

Freedom of Association and Collective Bargaining Policy



Definitions

Freedom of Association is the right of workers and employers to freely form and form any Workers Organizations such as trade unions, worker associations and worker councils or committees for the promotion and defense of occupational interests.

Collective bargaining is a process through which employers and workers' associations can negotiate terms and conditions of work. Both are fundamental rights, and they are linked. Collective bargaining cannot work without freedom of association because workers' views cannot be represented. Workers must be free to choose whether and how they are to be represented and employers must not interfere in this process.

A Collective Bargaining Agreement is a legally enforceable written contract between the management of Norex and its employees, represented by a Workers Organization, that defines terms and conditions of work. Collective bargaining agreements must comply with Applicable Law.

A Workers Organization is a voluntary association of workers organized on a continuing basis for the purpose of maintaining and improving their terms of employment and workplace conditions.

Purpose and Scope

At Norex, workers can freely form any workers organizations or associations. Those workers who do not wish to join such organizations also have their rights protected and may not be forced into doing so against their will. Freedom of association does not mean that we should organize any workforces or invite unions into the workplace. It means that Norex will not interfere in employee's decision whether to join an association or not.

Collective bargaining is a voluntary process that takes place between representatives of workers and representatives of employers. It usually focuses on the negotiation of terms and conditions of employment, such as wages, working hours, conditions, grievance procedures and the rights & responsibilities of each party. The main principle for the negotiation is that it should be carried out in good faith where genuine effort is made to attain agreement in reasonable time. The parties often refer to the mutually acceptable result of the negotiation as a 'collective bargaining agreement'.

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Points to consider:

- Confirm that awareness of and responsibility for compliance with freedom of association and access to collective bargaining requirements is part of a senior management and human resources function.
- Grievance mechanisms should be established which allow workers to raise any concerns.
- Employees have the freedom to form or join a union or worker association of their own choice without interference from employers.
- The business should not promote any union or workers' association, nor should it force workers to join or leave one. Election of union representatives should be without obstruction or intervention from the employer.
- Consider how the business can negotiate and bargain in good faith, which involves a willingness to discuss, compromise and reach a mutually agreed solution.
- Applicable Law varies significantly across different jurisdictions - make sure the business understands its legal obligations.

Procedures

- There is a need for negotiation. This might be a labor dispute or a need to draft or renew a collective employment contract. Labor and management may also agree to regular meetings to review issues as they arise.
- Both sides prepare. Management and labor shall choose a representative to negotiate for their interests. Both sides will review the existing employment contract to identify areas for improvement. Union leadership will often survey its membership to determine which priorities are most important in the upcoming negotiation.

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- The parties agree to ground rules. Early in the process, management and labor agree to ground rules, e.g., when and where bargaining sessions will take place and when all initial proposals should be “on the table.”¹³ The parties also agree on the bargaining style—proposal bargaining or interest-based bargaining. In proposal bargaining, both sides write proposals for changes to the contract. In interest based bargaining, both sides bring issues to the table and resolve those issues by mutual agreement.
- Management and labor reach a tentative agreement. After several rounds of give and take, both sides reach a tentative agreement. The union then brings the agreement back to their members. If management and labor cannot come to terms, the employer may declare an impasse and implement the last proposal.
- The union members vote to ratify the agreement. In some unions, the agreement is tentative until the members ratify it. Members often vote by secret ballot, which may be required by the union’s rules



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