

**Principle 6**

**THE RIGHT TO WORKER REPRESENTATION IS RESPECTED**

**Migrant workers should have the same rights to join and form trade unions and to bargain collectively as other workers.**

Migrant workers are sometimes barred from joining trade unions or participating in other forms of workplace representation. This may be due to national laws banning unions, or due to discrimination, intimidation, preventing/failing to provide migrant workers access to the union official or worker representative, or not providing proper information in a language migrant workers can understand to inform them of their rights and choices.

Freedom of association and the right to collective bargaining are fundamental human rights. Companies that do not respect these rights are not meeting the corporate responsibility to respect human rights.

**IMPLEMENTATION STEPS**

- All workers, including migrant workers, have a human right to form or join a trade union of their choice and to bargain collectively. In some countries the government does not fully protect these rights for any workers. In other countries the government specifically excludes migrant workers from joining or participating in trade unions. Employers must recognise that the failure of governments to fulfil their obligation to protect these human rights does not absolve employers from their responsibility to respect the same human rights.
- Contracts between migrant recruiters and workers must not contain provisions that would prohibit or have the effect of discouraging workers from exercising their right to form or join trade unions and to bargain collectively.
- Employers should not take any measures that would have the effect of discouraging workers including migrant workers, from forming or joining a trade union. Workers should not be subject to any discrimination or dismissal because they support or are seeking to join or form a trade union. Employers should not use the legal status of migrant workers to prevent or discourage their trade union activities. Nor should employers take actions that would cause migrant workers to lose their residence/ work permits because they are suspected of, or support forming or joining a trade union. Respect for the right of all workers, including migrant workers, to form or join trade unions and to bargain collectively should be a public commitment of all business enterprises employing migrant workers.
- In situations where migrant workers are not permitted to be represented by legally recognised trade unions, the employer, to the extent possible, shall respect the self-organisation of migrant workers and engage with representatives of their organisations. In these situations the employer shall not avoid any genuine opportunity to bargain collectively. Employers should not seek to establish or support committees or organisations where the effect is to discourage workers from joining or forming their own organisations.
- Employers should facilitate the participation of migrant workers in the industrial relations of the business enterprise. Independent translation facilities should be made available to allow migrant workers to communicate confidentially and collectively with worker representatives. Employers should make facilities available, and provide reasonable time off, for union workplace representatives to advise migrant workers of workplace issues and their rights.
- Employers should allow access by local migrant workers support groups to the workplace where barriers exist to migrant workers ability to join trade unions. On no account should this be a substitute to respecting the right of migrants to form or join trade unions of their choosing.