



makeITfair & GoodElectronics  
Round Table for the Electronics Industry and Civil Society Organisations  
Improving Labour Standards in the Global Electronics Industry  
Defining Strategies that Work  
May 7-8, 2009. Amsterdam, the Netherlands  
- Report -



Photo by Thomas Spragg



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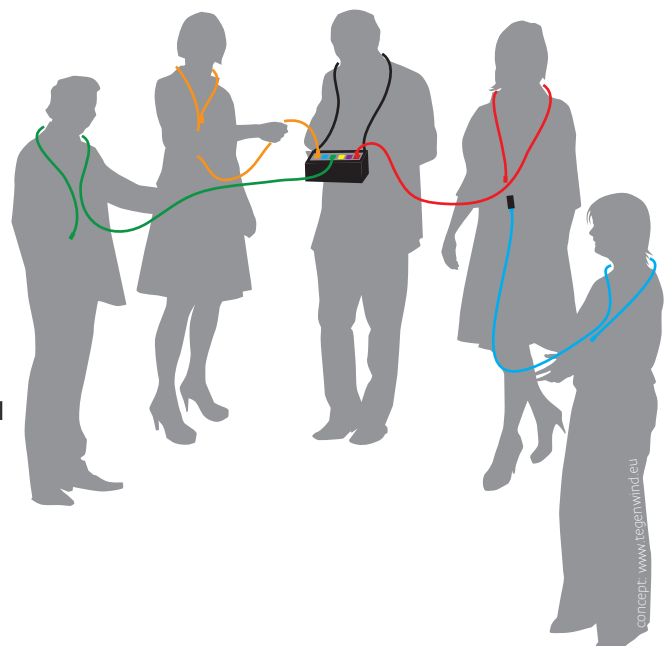
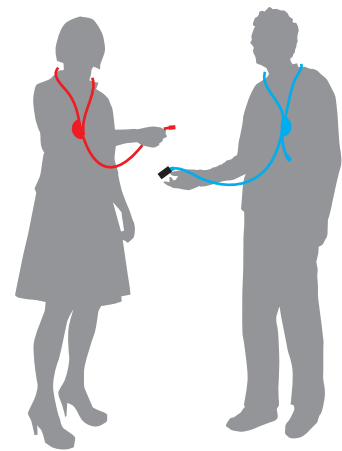
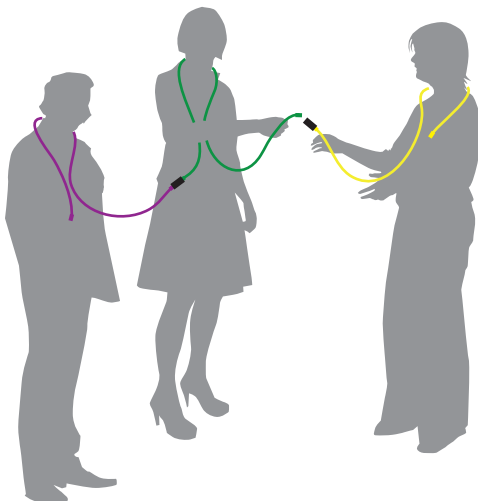
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## I. INTRODUCTION

On 7 and 8 May 2009, about 25 corporate participants representing a host of different electronics companies and as many as 35 representatives of civil society organisations gathered in Amsterdam for a round table meeting. Different branches of the electronics industry were present, such as brand name companies, manufacturers and telecom providers, as well as business' CSR initiatives Electronics Industry Citizenship Coalition (EICC) and the Global e-Sustainability Initiative (GeSI). Civil society was represented by organisations as diverse as Southern trade unions, the International Metalworkers Federation (IMF), the European Metalworkers Federation (EMF), European campaigning organisations, shareholder activists and many other NGOs.

The objective of the round table was to provide information on the current labour issues in the global electronics industry in order to enable a better understanding of these issues. Also, the round table aimed to find common ground between the industry and civil society organisations for effective strategies that bring about lasting improvements of labour conditions in this sector. It was quite a unique gathering. Not often before were these topics discussed this openly by as many different participants, all of them bringing their own – often diverging – interests and analyses to the table.

The Round Table was organised by makelTfair and GoodElectronics. makelTfair is a project of European NGOs focused on raising awareness on social and environmental issues in the electronic industry among young consumers of electronic products. GoodElectronics is an international network of NGOs, labour unions, social activists, researchers and academics, focusing on human rights and sustainability in the global electronics industry.

### *The time to act is now*

The organisers of this round table are greatly concerned by the poor labour conditions in the global electronics sector, which was their main motivation for initiating the conference. Labour rights are not well protected, precarious work is on the increase, migrants and women are the most vulnerable workers. Excessive overtime in combination with low wages is frequently observed. Freedom of Association is still far from being realised; active obstruction of labour unions by companies and governments is a common phenomenon.

To make matters worse, the economic crisis is having its effect on workers worldwide. Factories are closing down or are relocated to regions where labour is cheaper still; regular workers are replaced by contract workers; more workers are being hired through labour agencies instead of directly by producing companies. Facing these developments, emphasizing ethical standards has become even more important.

Civil society organisations have been providing answers and solutions for many years, stressing the importance of the right to organise and collective bargaining, commenting upon industry codes, criticising audit practices, arguing for involvement of local stakeholders throughout all phases of the development and implementation of company codes and so forth.



The electronics industry, for its part, has taken some steps to address social and environmental issues, both individually and collectively (through EICC and GeSI), by designing codes of conduct and by undertaking different activities. Unfortunately, many of the codes do not cover some of the basic labour issues, and most of them do not meet what MakeItFair and GoodElectronics consider to be a threshold standard. Implementation also remains an issue, as it is mostly unilaterally done by companies thus far.

Despite all these efforts, labour conditions are still problematic and workers all over the globe are facing numerous problems. This Round Table attempted to take a fresh look at what has been attempted, what has been suggested, what has proven to be effective, and what has not – all in order to get a bit closer to mutual agreement on strategies that will work for the electronics industry.

The Round Table resulted in many open, challenging and very informative discussions, in workshops as well as in plenary sessions. Hypothetical cases were included in the programme in order to effectively discuss different labour rights issues. Opening up the dialogue between the different parties was clearly very much appreciated. The round table proceeded in a non-confrontational atmosphere. Looking jointly at issues and strategies proved a constructive way of getting together. The call for follow-up meetings and exchanges, nationally or other, was loud and clear. Civil society participants strongly stressed that industry will have to give up its resistance against Freedom of Association and start engaging with trade unions in a genuine manner to develop mature industrial relations. The industry, for its part, expressed its commitment to change and improvement of labour conditions, but stressed that this concerns a long-term process. 'Baby steps' need to be taken but no giant leaps should be expected.

This report presents a summary of the discussions and exchanges on the issues put up for discussion, with particular focus on purchasing practices, code compliance and the nature of a CSR business case in the electronics industry. The organisers have indicated several ways forward, making use of experiences gained in other industries. These include working with: mature systems of industrial relations, a common code of conduct as developed in a multi stakeholder process, in-factory worker rights training, collaboration among supply chain actors on a national level and the Better Work Programme.

Finally, a number of concrete proposals for further steps and a time frame are formulated.

## **II. MAIN ISSUES: WHAT WE NEED IS LASTING IMPROVEMENT**

### **Precarious work**

The discussion centres on an understanding of the trend in the global electronics industry towards an increasingly flexible labour market situation, characterised by the replacing of regular contracts by renewable, short term contracts. A company may for example employ a minimum of skilled workers and hire other workers, often less skilled and cheaper, on a contractual basis, dealing with fluctuations by adding workers on a short term basis. Increasingly, labour or contract agencies replace the role of the company as the workers'



direct employer. The industry defends this trend as a perfectly justified development, especially given the current global economic crisis. Companies should be able to proceed in the most flexible way possible, to be able to survive and continue offering employment. Relocation of production when needed is part and parcel of this modus of operating. Trade unions and NGOs, however, point out that this trend has numerous adverse effects on the workers concerned: wages of contract workers are generally significantly lower. Due to their specific status, contract workers in the electronics sector can lay no (full) claim to employment rights such as paid sick leave or holidays; allowances for transport or energy costs; annual bonuses or bonuses for diligence. Contract workers have to pay for safety clothing and health check-ups, where in the case of regular workers the employer would take care of such costs. Access to social services is often limited as well. In the electronics sector, precarious workers are new workers; young people with little labour market experience as yet. The majority of these workers are women. Increasingly, these workers are migrants, both internal as well as trans-border migrants. It is important to acknowledge that precarious work has a 'feminine face'. The double burden of domestic work on women is one of the reasons for women's over-representation in precarious employment. Precarious work means precarious lives and social insecurity leading to increasing violence against women.

Civil society organisations further state that these problems are being aggravated by the economic crisis. Concerns are expressed about the fate of migrant workers that have become redundant and will have to return to their home countries with the debts made for the journey to the host country still to be paid for.

Also, the simple cost-benefit analysis made by some companies is challenged. If the true costs of hiring contract - and migrant workers - including costs of re-training temporary workers and the social costs involved - are taken into account, flexibilisation would not be looked upon as the cheapest and best solution. This is not an exclusive civil society view, as the analysis is corroborated by some of the corporate participants.

#### **Labour agencies in Mexico – case for discussion**

Outsourcing has become a widespread practice in the Mexican electronics industry. Supply and demand change rapidly in the electronics market, causing the use of temporary workers to grow, thus providing industry with the flexibility it needs. Sometimes, up to 60% of the workers are on a temporary contract, missing out on social benefits etc.

In the ensuing discussion, industry admits that - although they do need a certain amount of flexibility - a level of up to 60% of temporary workers is problematic and a possible breeding ground for labour abuses (companies trying to evade certain regulations or exploitation of workers). Civil society stresses that labour agencies should be included in supply chain audits. Codes of conduct must not just apply to the next tier of 'component suppliers' but also to the next tier of 'people suppliers'. There is a need to have quantitative data on factory level on the percentage of workers recruited and hired by labour agencies and to link this to audit results and data on code compliance. This information could be used for a cost-benefit analysis of employing regular workers versus hiring contract workers, in which costs such as training of temporary workers should be included. Such an analysis could be the basis for developing better practices.



## Freedom of Association and Codes of Conduct

The discussion centres on basic issues, on which opinions differ widely. The following questions arise: what exactly is Freedom of Association (FoA)? How to ensure the right to organise and to bargain collectively throughout the supply chain? What constitutes social dialogue?

From a civil society standpoint, non-compliance with FoA in supply chains is highly problematic. Trade union and NGO participants disapprove of the EEIC Code of Conduct not fully embracing relevant ILO conventions. It is argued that not all countries have ratified the ILO conventions concerned, so why should the EICC? Also, some companies feel that cultural differences between countries justify different labour rights approaches. NGOs and trade unions disagree with this point of view, emphasizing that the ILO core conventions are binding for all countries regardless of ratification.

An NGO from the Philippines emphasises:

“We teach the workers their basic rights and encourage them to organise, because that is their only weapon. Getting a higher wage for example, can only be done if they have freedom of association.”

Business argues in favour of alternative forms of worker organisation, such as worker councils. Trade unions however, stress that formal trade unions are the appropriate form of workers' representation and that companies should not accept to settle for less.

### **'No Union – No Strike' practices in EPZs in the Philippines – case for discussion**

It is an unwritten law that no unions are allowed in the Export Processing Zones in the Philippines, which makes organising workers very difficult. What is more, a no-strike policy is in place. As a result, if workers want to vent their disagreement with certain issues, they protest during their lunch hour – never during work hours – for fear of getting fired. NGOs denounce the semi-feudal social control system that exists in the Philippines. If a worker dares to join a union, the company in question will often call in the village chief to induce the worker to quit the union. Some of the workers in electronics companies are directly employed; others are hired through labour agencies. Many big brand names are operating within the EPZs. Very high production quota and compulsory overtime are the order of the day.

NGOs stress the importance of putting pressure on the local government to change the laws. Unfortunately, this is an extremely difficult and time-consuming endeavour – especially since the law system in the Philippines is poor and corrupt. The question arises whether foreign investors could support a call for legislative revisions in another country, or whether that would be mixing in domestic affairs. A company affirms that supporting a draft bill is certainly a possibility, if the existing legislation is not up to the companies' standards.

Corporate representatives participating in the discussion point out that the executive management of brand name companies might not be aware of the situation in which workers are employed locally; a lot of awareness raising still needs to be done. It is true that local management has a responsibility to undertake action towards improving labour issues,



but those managers will need back-up from the mother companies, otherwise they will be replaced very quickly.

According to an NGO, EPZs are an encroachment on western tax laws - a place where companies can flout those laws. The infrastructure is being paid for by the host countries, while the big companies are profiting doubly from these zones, exempt from paying tax coming in and going out. NGOs wonder: is this the level playing field companies say they need? A company reacts by admitting that EPZs are not beneficial for a country, but doubts whether the creation of a union would bring a solution – maybe it would just create more problems. Another company – an exceptional voice in this particular discussion – disagrees and underlines the fact that workers need to be organised.

“If workers are not organised, they’re just individuals. Individually, you cannot fight these issues.” – company

The Code of Conduct of the Electronics Citizenship Coalition (EICC) is referred to in various discussions throughout the round table - as an industry-wide initiative, the EICC code sets a standard. NGOs and trade unions, however, reiterate their critical views concerning the EICC code in no uncertain terms. It is stressed that important issues such as freedom of association, the right to bargain collectively, the right to a living wage and health issues are insufficiently covered by the EICC code.

It is acknowledged that considerable differences exist between the EICC code and individual company codes. Some companies are making up for the inconsistencies and lacunae in the EICC code by adding clauses covering specific issues such as the right to organise and to bargain collectively in their individual company codes. In their audits these companies do check for non-compliance on these issues. In some cases, suppliers are phased out as a result of continuing non-compliance.

NGOs and trade unions, however, find that none of the current company codes are truly up to standard as the involvement of workers’ and other stakeholders in the designing of these codes is insufficient. When it comes to the implementation, civil society is adopting an even more critical stance. The level of workers’ participation in code compliance monitoring, corrective action plans and long term solutions is far from satisfactory.

Companies and civil society organisations do agree on the limited scope and effect of the auditing process, in other words: the monitoring of code compliance. NGOs state that it is practically impossible for the industry to audit every single factory as a way of improving labour issues.

“Auditing does not do the trick. How can we get lasting improvements? We must build trust and knowledge, getting the suppliers to understand the bigger scope of the code. It doesn’t just mean putting up a fire extinguisher in the designated space.” – company



A related aspect is the issue of transparency; an issue of huge importance to NGOs and trade unions. According to them, on average, the industry is not sufficiently transparent with regard to audit results and measures taken to address established non-compliance. This notwithstanding exceptional companies that do report on compliance and the phasing out of non-compliant suppliers. Civil society organisations can not play their part if such information is not available.

An additional trade union comment points out that audits become unnecessary once an effective trade union is present in a factory.

On a more principled level, the voluntary, non-enforceable nature of codes of conduct is criticised – especially by trade unions. None of the company codes are legally binding; if a company breaches its code, there is no mechanism to address that.

“This is a major setback. How can we enforce a code of conduct? A voluntary rule does not satisfy workers’ protection.” - trade union

#### **Transparency on audit results**

Brand companies demonstrate a gradually increasing transparency regarding their audit findings. Reports testify to the enormous magnitude of the problems workers are facing. The Apple Supplier Responsibility 2009 Progress Report, for example, mentions involuntary labour, underage workers and falsification of records. Moreover, 59% of the facilities audited violated the working hours and days of rest standard, 41% of the facilities audited violated wages and benefits standards and 26% of the facilities audited violated the anti-discrimination standard.

In 2008, Hewlett Packard conducted 129 supplier site audits. In its 2008 Global Citizenship Report, HP describes how internal auditors found excessive - and often mandatory – overtime hours in violation of the EICC code and local and/or national labour laws, discrimination on the basis of pregnancy and age and a lack of systems to manage and control health and safety. In more than 51% of the facilities audited there was non-compliance with the working hours standard, and in 26 - 50% of the facilities audited there was non-compliance to the wages and benefits standard.

#### **Gender segmentation in the electronics industry – the example of Eastern Europe**

The difference between male and female employment rates, or the gender gap, is a helpful indicator of the general position of women in society. Being employed, however, is not sufficient for women to attain an equal position to men. On the one hand, working conditions are such that women workers are disadvantaged over their male colleagues. On the other hand, women workers have to live up to the expectations of traditional gender roles, including household responsibilities and child care. Men take a significantly smaller share in these tasks.

Taking the example of the Hungarian electronics industry, about 60% of the operators are women. The lion’s share of women operators are young women without family commitments,



or women with older children. Women caring for young children are hardly employed in the electronics industry because of the shift-system and the long working hours. A complicating factor is the inefficiency of available transport, which forces long travelling hours on commuting workers. Among supervisors, the percentage of women is much lower - not to mention managers. Despite the level of education or previous employment, women are not often employed above operator level. Moreover, female workers get promoted less easily than their male colleagues. Finally, the bonus system also disadvantages women workers. Bonuses are granted on the basis of production and presence on the work floor, but women are more often absent than men due to tasks at home.

Hungarian labour legislation stipulates that pregnant women workers should be offered jobs where they run no health risks, making sure they do not have to work night shifts. Yet, the usual practice is that pregnant workers are sent on compulsory sick leave, sometimes even at an early stage in the pregnancy.

Unionisation in the electronics industry in Hungary is quite low - trade unions are present in about one out of three companies. While membership is somewhat equally divided between male and female workers, women's rights do not have priority. These different factors result in the average income of women in the electronics sector being significantly lower than that of their male colleagues.

In the discussion following the presentation, companies indicate to be interested in learning more about gender issues.

### **Migrant workers**

Today, there are globally around 190 million labour migrants, that is people migrating for labour-related reasons, often between emerging economies. The ILO has calculated that 20 million jobs will be lost due to the current economic crisis. This will have a tremendous effect on labour migration. Migrant workers often are the first ones to lose their jobs, when job cuts are made. Sufficient reasons for concern over the migrant labourers employed in the electronics industry.

Most companies, as the discussion reveals, do not distinguish between local workers and migrant labourers. Migrant workers are not an issue for EICC either, at the moment.

*"When we discuss overtime, wages et cetera with our suppliers, this is the same for any worker, including contract and migrant workers. There is seasonality in production: when the demand goes up you naturally need more labourers. But we don't treat workers differently." - a brand name company*

The civil society view, however, stresses that there is a distinction to be made between locally employed workers and migrant workers. The starting points of the different groups are not the same: migrant workers have less access to legal protection and are highly vulnerable. Migrant workers are indirectly recruited and employed, which increases the risk of abuse. They are unprotected under many national laws, and have limited access to social services, healthcare, housing or effective dispute resolution. Migrant workers seldom receive



adequate pre-departure or skills training, and sometimes get deeply indebted from the very start. In those cases, they are unable to send home remittances or to provide for themselves when they lose their jobs. Returning home is out of the question. For all these reasons, civil society representatives argue in favour of better protection of migrant workers. Governments of host countries receiving migrant labour are to improve labour laws; companies employing migrants in their supply chains are to ensure that their Codes of Conduct also apply to migrant workers.

Companies express the need to better understand migrant labour issues, and the need to engage with other stakeholders and governments. Business also emphasizes that it can learn from best practices, such as the example of the Philippines and Jordan – where laws to protect migrant workers have been introduced. More research relating to these issues should be undertaken. Civil society participants call upon companies to make risk assessments relating to migrant labour in their supply chains.

“The risk is increasing. Companies are playing their part in migration processes by operating and changing factories. For risk assessment you need to know in which countries you’re working, which recruitment agencies you are using and how they operate.” – NGO.

#### **Apple on migrant labour**

In its Supplier Responsibility 2009 Progress Report, Apple writes about migrant labour: “Our most significant discovery involved recruitment practices in which our suppliers had hired workers from one country to work in factories in another country. Of the 83 facilities audited, we found six facilities where these contract workers stated they had paid recruitment fees that exceeded the applicable legal limits—often requiring them or their families to incur a debt. We classified this overcharge as a core violation, our most serious category of violation, since these workers may not feel at liberty to leave employment until the debt is paid. In addition to demanding reimbursement, Apple has updated its Code to require that suppliers take responsibility for the entire recruitment process, including the recruitment practices and fees of labour agencies in the workers’ home countries.”

#### **Relation between low wages and overtime**

The EICC has created a Working Hours Task Force with the objective to identify root causes of excessive overtime and implement solutions to address them. Eleven EICC member companies participate in the Task Force (brands, EMS and component manufacturers). Areas that have been studied and discussed include order management, customers’ awareness about the effects of purchasing practices, cost reduction etc. The Fair Labour Association, the Better Work Programme and a number of NGOs in China are involved in the development of a tool-kit for procurement decisions, which is scheduled for implementation in September 2009.

The discussion centres on minimum wages and labour costs. NGO and trade union participants argue that minimum wages should be seen as the absolute minimum and not as



standard wages, which is how industry tends to see it. NGOs and trade unions formulate a few questions considered vital: What constitutes labour cost – in the eyes of the industry: are health and safety costs included? And what percentage of the total production costs are labelled 'labour cost'? Industry representatives explain that this percentage can differ considerably, depending on production processes (highly automated or labour intensive, material intensive etc).

*"We really have to discard the notion that cheap labour brings cheap goods. Anybody can work out what these so-called cheap products actually cost, in terms of social welfare, environmental damage and so forth." – NGO*

Globalisation, meaning that any company can move to any lowest-cost country, is of great influence. Companies' opinions differ on the subject, however. Some companies emphasize their vested interests in long-term relationships with their suppliers, which includes dialogue with these suppliers on all kinds of issues: product quality for example, but other issues as well. A company remarks that the presence of an educated workforce producing high quality products as well as little fluctuation in the work force are of paramount importance. All participants agree on the most difficult problem: involving the second and third tier suppliers in a dialogue on issues such as wages and overtime. Further investment in establishing long-term relationships with its suppliers is the approach the industry thinks most of.

makeITfair warns that reducing overtime hours without increasing wage levels is very risky - workers might end up having even more difficulties to provide for their families.

### *A living wage*

The gap between a living wage and the minimum wage, including overtime wages, is huge. Questions arise: can buyers demand higher wages than minimum wages? Corporate participants stress that local governments should set the minimum wage at a living wage level. Individual companies can not pay higher wages by themselves as that would undermine their competitive position. In response, it is pointed out that individual companies can decide to make a difference – in practice significant differences in wage levels do exist. Trade unions add that a level playing field can be created through collective bargaining on industry level.

Civil society poses the next obvious question: why do buyers (individually or within the EICC) not make an effort to try and influence host governments in favour of an increase in minimum wage levels (in stead of lobbying for lower wages, as is now often happening)? Some company participants appear to be willing to consider this, although it remains unclear how this should be done.

### *Business case – a way forward?*

A business case is a rationale why, in taking a particular course of action, business might expect to receive more benefits than it bears in cost. These benefits do not have to be financial only, as different company participants argue. As one company puts it: "a business case is a plan that has business relevance and can be put into practice. It does not have to



be defined in just monetary terms, but it has to be something that a company can relate to. Such a plan needs to be concrete and measurable, and it must define desired situations." Some companies show an interest in formulating a convincing business case for a living wage. They argue that showing a company the benefits of paying workers a living wage – such as a stable labour force, which implies less training costs – is much more convincing than telling a company to hand in part of its profits. Another benefit that should be taken into account in 'a living wage business case' is a company's pro-CSR reputation which attracts customers; or, differently put: reputation damage also has its price.

"I think that NOT doing anything also will have a price. We could take an investment-like approach. Doing something now, can make us avoid something costly in future."  
– company

NGOs and trade unions point out that in some cases, however, there might not be a business case; nonetheless, labour standards should always apply.

#### **Health effects of a 'Standing Operation-policy' in Malaysia - case for discussion**

Obliging workers to stand, in stead of allowing them to sit while carrying out their work, can lead to a series of serious health problems. Especially women are affected. As opposed to this trade union view, companies maintain that it should be possible to make workers operate while standing. Provisions must be made however, such as sufficient breaks, ergonomic changes, re-routing pregnant workers in different positions, no excessive working hours and so forth. The feasibility of a 'standing operation regime' depends on the implementation, which has to involve proper education of – and proper communication with – the workers and managers concerned. Also, workers and unions have to be involved and their feedback has to be taken into account.

As a conclusion, it was suggested that more research regarding a 'standing operation regime' would be useful, in order to determine under what conditions it could be feasible. Such research could be carried out in a multi stakeholder setting, by both EICC and civil society representatives. Part of such an undertaking could be the development of guidelines and implementation mechanisms.

#### **Purchasing practices in relation to upholding labour standards**

A company presents its perspective on the key success factors for integrating CSR principles in supply chain management: to have a committed management; to integrate CSR principles into core business practices; to partner with NGOs; and to fully involve the procurement division. Further elements include self-assessment, auditing and corrective action planning. When during on-site auditing major non-compliance to the company's Code of Conduct is established, such as the occurrence of child labour ('code red'!), a so-called escalation process is initiated.

The first questions – coming from civil society – relate to the 'escalation process'. Are labour conditions effectively improving as a result of this approach? Have business relations been



terminated as a consequence of demanding such improvements? One brand name company responds that in their experience the severing of relations has not occurred over a CSR issue as yet. Refraining from entering into business with new suppliers on the basis of CSR concerns did occur however. Another company stresses its suppliers are phased out on the basis of established non-compliance.

Companies underline that on the whole, it is better to engage with suppliers on the ground and work with them to improve their routine, than to break off relations altogether. If labour rights are violated, it is important to work in partnership with suppliers to improve the situation. Civil society participants agree, taking a stand against 'cut and run' tactics.

Another aspect is how to reward suppliers that are doing well. Should a 'supplier sustainability award' be implemented? Would it have a positive effect on labour conditions throughout the industry? One company representative suggests that tenders can present a strong differentiation point, although this may not always result in business as all other criteria have to be met as well. A brand name company asserts that compliance or non-compliance is seen as a business issue: rewards are presented through feedback in the buyer-supplier contact. Participants to this discussion agree that, in order to further labour rights, business penalties and incentives both need to be in place.

Business further indicates that lack of management awareness concerning labour standards is a significant problem. Therefore it would be good to have some kind of model with which to quantify the cost of social compliance versus the benefits, in order to enable negotiations centred on costs.

"Suppliers tell us that we want cheap products but at the same time demand that they do so many other things. There is a lack of management education in general on the benefits and the costs of social compliance." – brand name company

According to one company, NGOs play a decisive role in these matters, by pushing these issues ahead.

"We welcome the reports of SOMO and Swedwatch, they make it possible for us to pursue these issues. Maybe that is part of the solution: to keep pushing us!" – company

### III. POSSIBLE SCENARIOS – LESSONS TO BE LEARNED

#### **Mature systems of industrial relations in supply chains and International Framework**

#### **Agreements - the example of the Inditex Frame Work Agreement.**

*Presentation by Ashling Seely, International Textile Garment and Leather Workers' Federation (ITGLWF)*

When codes of conduct first emerged it was envisioned they would contain five elements: content, implementation, monitoring, verification and impact assessment. However, the monitoring element quickly disappeared, replaced by irregular visits of external auditors who provided snapshots of conditions at the time of their visit – and no indication of the conditions



before or afterwards. As a result nearly fifteen years of codes of conduct and social auditing has had little positive impact on working conditions. Many key brands and retailers are now questioning whether codes of conduct and social auditing are the best way forward.

The ITGLWF believes that the best way to bring about improvements in labour conditions is through mature systems of industrial relations. The mature systems of industrial relations approach requires that workers and management become the permanent monitors and regulators of factory. It requires clear rules, and procedures for how to deal with it when either side breaks the rules. A central part of the approach is dialogue, not just about the demands of both sides but concentrating on short daily briefings and de-briefings on production problems; solutions; upcoming challenges; and how to meet them. It should include a weekly review of developments, including bottlenecks; challenges; and progress, and regular monthly meetings where important industrial relations issues are examined in greater depth.

Of course management cannot engage in such dialogue with each individual worker – it must be with worker representatives. Freedom of association is therefore core to mature systems of industrial relations. In the textile, garment and leather sectors, like in the electronics industry, there is huge hostility to workers exercising their right to join unions. Workers have to be made aware, not just that the company is not against unions, as you cannot be neutral about a human right, but that the company fully respects their right to unionise. This can be demonstrated through giving a 'Right to Unionise Guarantee' to all existing workers and all new recruits. Unions must also be able to access the workforce. This is vitally important, especially in Export Processing Zones where access to workers is near impossible.

The ITGLWF has developed a number of components of industrial relations management systems, including a sample protocol for relations between unions and management, and disciplinary and grievance procedures. We work with buyers, unions and management to put in place mature systems of industrial relations. We also provide training on the use of such systems to both trade unions and managements.

This support approach is gaining ground. Many key buyers now believe that the resources put into CSR could be better spent by switching from policing and auditing to support. For example, Nike and Gap publicly say that the present approach is not sustainable in the long term and that the future lies in mature systems of industrial relations.

The global nature of the garment industry requires globalised industrial relations throughout the supply chain. In practical terms this means global trade unions negotiating international framework agreements with global companies, manufacturers, brands and retailers which facilitate organising and collective bargaining at the national and plant level.

It also means that brands and retailers need to work to build relationships with trade unions, among other things by disclosing details of their supply chain.

The ITGLWF has formalised its relationship with the Spanish brand Inditex through the signing of an International Framework Agreement (IFA). The IFA provides for the right of all workers to unionise and bargain collectively as the cornerstone of decent work. It outlaws child labour, forced labour, discrimination, provides for the payment of a living wage, puts restrictions on



working hours, insists on safe and healthy workplaces and promotes job security free of abusive treatment.

Could a mature system of industrial relations bring about lasting improvements in labour conditions in the global electronics industry? In the ensuing discussion, business representatives allege that culturally defined notions on workers' representation may be an impediment to this approach, for example in Asia. Companies also express a fear that this set-up, with its strong emphasis on freedom of association, may have a negative impact on business. Civil society organisations respond by arguing that freedom of association and the right to bargain collectively are universal labour rights.

The best way to go forward – as suggested by NGOs – is to initiate discussions between the clothing and electronics industry. It would be best to do this at CEO or CSR deputy level, including EICC and GeSI board members.

### **Developing a common code of conduct in a multi-stakeholder process – the example of the Clean Clothes Campaign and the Jo-In Project**

*Presentation by Ineke Zeldenrust, Clean Clothes Campaign (CCC)*

Codes of conduct have been an important part of efforts to improve labour standards in global supply chains. Over the last ten years these codes and systems for their implementation have proliferated. Brands and retailers are faced with multiple industry standards and suppliers are confused by the numerous codes and initiatives. Local organizations are frustrated by the many initiatives making demands on their time. Better co-ordination and co-operation is essential to address this confusion. It is also important to develop a shared understanding of the ways in which voluntary codes of conduct contribute to better working conditions.

The Joint Initiative on Corporate Accountability and Workers' Rights - or Jo-In for short - was set up in 2003 to try to find some common, workable approaches, some order out of the chaos. The idea was to replace the duplication of effort that occurred and, where approaches differ, to find out how they can be made more compatible for the best way forward. A key aim was to agree on what best practice is for the implementation of codes of conduct - and thereby make a real difference to the conditions for garment workers and their families. Jo-In was founded and steered by six major organisations in the field: the Clean Clothes Campaign, Ethical Trade Initiative, Fair Wear Foundation, Fair Labor Association, Social Accountability International, and Worker Rights Consortium. To keep the scope of the project manageable, it was decided to undertake a trial in one country, for which Turkey was chosen. Eight multinational brands that are sourcing goods in Turkey agreed to take part in the trial project. They are adidas, Gap, Gsus, Marks & Spencer, Nike, Otto Versand, Patagonia and Puma.

In its presentation, the Clean Clothes Campaign draws attention to a number of points:

- Accountability is key;
- Workers and/or their representative organisations have to be involved, for ethical, political as well as logistic reasons;

- Existing MSIs struggle with governance and decision-making issues. MSIs are still learning and are re-structuring as they move along;
- Avoid the pitfall of evolving into a 'talking initiative'. Campaigning organisations should stay focused and critical;
- Companies need to have better knowledge of their supply chains and confront the challenge of restructuring their supply chains from a quality point of view;
- Audits have to be improved. With a strong focus on remediation, it has to be made sure corrective action is actually taken. Prevention of non-compliance is a next step;
- Training (for managers, supervisors and workers) is essential;
- More effective complaints/grievance procedures are needed;
- Reporting and disclosure are part and parcel of accountability;
- Agreement on working hours and wages is not easily reached, these are problem areas.
- Collaboration along the lines of the Jo-In project requires alignment of buyers on compliance goals and timelines etc.;
- An important advantage is cost reduction by minimising the number of audits;
- A possible pitfall is the industry falling back on the lowest common denominator.

What could be the merits of the experiences in the garment industry for the electronics sector? Presently, there is no multi stakeholder initiative in the electronics-sector. The ample experiences in the garment industry with MSIs show that collaboration among industry and civil society is altogether possible. A growing number of companies in the electronics industry work with the EICC code of conduct. Although EICC is consulting stakeholders in the process of code review, EICC is far from being a multi stakeholder initiative. NGOs and trade unions have not endorsed the EICC code. The Jo-In project proves that through joint efforts to develop a common code as well as implementation mechanisms, progress towards coherence can be achieved. Companies assert that it would be useful if they could have the MSI results in the garment industry described: what the concrete benefits were, what effects were observed and how these results were arrived at. NGOs advise to at least make a start on the easier subjects where collaboration is not overly complicated, and where steps can be taken more quickly. A suggestion is made to work on complaints mechanisms.

A company remarks that although the CSR bar is moving up continuously, the need to incorporate stakeholders is still not high on the electronic industry's agenda. How to manage that?

### **In-factory worker training in China**

*Presentation by Ivo Spauwen, Fair Wear Foundation (FWF)*

China is the biggest exporter of garment products. Excessive overtime and wages under the legal minimum are widespread issues. When it comes to workers' representation, it is important to acknowledge that the All China Federation of Trade Unions (ACFTU) is controlled by the communist party. Freedom of association and collective bargaining are severely limited. To address this situation, monitoring is only part of the solution, as is revealed by previous experiences. The missing link, according to the Fair Wear Foundation, is a better workplace dialogue in factories. This means empowering workers to discuss collective interests with the management and to build an atmosphere between management and



workers that is based on trust. Ultimately, workers must be enabled to monitor their own working conditions through worker training.

The Fair wear Foundation underlines the added value of worker training for companies.

Worker training:

- Makes code implementation efforts more sustainable;
- Helps to decrease the amount of labour disputes and wildcat strikes;
- Helps decrease labour turnover;
- May strengthen the relationship with the supplier, if it is done right.

FWF distinguishes two types of training: education on labour legislation for the rank and file workers, and training of workers with an interest in representation and/or trade union officials, equipping them to organise and represent workers.

FWF has formulated a set of 'rules' or lessons learned, including:

- Focus on preferred suppliers;
- Ensure a strong dialogue with the supplier and secure brand support;
- Make sure that trainers know how to relate to workers;
- Use the space provided by Chinese legislation, local ACFTU ;
- If there are any mechanisms already in place: make them healthy!;
- NGOs that conduct training cannot 'represent' workers;
- Have a binding and motivating element for participants;
- Secure sustainability of the program: involve local stakeholders.

Again, the question is if these experiences and lessons from the garment sector can be applied to the electronics sector. During the discussion, problems were perceived concerning scale. Electronics factories are generally huge, employing hundreds if not thousands of workers. At present, no civil society organisation, in China or elsewhere, has the capacity to cover that much ground. The idea is put forward to develop a trainers' tool kit, to be used in different factories, to avoid reinventing the wheel. However, NGOs warn, when a civil society organisation provides a training once, a company can not simply step in and take over. For training on labour rights to sink in properly, workers need to be able to trust the trainers. Company staff, the Human Resources department for example, is not credible. Business for its part replies that placing the responsibility for such training within a factory is the only way to render it sustainable.

Then, the issue of funding is raised – who is to pay for worker training: the supplier or the buyer? Opinions differ widely. One NGO believes that brand companies can share the cost of worker training with the suppliers. Another NGO emphasizes that international bodies should provide for the resources.

*“Workers keep on fighting for their rights; not just on the work floor, but at home as well. With that, they need our support, and training can provide all kinds of possibilities for them. It is important though that the resources for such training come from international bodies. If individual companies themselves provide the training, it gets too easily focussed on risk reducing and cost benefit-related issues. Other issues like health and safety need to be covered as well.” – NGO*



Further discussion ensues on complaints hotlines for workers: should they be organised from within or from without the factories? Companies maintain that both kinds should be implemented, especially in China where corruption is widespread. For a company, a hotline is important to start communication between workers and management.

### **Collaboration among supply chain actors on a national level**

*Presentation by Anne Lindsay, Catholic Agency for Overseas Development (CAFOD)*

In a number of electronics producing countries, different forms of collaboration among buyers, suppliers, NGOs and trade unions have been tried out over the past few years. In Mexico, for example, labour rights group CEREAL has been working with brands, suppliers and labour agencies for some years now. In China and India some interesting tentative experiments are happening as well. In February 2009, the 'ICTE Forum for Improving Workplace Standards' was launched in India, bringing together industry and civil society representatives. The lessons that can be drawn from these experiences are central to the discussion that ensues.

All participants feel that engaging is a necessary first step. One should not be looking too much at individual cases; it is important to look at a more general level. First of all, national or regional initiatives could be explored. In India, for example, better regulations on e-waste and more stringent implementation of such regulations are urgently needed. NGOs are already working to get these in place. Now, companies need to get involved as well.

As a general point of attention it is remarked that early involvement of companies with trade unions and civil society on a local level is advisable, before conflicts over labour or environmental issues may occur. Making contact and building trust among civil society and corporate representatives is key. Thematic engagement, e.g. on e-waste, is a way of exploring collaboration before things get out of hand. For such projects to be viable, clear timelines, thematic focus and objectives need to be agreed upon.

### **The Better Work Programme - a partnership between the ILO and the IFC**

*Presentation by Amy Luinstra, Better Work*

The Better Work Programme is a partnership between the International Labour Organization (ILO) and the International Finance Corporation (IFC). The programme was launched in August 2006 in order to improve labour practices and competitiveness in global supply chains. Better Work supports companies in improving their labour standards based on core ILO labour standards and national labour law. This helps companies compete in global markets where many buyers demand compliance with labour standards from their suppliers. Improving labour standards can help companies become more competitive by increasing quality and productivity. Better Work is also developing both global tools and country level projects. Better Work is aimed at building sustainable systems of industrial relations in a particular country.

To improve labour standards, law enforcement is key (enabled by labour administration and labour inspection), as well as social dialogue (enabled by cooperative employers and well functioning unions). These enabling factors are often missing in developing countries, and the



desired changes, including capacity building of employers and unions, will take time. The Better Work programme is adding the following elements to achieve better results on labour standards more quickly:

- Enterprise assessment;
- Advice and training at factory level.

The assessment data are owned and paid for by the factory concerned. Buyers can subscribe to the programme and thus gain access to the data. In this way, financial sustainability is created. Engagement is ensured by organising an annual interface with international buyers and the local stakeholders, which provides a very powerful dialogue. Furthermore, Better Work is country-based, in order to enable government engagement. Better Work is currently operable in Cambodia, Haiti, Jordan, Lesotho and Vietnam; projects in Indonesia and Morocco are in preparation. Good results have been made in Cambodia in the apparel industry.

Better Work has formulated a set of guidelines, the International Buyers Principles:

- Participate consistently in the Buyer's Forum;
- Actively work toward strategic monitoring;
- Actively encourage engagement by suppliers and agents (where applicable) in Better Work programmes, including cost sharing for enterprise-level advisory services and training;
- Focus on improvement processes.

The ensuing discussion focuses on the Better Work auditing process and differences in scale between the apparel sector and the global electronics industry. A company wants to know if accepting the Better Work audits is mandatory. It is explained that buyers signing up to the International Buyer Principles terminate company auditing in areas covered by the Better Work programme. This is in fact one of the main advantages of the programme: by transferring this task, companies are saving resources which can be redirected to – for example – training and advice.

Country alignment is another issue. Business indicates that China would be an interesting country to start a Better Work programme. Although Better Work is currently not yet operable in China, starting up programmes in the electronics sector would involve selecting new countries. Growth is planned for, by adding at least 3 countries per year to the programme – although starting too big may be unwise, since the programme is still young. How to customise the Better Work programme for the electronics sector is a challenge. Obviously, Better Work has to have partner organisations to work with, trade unions in the first place.

#### **Union busting in Thailand – case for discussion**

In Thailand, unions are facing aggressive opposition. Forming a union presents great risk to the workers, who may be fired or worse. Government and companies join hands to break unionisation.

A trade union points out that a lot of union busting cases are related to the concept of liberalizing production. Unions used to function earlier on, but with out-sourced production



the situation has altered. Problems are exceptionally serious in the free trade zones, as industry groups lobby for union-free SEZ/EPZ.

During the discussion, the importance of communication processes being in place is emphasized. A breakdown of communication between the different parties can lead to a major conflict. Calling in a brand company to act as mediator is a possibility to bring communication back online. A company illustrates that having a mechanism for constructive communication between management and workers is crucial, as having a workers hotline for example won't help anything if such a mechanism is absent. Furthermore, training of workers and management is vital. According to business, these trainings must be provided by the government or trade unions. First tier suppliers' training is the responsibility of the company itself.

"The supplier company may feel that it is their legal right to throw out the union. The company may not understand why a brand name company or NGO would be interested in their business. But once they realise that the brand name company does care, they get to work." – brand name company

#### IV. CHALLENGES AND NEXT STEPS – THERE'S NO SUCH THING AS HALF A HUMAN RIGHT

##### Engaging trade unions

Ideas on workers participation, representation and unionisation differ widely. Companies are looking for other forms of association as alternatives to labour unions. Some companies make it clear that they would prefer a workers council over a regular union.

"Giving a union a voice is great, but unions can hold companies almost hostage. Unions become so strong that you can not make sound business decisions anymore. We do not want to be held hostage by any group; you do not always need a union to get together with workers. If we find a way where workers get heard in a company and are respected, that is enough. " - a company

To trade unions and NGOs, it is very problematic to see that freedom of association does not have any priority for the industry. Raising the level of understanding and willingness on the part of the industry to work with trade unions is a major challenge. Advocates of freedom of association need to think about how to communicate and repackage their appeal as industry is far from being convinced. This issue badly needs to be addressed, since it is a major source of conflict – at the factory floor and elsewhere.

"Having representation is a good thing, it leads to cost benefits; just the same for workers as it is for companies. No trade union will ever endanger a company, because workers have to be employed. Trade unions and companies have to coexist." – trade union



In Eastern Europe, where up until 1990 trade unions were controlled by the communist party, a rather specific scenario presents itself. A company points out that workers in for example Hungary, explicitly do not want a union. NGOs stress that this is the result of the very specific Eastern European experience and cannot be extrapolated to other regions. Also, this stance can not justify companies bypassing existing trade unions in the region.

“The discussions on freedom of association were a major setback. Also, we haven’t discussed what our next steps will be in a practical manner. It’s really been one great big awareness raising exercise!” – trade union

### **The EICC and the need for transparency**

The EICC code is not developed in a multi stakeholder process. It is a learning process between companies, where some are more ahead than others. A company conveys that for the EICC to be moving to a multi stakeholder setting would include a lot of nervousness. However, civil society representatives stress that EICC needs to take some urgent steps. It is important to get more companies involved in EICC in order to broaden the front. What can NGOs and unions do to stimulate this? Pressure could be put on smaller companies to join EICC. Stimulating shareholder proposals to join EICC might be another possibility, as well as getting retailers to join the EICC. However, according to NGOs and trade unions, the code needs to improve first.

“Only then we can ask companies to join the EICC. The EICC bar has to move up: we need more transparency, more reporting, public disclosure about members fulfilling their commitments. That would really raise confidence and trust in the EICC.” – NGO

For NGOs, transparency is a key issue. EICC recognizes the need for transparency, regarding member implementation for example.

### **Getting governments involved**

Business points to the vital importance of governments enforcing labour law. It is governments in the first place that have the required authority to regulate certain issues. Unfortunately, especially in developing countries, governments are often not up to their task. In this vacuum, companies need to take their responsibility by making sure labour rights are respected in their supply chain, regardless of the efforts of the host government. Also, companies can have a positive influence on legislation and law enforcement, by lobbying governments.

A challenging perspective is presented by a southern NGO, pointing out that governments in the South are often held hostage by transnational corporations.

“Governments want to make our labour laws as flexible as possible, meaning: they want the unions out. Multinational corporations demand these flexible laws, and threaten they will leave without them. That’s why workers in Asia often have no unions; because of the fear that companies will leave the country if a union comes in. It used to be standing procedure that the personal manager goes out, as soon as a union comes in. Does your code of conduct mention any of this?” - NGO



### *Possible next steps*

It is good to realise that the electronics sector is not starting from scratch. The EICC started five years ago. Years of working with codes of conduct and social auditing have yielded important insights in the occurrence of labour issues and how to solve them. There are lessons to be learned from initiatives developed in other sectors.

Despite fundamental differences of opinion between the industry and civil society, there is also common ground. All agree on the need of labour issues to be addressed in times of prosperity as well as in times of economic recession. The current crisis can not be an excuse to neglect workers' rights, although the margins to operate for companies may be smaller.

### **Concrete proposals**

- ③ The electronics industry and trade unions to invest in making contact, on international, national level as well as factory level, to work towards formal social dialogue;
- ③ EICC, GeSi, individual companies as well as civil society organisations to continue to make an effort to reach out to each other in order to set up structural forms of stakeholder consultation and collaboration, especially in Southern and Eastern European production countries;
- ③ EICC and GeSi to include further discussion on freedom of association and collective bargaining on the agenda of their upcoming meetings;
- ③ The EICC Stakeholder Work Group to organise a follow up session with the attendants of the Round Table;
- ③ The electronics industry/EICC to engage with the Better Work programme in order to set up Better Work activities in electronics production countries;
- ③ The electronics industry to meet with representatives of the garment sector and learn from the latter's experiences with code development in a multi stakeholder setting;
- ③ Individual companies to think about upgrading their individual codes of conduct, by referring to ILO conventions on freedom of association, right to bargain collectively and a living wage; and by including clauses on labour agencies, migrant labour, etc.;
- ③ EICC to continue and expand its code review process;
- ③ Companies and civil society to share thoughts on how to gear up purchasing practices by including penalties and (financial) incentives for suppliers;
- ③ Research to be undertaken into the adherence to labour rights in EPZs;
- ③ Companies to gather and provide quantitative data on factory level on the percentage of workers recruited and hired by labour agencies;



- ⑥ Further thinking about an acceptable ratio of regular workers – contract workers;
- ⑥ Companies and civil society organisations to exchange information on gender, labour migration and occupational health and safety issues (including 'standing operations');
- ⑥ Elaborating a business case for a living wage;
- ⑥ Elaborating a in-depth cost-benefit analysis of electronics production;
- ⑥ Joint engagement between industry and civil society on a national level, bringing together supply chain actors to explore the possibilities to set up national or regional forums focused on bringing about improvements in labour conditions;
- ⑥ Joint engagement between industry and civil society on training projects – targeting workers, local management and CEO level management with different types of training;

"This is a great platform to continue working on. But I am wondering if we can set aside the issues that are between us, meaning the trade unions. My biggest disappointment would be if we cannot set aside these issues, because there are many things in common that we can work on." – company

## Time frame

Resources and capacities are limited, so hard choices have to be made where to focus the efforts. NGOs and trade unions hold on to the ILO standards, emphasizing that these are agreed upon by labour, governments and business.

“You can’t expect anyone to go below that – you can’t have half a human right.” - NGO

Flexibility must thus be applied to the time span, bearing in mind that changes will not happen overnight. Experiences in the garment industry point in the same direction. On the one hand, a company confirms the impossibility of achieving massive changes, and emphasizes the need to take ‘baby steps’ – to realise small changes before big changes can be achieved. Civil society on the other hand stress that the great challenge is to set up a realistic, viable process, whilst not forgetting the serious problems that workers face. For the workers, these are very urgent matters. One NGO points out that at this point in time workers are radicalising, fed up and frustrated with the enormity of the problems they are facing. Taking ‘baby steps’ may go too slow.

“There is such a big gap between conditions in the third world and the people here (in Europe). There is a lot of work to be done for unions and NGOs, because it seems to me that business doesn’t really know what is going on with our workers. Companies need to take this very seriously: if you go to visit your plants, don’t just look at the technology and how people work. Look at how they live.” – NGO



Photo by Thomas Spragg



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