

Open Call for Input regarding the Working Group's Report on the Gender Lens to the UN Guiding Principles on Business and Human rights



Input to questions 1,3,4,7,8,10,14

Question1: In what ways do women experience the impact of business-related human rights abuses differently and disproportionately? Please provide concrete examples in the context of both generic and sector- or region-specific experiences of women.

Women and men face different discriminatory practices through various aspects of the employment relationship, from recruitment to remuneration, benefits, training, promotion, and termination. Some of these gender-related practices may be very subtle and difficult to identify without a deeper analysis of the context and root causes. Others are relatively obvious and linked to women-specific matters, such as maternity or motherhood. Women in global supply chains who are less aware of their rights and more prone to unfair employment practices are concentrated in precarious work (usually temporary or casual types of jobs). Many issues that women face in the workplace are partly determined by the type of job they occupy. Some employers use precarious work arrangements to evade obligations related to social security provision, pensions, maternity and family leave, overtime payments, and vacation and holidays, as well occupational health and safety. From the likelihood of sexual harassment and discrimination to pay and benefit provision, the type of employment will influence how women are treated in the workplace. If women are employed by a recruitment agency, they may be even more vulnerable to discriminatory practices and forced labour. In addition, women who are over-represented in the informal sector worldwide are often homeworkers, with no access to any type of job security, benefits, or health and safety standards. Women homeworkers often bear most of the operating costs themselves, such as for electricity and equipment, parts, and maintenance.

Below are some of the business-related human rights issues that disproportionately affect women in the workplace:

- 1. Wages and benefits:** Women are not only paid less than men for the same work or work of equal value, they also receive fewer bonuses and are more often paid by the hour. This is not only because societies attribute different values to the work performed by women and men but because of the types of precarious jobs (part-time, temporary, casual, piece-rate, by the hour) that women tend to occupy. These jobs oblige women to work more hours for less pay. In addition to these issues, a lack of financial literacy, which is common amongst women workers, facilitates supplier mispayments. With regards to benefits, maternity and sick leave generate specific challenges. Women may face discrimination and employment issues even when maternity leave is guaranteed by law.
- 2. Forced Labour:** Women and girls make up more than 70 percent of the world's modern slavery victims, with nearly 30 million female victims worldwide. People in forced labour represent over half of modern slavery victims. Gender is an important factor that determines the likelihood of being in forced labour, especially in relation to specific economic activities. Women are usually associated with forced sexual exploitation and domestic work much more than with forced labour in other economic activities. However, the fact that women workers are concentrated in informal labour sectors without legal protections in the lowest paid jobs, and that they are the

victims of major power imbalances within societies and workplaces (especially related to sexual abuse and maternity), makes them particularly vulnerable to forced labour. Last year, the ILO reported that women represent 58 percent of workers in forced labour exploitation in the private sector (including manufacturing, agriculture and fisheries). This can be explained by: „ The concentration of women in formal labour sectors where forced labour is prevalent: Cases of forced labour are highly reported in sectors where women workers outnumber men, such as in the garment sector. These cases often involve such practices as debt bondage and illegal confiscation of personal identification documents, particularly where recruitment agencies are involved, such as in the electronics industry in Malaysia. However, sexual violence and physical abuse are also used to compel labour, such as in the agriculture industry in India. „ The increasing migration of women for work: More subtle types of forced labour may affect women in particular by, for example, limiting their freedom of movement for security reasons. This is a particularly common practice among migrant workers, who struggle to find housing and are offered company accommodation where they are confined and/or under constant surveillance.

- 3. Working hours:** Women tend to work longer hours than men and they are often in a more vulnerable position regarding their employment terms. They are also affected differently than men when working longer hours and overtime. Workers sometimes have little choice but to accept overtime and overtime is often requested at the last minute. This may put women workers in particular in difficult situations, where they are subjected to verbal, physical, or even sexual abuse. It may also add stress as they try to balance their jobs with their caregiving and home duties. Overtime also raises security issues for women because traveling to and from work very early in the day or late in the evening may put them at risk of abuse and violence outside of the workplace. In developing countries, workers relying on piece-rate wages often constitute a vulnerable section of workers, with many working in the informal economy. Large numbers of these workers are women. Piece rates are frequently used in certain industries or occupations where the work is repetitive in nature and where employees have a high level of control over the results. Piece-rate pay is frequent in the textile, garment, footwear, and leather industries, but also in agriculture (such as tea plucking and fruit tree pruning).
- 4. Harassment:** Sexual harassment is an everyday experience for many female workers, who endure abusive behaviours including offensive and sexually explicit language, hearing suggestions to become prostitutes, and physical acts such as patting, hitting, and slapping. Many female workers have also experienced unwanted sexual advances and intimate partner violence in their communities. Sexual harassment is closely linked to other problems women face in the workplace. Because they occupy a majority of precarious jobs such as short-term contract positions, and because they are more likely to be in junior positions and/or on probation, women workers are more likely to be harassed. They are especially vulnerable to harassment when they fail to meet production targets, make a mistake, ask for leave, arrive late, or fall sick. They also face harassment when traveling to and from work. Women also face adverse social norms. In this context, sexual harassment becomes an assertion of power and is used to intimidate, coerce, or degrade another worker. While it may be invisible to an auditor, this pervasive issue leaves women with an ever-present sense of vulnerability. However, women have to a certain extent normalized sexual harassment and unwelcome advances as a part of their lived experiences. A social stigma is attached to survivors, and workers often keep silent instead of risking their jobs and their reputations, damaging their marriage prospects, or upsetting their partners. In the context of social audits, sexual harassment—as an often-invisible and unreported issue—is particularly difficult to identify during worker interviews and site observation.
- 5. Health and Safety:** Job and task segregation by gender means that women and men are generally exposed to different work-related hazards. In addition, specific vulnerabilities related to the female reproductive system—especially during pregnancy and breastfeeding and including the types of work and substances women are exposed to—are of crucial importance. Beyond occupational safety and workplace roles, it is important to understand how the physiological and social differences between women and men have disproportionate impacts on women workers and the work life. Women must typically juggle the need to work long hours to make a decent salary with their domestic responsibilities as caregivers, parents, and providers within their families. This often leads to fatigue, stress, and disengagement at work,

such as decreased participation in workplace health and safety trainings or professional advancement programs. It also means that women have less time than men outside of work to deal with health issues. Women have specific health needs and issues, including sexual and reproductive health, that are different from those faced by men. The more a workplace recognizes these differences and addresses them, the more equitable the situation is for women workers. When small health issues are not resolved, they lead to more serious conditions that cause absenteeism and turnover. Access to health or other facilities, on site and in the community, can have a disproportionate impact on women (health services, toilets, childcare facilities, nursing rooms). This is a cross-cutting issue in codes of conduct, most commonly addressed in the Occupational Health and Safety section.

6. Freedom of Association and Collective Bargaining: There are several gender considerations that should be taken into account when assessing whether freedom of association and collective bargaining mechanisms are gender sensitive. First, women may not be reached by their workplace representatives (because of the types of job they occupy and a lack of knowledge of their own rights), and committees/unions may not take appropriate measures to integrate, include, and represent women and their specific needs. Secondly, cultural norms may limit women's ability and desire to voice concerns and to attend meetings. These meetings may be organised in locations and at times that conflict with women's additional duties, such as unpaid care work. Thirdly, for women's needs and priorities to be adequately addressed by trade unions, women must be properly represented in the trade union structure and committee, including in leadership positions. This is rarely the case today. Lastly, the fear of retaliation based on their gender may deter women from participating in workplace committees or unions, and from using grievance mechanisms adequately. In addition, according to the latest Bangladesh Shramika Institute study, Barriers to Women's Participation in Trade Unions and Labour Organisations, female workers in 17 registered Bangladeshi trade unions told researchers that they had been sexually harassed by union leaders, a fact which further deters women from joining unions.

BSR's experience from working in the extractive sector:

In the extractives sector the benefits of the industry are largely focused on men (for example in the form of jobs, business contracts, etc.), while its negative impacts often fall disproportionately on women. For example, sexual harassment and gender-based violence (GBV) are widespread in many mining regions, triggered by the influx of migrant workers, social disruptions, increasing disposable incomes in the hands of men and associated alcoholism, and higher rates of female employment in prostitution. Extractives projects often displace communities from their agricultural land. Women own a much smaller share of the world's land than men do, however they are responsible for a larger portion of the food production. When women are displaced they often do not benefit from the compensation agreements, which go to the landowners, however are still culturally responsible for providing for their families. While men who are displaced can replace their lost agricultural income with jobs and contracts with the company, women often have far less opportunities in this respect. Women business owners are often at a disadvantage in accessing mining supplier contracts because they lack access to credit and skills to grow their businesses. They may also not be aware of the opportunities, not meet the qualifications/requirements of the contracts, or have limited control over assets. Additionally, while many extractives companies have developed local content programs to help smaller companies meet company procurement standards, these rarely specify women.

Question 3: How to address sexual harassment and sexual or physical violence suffered by women in the business-related context, including at the workplace, in supply chains and in surrounding communities? Please share any good practices which have proved to be effective in dealing with sexual harassment and violence against women.

There is a significant role for apparel companies to play in putting a stop to GBV and harassment within the workplace. The “Empowering female workers in the apparel industry” BSR report, explores what companies can do to combat harmful norms, change societal attitudes, and end GBV.

https://www.bsr.org/reports/BSR_Empowering_Female_Workers_in_the_Apparel_Industry.pdf

ACT

- **Condemning Violence against Women:** First and foremost, companies need to recognize, both internally and publicly, that incidences of violence and harassment occur, and must be dealt with. Companies should ensure all suppliers understand what constitutes GBV, and that it is prohibited by company policies. Once existing policies are clarified and the definition of GBV is clear to supervisors, companies should reflect on their own practices to ensure there are no direct perpetrators or indirect sources of violence and harassment and put in place effective and visible antiviolence and harassment policies across the whole supply chain. Companies can train staff, particularly staff such as brand representatives that interact directly with suppliers at factories, on violence prevention and remediation.
- **End the Habituation of Violence and Harassment:** Sometimes, violence and harassment have become so habituated that they are not recognized as inappropriate behaviors. Brands should support, and, as necessary, provide training for line managers and supervisors that elucidates what constitutes harassment and violence, and conveys in no uncertain terms that these acts are not acceptable within or beyond the factory walls. These efforts should leverage existing resources such as Labor Voices and similar projects that provide anonymous hotlines to report incidences of violence and harassment

ENABLE

- **Supporting Innovative, Multi-Partner Models:** Findings from successful GBV programs, including those implemented by the Fair Foods Standard Council, Fair Wear Foundation,²⁰ and ILO Better Work, point to a need to draw on innovative and multi-partner models to address violence. Successful programs mobilize all members of the value chain, and have built-in systems for evaluation and rigorous analysis to affirm the success of the program or flag when changes need to be made
- **Supporting Education & Compliance:** Apparel sector brands can also play a role in supporting rights education—both in the workplace and within communities—and ensuring that codes of conduct and compliance requirements explicitly address gender violence in the workplace. In addition to initiatives directly targeting women workers, GBV trainings should include suppliers and line supervisors, inspectors, and union and worker organizations to identify violence and harassment, understand the root causes, and reduce violence in the chain.
- **Engaging Men:** Gender equality will not be achieved and GBV will not end if interventions focus solely on women. Men must also be an active part of the conversation. Companies can help to provide opportunities for men to better understand the importance and value of women’s empowerment. Companies can also help men address the challenges they face in understanding the issues and the roles—both positive and negative—they may play within their supply chain. These efforts can be amplified through partnerships with community-based initiatives or NGOs.
- **Supporting Organizations that Help Victims:** Apparel sector companies can and should collaborate with organizations providing direct legal and health services to victims of violence, abuse, and harassment. This includes ensuring all factory workers are aware of and able to access these services if needed without fear of negative repercussions at work.

INFLUENCE

- **Maximizing Existing and Supporting Proposed Binding Frameworks**: Although there is currently no global standard on violence and harassment at work, several international conventions on GBV exist, such as ILO Convention 111 on Discrimination (Employment and Occupation) and the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), adopted in 1979. These conventions were designed to promote gender equity and prevent discrimination against women in communities and the workplace. However, they often go unenforced due to cultural, financial, or other factors that limit implementation and oversight. Apparel companies should be aware of these conventions, ensure they are upheld within their supplier factories, and call on national and local governments to enforce and implement the requirements. Companies should make clear to suppliers that working relationships must be conducted in full compliance with key conventions, even if there are gaps in local enforcement. Additionally, companies can voice support for new conventions that would create a global standard on violence and harassment at work, such as the ILO Convention on Violence at Work. At the end of 2015, the ILO announced that a debate for a convention will be on the ILO Conference agenda in 2018, and efforts are underway to gather support for such a standard.
- **Make a Public Stand and Advocate**: To both acknowledge and de-stigmatize the problem, companies can speak out in support of and advocate for policies and programs that combat GBV and enable women's economic empowerment. Further, companies can use the power of their brands to champion gender equality and dismantle harmful norms, policies, and practices, including labor practices. There are ample areas for companies to raise their voice and use their influence to engage in dialogue to promote gender equality and stand up for policy advancements that support women's rights in the countries where they source products.

Case Study: What works to prevent violence: Living With Dignity project in Tajikistan

Villages in Jomi and in the northern district of Penjikent were targeted for the Zindagii Shoista (Living with Dignity) project, implemented by five organisations – International Alert and Cesvi, together with local partners Farodis, Women of the Orient and Action, Development and Prosperity (ATO). The Zindagii Shoista programme, conducted over 18 months, took a two-pronged approach. It offered relationship counselling for women, couples and extended family members, alongside training in setting up small businesses that would bring in some much-needed cash. The results of the pilot, published at the end of September, have been astonishing. After 10 weekly group and individual counselling sessions and 10 weeks of skills training, followed up with mentoring from local mediators, levels of violence against women have almost halved – dropping from 64% to 34%. The percentage of men who said they were violent fell from 47% to 5%. Family relationships have become more equitable and the mental wellbeing of both women and men has improved significantly. Suicide rates for women fell from 20% before the project to 9%. Among men, rates fell from 10% to nil. Women's earnings increased fourfold, and their savings tenfold. The proportion of women experiencing severe food shortages fell from 56% to 19%. This project was funded through the British government's What Works to Prevent Violence Against Women and Girls initiative, a £25m global project launched in 2014 to collect evidence about the scale and impact of violence against women and girls, as well as potential ways to stop it.

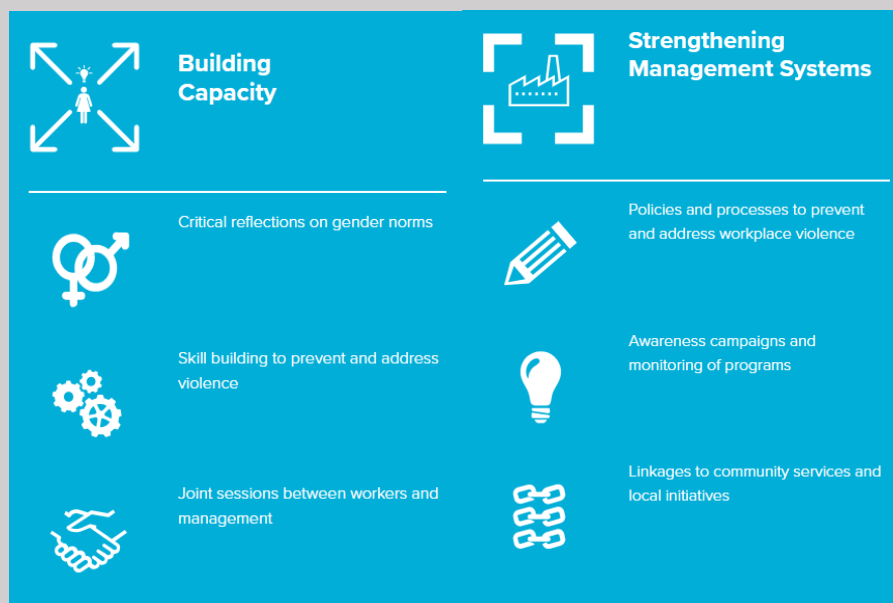
<https://www.theguardian.com/global-development/2018/oct/19/miracle-scheme-ending-abuse-against-women-tajikistan-zindagii-shoista>

Case Study: The HERrespect programme

The HERrespect programme seeks to promote positive gender relations in factories to prevent and address violence against women. The 10-month programme launched in 2015 involves 10 Brands, is active in Bangladesh, India, Kenya and Ethiopia and has reached 24000 women so far. The programme provides:

- Training for middle management and workers, both male and female, on gender awareness and interpersonal skills to prevent and address sexual harassment and IPV.
- Guidance on best practices and policies to prevent and address sexual harassment, implemented in collaboration with ILO/IFC's Better Work program
- Training for peer leaders on gender in workers' cafes, where workers gather for leisure and learning after working hours

HERrespect focuses on the following areas:



Understanding the complexity of social gender norms is vital for effectively apprehending violence and harassment in the workplace. Measuring the effectiveness of an intervention in changing social norms in a specific workplace is equally important to demonstrate the impact achieved. However, social norms are quite difficult to measure. Although caution is advised when trying to measure gender norms, behavior and attitude can be evaluated. HERproject uses attitude mapping when conducting baseline, midline, and end line surveys to inform, review, and measure the impact of its workplace programmes on shifting gender norms. The surveys assess workers' attitudes and behaviour when confronted with specific situations. HERproject's midline survey from a pilot in Bangladesh showed a decrease in the acceptance and normalization of violence at home and at work. We also observed an increase in gender-equal attitudes and a greater sense of personal responsibility to stop violence against women, e.g.:

- The percentage of participants agreeing that there are times a woman deserves to be beaten decreased from 54% to 1%.
- The percentage of participants agreeing that they have a responsibility to stop violence against women increased from 4% to 99%.
- The percentage of participants agreeing that childcare is the mother's responsibility decreased from 43% to 13%.

<https://herproject.org/programs/herrespect>

Question 4: Which State laws and policies or social, cultural and religious norms continue to impede women's integration into economic activities and public life generally?

Only 67 countries have laws against gender discrimination in hiring and many countries have discriminatory laws limiting female workforce participation. A World Bank report that looked at 173 national economies found that 155 of the economies have at least one law impeding women's economic opportunities; women are not allowed to work in certain factory jobs in 41 economies; and in 18 economies, they cannot get a job without their husbands' permission. Discriminatory laws are often rooted in deeply engrained social norms. For example: Regulatory barriers that prevent women from participating in the workplace are particularly pronounced in MENA countries where only 24 percent of women are in employment compared to an average of 60 percent in OECD countries. A dissonance between the rights afforded to women in the constitution and the rights afforded to women in practice through local family law; as well as gaps in labor laws that exacerbate inequalities between men and women, such as insufficient childcare provisions and the practice of paying social security benefits to men only, contribute to this low rate of women participating in the labor force. A recently launched index, the Women's Workplace Equality Index is a great resource as it ranks countries on remaining legal barriers to gender equality in the workplace <https://www.cfr.org/interactive/legal-barriers/>.

In the extractives sector for instance, laws and social norms in countries heavily influence what jobs women are able to do. This includes the International Labor Organization's (ILO) Convention on Underground Work and national laws in countries from Argentina to Uganda that forbid women from engaging in underground mining. In addition, gender norms, social taboos, and superstitions have held women back, including the fallacy that women bring bad luck and make minerals disappear. In many countries, there is a strongly held societal view that mining is not an appropriate career for women. This historical legacy takes time to change and can lead to unconscious gender bias when hiring workers. The pervasive cultural norm that places a greater burden on women for care work has a limiting effect on women's ability to work in the extractives sector, which often requires remote site work and unsociable hours and high expectations of overtime. Combined with the lack of available childcare facilities, it is challenging for women, who are often the primary caregiver, to take on direct mining jobs. Research conducted by Rio Tinto (2009) found women in the U.S. did not pursue mining careers due to traditional work scheduling practices, as well as a lack of family-friendly work policies. In many developing countries, there is often an unspoken bias against educating women. This is partly due to cultural expectations that a woman will leave school or her job to get married and care for children. When girls hit puberty, they tend to be more involved in household chores than boys, which often keeps them from attending school. Women's lower education levels are a barrier to entering the industry and taking on more technical roles that may offer better pay and professional advancement opportunities. For the women who do reach higher education, some may not pursue geology or gemology academic professions because of societal or family pressure without additional support or incentives. In the extractives sector consultation on issues that affect women and their communities are often exclusionary—if not by design, then by default due to traditional norms, education levels, or household burdens that prohibit women from participating in discussions. Women may not always actively participate, and they may be hesitant to contradict men or to break with traditional gender roles for participation. These dynamics are particularly important for large-scale operations, as their consultation practices with affected communities may unintentionally exclude women. Additionally, regulating bodies such as mining ministries also mostly consist of men, which makes it harder for women to voice their concerns openly.

Question 7: What is the extent to which businesses currently apply a gender lens in conducting human rights due diligence, including social or environmental impact assessment?

It is BSR's experience working with companies that very few systematically apply a gender lens in their due diligence and impact assessments. When they do these will mostly focus on discrimination at hiring and harassment in the workplace/existence of grievance mechanisms. The systems currently used by brands and suppliers to verify that basic rights and working conditions are upheld in their supply chains rarely integrate a gender dimension. This is arguably evidence that companies have not paid sufficient attention to gender-specific human rights abuses and the broader spectrum of workplace practices harmful to women in their supply chains, where women constitute a majority of workers, especially for consumer products. In particular, women's rights and workplace-specific challenges are often not reflected in supplier codes of conduct and are addressed in very limited ways, if at all, in the auditing methodologies used to verify compliance with such codes. To help companies address this issue and prepare to meet the increased gender related expectations associated with the UNGPs, BSR has developed guidance that:

- Recommends specific wording to be integrated in existing codes of conducts that incorporates a gender dimension. (<https://www.bsr.org/en/our-insights/report-view/gender-equality-in-codes-of-conduct-guidance>)
- Identifies the main improvements required for gender-sensitive social auditing and provides recommendations, practical advice, and relevant examples on how to effectively integrate gender considerations into audits. (https://www.bsr.org/reports/BSR_Gender_Equality_in_Social_Auditing_Guidance.pdf)

If social auditing is to remain relevant and to become better at capturing the underlying root causes of gendered issues and discrimination, providing meaningful corrective action plans to tackle them, and measuring progress toward better conditions for women workers, there is an urgent need to transform its objectives and methodology. BSR's new guidance is designed to provide all actors involved in these audits with opportunities for individual and collective action to make social audits more gender-sensitive. The guidance will help companies and actors in the auditing ecosystem to:

- Understand and proactively address the structural constraints that prevent social audits from being more gender-sensitive, from the composition of auditing teams and their knowledge to the complexity of reporting gender-sensitive issues and capturing gender-disaggregated data.
- Integrate specific gender-sensitive verification measures across codes of conduct principles, verifying not just governance and policy structures, but also how these are embedded in operations and how they impact workers.
- Analyze the particularities of interviewing workers and apply a gender lens to (for example) sampling and interview techniques.
- Explore how to more effectively gather insights on women workers' issues and needs through methodologies and techniques that are currently not part of traditional social auditing. The guidance shows how worker-driven feedback loops can capture risks and impacts in a way that traditional auditing mechanisms may not.

Some companies and scheme owners have already started to incorporate a gender dimensions to their systems and tools:

Ascena retail group has integrated a strong focus on gender and SDG 5 in its preamble and throughout its Code of conduct for merchandise suppliers: <https://www.ascenaretail.com/wp->

[content/uploads/2018/09/Code-of-Conduct-for-Merchandise-Suppliers.pdf](https://www.lego.com/en-us/aboutus/responsibility/caring-ethical-and-transparent/responsible-supplier-management) . A number of other textile companies are going through the process of integrating gender in their codes and auditing processes. Lego has a strong focus on Child Safeguarding & Family Friendly Workplaces with the intention of encouraging suppliers to support parents/carers more proactively in the workplace:
<https://www.lego.com/en-us/aboutus/responsibility/caring-ethical-and-transparent/responsible-supplier-management>

Over the past years, BSR has partnered with 6 supply chain initiatives to integrate a gender dimension in their strategy, systems and tools: https://www.just-style.com/news/project-to-empower-women-in-global-supply-chains_id128984.aspx

Supply chain initiatives and scheme owners have started embedding a focus on gender within their approaches and tools notably:

- **Sustainable Agricultural Network (SAN):** their Additional Social Auditing Methods for Sexual and Psychological Violence against Women in risk countries
https://www.rainforest-alliance.org/business/sas/wp-content/uploads/2017/11/14_sexual-harassment_en.pdf
- **BSCI/Amfori:** Appendix to their Systems Manual on how to integrate gender equality in due diligence strategy:
<https://www.amfori.org/sites/default/files/Annex%2014%20How%20to%20Integrate%20Gender%20Equality%20in%20the%20Due%20Diligence%20Strategy.pdf>
- **Ethical Toy Programme (ETP) auditing checklist** (new version)
<https://www.ethicaltoyprogram.org/en/new-audit-checklist-and-certification/>
- **The Responsible Jewelry Council (RJC)** has updated its Code of Practice to integrate a gender dimension (undergoing public consultation and should be finalized before year end)
- **Sedex self-assessment questionnaire (SAQ) for suppliers:** Sedex is currently reviewing their SAQ and BSR has worked with them to integrate a gender lens in questions, including gender disaggregated profile of workforce. SMETA 7 will soon be under review and we will support the integration of a gender lens.

In addition, and to provide an incentive to level the playing field, BSR, in partnership with the Floriculture Sustainability Initiative, has developed a gender filter for ITC's Sustainability Map to benchmark and assess certification schemes and standard owners on how they integrate gender within their requirements. <https://sustainabilitymap.org/standards>. This filter will be launched later this year.

Question 8: Are there any good practices of business enterprises adopting a gender perspective in making human rights policy commitments, addressing the gender wage gap and underrepresentation of women in boards and senior positions, or involving affected women in meaningful consultations and remediation processes?

➤ **Gender specific commitments:**

Many companies do have targeted initiatives to address gender-based discrimination (equal pay, gender-based violence, sexual harassment) but it is not yet common for these steps to be part of a comprehensive, coherent strategy which mainstream intersectional gender analysis into their human rights strategies and throughout their operations.

Unilever has a section on section on women's advancement in their human rights policy statement: https://www.unilever.com/Images/unilever-human-rights-policy-statement_tcm244-422954_en.pdf

Mining company, **Rio Tinto**, developed a [resource guide](#) for integrating gender considerations and focus on inclusive engagement into Rio Tinto's 'Communities' work. The guide commits the company to "*respecting human rights and addressing the gender impacts of our operations ... [and] provide guidance to all our operations on how to improve their ability to consider the human rights and gender impacts of their work, and how to develop appropriate responses*".

French companies **PSA Peugeot Citroën** and **Orange**, have both made policy commitments to address [violence against women](#).

Violence against women has been referenced in company-wide **PSA Peugeot Citroën** agreements since the signing of a protocol to prevent and combat domestic violence was signed with the former Minister for Employment and Social Relations, Xavier Darcos in 2009. A 2014 PSA Peugeot Citroën company-wide agreement included an article relating to "*supporting employees victims of domestic violence*" and encouraging the PSA sites to take action against gender-based violence including prioritizing training social, medical and HR services and supporting employees who had experienced violence. Each PSA site implemented their own different actions within its plant to meet these objectives. For example, the Vesoul site coordinated with the Information Centre on Women's Rights and Families (CIDFF) to arrange training for the site's managers. 150 managers were specifically trained to identify GBV and an exhibition on the issue was organized. Awareness-raising initiatives were implemented, such as distribution of flyers including self-diagnosis ("are you a victim?").

The telecommunications company **Orange** included in its 2014 agreement on gender equality an article about GBV. As part of the "Work organization, work-life balance, health and prevention", this article offers to put in place an emergency action if a woman files a complaint. This emergency action concerns housing: thanks to the "Action Logement" initiative, employees-victims of violence can access alternative housing solutions with far more ease and much faster.

In 2016, French tire company **Michelin** adopted an Agreement on "*the development of diversity and professional equality between men and women*" including a paragraph dedicated to gender-based violence. This article commits the company to set up measures to improve the provision of care for women who have experienced violence and to disseminate information about support provision via the occupational health staff, social assistants and human resources staff.

In 2016, **Sodexo** launched a three-year Clinton Global Initiative (CGI) commitment called Girls, Women, and the Global Goals: Workplace Strategies to End Violence Against Women. By August of 2019, Sodexo aims to directly reach 105,000 employees by raising awareness for gender-based violence as a workplace concern for all employees, providing in-depth gender-based violence training, and offering economic opportunity and support to victims of gender-based violence and their families. This commitment builds on Sodexo's 2014 Commitment to Action to create economic opportunity by sourcing \$1 billion from women entrepreneurs and other small enterprises and is part of a holistic approach to promoting gender equality in business

➤ **Equal Pay:**

High-profile companies like **Starbucks, Apple, Salesforce, Intel and Adobe**, among others, have recently reached full pay parity for women and underrepresented minorities in the United States. These companies are also taking steps toward creating a better workplace for women and minorities to thrive, advance their careers and move into more leadership roles. Detailed information can be found here: <https://www.glassdoor.com/blog/companies-equal-pay/>

CAER was commissioned by the Australasian Centre for Corporate Responsibility to collate the research for a [2018 report](#) analyzing ASX100 companies' commitments and disclosures related to gender pay equity based on Australian Workplace Gender Equality Agency disclosures.

The report found that the majority of companies are not making any public commitments to gender pay equity. Only 24% of the ASX100 listed companies have a CEO or board member signed onto the Gender Pay Equity Pledge. It is rare for a formal policy and/or formal strategy to include transparency around pay scales and/or salary bands.

➤ **Underrepresentation of women in Boards and senior positions:**

At corporate level:

Vigeo Eiris has reviewed the level of female representation in corporate senior management functions for almost 4000 listed companies worldwide. The following report released in March 2018 https://30percentclub.org/assets/uploads/UK/Third_Party_Research/Gender-diversity-in-senior-corporate-managment.pdf captures the main findings. The first table below identifies the companies that have the highest rate of female representation in Boards.

*List of companies with the highest rate of female representation in Boards
(Board of Director / Supervisory Board)*

COMPANY	SECTOR	COUNTRY	% of women on Board
CYBG	Retail & Specialised Banks	United Kingdom	61%
Kering	Luxury Goods & Cosmetics	France	60%
Fortescue Metals Group	Mining & Metals Asia Pacific	Australia	56%
Macy's Inc,	Specialised Retail	United States of America	50%
Norsk Hydro	Mining & Metals	Norway	50%
Rexel	Specialised Retail	France	50%
Sa Sa International Holdings	Specialised Retail	Hong Kong	50%
Shutterfly	Software & IT Services	United States of America	50%
Sparebank 1 SR Bank	Retail & Specialised Banks	Norway	50%
TGS-NOPEC Geophysical	Oil Equipment & Services	Norway	50%
Unilever	Food	United Kingdom	50%
Woolworths	Supermarket	Australia	50%
Catholic Health Initiative	Health Care Equipment & Services	United States of America	50%
L'Oreal	Luxury Goods & Cosmetics	France	46%
Avon Products Inc	Luxury Goods & Cosmetics	United States of America	45%
CGG	Oil Equipment & Services	France	45%
Banca Generali	Retail & Specialised Banks	Italy	44%
Cable One	Broadcasting & Advertising	United States of America	44%
Christian Dior	Luxury Goods & Cosmetics	France	44%
Next	Specialised Retail	United Kingdom	44%

The second table highlights the companies that have the highest rate of female representation at executive level.

List of companies with the highest rate of female representation at executive level

COMPANY	SECTOR	COUNTRY	% of women at executive level
Nordstrom	Specialised Retail	United States of America	69%
L'Oreal	Luxury Goods & Cosmetics	France	62%
Sa Sa International Holdings	Specialised Retail	Hong Kong	60%
Imperial Holdings	Specialised Retail	South Africa	60%
Empresa Nacional de Telecomunicaciones	Telecommunications	Chile	57%
Wolters Kluwer CVA	Publishing	Netherlands	55%
Lansforsakringar Bank	Retail & Specialised Banks	Sweden	50%
Oesterreichische Kontrollbank	Retail & Specialised Banks	Austria	50%
XL Axiata	Telecommunications	Indonesia	50%
OP Financial Group	Retail & Specialised Banks	Finland	49%
Northrop Grumman	Aerospace	United States of America	46%
Alibaba Group Holding	Specialised Retail	China	45%
Spirit Aerosystems	Aerospace	United States of America	44%
Puget Energy	Electric & Gas Utilities	United States of America	44%
Galenica	Specialised Retail	Switzerland	44%
SBM Offshore	Oil Equipment & Services	The Netherlands	43%
NYU Hospitals Center	Health Care Equipment & Services	United States of America	43%
Michael Kors Holdings Limited	Specialised Retail	United States of America	43%
Gaztransport et Technigaz SA	Oil Equipment & Services	France	43%
Enbridge Income Fund Holdings	Oil Equipment & Services	Canada	43%

In the supply chain:

Some companies have developed ambitious targets to increase women's representation at supervisory level within their supply chains:

- **M&S:** "By 2022, we aim for our Food and Clothing & Home first-tier manufacturing sites to have 25% women in management positions".
<https://corporate.marksandspencer.com/documents/plan-a/plan-a-2025-commitments.pdf>
- **Esprit:** "By July 2021 our Tier 1 suppliers in India and in Bangladesh increase the percentage of female line supervisors to their percentage in the factories' workforce overall"
<https://www.esprit.com/company/sustainability/produce-responsibly/responsible-for-people>

DBL Group in Bangladesh provides a 165-hour comprehensive training program (Female Supervisors Leadership Program) that helps build both soft skills and technical skills essential for leadership positions. This training addresses multiple topics including counselling, house-keeping, safety, self-analysis and development, self-motivation and motivating others, communication, along with the company code of conduct, and production and quality modules.

<https://www.businesscalltoaction.org/resources/empowering-women-workplace-female-employees-fast-tracked-line-workers-supervisors>

HP worked with BSR to develop a Women Wellness and Leadership Training. The program was designed to support HP suppliers and specifically women workers in the Chongqing region, located in Southwest China. The objective was to facilitate learnings that were applicable and empowering to everyday life, to provide career counselling and build leadership competencies. The curriculum consisted of workshops on: Gender Equality, Time Management, Communication Skills, Stress Management, Financial Planning and Leadership Building. The Women Wellness and Leadership Training 2018 program engaged three factories and 11,662 workers. The program's approach focused on developing a population of 'peer educators', who each participated in 18 hours of leadership training over a nine-month period. These peer educators were then required to share this acquired knowledge with their colleagues. Peer educators used both formal and informal training methods and communication during and after working hours to disseminate information to colleagues. This peer training style extends the depth and breadth of the program's reach and impact. The program beneficiaries – women workers – improved their knowledge and skills on all leadership topics delivered throughout the curriculum, with a special highlight on communication, stress management, time management and gender equality. The primary outcomes from the program's activities relate to changed behavior and access. Secondary outcomes from the program's activities relate to sense of self, negotiating powers at work and at home and contributions towards household decision making. The program increases confidence and sense of self-worth by promoting communication skills, knowledge and leadership opportunities in the workplace. As such, empowering women has far reaching impacts beyond health and finance.

Question 10: How could all types of remedial mechanisms, processes and outcomes be made more gender-sensitive?

From insights gained through BSR's work with companies, including from our recent work with **Barrick Gold Corp** on access to remedy (findings available in the public report [In Search of Justice: Pathways to Remedy at the Porgera Gold Mine](#)), we have identified a number of opportunities to make remedy mechanisms, processes and outcomes more gender-sensitive. These include:

- Employ adequate numbers of female grievance intake officers to ensure that when women file a claim they are always able to file the claim with a woman. Given the sometimes-sensitive nature of claims and the cultural power-imbalance it is important for women to be able to lodge their claims with a female claims officer.
- Provide gender-sensitivity training to all grievance intake officers, community relations employees and others with regular contact with potential human rights victims or claimants.
- Ensure that women, and others in the community, have access to the intake center for lodging grievances and/or have multiple ways to lodge complaints. Women may not be able to travel to a grievance office and may need ways to register grievances that are closer to their place of work and/or homes.
- Implement procedures that include regular follow up with claimants, particularly women. In our work we anecdotally have observed that male claimants are more diligent at following up on their claims and continuing to put pressure on the company, whereas female claimants lodge their claims, but do not engage in follow-up for a number of reasons (difficulty and expense of traveling to grievance office, lack of "free time," cultural barriers including restrictions on freedom of movement, safety concerns, etc.)
- Include gender of complainant in the statistics gathered by the grievance office to ensure oversight and monitoring of how claims are processed. Tracking gender data will allow the company to track if complaints
- Establish an oversight committee to periodically review the decisions and performance of the company grievance mechanism to ensure consistency in its approach and resolution of claims, paying special attention to gender issues.

- In areas with chronic illiteracy and low levels of education, ensure that all victims, and particularly women, have access to free advice and support with filing claims. Women are often unable to access remedy given their low levels of education, often significantly lower than the male population in the same area.
- Offer opportunities for an alternative-dispute mechanism or a restorative process, rather than or as part of the company-led grievance mechanism.

A good example of effective grievance mechanism that has led amongst other intervention to the successful remediation of sexual harassment complaints is the one led by the **Fair Food Programme**. See below:



Fair Food Program's Worker-Led Complaints Mechanism

The Program

The Coalition of Immokalee Workers (CIW), built on a foundation of farmworker community organizing in Florida since 1993, established the Fair Food Program (FFP) in 2011. CIW, farmworkers on participating farms, farmers, and retail food companies implement the FFP. The Fair Food Standards Council (FFSC) is the program's independent monitoring body and the only dedicated third party oversight organization of its kind for agriculture in the United States. The FFP "harnesses the power of consumer demand to give farmworkers a voice in the decisions that affect their lives, and to eliminate the long-standing abuses that have plagued agriculture for generations," including sexual harassment, violence, discrimination, and abuse. The FFP currently boasts 14 participating buyers, including Yum Brands (which includes Taco Bell), Walmart, Chipotle, Trader Joe's, Subway, Whole Foods, Burger King, and McDonald's. Growers representing 90 percent of Florida's tomato production have signed on to the program. The FFP also involves strawberry and bell pepper farmers in Florida, as well as tomato growers across Georgia, South Carolina, North Carolina, Virginia, Maryland and New Jersey. In mid-2018, the FFP will be expanding into other crops in Texas. The components of the FFP make up what is called the "Worker-driven Social Responsibility" (WSR) model. The key FFP mechanisms include legally-binding Fair Food Agreements between participating buyers and CIW, worker education, market enforcement rules, independent audits, and complaints resolution mechanism. All of these have contributed to ending impunity for sexual violence and other forms of sexual harassment at Fair Food Program farms, where there have been zero cases of rape or attempted rape since the implementation of FFP standards in Season One.

The Complaints Mechanism

The FFP includes a confidential complaints system that is independently run by the FFSC. This system centers on a toll-free, bilingual complaint line that FFSC investigators who know the relevant farms answer 24 hours a day, seven days a week. The hotline information informs subsequent audit interviews and worker education programs. Since its start and covering around seven growing seasons so far, the program has resolved more than 2,000 complaints. Most complaints are resolved in less than two weeks and the vast majority in less than a month. When a complaint is submitted to the hotline, the FFSC investigates the situation either alone or in collaboration with the relevant grower, depending on the specifics of the situation, and then develops a corrective action plan for implementation by the farmer with support from FFSC. Whenever possible, resolutions of complaints are made known to the other workers to demonstrate a lack of retaliation for bringing complaints and to reconfirm the grower's commitment to the program. The FFSC maintains a detailed database of complaints and corrective actions taken; an appeals mechanism is built into the system. Supervisors found by the FFSC to have engaged in sexual harassment with physical contact are immediately terminated and banned from employment at other FFP farms for up to two years. Participating Growers must carry out these terminations or face suspension from the FFP, with the accompanying loss of ability to sell to Participating Buyers. Supervisors terminated for less severe forms of harassment or discrimination also face a program-wide ban. Allegations of sexual harassment are investigated and resolved with unprecedented speed, averaging less than three weeks.

Source: <https://www.shiftproject.org/sdgs/>

Question 14: Please provide any additional comments, suggestions or information which you think may be relevant for the Working Group's forthcoming report on the gender lens to the UNGPs

Women workers make up 80% of the workforce in global garment supply chains, but their contributions and the realities they face are largely invisible. Renewed effort to measure progress for women in supply chains is critical:

- A lack of gender data is a barrier to understanding the needs, priorities, and conditions millions of women in supply chains face and to ensuring they are protected and empowered.
- Companies and MSIs are taking note but do not have the tools or resources to collect the necessary data to gain a comprehensive understanding of the status of women in their supply chains.
- Currently, there is no practical, credible, framework defining which gender indicators are needed to monitor corporate progress towards gender equality in supply chains and to guide future investments.

BSR is leading the development of the gender data framework which will provide key indicators for companies and multi-stakeholder initiatives (MSIs) to monitor progress on gender equality in global supply chains. The framework is expected to be released in June 2019. An expert advisory committee, including BSR, ETI, ISEAL, UN Global Compact, and UN Women will be created to oversee the development of the framework and to provide strategic input. Fair Wear Foundation will test the framework as part of their factory audits. The framework will be business-driven and practical and will support companies to make more efficient and impactful investments in gender equality.

The gender data framework will allow for:

- Reliable, disaggregated data collection on the status of women in global supply chains
- Robust monitoring of progress toward gender equality and effectiveness of current efforts
- Better-informed investments and decision-making by companies and MSIs
- A community of companies and MSIs with increased capacity to track and communicate collective progress toward gender equality
- Stronger, more adaptive gender equality initiatives that drive improved outcomes for women in global supply chains

<https://www.bsr.org/en/our-insights/blog-view/making-data-work-for-women>