Fostering Citizenship at Work with CSR initiatives?

A critical assessment in the light of a human dignity approach

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citizenship, n.

Pronunciation: /ˈsɪtɪznʃɪp/

The position or status of being a citizen, with its rights and privileges

- Oxford English Dictionary.
Challenges to workers’ legal protection in production networks

- Work is not necessarily performed under an employment contract
- Fragmentation of workers and employers
- Disconnection of power from responsibility
- Workers’ dispersion impedes collective action
Corporate social responsibility as workers’ protection

• **Promises:**
  – Protection of all workers independantly of their employment status
  – Application throughout the transnational production network
  – Mobilization of trade law and consumer law

• **Problems:**
  – CSR’s origins
  – Normative self-service
  – Selected enforcement
  – Paternalistic bias
Human dignity as a normative framework for assessing CSR

Why human dignity?
1. Human dignity is a fundamental right
2. Proximity of human dignity and labour law
   - Labour is not a commodity
   - Dignity is a value that cannot be priced... Humanity is itself a dignity.
3. Articulate a rationale uniting labour rights
The link between human dignity and workers’ rights:

3 demands of human dignity: 3 basic functions of labour law:

• Universal recognition of all human beings
• Care for the most vulnerable
• Respect for autonomy
• Imposition of minimum labour standards
• Employers are responsible for work-related hazards
• Collective action
Using human dignity to critically assess the usefulness of codes of conduct to protect workers

1. **Universal recognition of the dignity of workers**
   - **Pro**: Codes are applicable throughout the supply chain
   - **Difficulty to address**: Product or brand based regulation

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**Walmart Standards for Suppliers**

**NIKE, Inc. CODE of CONDUCT**

**Gap Inc. Our Code of Business Conduct**
Using human dignity to critically assess the usefulness of codes of conduct to protect workers

2. Responsibilization for work related hazards

Pro: Accountability demands extend beyond the firm’s legal boundaries

Difficulty to address: Codes of conduct do not give legal remedies to workers:

«Wal-Mart had no legal duty under the Standards or common law negligence principles to monitor its suppliers or to protect Plaintiffs from the suppliers' alleged substandard labor practices.»

- DOE II v. WAL MART STORES INC, No. 08-55706 (9th Cir 2009)
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3. Autonomy by collective action

Pros:
- Collective action is widened to auditors, consumers and investors
- Labelling and blacklisting as new forms of action

Difficulties to address:
- Paternalistic and managerial approaches
Conclusion