



FREEDOM OF ASSOCIATION POLICY: KEY ELEMENTS AND MODEL POLICY

FACT SHEET 1

A first step for an employer to ensure respect for workers' right to freedom of association (FOA) and to bargain collectively is to adopt and share with all employees a Freedom of Association Policy. The following are key commitments that should be included in an FOA policy and a model policy.

An employer should either use the Key Elements of an FOA Policy to develop their own company policy or adopt the Model FOA Policy. In either case, the company's FOA Policy should be effectively communicated to all workers and management personnel, including all new employees.

Key Elements of an FOA Policy

An Employer FOA Policy should include the following commitments:

- Respect the right of workers to freedom of association, including the right to form or join a union of their free choice, and the right to bargain collectively.
- Refrain from and do not tolerate any acts of discrimination, intimidation, reprisal, or threats of reprisal, including by human resources staff or supervisors, against workers for exercising their associational and collective bargaining rights.
- Negotiate in good faith for an initial collective bargaining agreement (CBA), as well as revisions to the CBA, with a union that has received a Certificate of Representativeness.
- Refrain from interfering in the internal affairs of a union or in worker votes on the negotiated CBA or revisions to a CBA, or in union representation or certification votes.
- Provide all workers with a printed copy of the employer's FOA policy and the collective bargaining agreement, where one exists.

- Respect the right of worker representatives, including union representatives not employed by the company, to carry out their legitimate union functions within the enterprise.
- Remain neutral and refrain from any acts that favor one union over another in cases where there is more than one union or a process of union organizing taking place in the workplace, as well as in union representation elections to determine which union will hold title to the CBA.
- Investigate and take appropriate disciplinary action in response to worker complaints of violations of the company's FOA Policy.

Model Employer FOA Policy

[Name of Company] supports the right of workers employed by the company to freedom of association and collective bargaining, including their right to join or form a union of their free choice.

[Name of Company] does not tolerate acts of discrimination, intimidation, reprisal, or threats of reprisal against workers for exercising their associational and collective bargaining rights.

If a union has received a Certificate of Representativeness, we commit to negotiating in good faith with that union for an initial collective bargaining agreement (CBA), as well as revisions to the CBA. We will not interfere in ratification votes by workers on an initial CBA or revisions to the CBA and will respect the results of such votes.

Our company will not interfere in the internal affairs of any union that has affiliates in our workplace. If there is more than one union established or in the process of formation, we will remain neutral and will not promote or favor one union over another, including in union representation elections to determine which union will hold title to the CBA.

We respect the right of worker representatives, including union representatives not employed by the company, to freely conduct their legitimate union activities in the workplace.

We will ensure that all workers receive printed copies of this FOA Policy and the CBA, if one exists.

If there are violations of this policy, workers have the right to use the company's grievance procedure to file anonymous complaints without fear of retaliation.

The company commits to investigate complaints of anti-union actions or threats by any employee, regardless of their position, and to impose appropriate sanctions, up to and including dismissal, if those allegations are verified.

This fact sheet is part of the MSN's Resource Kit on Freedom of Association in Mexico available at: maquilasolidarity.org/en/resources-foa-mexico.