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 Participating Supplier’s operation. Unlike traditional Codes of Conduct, WSR standards are specific to the relevant type of workplace and reflect significant worker input and participation. This participation is critical for identifying andremedying abuses that workers know with painful precision but which may be unnoticed or underemphasized by anyone outside the particular industry.

A WSR Code or Standard is enforced through market consequences for violations established in a legally binding WSR Agreement between the worker organization and each Participating Buyer in the program. The WSR Agreement stipulates that the Participating Buyer must require its suppliers of a given commodity to comply with the Code, as verified by the worker organization or a third party the organization trusts to do the work correctly. Suppliers’ compliance with the Code is a necessary condition for selling goods or services to the Participating Buyer. The worker organization may also wish to sign an Agreement with the Participating Supplier in which the supplier commits to implement the Code and to provide full cooperation with the Program’s compliance-monitoring activities.

The Code forms the spine of any WSR program. It should be drafted with precision, but not necessarily with a great amount of detail, because the Code is also a living document that will evolve over time as experience with implementation yields new insights and unearths new challenges. The worker organization should reserve ultimate control over the Code of Conduct, since a central element of WSR is that workers define their rights in their industry, and should have a thoughtful process to evaluate how the Code can be improved over time. The establishment of an informal working group comprised of the worker organization and select Participating 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 of Conduct:
1. Definition
2. Implementation
3. Iteration

**DEFINITION**

Any WSR Code of Conduct is, by definition, informed by workers with a real 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 Participating Suppliers a clear stake in the long-term viability and success of the industry, as it is their livelihoods which are on the line.

To begin, the worker organization must develop a sufficient knowledge about Codes of Conduct in general, including their structure and function, and how they frame rights and protections. This may be achieved through self-guided research and/or consultation with allied experts, including other WSR practitioners. Then workers can begin to flesh out the broad contours of a new Code from their own experience, with the goal of creating an initial blueprint for a humane workplace. Workers will almost certainly identify outcomes which go beyond legal baselines. Among the examples from the Fair Food Program in US agriculture are requirements that workers not be forced to work during lightning storms, or be forced to overfill their piece-rate harvesting bucket (a practice which effectively denied workers up to 10% of their pay). Standards such as International Labor Organization conventions and recommendations can also provide a useful reference point.

An effective campaign by workers and their consumer allies should compel Participating Buyers to commit their market power to enforcing the worker-driven standards in their supply chains. If possible, the WSR Agreement should not include the Code itself, or if it does it should specify that the Code is being included subject to future modification. Otherwise, the Agreement may limit the worker organization’s ability to amend the Code as needed without the permission of the buyer(s). Furthermore, beware the risks of negotiating the contents of the Code directly with buyers. First, many rights enshrined in these codes are fundamental rights enshrined in law or international standards. Second, buyers may have an interest in the Code being less effective so as to lessen implementation costs and the risk of disruption to their supply chains.

**IMPLEMENTATION**

The two dynamics guiding Code implementation are power and partnership, the yin and yang at the heart of the WSR model. 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 and the Participating Suppliers will then be on sufficiently equal footing to begin discussing how to operationalize the Code and harmonize it with production requirements. In those ongoing discussions is where, once an equal power relationship is established, the concept of partnership becomes essential to the success of the model. Suppliers have critical knowledge that is necessary to successfully define the specifics of implementation. These discussions should be conducted in an atmosphere of partnership and pragmatic problem-solving. To achieve this, the worker organization should consider proposing creation of an informal working group that includes select Participating Suppliers and which operates on consensus. Such a working group can address through thorny issues of implementation with an eye towards creating effective solutions and systems that will be relatively efficient to maintain and monitor. The specific paths for implementation and monitoring (including worker complaint investigation and resolution procedures, audit measures, and supplier appeals processes) should be codified in a Guidance Manual or similar document produced by the Working Group.

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ITERATION

The Code of Conduct in general, and the Guidance Manual in particular, should be viewed as a living document. With time and experience, a feedback loop should develop that will help to identify lingering issues and new challenges. This feedback loop will be based on workers’ experience, suppliers’ perspectives, and the data and information generated through the compliance-monitoring activities. Revisions to the Guidance Manual can be considered on an annual or as-needed basis. This will help ensure that the Code is dynamic and responsive in near real-time and does not become a static document with less and less relevance to workers’ actual experience.