



Variation between draft Jo-In Code and Codes of Conduct of organizations participating in the Joint Initiative



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1. Background

Variation between draft Jo-In Code and Codes of Conduct of organizations participating in the Joint Initiative

After extensive consultation with a broad range of stakeholders, the organizations participating in the Joint Initiative have determined the following workplace standards as priorities for the trials:

- 1.) Freedom of association and the right to collective bargaining
- 2.) Wages
- 3.) Hours of Work

These workplace standards have been prioritised because they are considered to be priority issues in the garment sector. They are also those where there is no consensus about their interpretation or where not enough is known about their implementation.

The Joint Initiative agreed to a draft Jo-In code of labour practice for the purpose of the trials. This the highest standard across the different initiatives. The code elements on freedom of association and collective bargaining, wages and hours of work in the draft Jo-In Code will be tested during the trials in Turkey. These code elements will be refined during the course of the trials with the intention of developing a Jo-In Code of labour practice with common workplace standards and guidelines for the implementation of these code elements.

The key differences between the organizations involved in the Joint Initiative in respect of the three code elements that have been identified as priorities are as follows:

Freedom of Association & collective bargaining

All require companies to recognise and respect right of all workers to form or join trade unions of their choice and to bargain collectively. This has been included in the draft Jo-In Code.

WRC language requires that no employee be subject to harassment, intimidation or retaliation in their efforts to freely associate. CCC, ETI, FWF and SAI codes have similar language requiring that workers' representatives are not discriminated against and have access to carry out functions in workplace.

CCC and ETI language requiring companies to adopt a positive approach towards the activities of trade unions and organisational activities of workers has been included in the draft Jo-In Code.

ETI, FWF and SAI codes contain language referring to circumstances where the right restricted by law. In these instances the employer is required to facilitate, and not hinder, the development of parallel means for independent and free association and bargaining. CCC, FLA and WRC do not explicitly refer to parallel means but their policies require that companies not collaborate with the State to prevent workers from organizing. This notion has not been included in the draft Jo-In Code.

Wages

The draft Jo-In Code uses the language in the WRC, CCC, ETI, FWF and SAI codes referring to the payment of a 'living wage' (for the SAI 'meet basic needs and provide a discretionary income'). FLA requires employers to pay as a floor, at least the minimum wage or the prevailing industry wage, whichever is higher.

Only the CCC, ETI, FWF and SAI codes use the language in the draft Jo-In Code that disallows deductions as disciplinary measure or for reasons not provided by national law except with permission of the worker.

Hours of Work

All codes require that maximum working hours per week not to exceed 48 hours on a regular basis; 1 day off in 7. Most require overtime to be voluntary and not exceed 12 hours per week, not be demanded on regular basis and compensated at premium pay (if not defined, then at least one and one half of their regular hourly compensation rate). WRC does not include maximum overtime hours.

ETI, WRC and FWF codes require that companies comply with national laws and benchmark industry standards, whichever offers greater protection.

Attached is a table outlining the various code elements on workplace standards in the draft Jo-In Code and those of the different organizations involved in the Joint Initiative.

The limitation of such a comparison is that it does not say anything about the differences in interpretation of a workplace standard in its implementation. The guidance document of each of the organizations and policy directives of their boards provide important information on how these standards are interpreted by the organization concerned. For example, the fact that the FLA code is silent on 'parallel means' does not imply that this is not a policy of that organization in circumstances where freedom of association and the right to collective bargaining are restricted by law.

The discussion of these policies and the different ways in which the code elements are interpreted in the implementation of their codes by the organizations concerned will be the subject of discussion at the MIT meeting in Boston in July 2005. This will define the questions and 'protocols' to be developed for the trials in Turkey.

Table 1: Variation between draft Jo-In Code and Codes of Conduct of organizations participating in the Joint Initiative

	Draft Jo-In	CCC	ETI	FLA	FWF	SAI	WRC
Workplace Standards							
Child Labour ILO C138, C182 ILO R146, R190	<p>Minimum age 15 or above compulsory school age</p> <p>Adequate transitional and economic assistance provided to any replaced child workers</p> <p>Not expose young workers under 18 to situations likely to jeopardise their health, safety or morals, including night work</p>	<p>Minimum age 15 or above compulsory school age (C138).</p> <p>Adequate transitional and economic assistance provided to any replaced child workers.</p>	<p>No recruitment of a child (person less than 15 years) unless law stipulates higher age for work or mandatory schooling unless law set at 14 in accordance with developing country provisions of C138.</p> <p>Adequate transitional and economic assistance provided to any replaced child workers</p> <p>Definition: Children and young people under 18 not employed in hazardous conditions.</p>	<p>Minimum age 15; or 14 if country of manufacture allows; or age for completing compulsory education</p>	<p>Minimum age 15 or above compulsory school age</p> <p>No forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour.</p> <p>Children and young people under 18 not employed in hazardous conditions</p>	<p>Minimum age 15; or 14 if meets developing country exemption; or local minimum age if higher</p> <p>Not expose children or young workers to situations that are hazardous, unsafe, or unhealthy.</p>	<p>Minimum age 15; or 14 if consistent with ILO practice in developing countries</p>
Non-discrimination ILO C100,	No discrimination in hiring, remuneration,	Equality of opportunity and treatment	No discrimination in hiring, compensation, access to training,	No discrimination in hiring, salary, benefits,	Recruitment, wage policy, admittance to training programs,	No discrimination in hiring, compensation, access to training,	No discrimination in employment, including hiring,

	Draft Jo-In	CCC	ETI	FLA	FWF	SAI	WRC
C111, C183 ILO R90, R111	<p>access to training, promotion, discipline, termination of employment or retirement based on race, colour, sex, religion, political opinion or affiliation, national extraction or social origin, caste, marital status, sexual orientation, trade union membership, disability or age.</p> <p>No interference with the exercise of the rights of workers to observe tenets or practices, or to meet needs relating to all of the above criteria.</p> <p>Equal remuneration, equal evaluation, and equal opportunities for</p>	<p>regardless of race, colour, sex, religion, political opinion, nationality, social origin or other distinguishing characteristic (C100 & C111)</p>	<p>promotion, termination or retirement based on race, caste, national origin, religion, age, disability, gender, marital status, sexual orientation, union membership or political affiliation.</p>	<p>advancement, discipline, termination or retirement, on basis of gender, race, religion, age, disability, sexual orientation, nationality, political opinion, or social or ethnic origin.</p>	<p>employee promotion policy, policies of employment termination, retirement shall be based on the principle of equal opportunities, regardless of race, colour, sex, religion, political affiliation, union membership, nationality, social origin, deficiencies or handicaps.</p>	<p>promotion, termination or retirement based on race, caste, national origin, religion, disability, gender, sexual orientation, union membership or political affiliation.</p> <p>No interference with the exercise of the rights of workers to observe tenets or practices, or to meet needs relating to all of the above criteria.</p> <p>Not allow behaviour, including gestures, language and physical contact, that is sexually coercive, threatening, abusive or exploitative.</p>	<p>salary, benefits, advancement, discipline, termination or retirement, on the basis of gender, race, religion, age, orientation, political opinion, or social or ethnic origin.</p> <p>Women's Rights:</p> <p>a. Women workers will receive equal remuneration, including benefits; equal treatment; equal evaluation of the quality of their work; and equal opportunity to fill all positions open to male workers.</p> <p>b. Pregnancy tests will not be a condition of employment, nor will they be demanded of employees.</p> <p>c. Workers who take maternity leave will not face dismissal nor threat of dismissal, loss of seniority or</p>

	Draft Jo-In	CCC	ETI	FLA	FWF	SAI	WRC
	<p>women</p> <p>The right of all individuals to make decisions concerning reproduction free of discrimination, coercion and violence</p> <p>Workers shall have all entitlements and protection provided in national law and practice with respect to maternity.</p>						<p>deduction of wages, and will be able to return to their former employment at the same rate of pay and benefits.</p> <p>d. Workers will not be forced or pressured to use contraception.</p> <p>e. Workers will not be exposed to hazards, including glues and solvents that may endanger their safety including their reproductive health.</p> <p>f. Licensees shall provide appropriate services and accommodation to women workers in connection with pregnancy.</p>
<p>Freedom of association and collective bargaining</p> <p>ILO C87, C98, C135, C154</p> <p>ILO R143</p>	<p>Recognise & respect right of all workers to form or join trade unions of their choice and to bargain collectively</p>	<p>Recognize right of workers to join trade union and bargain collectively (C87 & C98)</p> <p>Workers'</p>	<p>Workers without distinction have right to join trade union of own choosing and bargain collectively.</p> <p>Workers'</p>	<p>Recognize right of workers to join trade union and bargain collectively</p> <p>Where the right is restricted by law,</p>	<p>Recognize right of workers to join trade union and bargain collectively</p> <p>Where right restricted by law, employer</p>	<p>Recognise & respect right of all workers to form or join trade unions of their choice and to bargain collectively</p>	<p>No employee shall be subject to harassment, intimidation or retaliation in their efforts to freely associate.</p>

	Draft Jo-In	CCC	ETI	FLA	FWF	SAI	WRC
	<p>Recognise the trade union(s) of the workers' choice.</p> <p>Adoption of a positive approach towards the activities of trade unions and organisational activities of workers.</p> <p>Workers' representatives not discriminated against and have access to carry out functions in workplace.</p>	<p>representatives not subject to discrimination & access to workplaces to carry out representative functions (C135 & C143)</p> <p>Employers adopt a positive approach to trade unions and positive attitude to their organizing activities.</p>	<p>representatives not discriminated against and have access to carry out functions in workplace.</p> <p>Employers adopt an open attitude to activities of trade unions and their organizational activities.</p> <p>Where right restricted by law, employer facilitates, and does not hinder, development of parallel means for independent and free association and bargaining.</p>	<p>employer should not seek state assistance to prevent workers exercising right to FoA</p>	<p>facilitates, and does not hinder, development of parallel means for independent and free association and bargaining.</p> <p>Workers' representatives not discriminated against and have access to carry out functions in workplace</p>	<p>Where right is restricted by law, employer facilities, parallel means for free association and bargaining.</p> <p>Workers' representatives not discriminated against and have access to carry out functions in workplace.</p>	
<p>Forced labour ILO C29, C105 ILO R35</p>	<p>No use of forced labour, including involuntary prison, indentured or bonded labour</p> <p>Workers shall not be</p>	<p>Employment is freely chosen.</p> <p>No use of forced, including bonded or prison, labour (C29 & C105).</p>	<p>Employment is freely chosen.</p> <p>No forced, bonded or involuntary prison labour.</p>	<p>No use of forced labour, prison labour, indentured labour, bonded labour or otherwise</p>	<p>Employment is freely chosen</p> <p>No use of forced, including bonded or prison, labour.</p>	<p>Not engage in or support the use of forced labour, nor shall personnel be required to lodge 'deposits' or identity papers upon</p>	<p>No use of forced prison labor, indentured labor, bonded labor or other forced labor.</p>

	Draft Jo-In	CCC	ETI	FLA	FWF	SAI	WRC
	<p>required to lodge 'deposits' or identity papers with their employer and shall be free to terminate their employment after reasonable notice.</p> <p>No restrictions on freedom of movement (from factory or employer controlled residences) of workers</p>	Workers shall not be required to lodge "deposits" or identity papers with their employer.	Workers not required to lodge "deposits or their identity papers with employer and are free to leave employer with reasonable notice.			commencing employment with the company.	
Health and safety	<p>Safe and hygienic working environment – knowledge of industry and specific hazards.</p> <p>Take adequate steps to prevent accidents and injury, by minimising the causes of hazards</p>	<p>Safe and hygienic working environment.</p> <p>Promote best occupational health and safety – knowledge of industry and specific hazards.</p>	<p>Safe and hygienic working environment – knowledge of industry and specific hazards.</p> <p>Workers receive regular and recorded health and safety training.</p> <p>Access to clean</p>	<p>Safe and healthy working environment required. Standard also applies to employer operated facilities part from production facilities (e.g. housing)</p> <p>Take adequate steps to prevent accidents and injury, by</p>	<p>Safe and hygienic working environment</p> <p>Promote best occupational health and safety – knowledge of industry and specific hazards.</p> <p>Effective regulations shall be implemented to prevent accidents and</p>	<p>Safe and hygienic working environment – knowledge of industry and specific hazards.</p> <p>Take adequate steps to prevent accidents and injury, by minimising the causes of hazards</p>	<p>Safe and healthy working environment required to prevent accidents and injury to health.</p> <p>Ensure that its direct operations and those of subcontractors comply with all</p>

	Draft Jo-In	CCC	ETI	FLA	FWF	SAI	WRC
	<p>Not expose workers to hazards which may endanger reproductive health.</p> <p>Responsibility for health and safety assigned to senior management representative.</p> <p>All Workers shall receive regular and recorded health and safety training</p> <p>Establish systems to detect, avoid or respond to potential threats to the health and safety</p> <p>Access to clean facilities and portable water, and if appropriate, sanitary facilities for food storage.</p>		<p>facilities and portable water, and if appropriate, sanitary facilities for food storage.</p> <p>Accommodation, where provided, meet basic needs of workers.</p> <p>Responsibility for health and safety assigned to senior management representative.</p>	<p>minimising the causes of hazards</p>	<p>minimise health risks as much as possible</p>	<p>Responsibility for health and safety assigned to senior management representative.</p> <p>All Workers shall receive regular and recorded health and safety training</p> <p>Establish systems to detect, avoid or respond to potential threats to the health and safety</p> <p>Access to clean facilities and portable water, and if appropriate, sanitary facilities for food storage.</p> <p>Accommodation, where provided, meets basic needs of workers.</p>	<p>workplace safety & health regulations established by the national government where production facility is located, or with Title 29 CFR of the Federal Code of Regulations, enforced by Federal OSHA, whichever is more health protective.</p> <p>Ensure that its direct operations and subcontractors comply with all health and safety conventions of the International Labor Organization (ILO) ratified and adopted by the country in which the production facility is located.</p>

	Draft Jo-In	CCC	ETI	FLA	FWF	SAI	WRC
	Accommodation, where provided, meets basic needs of workers.						
Wages	<p>Workers shall have the right to a living wage.</p> <p>Wages shall always comply with all applicable laws, regulations and industry minimum standards and shall be sufficient to meet basic needs of workers and their families and provide some discretionary income.</p> <p>No deductions as disciplinary measure or for reasons not provided by national law except with permission of</p>	<p>Workers must be paid a living wage. Wages and benefits meet at least legal or industry minimum standards and be sufficient to provide some discretionary income.</p> <p>No deductions without express permission of worker concerned.</p>	<p>Living wage paid. Local minimum, national legal standards or industry benchmark standards whichever is higher.</p> <p>Workers provided with information about wages before enter into employment and about particulars of wages each time paid.</p> <p>No deductions as disciplinary measure or for reasons not provided by national law except with permission of worker. Disciplinary measures recorded.</p>	<p>Legal or prevailing industry wage, and meets basic needs / provide discretionary income.</p>	<p>Wages shall always comply with all applicable laws, regulations and industry minimum standards and shall be sufficient to meet basic needs of workers and their families and provide some discretionary income.</p> <p>No deductions as disciplinary measure or for reasons not provided by national law except with permission of worker.</p> <p>Adequately and clearly inform employees about the specifications of</p>	<p>Wages shall always comply with all applicable laws, regulations and industry minimum standards and shall be sufficient to meet basic needs of workers and their families and provide some discretionary income.</p> <p>No deductions as disciplinary measure or for reasons not provided by national law except with permission of worker.</p> <p>Workers provided with information about wages before entering into employment and</p>	<p>Legal minimum wage and benefits. WRC code requires pay a "living wage"</p> <p>Wages shall always comply with all applicable laws, regulations and industry minimum standards and shall be sufficient to meet basic needs of workers and their families.</p>

	Draft Jo-In	CCC	ETI	FLA	FWF	SAI	WRC
	<p>worker.</p> <p>Workers provided with information about wages before entering into employment and about particulars of wages each time paid.</p> <p>Remuneration either in cash or check form, in a manner convenient to workers.</p> <p>Wages paid on a regular and timely basis.</p>				<p>their wages including wage rates and pay period.</p>	<p>about particulars of wages each time paid.</p> <p>Remuneration either in cash or check form, in a manner convenient to workers.</p> <p>Wages paid on a regular and timely basis.</p>	

	Draft Jo-In	CCC	ETI	FLA	FWF	SAI	WRC
Hours of work ILO C131	<p>Comply with national laws and benchmark industry standards, whichever offers greater protection.</p> <p>Maximum working hours per week not to exceed 48 hours on a regular basis; 1 day off in 7</p> <p>Overtime voluntary and not exceed 12 hours per week, not demanded on regular basis and compensated at premium pay (if not defined, then at least one and one half of their regular hourly compensation rate)</p>	<p>Maximum hours per week not to exceed 48 hours; 1 day off in 7.</p> <p>Overtime voluntary and not exceed 12 hours a week, not demanded on regular basis and compensated at premium rate.</p>	<p>Comply with national laws and benchmark industry standards, whichever offers greater protection.</p> <p>Maximum hours per week not to exceed 48 hours on a regular basis; 1 day off in 7</p> <p>Overtime voluntary and not exceed 12 hours per week, not demanded on regular basis and compensated at premium pay</p>	<p>Maximum hours per (except in extraordinary business circumstances); 1 day off in 7</p> <p>All overtime work reimbursed at a premium rate.</p> <p>12 hours; premium pay</p>	<p>Hours of work shall comply with applicable laws and industry standards</p> <p>Maximum hours per week not to exceed 48 hours on a regular basis; 1 day off in 7</p> <p>Overtime voluntary and not exceed 12 hours per week, not demanded on regular basis and compensated at premium pay</p>	<p>Maximum hours per week not to exceed 48 hours; 1 day off in 7</p> <p>Overtime voluntary and not exceed 12 hours a week, not demanded on regular basis and compensated at premium rate.</p>	<p>Not be required to work more than the lesser of (a) 48 hours per week or (b) the limits of regular hours allowed by the law of the country of manufacture, and be entitled to at least one day off every seven day period, as well as holidays and vacations.</p> <p>Overtime not to 48 hours; 1 day of in 7 plus holidays</p> <p>No restriction; premium pay</p>
Harassment and abuse	Every worker treated with dignity	Physical abuse, threats of physical	Physical abuse or discipline, threat of	No employee shall be subject to any	Physical abuse, threats of physical	No corporate punishment, mental or	No employees shall be subject to any

	Draft Jo-In	CCC	ETI	FLA	FWF	SAI	WRC
	<p>and respect.</p> <p>Not engage in or support the use of corporal punishment, mental or physical coercion, threats of physical abuse, unusual punishment or discipline, sexual or other harassment, intimidation and verbal abuse.</p>	<p>abuse, unusual punishments or discipline, sexual and other harassment, and intimidation prohibited.</p>	<p>physical abuse, sexual or other harassment and verbal abuse or other forms of intimidation prohibited.</p>	<p>physical, sexual, psychological or verbal harassment or abuse</p>	<p>abuse, unusual punishments or discipline, sexual and other harassment, and intimidation by the employer is strictly prohibited.</p>	<p>physical coercion or verbal abuse. No sexually coercive or exploitative behavior</p>	<p>physical, sexual psychological or verbal harassment or abuse. No corporal punishment</p>
Employment relationship	<p><i>Work performed must be on the basis of a recognised employment relationship established through national law and/or practice.</i></p> <p>Not avoid obligations under law through use of labour-only contracting, sub-</p>	<p>Not avoid obligations under law through use of labour-only contracting arrangements or apprenticeship schemes.</p>	<p>Work should be performed on basis of recognized employment relationship established through law and national practice.</p> <p>Not avoid obligations under law through use of labour-only contracting, sub-</p>	<p>-----</p>	<p>Not avoid obligations under law through use of labour-only contracting arrangements or apprenticeship schemes.</p> <p>Give opportunity to younger workers to participate in education and training programmes.</p>	<p>Not avoid obligations under law through use of labour-only Contracting or false apprenticeship schemes</p>	<p>-----</p>

	Draft Jo-In	CCC	ETI	FLA	FWF	SAI	WRC
	<p>contracting or home-working arrangements or apprenticeship schemes.</p> <p>Nor shall any such obligations be avoided through the excessive use of fixed-term contracts of employment.</p>		working arrangements or apprenticeship schemes.				
Qualifiers		Provisions constitute minimum and not maximum standards or as the only conditions permitted to serve as the basis for any claim as to what standards or conditions of employment should be provided.	Provisions constitute minimum and not maximum standards. Companies expected to comply with national law, and /or apply provision that affords greater protection.	Companies should apply the higher standard (the Code of conduct or the applicable law of country) in case of difference or conflict.	-----	When national and other applicable law, other requirements to which the company subscribes, and this standard address the same issue, that provision which is most stringent applies.	Companies should apply the higher standard (the Code of conduct or the applicable law of country) in case of difference or conflict
Guidance on standards		Outcomes of workshop proceedings, pilots	Freedom of association and collective bargaining	FLA Monitoring Guidance and compliance	FWF manuals and auditing guidelines	Guidance document 2005 Auditor Training and	Principles in founding document of the Consortium

	Draft Jo-In	CCC	ETI	FLA	FWF	SAI	WRC
		and issue papers.	Guidance Document.	benchmarks.		SAI courses.	and opinion issued which articulates the de facto policy of the organization.

Notes:

ILO Conventions highlighted are fundamental conventions.