



Integrating a gender lens into human rights and labour due diligence

14 February 2019, 16:00 – 17:30

Partners

OECD Watch, Human Rights Watch, amfori, BSR

Objectives of the session

This session will seek to provide a deep dive on the context in which women are working, the existing barriers to addressing risks which disproportionately affect women, and why applying a gender lens is critical to an effective due diligence approach. Within this context, the session will provide a specific focus on the context surrounding harassment and violence in the sector.

Background

Integrating a gender lens into due diligence

Women account for a majority of the labour force in the garment and footwear supply chain. Risks of harm often differ for men and women. For example, women are more likely to be paid lower wages than men; women are more often linked to precarious, informal or irregular employment; and low-income women workers are particularly vulnerable to harassment in the workplace.¹

Applying a gender perspective to due diligence means thinking through how real or potential adverse impacts may differ for or may be specific to women. For example, it is important to be aware of gender issues and women's human rights in situations where women may be disproportionately impacted. Additionally it involves adjusting, as appropriate, the actions that enterprises take to identify, prevent, mitigate and address those impacts to ensure these are effective and appropriate.²

¹ OECD (2018), *OECD Due Diligence Guidance for Responsible Supply Chains in the Garment and Footwear Sector*, OECD Publishing, Paris. <http://dx.doi.org/10.1787/9789264290587-en>

² OECD (2018), *OECD Due Diligence Guidance for Responsible Business Conduct*

Due diligence on harassment and violence

Key points related to due diligence on harassment and violence

- Sexual harassment and gender-based violence can be particularly difficult to identify due to a dearth of country-level and sector-level data.
- In the context of sexual harassment, enterprises should make the assumption that if sexual harassment is a high-risk in a particular geographic location, it is a high-risk within the workplace. This is true even if specific instances of sexual harassment have not been reported on-site.
- Workers should be provided avenues outside of their employer for filing a complaint so they do not have to complain to the harasser or to someone with whom they do not feel comfortable.

Source: OECD Due Diligence Guidance for Responsible Supply Chains in the Garment and Footwear Sector

Gender-based violence, which includes sexual harassment and the threat of violence, is amongst the most prevalent human rights violations in the world.³ The scale and scope of harassment and violence in the apparel sector supply chain is increasingly being unearthed. Governments have a duty to protect human rights, including the right to be free from discrimination and violence. However, in many countries, legislation on sexual harassment and violence at work either do not exist or are not effectively implemented. For example, while India, Pakistan and select other countries have specific laws governing sexual harassment at work, 59 countries do not have any specific legal remedies for violence and harassment at work.⁴ Therefore, while company due diligence efforts should not replace the critical role of governments, companies operating in higher-risk contexts have a responsibility to seek to identify and address harassment and violence within their own operations and their supply chains.

Two of the pressing challenges to addressing harassment and violence in the sector include a lack of awareness amongst workers on their rights and options and a lack of action from employers and buyers to comprehensively identify and address harassment and violence in the workplace. For example, baseline assessments conducted by BSR's HERproject in India found that 34 percent of respondents – including a high proportion of women - agreed that there are times when a woman deserves to be beaten.⁵ These results point to deep cultural norms built on inequality. Addressing violence and harassment in the workplace, therefore, requires culturally sensitive approaches which seek to increase awareness amongst workers and management. Underpinning this is a gap in available and accurate data on both the nature and extent of harassment and violence in the sector.

The human rights due diligence gaps

Collecting quality data on harassment and violence is an important step in closing due diligence gaps. Collecting better data can help companies prioritise actions where they are most needed and inform the design of programs which are impactful. Tracking data over time and monitoring trends can likewise enable those implementing programs to better evaluate the effectiveness of their interventions

³ UNOHCHR, Gender Discussion Group: Sexual violence and harassment against women, 7th UN Forum on Business and Human Rights, <https://www.ohchr.org/Documents/Issues/Business/Gender/GenderRoundtableSexualViolence.pdf>

⁴ See World Bank, *Women, Business and the Law 2018*, p. 20, <http://documents.worldbank.org/curated/en/926401524803880673/Women-Business-and-the-Law-2018>

⁵ BSR HERProject India baseline findings, <https://herproject.org/insights/view/supply-chains-give-us-the-opportunity-to-measure-and-fight-violence-against-women>

and consequently strengthen them.⁶ However, quality data is lacking on the prevalence of gender-based discrimination and violence in the workplace globally. Harassment and violence is largely under-reported due to a number of compounding factors including: the lack of available channels to report that are accessible and safe; the lack of awareness amongst victims on what constitutes violence and abuse and when legal action can be taken; and the potential shame and stigma that survivors may feel.⁷

With better data in hand, companies must then create mechanisms that actually prevent and respond to gender-based violence and harassment at work. Companies should seek active participation of women workers, unions, and civil society in developing solutions to these challenges that are effective. Companies should be cautious not to depend on social audits and assessments in light of the known challenges related to self-reporting and audit methodologies that do not lend themselves to accurately capturing and responding to these issues. In the context of sexual harassment, enterprises should make the assumption that if sexual harassment is a high-risk in a particular geographic location, it is a high-risk within the workplace. This is true even if specific instances of sexual harassment have not been reported on-site.

Discussion questions

- What are the main issues facing women and girls in apparel supply chains? What is known about the scale and scope of harassment and violence in the sector supply chain?
- What are the main challenges to meaningfully addressing harassment and violence in apparel supply chains, including global and national legal frameworks governing violence and harassment?
- What are key learnings for developing trainings that are effective for workers and management? How can and should these be tailored to the local context? What role can trade unions play in this process?
- How can companies collect data that is meaningful on gender outcomes broadly, and on violence and harassment more specifically? What indicators should companies use? What steps do companies need to take to ensure that workers are protected in this process?

For more information

- OECD, Module 2 on Sexual Harassment and Violence, *OECD Due Diligence Guidance for Responsible Supply Chains in the Garment and Footwear Sector*.
- UNOHCHR, Gender Discussion Group: Sexual violence and harassment against women, *7th UN Forum on Business and Human Rights*, <https://www.ohchr.org/Documents/Issues/Business/Gender/GenderRoundtableSexualViolence.pdf>
- BSR, *Guidance: Gender Equality in Codes of Conduct*, <https://www.bsr.org/en/our-insights/report-view/gender-equality-in-codes-of-conduct-guidance>
- BSR, *Guidance: Gender Equality in Social Auditing*, <https://www.bsr.org/en/our-insights/report-view/gender-equality-in-social-auditing-guidance>
- BSR, *How Business Can Make a Difference on Violence against Women and Girls*: <https://herproject.org/files/curriculum/herrespect-program-summary-nov2018.pdf>
- Women's empowerment Investing in women. Advancing opportunities, Amfori <https://www.amfori.org/content/women%E2%80%99s-empowerment>
- Human Rights Watch, "Labor Rights in the Garment Industry," <https://www.hrw.org/topic/womens-rights/labor-rights-garment-industry>

⁶ UNFPA, *The Role of Data in Addressing Violence Against Women and Girls*. See https://www.unfpa.org/sites/default/files/resource-pdf/finalUNFPA_CSW_Book_20130221_Data.pdf.

⁷ UNFPA, *The Role of Data in Addressing Violence Against Women and Girls*. See https://www.unfpa.org/sites/default/files/resource-pdf/finalUNFPA_CSW_Book_20130221_Data.pdf.



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