

# WORKER-DEFINED CODES AND STANDARDS

*This document is one of five concept briefs published by the Worker-driven Social Responsibility (WSR) Network. The briefs are for practitioners who seek to understand and implement the WSR model. Since the concepts and elements described in these briefs must be implemented as an interlocking and self-reinforcing system, the briefs are not intended for use outside of the WSR context. Taken individually, these concepts do not constitute the WSR model, which requires full implementation of all of these elements together. Additionally, the Network is engaged in an ongoing process to further develop and expand the WSR paradigm and as the model expands to new sectors and workplaces, this will inform our understanding of its implementation.*

## OVERVIEW

In the WSR model, a Code of Conduct, also known as a Standard, establishes the enforceable workplace criteria that will be implemented in a Supplier's operation. A Code/Standard may be comprehensive and address a broad range of workplace issues, or it may be more tightly focused around a narrower scope of issues. Unlike traditional Codes of Conduct, WSR Codes/Standards are often specific to the relevant type of workplace and reflect significant worker input and participation. This participation may be critical for identifying and remedying abuses that workers know with painful precision, but which may be unnoticed or underemphasized by anyone outside the particular industry.

A WSR Code/Standard is enforced through market consequences for violations established in a legally binding WSR Agreement between the worker organization (or worker organizations, in programs in which more than one such group is involved) and each Signatory Buyer in the program. The WSR Agreement stipulates that the Buyer must require its suppliers of a given commodity to comply with the Code/Standard, as verified by the

worker organization(s) or a third party the organization trusts to do the work correctly. Suppliers' compliance with the Code/Standard is a necessary condition for selling goods or services to the Buyer. The worker organization(s) may also wish to sign an Agreement with the Supplier in which the Supplier commits to implement the Code/Standard and to provide full cooperation with the Program's compliance-monitoring activities.

The Code/Standard forms the spine of any WSR program. It is highly desirable that the worker organization(s) should reserve ultimate control over the Code of Conduct and should have a process to evaluate how the Code/Standard can be improved over time. In some instances, the establishment of an informal working group comprised of the worker organization and select Suppliers to address ongoing implementation issues can serve as an effective laboratory for practical problem-solving and further refinement of the Code.

This document addresses the three life stages of a WSR Code/Standard:

1. Definition
2. Implementation
3. Iteration

## DEFINITION

---

Any WSR Code/Standard should be informed by workers and their representative organizations with a deep knowledge of the industry. This is a matter of functional necessity if specific workplace abuses are to be identified and remedied. Workers also share with Suppliers a clear stake in the long-term viability and success of the industry, as it is their livelihoods which are on the line.

A WSR Code/Standard must be based on universal labor and human rights principles, which are embodied in the Universal Declaration of Human Rights and defined by the Conventions of the ILO. Applicable local legal standards provide a baseline, but where such standards are lacking in strength or specificity, the WSR Code/Standard should extend beyond that baseline. In instances where workers lack the technical expertise to identify, assess or remedy certain problems, such as a building's structural integrity, for example, the Code/Standard should be developed by individuals with the requisite expertise, in partnership with workers and their representative organizations and others who have experience in monitoring the implementation of worker-driven standards. The Code/Standard should be sufficiently detailed to ensure that Suppliers understand their specific obligations.

An effective campaign by workers and their consumer allies should compel Buyers to commit their market power to enforcing the WSR Code/Standard in their supply chains.

## IMPLEMENTATION

---

A WSR program must address the existing barriers to labor standards implementation: Namely, the lack of market consequences for non-compliance, and the lack of financial inducements that enable or incentivize compliance. Under a WSR Agreement, a Buyer must support Suppliers in meeting the additional cost of compliance with the Code/Standard through a price premium, negotiated

higher prices, and/or other financial inducements. The WSR Agreement must also impose meaningful, swift, and certain consequences for Suppliers that violate the Code/Standard.

Once sufficient buyer power is harnessed through WSR Agreements, Suppliers will accept the Code in order to maintain sales. That is the power underlying the ability of the model to bring about change in industries where previous efforts have failed. The worker organization(s), while seeking input from Signatory Buyers, and Suppliers, is responsible for operationalizing the Code/Standard while still meeting Suppliers' reasonable production requirements. In some instances, Suppliers may use production-related reasons as a foil to avoid implementation of the Code/Standard, and the worker organization(s) will need to exercise careful judgment in determining whether such concerns are legitimate.

## ITERATION

---

As the Code/Standard is implemented over time, lingering issues and new challenges to implementation may arise. Such issues may be based on workers' experience, Suppliers' perspectives, and the data and information generated through the compliance-monitoring activities. The worker organization(s), when appropriate, should seek input from the Signatory Buyer(s) and Suppliers to identify ways to improve implementation of the Code/Standard, including any necessary amendments, though ultimate responsibility for Code/Standard content and implementation should remain that of the worker organization(s). In some instances, the Code/Standard itself may need to be revised to enable more effective implementation. In this case as well, the worker organization(s) should seek input from the Signatory Buyers and Suppliers, when appropriate, to evaluate implementation of the Code/Standard and revise and refine the language where more clarity or stringent norms are needed.