this Resource Kit, for example, Case Study on Collective bargaining agreement on sexual harassment with banana producers in Latin America.