Draft for Consultation and Comment: Gender Equality in Codes of Conduct Guidance
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Contents

Executive Summary.................................................................1
The Guidance .............................................................................5
  Introduction.............................................................................5
  Objectives and Audience .......................................................5
Why the Focus on Women?..........................................................6
  Gender in Focus ..................................................................6
  Our Analysis .....................................................................7
Gender and Codes of Conduct....................................................10
  General considerations .........................................................10
Navigating the Guidance Document ............................................14
Codes of Conduct Principles .....................................................15
  1. Discrimination ................................................................15
  2. Wages and benefits ..........................................................18
  3. Forced labor ....................................................................23
  4. Working hours ..................................................................26
  5. Harassment and abuse .....................................................30
  6. Health and Safety .............................................................32
  7. Freedom of association and collective bargaining .............38
  8. Employment Relationship .................................................41
  9. Management systems .....................................................43
Next Steps ...............................................................................46
ANNEX 1 – Treaties and Conventions ........................................48
Executive Summary

Women’s rights and workplace-specific challenges are often addressed in very limited ways, if at all in codes of conduct. While recognizing the limited role codes can play in eliminating deeply rooted aspects of gender inequality in the workplace; it is important to recognize that these remain the most widespread approach used by companies to frame the directing principles that drive sustainability and human rights expectations throughout the supply chain. Codes of conduct remain a widely used channel, which companies use to communicate internally and externally about both their specific company values and the minimum requirements they expect suppliers to uphold.

Moreover, poor supply chain resilience and decreased business performance can result from company codes failing to address the poor conditions and unequal treatment faced by workers, and in particular women, in the supply chain. When codes are weak and don’t effectively address issues that affect a company’s workforce; the risk of women being prevented from truly performing to their full potential is increased and this can significantly disrupt supplier performance and ultimately business’ bottom line.

The Guidance recognizes that although both men and women in the workplace face complex and different challenges; women are still disproportionately affected: (1) by exposure to the most vulnerable situations in a workforce (e.g. as migrants or homeworkers); and (2) by their specific gender roles as women (e.g. caretaker, pregnant, and mother). Women are also over-represented in certain workforces (e.g. in the ready-made garment sector or agriculture in countries like India), which highlights even further the importance of taking a gender lens to compliance.

This Guidance was developed to address this weakness in Codes of Conduct by offering a gender-sensitive analysis of codes of conduct principles (with a primary focus on women) and making some recommendations on how business can strengthen their clauses to promote gender equality in the workplace, with a specific focus on developing and emerging markets-based supply chains. The Guidance, which is not advocating for the establishment of a new Code, is structured around two main sections:

1) Traditional issues found in codes related to conditions of employment and to employment-related benefits and rights (what we identify as being the most widespread clauses that can be found in codes of conducts);

2) Relevant gender issues that are not generally included in Codes of Conduct but are interlinked with many core issues addressed by codes. These may not ultimately go into new language, but are in the guidance because they are issues that any leading company needs to understand and address (financial inclusion, health considerations beyond Health & Safety, communication and leadership training, and more).

The guidance is intended as a tool to help companies and stakeholders more clearly identify the intersection between the core principles of a Code of Conduct and specific women’s needs and vulnerabilities. The objective is to provide business with clear and common set of requirements that can be integrated within their existing Codes of Conduct. This guidance is a first step towards driving gender equality in the supply chain. The effective translation of the guidance’s provisions into effective assessment systems, supplier management systems and capacity building activities are the other essential pillars of a strategy that looks to drive real positive change for women in the supply chain.
## Guidance Summary

### General Considerations

- As language is important, mention men and women instead of just workers
- Use the code of conduct as a statement of commitment to gender equality
- Integrate gender considerations into buying practices, which are pivotal to supply-chain business strategies
- Collect gender disaggregated data
- Maintain gender-sensitive grievance procedures
- Ensure all workers are aware of the protections and requirements of the code of conduct

### RECOMMENDED CLAUSE WORDING

#### Discrimination

<table>
<thead>
<tr>
<th>a)</th>
<th>Women and men workers should be protected against discrimination on the basis of marital status.</th>
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</thead>
<tbody>
<tr>
<td>b)</td>
<td>Pregnancy tests or the use of contraception shall not be used as a condition of hiring or of continued employment.</td>
</tr>
<tr>
<td>c)</td>
<td>Women workers should be protected against threats of dismissal or any other employment decision that negatively affects their employment status in order to prevent them from getting married or becoming pregnant.</td>
</tr>
<tr>
<td>d)</td>
<td>Equal opportunities to women and men shall be provided for all aspects of training and personal and professional development.</td>
</tr>
<tr>
<td>e)</td>
<td>Workers with family responsibilities should be protected against discrimination in respect of dismissal (See ILO Convention No. 156).</td>
</tr>
</tbody>
</table>

#### Wages and Benefits

<table>
<thead>
<tr>
<th>a)</th>
<th>Fair and comparable wages, hours and benefits, are guaranteed for all workers for comparable work.</th>
</tr>
</thead>
<tbody>
<tr>
<td>b)</td>
<td>Every worker, men and women, has a right to compensation for a regular work week that is sufficient to meet the worker’s basic needs (such as food, water, housing, healthcare, education, transport and clothing) and provide some discretionary income for the workers and their families.</td>
</tr>
<tr>
<td>c)</td>
<td>Women employees are entitled to maternity protection (leave and benefits as well as protection against discrimination) in accordance with the requirements of national laws and regulations or ILO Conventions Nos 183, 103 and 3), whichever is higher.</td>
</tr>
<tr>
<td>d)</td>
<td>Childcare benefits and special leave or working time arrangements for workers with family responsibilities should apply to both men and women.</td>
</tr>
</tbody>
</table>

#### Forced Labor

<table>
<thead>
<tr>
<th>a)</th>
<th>Migrant workers shall have exactly the same entitlements as local employees. Any commissions and other fees in connection with employment of migrant workers must be covered by the employer. The employer must not require the employee to submit his/her identification documents. Deposits are not allowed. Workers employed through an agent or contractor are the responsibility of the supplier and other business partners, and are thus covered by this Code.</th>
</tr>
</thead>
<tbody>
<tr>
<td>b)</td>
<td>Practices that restrict workers’ freedom of movement or ability to terminate his or her employment are prohibited.</td>
</tr>
<tr>
<td>c)</td>
<td>Workers, men and women, shall not be required to make deposits/financial guarantees and their identity documents (such as passports, identity cards, etc.) shall not be retained.</td>
</tr>
</tbody>
</table>

#### Health and Safety

<table>
<thead>
<tr>
<th>a)</th>
<th>Access to basic health care services shall be ensured to workers in accordance with national law and international norms (including UDHR and CEDAW), recognizing gender differences and specifically facilitating services for migrants and their dependents who may face language and other social barriers to care.</th>
</tr>
</thead>
<tbody>
<tr>
<td>b)</td>
<td>Take reasonable actions (e.g. onsite clinic, strong referral system, external health providers) to ensure that workers have access to health services and insurance that serve the distinctive concerns and needs of women and men.</td>
</tr>
<tr>
<td>c)</td>
<td>On-the-job attention and accommodations shall be given to ensure that the reproductive rights of women -- and men -- workers are respected, which includes ensuring access to family planning products and services, care relating to pregnancy, maternity leave and</td>
</tr>
</tbody>
</table>

#### Working Hours

| a) | |
### Harassment and Abuse

**a)** All forms of violence and harassment in the workplace, including verbal, physical, sexual or psychological abuse are prohibited.

**b)** Sexual harassment, including unwelcome sexual advances, unwanted hugs and touches, suggestive or lewd remarks, requests for sexual favors and the display of indecent, derogatory or pornographic pictures, posters, drawings or videos is prohibited.

**c)** Sexual harassment in any form is not acceptable in the workplace or in any facilities related to the workplace including transportation and dormitories.

**d)** All workers are protected from retaliation for complaining about harassment.

**e)** (Where relevant) Security staff, doctors, nurses, managers and other key personnel are regularly trained to recognize signs of gender-based violence and understand laws and organization policies on human trafficking and sexual exploitation.

### Freedom of Association and Collective Bargaining

**a)** Workers, without distinction whatsoever and irrespective of sex, shall have the right to establish and to join organizations of their own choosing, subject only to the rules of the organization concerned, without previous authorization.

**b)** When the right to freedom of association and collective bargaining is restricted under law, employers shall not obstruct legal alternative means of women and men workers association.

**c)** Employers shall not use any form of physical or psychological violence, threats, intimidation, retaliation, harassment or abuse against union representatives and workers, irrespective of their sex, seeking to form or join an organization of their own choosing.

**d)** Men and women workers engaged in working with hazardous materials will be informed of the potential risks to their reproductive health. To prevent unsafe exposure to hazardous chemicals and hazardous substances, appropriate accommodations shall be made for pregnant women.

**e)** The number of toilets required under applicable laws within reasonable distance of the workplace shall be established. In addition, the following should also be considered: number of toilets based on number of workers, privacy for each individual and gender, accessibility and hygiene. Undue restrictions on toilet use shall not be placed in terms of time and frequency.

**f)** Workplace policies and practices are established to ensure women – and men – have the agency to take rest and water breaks when needs and take leave to see non-emergency services from onsite or offsite health service providers.

**g)** Where doctors, nurses or other health professionals are required on site, they should be qualified not just to provide curative care for injuries, but also to address the broader health needs of men and women workers, including providing referrals to accessible, affordable quality services offsite.

**h)** Flexible working arrangements and on-site facilities should be offered to women who are pregnant or nursing.

**i)** Ensure that both women and men workers have access to childcare services.
Management Systems

- Allocation of resources;
- Policies and procedures;
- Communication about those policies and procedures;
- Gender-awareness and capacity building;
- Quantitative and qualitative indicators and targets (gender disaggregated);
- Gender-sensitive grievance mechanisms;
- Capacity-building of auditors.
The Guidance

INTRODUCTION

Since the 1990s when the garment sector was affected by a spate of negative publicity exposing conditions in sweatshops, a wave of companies started adopting Codes of conduct for their suppliers as a response, Levi-Strauss often being recognized as the first company to do so. Since then, Codes have been perceived as central to reducing companies’ risks of negative exposure to poor employment practices within their supply chains by providing a clear and strong framework for the implementation of good working conditions.

Gender, and in particular women’s rights, are often addressed in very limited ways, if at all in Codes of conduct. Even when integrating international conventions relating to discrimination and inequality, their coverage and gender sensitivity is not comprehensive enough and does not adequately address the unique needs of women workers. This is the more relevant now because women represent 60 to 90% of jobs in the labor-intensive stages of the clothing and fresh-produce global supply chains in many countries. In fact, a recent estimate of women employed in global supply chains in 40 countries was, as a group, 2.5 per cent higher than their share in total employment in 2013, percentage that was even higher in emerging economies. This does not imply, however, that sectors in which women are under-represented should be exempted from integrating gender considerations within their Codes.

In fact, although Codes of Conduct alone will not create the conditions under which all workers’ rights are respected; if Codes fail to address the poor conditions and unequal treatment faced by women in the supply chain, companies face the risk that the effectiveness – and credibility – of their Codes is reduced and that therefore part of their workforce isn’t protected or empowered, which can in turn affect business’s productivity, performance and reputation.

OBJECTIVES AND AUDIENCE

This Guidance was developed to address this weakness in Codes of Conduct by offering a set of recommendations that help companies and supply chain initiatives benchmark, review and update their own reference system to more effectively consider the gender dimension of compliance. While not all-comprehensive, the objective is to provide business with good practice examples of how to set workplace standards that are gender sensitive, with a specific focus on developing and emerging markets-based supply chains.

Instead of creating a separate Code or adding a new women specific single clause to existing Codes of Conduct, this resource offers an analysis of gender-related issues within traditional code of conduct principles and provides some good practice examples on how to best infuse gender-sensitive content. It suggests how specific wording can be added to or amended within existing clauses. It also addresses additional gender considerations that have not been considered workplace issues but in fact are either directly or indirectly. Codes of Conduct in themselves are the expression of a company’s values and the way it intends manage its operations. But they are operationalized through a system of implementation resources, auditing tools and performance metrics that clarify the intention of the code and delineate the means by which the code should be met. While the primary purpose of the Guidance is for the revision of...
Codes, it’s analysis and leadership suggestions may also be useful in informing a company’s overall approach to gender equality.

Thus, this Guidance was developed for business, such as multinational brands, buyers, SMEs and retailers as well as global supply chain sustainability initiatives. The intention is to provide businesses with a framework that promotes gender equality, protects and recognizes the needs of all women and men within their scope of control and influence, including personnel employed by the organization itself, as well as by its suppliers, contractors, sub-suppliers, contracted workers, homeworkers and temporary workers.

It will help business meet their responsibility to respect international human rights, including fundamental principles and rights at work and those expressed in international labor standards, with the understanding that gender differences manifest themselves differently within different geographies and that there are variations within legal frameworks. This guidance document should be used in light of national and all other applicable laws, including applicable international labor standards (such as those included in Annex 1), prevailing industry standards, and other requirements to which the organizations subscribe to, and should not in any way prevent these from being exceeded.

**Why the Focus on Women?**

**GENDER IN FOCUS**

Gender has become a central issue in business and the international community has a well-defined body of rights and norms established by United Nations and International Labour Organization (ILO) treaties and conventions (see Annex 1). Examples of international gender equality conventions are the ILO Equal Remuneration Convention, 1951 (No. 100), Discrimination (Employment and Occupation) Convention, 1958, (No. 111), Workers with Family Responsibilities Convention, 1975 (No. 156), Maternity Protection Convention, 2000 (No. 183), and the United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW, UN). Many recent standards, based on these human rights instruments, seek to ensure that all businesses recognize their responsibilities to respect human rights, of including those of the most vulnerable and recognizing the specific needs of both women and men (see **UN Guiding Principles on Business and Human Rights**).

The new agenda for **Sustainable Development** recognizes gender as cross-cutting and highlights both decent work and gender equality. One way business can contribute to the SDGs, and that is well within their scope of influence and decision-making, is certainly to evolve in the expectations laid out in codes of conduct to include gender-focused considerations. As recently put forward by the UN HLP on Women’s Economic Empowerment, businesses should take actions to achieve gender equality and empower women in their relationships with suppliers.

The **Women Empowerment Principles**, a set of Principles for business offering guidance on how to empower women in the workplace, marketplace and the community, and which result from a collaboration of a number of UN entities, came to reinforce this and offer companies a set of tools to put it in practice. Signed by over 1200 companies, the WEPs and in particular Principle 5, put forward the commitment companies should make to promote gender equality also among their business partners, their peers, and through their products, services and facilities.

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* http://www.womenseconomicempowerment.org/assets/reports/UNWomen%20Full%20Report.pdf
The business case is clear – no company can get ahead if half of the population is left behind. If women participated in the economy equally to men, it would add as much as US$28 trillion to annual global GDP—equal to the combined GDP of the world’s two largest economies, the United States and China. Research confirms that companies that are committed to gender equality outperform peers. On the other hand, the resilience of global supply chains is intricately linked with the status of women on farms and in factories that manufacture and develop products. In many industries, including agriculture, healthcare, apparel, and toys, women make up a majority of the workers. Yet when women’s health, wellbeing, and access to opportunities are compromised, companies lose out on their contributions to productivity and efficiency. At the same time, ignoring gender gaps and inequities can leave companies exposed to production and delivery disruptions, bottlenecks, and inefficiencies.

OUR ANALYSIS

The Guidance is designed under the principle that women and men are to be treated fairly according to their respective needs. This may include equal treatment or treatment that is different but considered equivalent in terms of rights, benefits, obligations and opportunities. This is important because even when gender is explicitly included, codes tend to treat women the same as men therefore making codes insensitive to real life gender differences.

This resource offers a gender-sensitive analysis of codes of conduct principles with a focus on women, and makes some recommendations on how business can strengthen these to promote gender equality in the workplace. This means, for example, workplaces in which women and men are paid the same remuneration for work of equal value, in which sexual harassment does not occur, in which employees can reconcile work and family life, in which men and women occupy jobs that they have chosen out of interest and not because of their gender, in which women’s and men’s unique health needs are recognized and respected, and in which the experience and skills of all are accorded proper recognition.

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Gender equality refers to equal rights, responsibilities and opportunities that all persons should enjoy, regardless of whether one is born male or female. Given that women are usually in a disadvantaged position in the workplace compared to men, promotion of gender equality implies explicit attention to women’s needs and perspectives. At the same time, the Guidance recognizes that although both men and women in the workplace face complex and different challenges – challenges that are also linked to societal and culturally established roles, norms and values as well as legal frameworks – women are still disproportionately affected. Women are more often represented in low-wage jobs in the lower tiers of the supply chain and are too often subject to discrimination, sexual harassment and other forms of workplace violence. In addition, they lack access to social protection measures in general, and maternity protection in particular, and their career opportunities are limited. Therefore, both the analysis and recommendations put forward in this Guidance focus in their majority on women.

Companies that address gender inequality for women workers will find they are better prepared to address these issues as they relate to all workers. Just as women have unique needs and vulnerabilities, so do men. Inequitable gender norms and ideas of what it means to be a man leads to boys and men being both perpetrators and victims of violence and unhealthy behaviors. At the workplace, such norms of manhood may be expressed, for instance, through harassment of women workers or the failure to use needed health services because of stigma and discomfort with asking for help. Men as well as women benefit from gender equality. In order to address gender comprehensively, men should be engaged in and part of any strategy or commitment to achieve gender equality and advance the rights, health and well-being of women.

This Guidance was developed in light of the following gender considerations:

» Gender is relevant to the fulfillment of all principles in a code of conduct. Although this Guidance focuses specifically on women, we recognize other gender issues are as important.

» Including gender sensitive provisions in Codes of Conduct is not enough to foster real change. The effective translation of these provisions into assessment systems, supplier management systems and capacity building activities is essential to drive real impact.

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12 See the MenEngage Alliance for more information and resources on gender equality and men. http://menengage.org/
13 A Gender Auditing Guidance will be a complementary resource to this document – this additional tool will be developed in 2017.
Women and men are vulnerable to Codes of Conduct shortcomings and violations in different ways. In particular, women are affected not only related to their own specificities but also by being highly represented in certain industries or in the most vulnerable positions in a workforce.

Gender equality in the workplace is intrinsically linked to gender equality in the community. Although the workplace offers the opportunity to promote and advance it, true gender equality will require more holistic changes in regulatory frameworks as well as in norms and values.

Context is important: gender-related challenges and legal frameworks will differ in each geography.
Gender and Codes of Conduct

GENERAL CONSIDERATIONS

The multitude of gender-related challenges women and men face in the workplace should be placed in the context of all the economic, social, and political factors that affect men and women’s access to information, opportunities, and agency in their communities. For example, lower-skilled work in garment factories has offered a route out of poverty for many women, but many women face new challenges, such as increased risks of violence and harassment from superiors or male family members who feel threatened by their independence\(^\text{14}\).

Similarly, a woman’s ability to enter the job market, maintain basic employment or get promoted depends on her ability to control when she wants to have children and how many. The lack of access to women’s reproductive healthcare and contraception may not only be the result of physical barriers to access, but also due to limited awareness and education alongside policies or practices that restrict women’s access to family planning\(^\text{15}\). Women also still do a disproportionate amount of unpaid work (household responsibilities, childcare, etc.), which conditions the type of employment they pursue. All these affect a woman’s ability to achieve her potential at work due to increased absenteeism and childcare demands, among other factors that affect productivity and retention\(^\text{16}\).

When enhancing the gender sensitivity of Codes of Conduct, it is important to recognize this broader context as well as the level of complexity and interlinkages of workplace gender-related issues. These complexity and interlinkages are reflected in the analysis provided below for each principle, with numerous issues cross-cutting several principles. It is also important to understand that without this enhancement, companies will struggle to adequately address the employment conditions of an increasingly significant part of their workforce—women.

Women workers are impacted by Codes of Conduct shortcomings and violations in two ways: (1) by exposure to the most vulnerable situations in a workforce (e.g. as migrants or homeworkers); and (2) by their specific gender roles as women (e.g. caretaker, pregnant woman, and mother). Women are also the majority in certain workforces (e.g. in the ready-made garment sector or agriculture in countries like India), which highlights even further the importance of taking a gender lens so that companies ensure the rights of all workers are respected. In several instances, the core of the issues addressed becomes relevant to men as well, and some of the related recommendations set forth in this Guidance are therefore applicable to both.


CASE STUDY

Nike Inc.
An example of how language can be used to protect women's specific needs, from Nike Inc.'s Code Leadership Standards:

a) Safe work. The contractor shall provide appropriate and reasonable accommodations for women employees in connection with pregnancy, childbirth and nursing. The Contractor must comply with any working hour limits or other work restrictions for pregnant employees required by country law and take other reasonable measures to protect pregnant women from hazardous work including restricted work hours as recommended by a licensed physician.
b) Pregnancy testing. Pregnancy tests will not be a condition of employment, nor shall they be demanded of employees. Voluntary pregnancy tests may be provided, but only at the request of the employee, and each such request must be documented.
c) Contraception. Employees will not be forced or pressured by the contractor to use contraception.
d) Maternity Leave. Women employees are entitled to maternity leave in accordance with the requirements of country law or Nike’s Compensation and Benefits Code Leadership Standard, whichever is higher.

With this in mind, there are a few considerations that we highlight below as an important first step in changing perception about gender in standards and workplace practices, and that apply to the whole of a code of conduct. We will then address each code of conduct Principle individually.

» First and foremost, language is important. The generic term “workers” is typically translated by management as “men” workers. Therefore, instances of “workers” could be replaced with “men and women workers” as a way to remind companies that workers are not necessarily men. This is especially important as men and women have different needs, for example when it comes to health, but also suffer from different challenges, such as a higher prevalence of sexual harassment.

» Disaggregated data. Management should ensure that all workplace data is collected and disaggregated by sex and this disaggregation is incorporated into documentation and record keeping. Without disaggregating data, it is very hard to identify on differential impacts at the workplace on male and female workers.

» Gender sensitive grievance procedures. Grievance mechanisms should be formalized and have a gender-balance structure that processes complaints.

» Commitment. The codes of conduct can be a good channel for companies to communicate their values to stakeholders. A clear statement in the preamble on where the company stands regarding gender

17 This language is included in Nike Inc.’s Code Leadership Standards as a separate section on women’s rights. Although we do not recommend including this language as a separate section, the language itself is an example of the best practice addressing the unique needs of women that this Guidance is promoting.
and promoting gender equality at work will both show leadership and corporate commitment and will raise awareness among suppliers.

Example: “In addition to the general requirements outlined in these Principles and Guidelines, ANN is also committed to working with Suppliers to provide a supportive working environment for women.”

» Purchasing practices. These practices are pivotal to supply-chain business strategies. By addressing the impacts of their own purchasing practices, companies have a direct impact on the way suppliers treat their workers. Women workers pay the price of sourcing malpractices. Poor buyer/supplier communication, frequent changes in product specification, short time leads, and aggressive price setting lead to pressure on time and cost for the supplier, who in turn transfers these pressures onto workers. It is therefore essential that companies put in place or review existing sourcing practices that support rather than undermine women’s rights and companies should clearly state what suppliers can expect from them with regards to these practices in codes of conduct.

» Communication and awareness raising. The good dissemination of the code of conduct and other related policies and procedures to suppliers as well as all women and men workers can be a powerful tool to raise awareness and foster change. Women workers in particular are often less aware of their rights and in vulnerable positions, for instance by being illiterate, not fluent in local language (e.g. when migrants) or submissive due to local cultural norms. Companies can promote this by including it as an expectation in their code of conduct.

NOTE

Communicating with Suppliers
It is fundamental to ensure that suppliers understand the specific changes to codes of conduct and how the integration of these gender-sensitive provisions impact their own management systems. Effective communication of requirements is essential to developing and maintaining support for your responsible sourcing program and since these changes will require additional supplier engagement and effort, it is important to clearly articulate the business case to suppliers (in particular productivity gains and reduced turnover) but also jointly agree on a realistic implementation plan to factor in timing for any necessary adjustments.

Building your suppliers’ awareness and capacity to adjust to these new requirements is key. Collaborating with other brands on capacity building efforts can be a cost-effective way to do this and re-affirm that these requirements are becoming mainstream for international buyers. Suppliers who demonstrate a strong commitment to gender equality should be encouraged to take steps towards taking part in local but also global initiatives such as the Women Empowerment Principles.
Navigating the Guidance Document

The Guidance Document addresses nine Code of Conduct principles: (1) Discrimination; (2) Wages and Benefits; (3) Forced Labor, (4) Working Hours; (5) Harassment and Abuse; (6) Health and Safety; (7) Freedom of Association and Collective Bargaining; (8) Employment Relationship and (9) Management Systems. Each of these sections contains listing of traditional code languages followed by a discussion of related gender issues and the recommended gender-sensitive language for incorporation into Codes of Conduct.

Some of these sections also propose Leadership Areas that are important for addressing gender equality holistically, which most labor standards fail to consider. These cover relevant personal concerns (e.g. health, financial literacy, household management) that typically fall most heavily upon women. While these have been considered outside of the scope of codes of conduct, they are important for business performance and essential to any consideration of human rights standards, women empowerment and the sustainable development goals agenda. These critical issues represent opportunities for business to bring a gender lens into their sourcing decisions, supplier training and capacity building, and more widely into their approach to multi-stakeholder collaboration.

CASE STUDY

ANN Inc.

ANN INC., the parent company of Ann Taylor and LOFT, is a purpose-driven company that aims to help women “put their best selves forward every day.” Women comprise more than 70 percent of ANN INC.’s supply chain labor force, and company leaders recognized the opportunity to help improve the lives of the women manufacturing their products.

BSR worked with ANN INC.’s corporate responsibility team to design a two-part approach for the company’s supply chain women’s empowerment program. First, defining a program that supported the women workers in ANN INC.’s supply chain, and then working with the company’s communications and brand teams to promote this work via marketing and communications. Based on this, BSR and ANN INC. identified three main areas of action for the company: health and well-being, financial literacy, and workplace empowerment.

As a result, ANN INC. has revised its supplier code of conduct to ensure that the company and its suppliers share a vision to support women in accordance with the Women’s Empowerment Principles. ANN INC., in partnership with its suppliers, is rolling out a program that uses BSR’s HERproject and other supply chain programs to improve the well-being of women workers and create business benefits for suppliers. The company aims to ensure that at least 100,000 women are empowered to reach their full potential, and that this project will also strengthen their families and communities.
Codes of Conduct Principles

1. DISCRIMINATION
Traditional code language under this principle:

» Equal opportunities in terms of recruitment, compensation, access to training, promotion, termination or retirement.

» No discrimination in employment on the basis of race, color, sex, religion, political opinion, national extraction or social origin, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation.

Discrimination is one of the main issues affecting women and men differently at the workplace. It is also a cross-cutting challenge affecting many of the other principles in codes of conduct, and one difficult to assess in audits. It constitutes a violation of the Universal Declaration of Human Rights as well as of the ILO Convention No. 111, or ILO Convention No. 100 when it specifically relates to pay inequalities between men and women. Discrimination is often addressed in codes of conduct through either the principle of nondiscrimination or of equal opportunities pertaining to all aspects of the employment relationship, and where gender is one among other potential factors for discrimination.

**Discrimination through a Women’s Lens**

Women and men face different discriminatory practices when it comes to the various aspects of the employment relationship, from recruitment to remuneration, benefits, training, promotion, termination. Some of these gender-related practices may be very subtle and difficult to identify without an in-depth analysis and understanding of the context. Others are quite obvious and linked to women’s specificities such as maternity or motherhood. Throughout the analysis offered from here on end, it will become evident how women often face double discrimination – that related to gender on top of other related to issues like ethnicity, nationality.

» **Occupational gender segregation**: Vertical occupational segregation by gender is usually quite pronounced with women typically taking less senior positions. If we look at production job categories there are fewer women supervisors and they tend to take jobs that require less technical skills and are also lower-paid. This may suggest biases in recruitment, access to training as well as access to career progression. *For example, women represent around 80 percent of Vietnam’s 700,000 light manufacturing workers, but they tend to be in lower-paid positions as seamstresses and helpers, while men are in higher-paid occupations such as cutters and mechanics*. Horizontal segregation happens as well with women often concentrating or primarily being employed in certain sectors which are traditionally low pay.

» **Recruitment**: during recruitment women may be asked about their marital status or if they have children. There is evidence of women not being hired at all if they are married or have children. There are also cases of pregnancy testing to determine recruitment.

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» **Termination:** women are often more vulnerable to unlawful termination related for example to them becoming married or pregnant, or during and after maternity leaves. Or practices like pre-signing termination letters at recruitment stage to avoid any termination issues if and when they get pregnant. Their duties as caregivers of children as well as sick family members may also increase their absenteeism and therefore make them more prone for early termination.

» **Benefits:** there is evidence of cases where women are denied maternity leave or its full length, or are forced to leave employment before or after giving birth. Or are penalized, punished or subjected to unfair conditions when returning to work. There are also cases where policies determining bonuses discriminate women due to the way they are calculated or attributed (more on Wages and Benefits).

» **Training and Promotion:** there is plenty of evidence of how women have less access to training programs and are therefore less mobile in their careers. Certain specific tasks which are more technical and require more skills are often dominated by male workers (e.g. cutting in garment factories). Women may also find that career advancement is out of their reach due to other societal norms that may make a promotion mean abuse at the workplace or at home, or other types of retaliations20 or due to the simple fact that trainings are scheduled at times or places that are inaccessible for them.

**CASE STUDY**

**Occupational segregation: battling against norms and values**

The female supervisor said, ‘It is very very hard to be a supervisor. By the time I get home every day I have a sore throat. I have to keep yelling the whole day, and even then they don’t listen. I am so stressed all the time. Sometimes I think these women need a man to tell them what to do. I don’t mean that I can’t do better than man. My line actually produces most in this factory. But it would be so much easier if I were a man.’

Although the female supervisor does a better job than her male colleagues, as can be seen from the number of pieces she produces, she relates the difficulties she faces in her work to the fact that she is a woman. In many factories in Bangladesh, there is no proper system for performance review. Supervisors and workers are evaluated according to the impressions their bosses have on them. In addition, most supervisors have little knowledge on how to manage people. It doesn’t matter if they are men or women. They rely on yelling, sometimes even yelling profanities, to give instructions. Female supervisors often find it more difficult as they do not want to use sexually explicit profanity, but they don’t always see how they have a choice.

*Fair Wear Foundation: [https://www2.fairwear.org/vaw-prevention/#!/content/https://www2.fairwear.org/vaw-prevention/women-supervisors-bangladesh/](https://www2.fairwear.org/vaw-prevention/#!/content/https://www2.fairwear.org/vaw-prevention/women-supervisors-bangladesh/).*

» **Wages:** unequal pay for the same work or work of equal value is another area where women face discrimination (more on Wages and benefits).

Employment status: women may also face additional discrimination depending on their employment status (more on Employment Relationship).

**Recommended Revisions**

General nondiscrimination and equal opportunities clauses can be strengthened. We recommend that language is included to specify that the principle of non-discrimination applies to both women and men and that specific roles and needs of women such as pregnancy-related may not be used to undermine, cut or in any way reduce their equal rights to men when it comes to any aspect of the employment relationship.

Example of gender-sensitive provisions for Discrimination\(^{21}\):

a) Women and men workers should be protected against discrimination on the basis of marital status.

b) Pregnancy tests or the use of contraception shall not be used as a condition of hiring or of continued employment.

c) Women workers should be protected against threats of dismissal or any other employment decision that negatively affects their employment status in order to prevent them from getting married or becoming pregnant.

d) Equal opportunities to women and men shall be provided for all aspects of training and personal and professional development.

e) Workers with family responsibilities, both men and women, should be protected against discrimination in respect of dismissal (See ILO Convention No. 156).

**Leadership Area: Communication and Leadership**

There is a clear business case for promoting gender diversity at work, from positive effects on retention and ease of recruiting, improved reputation, growth in market share, better performance and problem solving, increased innovation\(^{22}\). However, and despite women’s large number in the manufacturing and agriculture workforce, relatively few female workers advance to higher-level positions, as they have limited opportunities to acquire the skills that would enable their professional and personal growth.

In fact, globally, women continue to be under-represented in high-level and decision-making positions and often face barriers to their advancement (the “glass ceiling”). And as mentioned above, women and men are still largely segregated in different types of paid work with women occupying production jobs that require less technical skills and are lower-paid. Cultural norms, for instance, those that value a subordinate role for women, can restrict women’s access to education and training and contribute to their self-awareness. In the workplace, prevailing gender roles of women’s expected subservience can make them more vulnerable to violence and harassment. As well, norms relating to communication can result in women not standing up against poor working conditions.


\(^{22}\) Anita Borg Institute, *Innovation by Design: The Case for Investing in Women*
Business can take several measures to promote the advancement of women workers:

1. By promoting the employment of women and men in non-traditional occupations for their gender by undertaking concrete, verifiable actions to recruit and retain candidates from traditionally underrepresented groups.

2. By proactively promoting the participation by women in decision-making and governance at all levels in the organization and the recruitment and appointment of women to managerial and executive positions including to the corporate board of directors.

3. By offering capacity-building and training programs for those women in their workforce or supply chain focused on developing their communication and leadership skills. Examples of these programs are Gap Inc. P.A.C.E. program or Walmart Women in Factories program.

CASE STUDY

P.A.C.E program
An evaluation conducted by ICRW of the PACE program demonstrated that the training program does bring value to women, their families as well as the suppliers involved, with positive impacts on retention as well as advancement, e.g. with participating women in Cambodia being promoted three times faster than the others.


2. WAGES AND BENEFITS
Traditional code language under this principle:

» Workers must be compensated by the provision of wages, overtime pay, benefits and paid leave which respectively meet or exceed legal minimum and/or industry benchmark standards and/or collective agreements, whichever is higher. Compensation shall meet basic needs and provide some discretionary income for workers and their families.

» All legally required benefits, including paid leave, shall be provided to all workers.
Deductions from wages as a disciplinary measure shall not be permitted nor shall any deductions from wages not provided for by national law be permitted without the expressed permission of the worker concerned. All disciplinary measures should be recorded.

The legal minimum wage in emerging markets and developing countries is often much lower than a living wage. In other cases, the minimum wage may be high enough in theory but not applied or enforced in practice. To earn enough to survive, employees then have to work longer hours. Low wages can be a poverty trap for workers, and often lead to child labor. They can also be prejudicial to business by affecting productivity, turnover and reputation. Most codes of conduct address wages and benefits by focusing on equal remuneration (ILO Convention No. 100), while others go further to talk about living wage.

Women workers are particularly affected given that they outnumber men in the lowest-paid positions in most sectors in global supply chains. But women also face particular challenges in terms of wages and access to benefits that are linked to their specificities.

**Wages and Benefits through a Women’s Lens**

Wages: research has demonstrated that women are not only paid less than men for the same work or work of equal value, but they also receive fewer bonuses and are more often paid by the hour\(^\text{23}\). There are a few inter-linked considerations:

- Societal perceptions of women as workers with different values attributed to the work performed by women and men.
- Types of payment offered to the positions women often take, e.g. piece-rates in the garment sector are prejudicial as workers end up working longer hours for less pay.
- Type of employment offered that increasingly falls outside of standard labor forms to allow for additional flexibility such as part-time, temporary, casual or zero-hour contracts\(^\text{24}\). These are also often linked to the use of third party labor intermediaries. There is evidence these workers frequently lack labor protection in law and / or practice\(^\text{25}\). (more on Employment Relationship)
- Double discrimination situations where women are migrant workers, with less awareness of their rights and more unfair employment contracts / relationships and vulnerability to unlawful deductions.
- Unpaid work. Women do on average almost two and a half times as much as men\(^\text{26}\). This causes many women to pursue part-time, informal work and homeworking that can be combined with these unpaid responsibilities, which may carry additional problems.

\(^{24}\) A zero-hour contract is a type of contract between an employer and a worker, where the employer is not obliged to provide any minimum working hours, while the worker is not obliged to accept any work offered.
regarding pay, access to benefits, job security and safety. Childcare and associated costs in particular can be an incredible burden for women.

» Benefits: maternity and sick leave offer specific challenges. With maternity, women may face a number of discrimination and employment issues even when maternity leave is guaranteed by law.

- Pregnancy: employment contracts are often terminated when women become pregnant, fear for this may make women conceal pregnancy which may carry all sorts of health issues for them and the baby; they also may work until too late or continue performing the same type of work which can be hazardous in case of pregnancy, and may carry health problems. On the other hand, pregnant women may also be denied overtime without their consent while they often rely on it to make enough money as the basic wage is just not sufficient.

- Maternity: maternity leave benefits are often denied, or may be insufficient for women to maintain themselves, which may force them to quit. These benefits are all the more important since paternity benefits, which could help reduce the burden of unpaid responsibilities for women, are often not recognized or are very limited. Women may also face different kinds of issues when returning to work, with their jobs not being available anymore, or being posted in jobs with lower pay or demoted.

- Sick leave: women are also disproportionately affected by denial of sick leave and deductions in income from taking sick leave, which may make workers delay seeking medical assistance. Men, on the other hand, may not pursue sick leave at all due to cultural stigmas that may associate it with weakness or “un-masculine”. Often piece-rate remuneration limits the capacity of workers to absorb financial loss from taking sick leave. This applies not only to workers themselves but also when women workers have children in their care and no support structure.

It is also important to consider the specific issues that may affect women differently than men when living wages are not paid. For example, women often bear most of childcare responsibilities and could benefit greatly from pay scales that take childcare costs into account. Women may also not be able to truly benefit from maternity leave benefits since this is usually based on the basic salary of the worker that may not be enough given that often a large proportion of workers’ income actually comes from overtime. Therefore, guaranteeing equal pay for work of equal value may not be enough and living wage would need to be considered from a gender perspective as well. Although recognizing the complexity of the living wage debate and, more importantly, the associated implementation challenges, it is essential that companies understand the broader impacts of living wage and how it is dependent on, supportive and precursor of not only other principles in codes of conduct but also of basic human rights (useful Resource).

**Recommended Revisions**

Include language about equal remuneration for men and women for work of equal value. Consider that women are more often employed in precarious situations or lower job categories and include provisions to guarantee their job security, safety and access to basic benefits such as maternity and sick leaves. Consider including living wage so that women can truly reap the benefits of their employment and continue being employed when they become mothers.

Examples of gender-sensitive provisions for Wages and Benefits:
a) Fair and comparable wages, hours and benefits, are guaranteed for all workers for comparable work.

b) Every worker, men and women, has a right to compensation for a regular work week that is sufficient to meet the worker’s basic needs (such as food, water, housing, healthcare, education, transport and clothing) and provide some discretionary income for the workers and their families.

c) Women employees are entitled to maternity protection (leave and benefits as well as protection against discrimination) in accordance with the requirements of national laws and regulations or ILO Conventions Nos 183, 103 and 3), whichever is higher. Childcare benefits and special leave or working time arrangements for workers with family responsibilities should apply to both men and women.

**Leadership Area: Financial inclusion**

Women are far more unlikely to have a bank account than men, despite making up the majority of the export manufacturing and agriculture labor force globally. Ensuring they have the proper knowledge, skills, and attitudes toward financial services, and making sure they are able to participate in the formal financial sector can help them save, build credit worthiness, invest in economic opportunities, and reduce risks related to illness or loss of employment.

Financial inclusion also drives social development. Households with better savings patterns are in a better position to support their family’s health and education, are less vulnerable to disasters, and are able to make better use of scarce resources. Sound financial management and the use of secure, formal financial products and services helps people smooth consumption when their income fluctuates and prevents them from slipping back into poverty as a result of unexpected shocks such as illness, unemployment, or death.27

While the benefits of financial inclusion apply to both genders, women stand to gain disproportionately from full financial inclusion. Women who have greater financial independence have more bargaining power at home and influence over family decisions. And when women are given increased financial means they typically invest 90 percent back into the health, nutrition, and education of their families, as opposed to 30 to 40 percent for men.28

Supply chain programs can be especially critical for enabling women to participate more equally in the economy.

**Investing in workers’ financial education**

Conducting financial training in the workplace is a cost-effective way to reach large numbers of people with critical information that they otherwise may not have access to. Workplace-based programs also make the workplace an effective demand-generation point for products and services that are essential to workers’ livelihoods. By improving their financial behaviors, female and male employees are better able to take advantage of financial products, manage their incomes, prioritize their spending on things they value most, and increase their rates of savings. This can lead to better job satisfaction.

It can also significantly improve relationships between employees and management, thereby improving the working environment and employee retention, reducing negative perceptions of management, and

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28 http://www.state.gov/s/gwi/programs/womensfund/why/
improving worker and management’s ability to address workplace challenges before they escalate to more serious problems.  

**CASE STUDY**

**Towards better financial literacy**

Noeun* is one of eight siblings who all work at the same Vietnamese garment factory. She is 32 years old, married and has two daughters who live with her parents. Noeun left school in grade 5 and after several other jobs eventually began working at the factory in order to provide money for her family. She signed up for P.A.C.E. after friends told her about what they had learned. Noeun found the financial component very practical and began a savings plan. Now she has the skills to manage her earnings, allowing her to send more money home to her family.


**Payroll Digitization**

Part of the problem these low-income women and men face is that they are accustomed to operating in an informal economy and to conducting cash-based financial transactions. Often traditional financial services are not accessible to the working poor because they have high minimum balances, they charge fees that don’t support small-scale transactions, or access points are too distributed and not physically accessible. Factory workers also generally spend six days per week in the workplace, and this leaves little time to travel in order to conduct a transaction at a formal financial institution. Women in particular face challenges with traditional banking because they have less mobility than men.

By paying wages digitally, companies can include 280 million adults into the formal financial system. By using mobile banking, they can address a lot of the issues faced by workers, and especially women workers.

Companies will also benefit by reducing payroll administrative costs, risks from theft and loss, and fraud that can occur when conducting payroll in cash. Strengthening payroll processes and worker wellbeing programs will also help with compliance and overall client relationships who are increasingly looking at suppliers' labor practices when engaging in long term contracts. Digitized payrolls also contribute to transparency into supply chains, particularly on not just how much workers are being paid but how they are being paid. This can provide some assurance that workers are less susceptible to payroll fraud.

**bKash: financial inclusion through mobile services**

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30 Ibid
Like many other developing countries in Southeast Asia, the majority of Bangladeshis relocate from their provinces and settle in the capital city or elsewhere in order to provide basic income to support their families in their home towns. Despite the severity of the market, remittance outlets and banking platforms have refused to decrease the transaction fees for payment transfers and remittances. Over time, banking and remittances have become services which the average population in Bangladesh can scarcely afford.

Capitalizing on the limitation of existing financial platforms, bKash emerged in 2011 as a mobile service and solutions provider. Because of the incredibly high smartphone adoption rate in Bangladesh, with over 100 million Bangladeshis using smartphones or advanced mobile devices, bKash began to evolve as a mainstream financial and mobile application, surpassing the growth rate and capital of local banks and financial institutions. The growth of bKash’s user base has been exponential. During its first year, bKash was serving around 2 million customers. Two years later in 2013, the mobile network had just over 12 million users. In 2015, bKash recorded 17 million users on its network, serving more than 10% of the population.

A local employee Rebecca Sultana describes how bKash is being used as a payroll system by most companies in the country, which actually allows users to quickly send their money back to their families. Surprisingly, Sultana explained that many employees used to hire individuals to take money in physical form and deliver it to their villages far away from their workplace, because of the expensive financial services offered by the banks. “We get our salary through bKash. It is very convenient for us,” said Sultana.


Business can take several measures to promote financial inclusion:

» By investing in payroll digitization and thereby including workers in the formal financial system;

» By offering capacity-building and training programs for those women in their workforce or supply chain focused on financial education. Such programs are offered by organizations such as BSR or Care.

3. FORCED LABOR
Traditional code language under this principle:

» All work must be conducted on a voluntary basis, and not under threat of any penalty or sanctions.

» The use of forced or compulsory labor (including bonded and indenture labor) in all its forms is prohibited.

Women and girls represent the greatest share of the 21 million people in forced labor globally. 14.2 million of those are victims of forced labor exploitation in economic activities, such as agriculture, construction, domestic work, mining or manufacturing. The least protected persons, including women and youth, indigenous peoples, and migrant workers, are particularly vulnerable.

Schemes affecting women such as the Sumangali in South India are well known, but cases of forced labor and labor trafficking through legal recruitment, particularly in Asia, have also been evidenced through abusive practices such as changing the conditions of employment from those stipulated in contracts signed before the workers left their home country; confiscating and holding travel documents; confinement; threatening physical force; and withholding wages.

Forced labor is addressed by ILO Conventions No. 29 and the Protocol of 2014 to the Forced Labor Convention, 1930, as well as Convention No. 105 and in most codes of conduct either by establishing that no forced labor is tolerated and/or by stating that employment must be freely chosen.

**Forced Labor through a Women’s Lens**

While women are usually associated with forced sexual exploitation and domestic work much more than with forced labor in other economic activities, the below facts suggest that women can face different kinds of forced labor much more than is reported:

- Women’s concentration in informal labor sectors without legal protections,
- Gender-specific vulnerabilities (especially related to sexual abuse and/or maternity),
- Women’s increased migration for work.

Cases of forced labor are well reported in sectors where women workers outnumber men, such as in the garment sector or agriculture, and rely on practices such as debt bondage and illegal confiscation of personal identification documents, in particular where recruitment agencies are used (e.g. electronics in Malaysia). However, sexual violence and physical abuse are also used to compel labor (e.g. agriculture in India). (More on Harassment and abuse)

More subtle types of forced labor may affect women in particular by for example limiting their freedom of movement for security reasons. This is common practice even more so for migrant workers who struggle to find housing and are offered company accommodation where practices like confinement and/or constant surveillance exist.

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**CASE STUDY**

**Migrant Workers and labor agencies**

“The agency deducted RM 500 (£100) per month from me for recruitment fees and other expenses. I didn’t earn any money so I decided to leave that agency and factory. When I asked them to return...”

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33 Sumangali is a form of child labor which, although forbidden, is practiced in India, particularly the textile industry in Tamil Nadu. It is likened to soft trafficking, a less explicit form of human trafficking. In the scheme, a girl is hired on contract for three to five years, during which she earns a wage, and after which she is paid a lump sum to pay for a dowry.

34 http://www.verite.org/research/electronicsmalaysia

my passport and work permit, they said that I would have to pay RM 1500 [£300] to the recruitment agency”, said the Burmese woman worker.

Over 2.3 million migrant workers registered under the Malaysian government’s official registration program in August 2011. However, there are known to be many more who chose not to register under the scheme. Most migrant workers in Malaysia come from other South-East Asian and South Asian countries, with roughly half of the total from Indonesia and others from Bangladesh, Nepal, Burma, India, Vietnam, Cambodia and the Philippines. Close to 40% of all documented migrants work in manufacturing, with a further 20% in the construction industry. Around 300,000 workers are employed in Malaysia’s electronics industry, of whom 70-80% are women. The textiles and garment industry employs more than 68,000 workers.

War on Want: [http://www.waronwant.org/sites/default/files/Restricted%20Rights.pdf](http://www.waronwant.org/sites/default/files/Restricted%20Rights.pdf)

**Recommended Revisions**

Consider that women may be particularly vulnerable to forced labor practices (due to the mere fact they are women, their increasing migration for work, and their presence in sectors where forced labor is prevalent), and include language to address:

- Typical forms of forced labor used such as debt bondage;
- Migrant workers specifically (the Dhaka Principles could be referenced); and
- Explicitly extend principles to recruitment agencies.

Include provisions regarding conditions of company accommodations as these are often linked to types of forced labor.

Examples of gender-sensitive provisions for Forced Labor:

a) Migrant workers shall have exactly the same entitlements as local employees. Any commissions and other fees in connection with employment of migrant workers must be covered by the employer. The employer must not require the employee to submit his/her identification documents. Deposits are not allowed. Workers employed through an agent or contractor are the responsibility of the supplier and other business partners, and are thus covered by this Code.

b) Practices that restrict workers’ freedom of movement or ability to terminate his or her employment are prohibited.

c) Workers, men and women, shall not be required to make deposits/financial guarantees and their identity documents (such as passports, identity cards, etc.) shall not be retained.
4. WORKING HOURS

Traditional code language under this principle:

» Working hours should be set to comply with national laws or benchmark industry standards or relevant international standards, whichever affords greater protection to ensure the health, safety and welfare of workers.

» The standard allowable working hours in a week are 48, excluding overtime.

» Overtime shall be voluntary, shall not exceed twelve hours per week and shall not be requested on a regular basis.

Working long hours can be especially burdensome for women who often are still responsible for most tasks at home and are the main caregivers, of both children as well as the sick. Having become in many cases a key ‘bread-winner’ for their families, women experience different pressures than men in trying to balance working hours, overtime and their responsibilities at home.

Working hours are addressed in most codes of conduct and limitations to the hours of work in a day and in a week are clearly stipulated in ILO Convention No.1; however, the issues arise especially when it comes to overtime, which is much harder to control and although often regulated, regulations are not always enforced.

Working Hours through a Women’s Lens

The issues behind working long hours are relevant for both women and men workers. This is often linked to their type of employment and payment terms, especially the often low rates paid. Line and floor managers are also often under a lot of pressure to meet delivery targets, so they give workers unrealistic day targets and / or request workers to work extra hours. Overtime is usually regulated by law, but the rules are not always applied and it is often connected to cases of harassment. Many of the workers are happy to work overtime, because it means they can earn some extra money for their families – this is once more linked to the low wages (see Wages and Benefits). However, because their overtime is not always recorded, they don’t always receive the money that they are entitled to for their extra work.

As expressed earlier, women do tend to work longer hours than men, they are more often in vulnerable situations related to their employment and payment terms as well as more vulnerable to sexual harassment. They are also affected differently when working longer hours and / or overtime:

» Employment and payment terms: for example, women are often homeworkers and paid per piece, and they may need to work much longer hours to achieve the pay they need. But piece-rate payments are also common practice in factories, and can be used as a way to avoid overtime compensation.

» Women’s specific vulnerabilities: there is little room sometimes to refuse overtime, and overtime is requested often at last minute, which may put women workers in particular in difficult situations where not only they may suffer verbal, physical or even sexual abuse, but also adds stress as they try to combine their jobs with caregiving and home duties. Overtime may also mean security issues for women in their travel to and from work, which at very early or very late hours of the day may put them at risk of abuse and violence outside of the workplace. (see Harassment and abuse)
Conversely in some sectors, e.g. horticulture in Africa, women are often required to work less hours than men with no choice, and hence paid less. Again, a form of gender based discrimination.

CASE STUDY

**Forced overtime**

Nazima had a baby girl. To contribute to supporting her family, she works as an operator. One day her Floor Manager approached her at the end of her shift, and gave her a 200-piece target that she should complete as overtime work. Nazima could not stay, because she had to pick up her baby, who was being cared for by her parents. The Floor Manager, however, insisted that there was an urgent shipment that needed to be completed, and that Nazima’s work would help reach the goal. So, he tried to force Nazima to stay back and work to complete the 200 pieces.


Long working hours and overtime can also impact women and men workers’ ability to access health services as many of these facilities do not have evening hours. And in many cases, workers are not permitted paid – or unpaid – leave for non-emergency doctor visits.

**Recommended Revisions**

A clear distinction between allowed working hours in a week and daily delivery targets should be made, working hours should be fixed according to national and international limits and delivery targets should not be set unrealistically and as a way to avoid overtime pay. Bonuses and benefits should not be provided based on number of hours worked. Aside from mentioning the voluntary nature of overtime, it should be explicitly mentioned that refusal to do overtime cannot be punished, retaliated against or penalized in any way.

Examples of gender-sensitive provisions for Working Hours:

a) Policies for the calculation of basic wages, overtime, bonuses and payroll deductions are the same for both men and women workers and measures are taken to ensure that all personnel understand these policies.

b) Piece-rate work should not be exempted from the right to overtime compensation.

c) The imposition of overtime where women or men workers are unable to leave the work premises or are in any way forced (through abuse, threats of dismissal or other) to accept it are not allowed.
Leadership Areas: Unpaid Responsibilities

“You get home and there’s more piecework for you there. I always say to my boss, I’m on piecework until 8:30 at night, because you have to make the meal, feed your child, give him a bath, talk to him a little.”

Women still perform the bulk of housework and care for children, the elderly and disabled, and they are – especially in developing countries – more likely to experience long workdays as a result of combining paid and unpaid work. Flexible work options as well as homeworking arrangements when carefully defined and implemented may offer win-win solutions.

Flexibility enforced from workers in response to employer needs is different from flexibility of employers in response to workers’ family needs. An American consumer goods manufacturer with an around-the-clock production schedule instituted a flextime policy that allowed employees to add 2 hours to the start or end of a shift in exchange for that time off later. Within work teams, employees swapped schedules and cross training allowed for creation of a ‘relief pool’ to cover absences, saving the company overtime expenses. In another example, a higher education institution put into place a near campus drop-in child care for faculty and staff for snow days (days in which schools are cancelled because of snow fall). Employees also commonly used flextime options such as compressed work weeks and teleworking to better cope with demands of family. Both women and men, especially those with young children, benefit from formal initiatives that promote work-family balance. They experience improved personal and professional outcomes like better morale, greater commitment, reduced stress and improved physical health. For employers, payoffs of instituting work-family balance initiatives include reduced tardiness, absence and turnover and increased productivity.

36 http://apps.who.int/iris/bitstream/10665/77350/1/9789241501736_eng.pdf
37 http://apps.who.int/iris/bitstream/10665/77350/1/9789241501736_eng.pdf
CASE STUDY

Daycare

Despite the legal obligation to provide daycare for young children in factories in Bangladesh, onsite daycare does not always mean quality of service. Many of Bangladesh’s workers are migrants from rural areas without networks of family or friends – and women must often choose between unemployment or working while leaving their children behind to fend for themselves.

One social entrepreneur, however, has steadily made progress partnering with communities and factories to improve the lives of women workers and their children. Ashoka Fellow Suraiya Haque founded Phulki in 1991, and today the organization operates nearly 90 community-based, and 25 factory-based daycares in Dhaka. Caretakers at the daycares are trained in early childhood development, nutrition, and hygiene. And each month, Phulki meets with mothers – and occasionally fathers – for nutrition education, and offers trainings on labor, sexual, and reproductive rights.

Suraiya has established a cost-sharing model in which Phulki works with a factory to operate a daycare for six to 12 months, after which the factory can either assume management or pay Phulki to continue to do so. The costs are shared between factories and workers, which keeps the daycare financially sustainable and the quality of the care high. Factories in Phulki’s program have provided the space, start-up costs, and caretaker salaries, while mothers contribute toward food for the children and a small sum to cover operational costs.

http://www.phulkibd.org/about.php

Business can take several measures to promote a more equitable share of unpaid responsibilities:

» By offering flexible employment arrangements for both women and men workers;

» By including provisions not only on maternity leave but also on paternity leave;

» By either investing in quality onsite daycare facilities or establishing partnerships with local authorities and / or organizations offering community-based daycare that meet workers’ specific contexts (e.g. in terms of working hours, location, affordability).
5. HARASSMENT AND ABUSE

Traditional code language under this principle:

» Workers should be treated with respect and dignity.

» Bullying, harassment or abuse of any kind are not tolerated.

Workplace violence has negative consequences for all parties involved. Female workers in particular are especially vulnerable to harassment and violence at work and at home – ranging from verbal and physical abuse and sexual harassment, to forced labor, assault and rape. These issues are detrimental to the victims, leading to adverse effects on their overall health including sexual and reproductive health and rights, mental and emotional well-being. On the other hand, hostile working conditions lead to low productivity and high worker turnover. Harassment and abuse are addressed in most codes of conduct but not necessarily as a stand-alone principle. These issues offer additional challenges as they may be very difficult to detect through regular audit processes.

Harassment through a Women’s Lens

Harassment, and specifically sexual harassment, is unfortunately endemic in several exporting industry sectors such as the RMG industry – in countries like Bangladesh and India about 60% of factory workers have experienced harassment at work. Sexual harassment is an everyday experience for many female workers, as they endure abusive behaviors including offensive and sexually explicit language, hearing suggestions to become a prostitute, and more physical acts such as patting, hitting, and slapping. Many female workers have also experienced unwanted sexual advances and intimate partner violence in their community.

Female workers are especially vulnerable to harassment when they:

» fail to meet production targets,

» make a mistake,

» asking for leave,

» arriving late,

» simply being sick,

» when traveling to and from work.

Women have to a certain extent “normalized” sexual harassment and unwelcome advances as a part of their lived experiences. There is social stigma attached to the victims, and workers often keep silent instead of risking their reputation, damaging their marriage prospect or upsetting their partner.

38 Standing Firm Against Factory Floor Harassment, Fair Wear Foundation, 2013
On the other hand, male counterparts of female workers are not often being effectively engaged in discussion of the issues. Male supervisors struggle to treat female workers appropriately. Male co-workers are often unsure how to behave in an environment where women outnumber them, and/or are treated as preferable employees.

**CASE STUDY**

**Sexual harassment in Jordan’s garment industry**

“I always thought that when women spoke about being sexually harassed, they meant they were raped. But now I understand that sexual harassment can take place in many different forms,” said Indrani, who works at Jerash Garment & Fashion Manufacturing Co. Ltd.

“We are foreigners in Jordan, so we do not know much about the laws, rules and procedures, but I now have a better idea of how to deal with the situation if something happens,” said factory worker Priyadorshani, Jerash Garment & Fashion Manufacturing Co. Ltd

“We didn’t know before the training how to report sexual harassment or what it means, its different forms. I will tell me friends what I learnt in the course. It is important for everyone to know what to do if they are sexually harassed,” said Sriyani Wikramaarachchi who works at Sterling Apparel Manufacturing L.L.C

“Before the training, I did not know that using bad words or talking to girls in the wrong way is considered sexual harassment. I also understand now how to prevent it or stop it, such as reporting it to HR,” said male worker Pradeep Kumara from Sterling Apparel Manufacturing L.L.C


It is worth noting that this is a major risk in the supply chain and that existing interventions such as auditing and setting up anti-harassment committees are not enough to tackle root causes. When carried out in silos, these measures may even cause backlash, such as proactive committee members being harassed or sacked. In fact, it is essential to have measures in place to protect workers when complaining about harassment.

**Recommended Revisions**

Principles should detail the meaning of harassment and include not only that abuse and harassment of any kind are not tolerated or allowed, but that periodic awareness and training sessions for both management and both women and men workers is compulsory. Sexual harassment (both quid pro quo and hostile environment harassment) should be explicitly mentioned.

Example of gender-sensitive provisions for Harassment:

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a) All forms of violence and harassment in the workplace, including verbal, physical, sexual or psychological abuse are prohibited.

b) Sexual harassment, including unwelcome sexual advances, unwanted hugs and touches, suggestive or lewd remarks, requests for sexual favors and the display of indecent, derogatory or pornographic pictures, posters, drawings or videos is prohibited.

c) Sexual harassment in any form is not acceptable in the workplace or in any facilities related to the workplace including transportation and dormitories.

d) All workers, men and women, are protected from retaliation for complaining about harassment.

e) (Where relevant) Security staff, doctors, nurses, managers and other key personnel are regularly trained to recognize signs of gender-based violence and understand laws and organization policies on human trafficking and sexual exploitation.

6. HEALTH AND SAFETY

Traditional code language under this principle:

» A safe and hygienic working environment shall be provided, bearing in mind the prevailing knowledge of the industry and of any specific hazards. Adequate steps shall be taken to prevent accidents and injury to health arising out of, associated with, or occurring in the course of work, by minimizing, so far as is reasonably practicable, the causes of hazards inherent in the working environment.

» All workers shall be provided with access to medical assistance and facilities, clean toilet facilities and to drinkable water and, if applicable, sanitary facilities for food preparation and storage.

» Workers shall receive regular and recorded health and safety training, and such training shall be repeated for new or reassigned workers.

» Accommodation, where provided, shall be clean, safe, and meet the basic needs of the workers.

Health has long been recognized as a basic human right and vital to the quality of life of communities. Moreover, for workers to be as productive as possible, they must have a right to their own general health and wellbeing, and not simply safety from workplace hazards such as fires and hazardous chemicals. Health and safety is in general addressed by most codes of conduct, following ILO’s guidance stipulated in Conventions No. 155, 161 and Recommendation 164. However, worker health in general has been an under-prioritized and under-protected area in corporate accountability standards and principles and many have failed to acknowledge general health needs and obligations beyond the occupational health and safety (OHS) framework.
**Healthy Workplace, by WHO:**

A healthy workplace is one in which workers and managers collaborate to use a continual improvement process to protect and promote the health, safety and well-being of all workers and the sustainability of the workplace by considering the following, based on identified needs:

- health and safety concerns in the physical work environment;
- health, safety and well-being concerns in the psychosocial work environment including organization of work and workplace culture;
- personal health resources in the workplace; and
- ways of participating in the community to improve the health of workers, their families and other members of the community.


Under the [UN Guiding Principles on Business and Human Rights](http://www.who.int/occupational_health/publications/healthy_workplaces_model_action.pdf) Respect, Protect, and Remedy framework, companies should address critical health areas such as basic health services, preventive care, appropriate health screenings and reproductive health. When considering gender issues, all these matters are essential for women, as well as men. Principle 3 of the [Women’s Empowerment Principles](http://www.who.int/occupational_health/publications/healthy_workplaces_model_action.pdf) also holds companies accountable for ensuring the health, safety and well-being of all women and men workers.

**Health and Safety through a Women’s Lens**

Work generally has a positive effect on the health of women and men and on the well-being of households, communities and economies. Work outside the home provides women with social support and helps build their self-esteem. However, work also involves hazards to workers’ physical and psychological health.

Job and task segregation by gender means that women and men are generally exposed to different work-related hazards. Moreover, the health impacts on women directly linked to employment are different from men’s: urinary tract infections, poor menstrual hygiene, health consequences linked to sexual harassment, unwanted pregnancy, and lack of access to not only general but also reproductive and maternal health services. Women’s specific vulnerabilities:

» Risks linked to women’s reproductive system, especially during pregnancy.

  - There are certain types of work as well as substances suspected to have adverse effects, for instance especially if women are pregnant or breastfeeding.

  - Lack of proper accommodations such as toilet facilities, where there are for example too few available to allow women to have enough bathroom breaks, can have terrible consequences for health such as serious infections. This is aggravated when women are pregnant or menstruating.

» Risks linked to women’s traditional roles. Conflicts between the demands of paid and unpaid work, the latter still being in the majority of cases the responsibility of women, especially in developing countries,
may lead to stress, depression and fatigue and to a decreased participation in workplace health and safety.\textsuperscript{40}

» Risks linked to terms of employment (also relevant for men):

- Long hours and overtime may prevent women from accessing health services (see Working Hours).

- When women are also migrants or homeworkers, they may not be covered by insurance nor have access to workplace health facilities. As migrants, additional issues like language and cultural differences, and potential discrimination from health providers, may add barriers to healthcare access (see Employment Relationship).

CASE STUDY

HER health

HERproject has found in surveys with more than 7,000 women across 10 countries that women’s health issues (such as menstrual hygiene management, anemia and malnutrition, unplanned pregnancy, inadequate prenatal care, and others) are extremely common among women working in global supply chains. These issues impact women’s ability to excel at work. In some more extreme cases, such as repeated and widespread incidents of workers fainting in Cambodia in 2012 and 2013, we see that poor health among female workers has visible and significant impacts within the workplace.

BSR HERproject, \url{http://herproject.org/downloads/herproject-incorporating-womens-health.pdf}

Access to facilities is a cross-cutting issue in codes of conduct most commonly addressed in the Occupational Health and Safety section. Regarding facilities, women do have specific needs and issues encountered are different to the ones of men

» Health services: hygiene, reproductive health and family planning, cancer screening, nutritional and breastfeeding counselling are health services that are particular to women and that should be provided onsite to workers or at external health services at reasonable quality, proximity and hours.

» Nursing rooms: and associated flexible working arrangements for breastfeeding mothers help promote a practice recognized by the World Health Organization and give an alternative to women to continue breastfeeding even when they return to work. This may also reduce stress for women workers.

» Child-care facilities: either onsite or external, help both women and men workers with family responsibilities continue in the workforce without prejudice to their care-giving roles. Such services may especially be important for women migrant workers by allowing them to keep their children with them and not sending them back to their community to be taken care of by other family members.

\textsuperscript{40} \url{http://apps.who.int/iris/bitstream/10665/77350/1/9789241501736_eng.pdf}
Toilets: the number of toilets should be adequate for the number of employees. There should be proper disposable bins.

**CASE STUDY**

**Childcare in Bangalore’s garment factories**

Quality childcare is a necessity, not just for the safety and security of the children, but for the stable growth of an industry besieged by heavy labor turnover among women – who constitute the bulk of the workforce. According to a study commissioned by FLA about the provision and quality of legally mandated childcare in Bangalore’s garment factories, a number of factors inhibit women from using crèche facilities where they exist, and that age restrictions imposed by the factories exclude many children under the age of six who are left unsupervised or with inadequate care.

The study, conducted in 2012, was based on a survey of 300 women workers employed at 60 garment manufacturing factories. The findings indicate that the degree of choice that women workers have in relation to their childcare decisions is highly limited; decisions are made not based on the quality of care but on its mere availability and affordability.


**Recommended Revisions**

Choose for worker well-being instead of just health so that it is possible to address more than basic safety concerns. Include language on reproductive health in the list of health aspects that extend beyond occupational health and safety. Make provisions to guarantee workers' access to health services and insurance that serve the distinctive concerns and needs of both women and men. Make sure the code of conduct principles extend to all facilities such as infirmary, dormitories and transportation to and from work.

**Example of gender-sensitive provisions for Health and Safety:**

a) Access to basic health care services shall be ensured to workers in accordance with national law and international norms (including UDHR and CEDAW), recognizing gender differences and specifically facilitating services for migrants and their dependents who may face language and other social barriers to care.

b) Take reasonable actions (e.g. onsite clinic, strong referral system, external health providers) to ensure that workers have access to health services and insurance that serve the distinctive concerns and needs of women and men.

c) On-the-job attention and accommodations shall be given to ensure that the reproductive rights of women -- and men -- workers are respected, which includes ensuring access to family planning products and services, care relating to pregnancy, maternity leave and childcare. Feminine hygiene products also should be available to women workers.
d) Men and women workers engaged in working with hazardous materials will be informed of the potential risks to their reproductive health. To prevent unsafe exposure to hazardous chemicals and hazardous substances, appropriate accommodations shall be made for pregnant women.

e) The number of toilets required under applicable laws within reasonable distance of the workplace shall be established. In addition, the following should also be considered: number of toilets based on number of workers, privacy for each individual and gender, accessibility and hygiene. Undue restrictions on toilet use shall not be placed in terms of time and frequency.

f) Workplace policies and practices are established to ensure women – and men – have the agency to take rest and water breaks when needs and take leave to see non-emergency services from onsite or offsite health service providers.

g) Where doctors, nurses or other health professionals are required on site, they should be qualified not just to provide curative care for injuries, but also to address the broader health needs of men and women workers, including providing referrals to accessible, affordable quality services offsite.

h) Flexible working arrangements and on-site facilities should be offered to women who are pregnant or nursing.

i) Ensure that both women and men workers have access to childcare services.

**Leadership Area: Health beyond OHS**

The “right to health” has not yet been effectively integrated into business and human rights standards to the extent that “do no harm” rights protection approaches have. As a result, codes of conduct and workplace assessment protocols often include limited standards and questions about workers’ personal health aside from work-related health and safety issues. Worker health should be more than a box to be checked, and proactive management as well as effective onsite health services can result in significant return-on-investment for business.

Providing accessible and affordable health care and helping to prevent foreseeable health risks can help lower a business’s long term costs for health plans, as well as better utilize current healthcare services. Company-sponsored/-supported health programs can reduce the number of sick days taken by employees and can support women in having healthy pregnancies. In addition, supporting women before and after they give birth to ensure their health and the health of the child (including breast feeding breaks and rooms, on-site childcare facilities, parental leave, contraceptives, etc.) is equally important to productivity. Moreover, companies focusing on women’s health in their workplace will foster healthier relationships between workers and supervisors, increasing communication and rapport.

A gender sensitive approach to worker health management is key. We know that women and men have different experiences when it comes to health and safety: they face different risks and health problems, interact differently with their working conditions, have different domestic, unpaid responsibilities and have distinct experiences with regards to preventive and responsive measures (e.g. training, compensation, etc.).

*Worker health management*
It is not easy for workers to take care of their health. Many are poorly served by public and private health services or lack access to these services, due to their gender, migrant status, place of residence, unawareness, or restrictive workplace policies.

Many workplaces already have in place health facilities and health providers that are often under-used and poorly managed. These health investments represent a cost already allocated (sunk cost), thus an underutilized business resource. No business would allow other productive resources to be as underutilized as many do with their health resources. Health investments should not be viewed differently but often factory managers lack the knowledge needed to oversee health functions or just assume the health staff knows what to do.

Looking beyond occupational health norms from focusing on inputs (number of nurses or availability of first aid kits) and safety issues (use of protective clothing), to also look at the quality of health services and practices of healthcare teams can make the difference. Through their daily routines, workplace health providers can do much more to educate workers, promote healthier behaviors, and provide needed services or referrals to quality services in the community. For women workers in particular, this focus must include appropriate responses to their specific needs, such as reproductive health services. Companies can use tools such as the Workplace Health Facility Guidelines and Management Benchmarks or the WHO Healthy Workplaces framework to put this in practice.

Investing in workers’ health education

As mentioned above, low-income working men and women in global supply chains are vulnerable to myriad health risks that affect them personally with consequences to their performance at work. Women in specific suffer from anemia, poor hygiene, inadequate pre- and post-natal care, sexual violence, and exposure to infections and illness, including sexually transmitted and other preventable diseases such as HIV/AIDS, hepatitis B and C, and tuberculosis. Despite their clear needs, most of these women and men workers are currently left out of community-level health interventions. The workplace therefore offers a unique intervention point to address not only their access needs but also their needs for relevant knowledge and behaviors.

Like investing in financial education, these interventions may use various methods of communication such as short films, music, leaflets, displays, workshops, peer education, etc. (e.g. Health Education Materials for the Workplace). They involve communicating information to workers, facilitating their access to information and programs and providing them with support. Worksite interventions targeting self-care have been shown to have a positive impact on both men and women’s health, on business performance and even on compliance. There are several international and local organizations that offer this type of service such as BSR, Care, Swasti or NOPE.
Women in Factories Program

The effects of poor nutrition on workplace performance are well-known. Nutrition and health education, conversely, demonstrate a positive return for business. Studies have shown that nutritional training in the workplace can improve worker productivity by between 2 percent and 20 percent.

Fu Hongmei participates in the Women in Factories China program from the Hairisheng Factory in Guangdong Province. Like many of her peers, she rarely planned her eating, and she knows firsthand how nutrition can affect her health. “Every day, I blindly ate and drank, without routine in any meal,” she said. “I never ate breakfast, and I was very picky about what I ate. These habits led to stomachaches and frequent dizziness.” These ailments also decreased Fu’s productivity and made her miss work.

Through the training, however, she learned about the importance of nutritional health, particularly the role food plays in healthy living, wellness, and productivity in the workplace. The curriculum also includes training on how to prepare foods for optimal nutritional benefit. Now Fu often prepares healthy meals for herself and her family. Since the training, Fu has noticed a dramatic improvement in many aspects of her life, most notably regarding her attitude toward work. She has increased her productivity while decreasing her sick days and time off.

Walmart, Women in Factories Program,

Business can take several measures to promote health:

» By investing in workplace health systems, e.g. capacity building of onsite health staff, upgrade of onsite clinic;

» By offering capacity-building and training programs for those women in their workforce or supply chain focused on health and reproductive health more specifically. Such programs are offered by organizations such as BSR, Care, Swasti, NOPE.

7. FREEDOM OF ASSOCIATION AND COLLECTIVE BARGAINING

Traditional code language under this principle:

» Workers, without distinction, have the right to join or form trade unions of their own choosing and to bargain collectively.

» The employer adopts an open attitude towards the activities of trade unions and their organizational activities.

» Workers representatives are not discriminated against and have access to carry out their representative functions in the workplace.
Where the right to freedom of association and collective bargaining is restricted under law, the employer facilitates, and does not hinder, the development of parallel means for independent and free association and bargaining.

Although considered as one of the core principles, established in ILO Conventions No. 87 and 98 and part of the Universal Declaration of Human Rights, the freedom of association and the right to collective bargaining are sometimes denied by law and are often denied in practice.

Moreover, new challenges have arisen in this area with the new forms of work and new types of employment relations which divide the workforce into “core” and “contingent” workers within the same sector, industry or workplace. The precariousness resulting from atypical employment relationships (more on Employment Relationship), which we know affects women⁴⁵, and women migrants in particular, disproportionately in manufacturing supply chains, highlights the need to find new and innovative approaches to ensuring the coverage of the workers concerned. Structural changes in employment, in particular those resulting from new technologies, outsourcing and the extension of production chains, as well as new types of employment relationship, affect the exercise of this principle.

**Freedom of Association and Collective Bargaining through a Women’s Lens**

When looking at this principle through a gender-lens, there are three main issues:

1) Gender-based blindness or discrimination,

   • at the workplace where women are either not aware or informed of their rights or are not reachable by their representatives (intentionally or unintentionally, e.g. trade unions often fail to recruit non-permanent workers who are often female);

   • or at trade unions and committees, that may not take appropriate measures to integrate, include and represent women and their specific needs. It is worth noting that often representatives are men, and that men dominate leadership positions.

2) Gender-based retaliation, where women may not use grievance mechanisms or join a trade union or equivalent representation due to fear of abuse and harassment (see Harassment and abuse).

3) Gender-based societal and cultural norms,

   • where women’s self-awareness and self-perception may limit them from voicing their concerns and especially complain about work-related matters;

   • or may limit their participation at trade union or worker representative committees because meeting location and time did not consider women’s specific constraints.

CASE STUDY

Freedom of Association and gender-based retaliation

A large producer of jeans-wear for the global market, based in Bangalore, India, faced an organizing drive of its workers by the Munnade, the women’s section of the Garment and Textile Workers Union of India. A Munnade activist who was talking to colleagues about their rights was called to the manager’s office and threatened. Unless she renounced the union, not only would she be sacked, but her uncle (with whose family she lived) would also lose his job as a security guard for the contractor that supplied services to the company. The woman was made to stand in the central courtyard in the burning sun for several hours to think about this threat, while the manager told her colleagues over the factory loudspeaker: “This is what happens to disloyal employees.” Fearing for the livelihood of the family under whose kindness she lived, the activist quit her job and did not wish to take the case to court.

Moreover, the focus of organized labor should become more sensitive to gender diversity. Wage levels and freedom of association as such, while critical, do not adequately address issues such as inflation and impacts on household costs typically managed by women, such as child care, health care, daily meals, and rent. In this sense, it is important to recognize that organized labor itself is often gender biased. Not only women are poorly represented at leadership levels in trade unions but their representation of women’s interests is also often weak.

Recommended Revisions

Include language that stresses the rights of both women and men to freedom of association and collective bargaining, and that prohibits any related gender-based discrimination.

Example of gender-sensitive provisions for Freedom of Association and Collective Bargaining:

a) Workers, without distinction whatsoever and irrespective of sex, shall have the right to establish and to join organizations of their own choosing, subject only to the rules of the organization concerned, without previous authorization.

b) When the right to freedom of association and collective bargaining is restricted under law, employers shall not obstruct legal alternative means of women and men workers association.

c) Employers shall not use any form of physical or psychological violence, threats, intimidation, retaliation, harassment or abuse against union representatives and workers, irrespective of their sex, seeking to form or join an organization of their own choosing.
8. EMPLOYMENT RELATIONSHIP

Traditional code language under this principle:

» Work performed must be on the basis of a recognized employment relationship established in compliance with national legislation and practice and international labor standards, whichever affords the greater protection.

» Labor-only contracting, sub-contracting or home-working arrangements, apprenticeship schemes where there is no real intent to impart skills or provide regular employment, excessive use of fixed term contracts of employment, or any comparable arrangements shall not be used to avoid obligations to workers under labor or social security laws and regulations arising from the regular employment relationship.

Cross-cutting many of the above principles and related issues, employment relationship provisions are particularly important considering that women in global supply chains often fall in more vulnerable categories such as migrants, homeworkers or seasonal / casual workers. Covered in various ILO Conventions (and specifically in Employment Relationship Recommendation, 2006 No. 198), and addressed in codes of conduct through specific principles such as provision of regular employment or no precarious employment, issues related to the employment status of workers are often included under the principles of nondiscrimination, working hours, wages and benefits.

Employment Relationship through a Women’s Lens

Workers in global supply chains, and women as the predominant workforce in some industries, are often also migrants, and therefore less aware of their rights, with less social capital and protection and more prone to unfair employment relationships where general rights applicable to the workforce are not applied to them. If employed by a recruitment agency, they may be even more vulnerable to discriminatory practices related to for example termination in case of pregnancy or refusal to hire due to required reduced working hours related to childcare responsibilities.

As mentioned above, women are also often homeworkers, with no access to any type of job security, benefits or health and safety standards, and often bearing most of the operating costs themselves, such as electricity and equipment parts and maintenance. While homeworking may be an avenue for women’s empowerment that in this way are able to combine both productive and reproductive work, there are also several risks when acceptable working conditions are not met. By specifically addressing this type of employment, companies have the opportunity to integrate more women into the economy and work with their suppliers to reduce associated risks.

47 Reproductive work encompasses all of the work done to care for, nurture and sustain human beings - covering cooking, cleaning, washing, feeding, and all tasks usually identified with a mother or an individual who is personally responsible for the general well-being of others.
CASE STUDY

SEWA: organizing women workers in the informal economy

Farida-ben works in her Delhi, India home, embroidering garments for foreign retailers. Denied an education and other options, she has done this work since she was a girl. Today, her membership in the Self-Employed Women’s Association (SEWA) and her involvement with an ethical, SEWA-based producer company have expanded her world.

Farida-ben first connected with SEWA about nine years ago when the Secretary to the SEWA Delhi Trust, a neighbor, suggested she go to the nearby SEWA Centre and ask for some embroidery jobs. Until then, Faridaben had worked, as most home-based workers do, for middlemen. SEWA, she says, offers more money per piece plus timely payments. Before, she might earn 100 or even 150 rupees per day but have to wait months to get paid. Now she earns a reliable (if variable) income—today’s dresses will bring 200 rupees—and can access health benefits through SEWA. These include eye clinics to help counteract the strain caused by such constant, close work.

Trade union activity, successfully negotiating better wages and working conditions across a range of occupations, is core to SEWA, but it has developed into a multifaceted movement that embraces a holistic approach. Coming together in sustainable organizations, SEWA believes, is the best way for women to promote their own development. Hundreds of “sister” organizations within the SEWA family address myriad needs: financial, social security (including childcare), health, skills training, and marketing.


Moreover, if for example we look at the horticulture exporting sector in Africa, women are also mostly the seasonal / temporary / casual workers comprising between 50-75% of the total workforce. This informality, although a large source of paid employment for women, brings several issues such as job insecurity, risk and lack of employment or social protection (e.g. insufficient childcare or lack of maternity leave).

Recommended Revisions

Extend the application of the code of conduct principles to contracting, sub-contracting, homeworking and recruitment agencies. Considering women are often in the most precarious or vulnerable employment status, include specific provisions to protect them.

Example of gender-sensitive provisions for Employment Relationship:

a) Standard contract language should be used with employment agencies that specifically imparts power to employers to directly pay wages to migrant/contract/contingent/temporary women and men workers and ensures equality of compensation and workplace standards.

b) All legally mandated requirements for the protection or management of special categories of workers, including migrant, juvenile, contract/contingent/temporary, home workers, pregnant or disabled workers, are implemented.

c) When homeworkers are used, all local laws and international recognized standards must be followed. At a minimum, hours and wages must be tracked; homeworkers must be guaranteed proper compensation and access to minimum social provisions should be granted (such as maternity and statutory social security protection).

9. MANAGEMENT SYSTEMS

Some codes of conduct include a management system section usually not offering a high level of detail with some exceptions. This section though may already offer guidance on how suppliers can implement the principles and what basic measures can be put in place to operationalize and monitor them (further detail is offered by the Gender-sensitive Workplace Assessment Guidance).

Management Systems through a Women’s Lens: Recommendations

When thinking about the system that ensures conformity to a gender-sensitive code of conduct, policies, procedures, training and record-keeping should be designed to help operationalize the specific gender aspects integrated. Another important aspect is that enough resources are allocated to help adequately apply the principles.

Policy and Procedures. These must be effectively communicated to all women and men workers in all native languages whether they are directly employed by the organization, contracted through a third party or working on its premises for a customer, supplier or sub-contractor. This includes a specific sexual harassment policy, which suppliers should have. It is important that suppliers communicate these principles to their own suppliers, as many gender-related abuses as well as other non-conformities, often happen with sub-contracting.

Communications and capacity building. There should be routine communications with all women and men workers concerning gender as well as gender-awareness training for both suppliers and internal staff, both women and men, at all levels of the organization, and including those responsible for procurement, to evaluate the suppliers’ level of implementation of the principles as well as methods to determine the effectiveness of the training.

Sex Disaggregated Data Collection. There should be quantitative and qualitative indicators and targets, as well as associated risks, linked to the above gender-sensitive recommendations as well as methods to collect associated statistical data. Data should be collected in a gender-disaggregated way and capture age when possible, this is particularly important for issues related to reproductive health. Without disaggregating data, it is very hard to identify on differential impacts at the workplace on male and female workers. For example, around the world each year there are 270 million occupational accidents, 160 million occupational diseases and more than 2 million work-related fatalities. Few countries collect data on occupational injuries and illnesses by sex, so it is impossible to estimate how work-related health problems are distributed between women and men worldwide49.

49 http://apps.who.int/iris/bitstream/10665/77350/1/9789241501736_eng.pdf
Gender-Sensitive Grievance Procedures. There should be established a confidential, unbiased, non-retaliatory grievance procedure allowing women and men workers to make comments, recommendations, and reports or complaints concerning their treatment in the workplace regarding gender equity. There should also be procedures for investigating, following up on and communicating the outcome to all workers of any complaints in respect to gender related issues. Often there is an informal approach to grievance / complaints procedures and the biggest challenge is building trust among workers, especially women. Formalizing the procedures and having a gender-balanced structure that processes complaints may mitigate this.

Auditor Training. A proper monitoring will require training of auditors, not only on the gender standards included in the principles and corresponding policies and / or requirements, but also on how to conduct a gender-sensitive onsite assessment, which may include for example participatory auditing methodologies such as women-only focused groups. Off-site audits may also be required as women workers should feel more comfortable and therefore be more open about workplace-related complaints. Auditors may need to provide additional explanations on the questions or requests, especially if talking directly with workers. They may not be aware themselves on the subtle nature of certain prejudicial gender-related practices. The personal and sensitive nature of some of the gender-related investigations may also add to the challenges, and having more women auditors to speak to women workers may help circumvent trust issues.

Issues to consider when analyzing principles and management systems through women’s lens:

» What factors impact employee attendance and retention? Employee health, cultural norms, violence or threats of violence, and infrastructure issues can all play a role. What effect does this have on suppliers/factories?

» How does the fluctuation in sales impact female factory workers and supply-chain resilience?

» Are workplaces gender-sensitive? For example, do they provide sanitary pads, proper lighting, and breastfeeding rooms?

» How would changes to parental leave policies affect female employee attraction and retention?

» Are there any areas where women face discrimination or are at a disadvantage in accessing opportunities relative to men?

» What is the ratio of female-to-male employees at various levels? Are mechanisms of gender segregation for specific jobs/levels at play?

» Do female employees de facto have the same opportunities for in-company promotion as men? What factors hinder or promote women to reach the top/take up leadership positions?

Leadership Area: Gender Equity Management Structures

Gender equity promotion and management will require additional resources from companies and suppliers. To support the implementation of the specific requirements set in a gender-sensitive code of conduct, companies may consider asking for or facilitating the formation of Gender Committees at the workplace. The Gender Committee can be an effective management system to uphold gender inclusive policies and practices and handle related grievance procedures. The Committee should include both male and female
employees from management and workers, and in no circumstances should it replace trade union representation.

Aside from being a forum to address gender-related issues, investigate cases and making recommendations on how management may improve policies and practices, the Gender Committee can also play a role in awareness raising by organizing gender sensitive trainings and events, establishing partnerships with external organizations and the community, distributing educational and supportive materials.

CASE STUDY

Ethiopian Horticulture Producer Exporters Association providing support to local farms
In Ethiopia, the team in charge of the Gender office at the Ethiopian Horticulture Producer Exporters Association has been working on: Improving health and welfare of flower farm female workers, (2) Promoting gender sensitive management at farm level and (3) Preventing and protecting farm female workers from gender based violence and harassment at farm and farm’s vicinity.

The team trained management of the farms about concepts of gender, gender mainstreaming and gender based violence and International and regional conventions that Ethiopia signed and ratified in order to ensure human rights and rights of women in the country. Women specific legislations that are found in Ethiopian constitutions, criminal laws of Ethiopia and Labor laws and Codes and Market Labels that are relevant to Ethiopian growers, which mainly focus on social standards (worker welfare, woman and young people) were also included in the training.

Furthermore, the team is supporting farms in establishing their own Gender Committees and has been conducting workshops in order to make local stakeholders aware about health and gender issues of farms and establish a forum. It is believed that the forum would be a medium for local stakeholders and farms to plan and work together in the future to address health and gender issues of farms.


Business can take several measures to promote gender equity management structures:

» By facilitating the formation of Gender Equity Committees at the workplace;

» By investing in awareness raising activities on gender equity such as training and events for management, supervisors and workers alike.
Next Steps

This guidance offers recommendations and some good practice examples on how to best infuse gender-sensitive provisions into Codes of Conduct, as well as how business can adjust their practices to better address women workers’ needs in their supply chains. However, and as highlighted earlier in the guidance, additional mechanisms and drivers are essential to ensure effective implementation of the recommendations put forward in this guidance.

Codes of Conduct are operationalized through a system of implementation resources, auditing tools and performance metrics that clarify the intention of the code and delineate the means by which the code should be met. The gender-sensitive workplace assessment guidance which provides some recommendations on how to best embrace this next step. The guidance will focus on how to integrate a women’s lens into audit methodologies (i.e. site tour, document review, management and worker interviews, etc.) but will also explore which surrounding conditions are essential to making these assessments more effective at identifying gender and women-specific issues and track progress against these. It also explores other less traditional assessment methodologies to facilitate the adoption of more inclusive and effective monitoring frameworks.

While the present guidance provides recommendations on language, commitment and leadership on gender equality, the gender-sensitive workplace assessment guidance will offer some insights and good practice on the methods that should be used to identify gender equality issues in the workplace and monitor them. It will also explore other less traditional assessment methodologies to see how the industry can move the needle towards more inclusive and effective monitoring frameworks.
ANNEX 1 – Treaties and Conventions

- ILO Convention 1 (Hours of Work – Industry)
- ILO Conventions 29 (Forced Labor)
- ILO Convention 87 (Freedom of Association)
- ILO Convention 98 (Right to Organize and Collective Bargaining)
- ILO Conventions 100 (Equal Remuneration)
- ILO Convention 102 (Social Security – Minimum Standards)
- ILO Convention 105 (Abolition of Forced Labor)
- ILO Convention 111 (Discrimination – Employment and Occupation)
- ILO Convention 118 (Equality of Treatment - Social Security)
- ILO Convention 131 (Minimum Wage Fixing)
- ILO Convention 135 (Workers’ Representatives)
- ILO Convention 138 (Minimum Age)
- ILO Convention 155 (Occupational Safety and Health)
- ILO Convention 156 (Workers with Family Responsibilities)
- ILO Convention 158 (Termination of Employment)
- ILO Convention 159 (Vocational Rehabilitation and Employment - Disabled Persons)
- ILO Convention 161 (Occupational Health Services)
- Recommendation 164 (Occupational Safety and Health)
- ILO Convention 169 (Indigenous and Tribal Peoples)
- ILO Convention 171 (Night Work)
- ILO Convention 175 (Part Time Work)
- ILO Convention 177 (Home Work)
- ILO Convention 181 (Private Employment Agencies)
- ILO Convention 182 (Worst Forms of Child Labor)
- ILO Convention 183 (Maternity Protection)
- ILO Recommendation 90 (Equal Remuneration)
- ILO Recommendation 102 (Welfare Facilities Recommendation)
- ILO Recommendation 111 (Discrimination in Respect of Employment and Occupation)
- ILO Recommendation 116 (Reduction of Hours of Work)
- ILO Recommendation 130 (Examination of Grievances)
- ILO Recommendation 146 (Minimal Age)
- ILO Recommendation 165 (Workers with Family Responsibilities)
- ILO Recommendation 166 (Termination of Employment)
- ILO Recommendation 191 (Maternity Protection)
- ILO Recommendation 200 (concerning HIV and AIDS and the world of work)
- Resolution on equal opportunities and equal treatment for men and women in employment, adopted by the International Labour Conference at its seventy-first session, 1985
- Universal Declaration of Human Rights
- The International Covenant on Economic, Social and Cultural Rights
- The International Covenant on Civil and Political Rights
- The United Nations Convention on the Rights of the Child
- The United Nations Convention on the Elimination of All Forms of Discrimination Against Women
- The United Nations Convention on the Elimination of All Forms of Racial Discrimination
- CEDAW, 2008
- Tripartite declaration of principles concerning multinational enterprises and social policy (4th edition)
ABOUT BSR

BSR is a global nonprofit organization that works with its network of more than 250 member companies and other partners to build a just and sustainable world. From its offices in Asia, Europe, and North America, BSR develops sustainable business strategies and solutions through consulting, research, and cross-sector collaboration. Visit www.bsr.org for more information about BSR’s 25 years of leadership in sustainability.

ABOUT THIS REPORT

Women’s empowerment is widely recognized as a critical pillar of sustainable global development and a key driver of economic and social prosperity and environmental protection. In particular, the empowerment of women is seen as a pathway to large-scale poverty alleviation and wide-spread and wide-ranging improvements in health, education, and well-being for individuals, families, and communities. BSR’s “Gender Equality in Codes of Conduct - Guidance” provides a framework for companies to integrate gender considerations into the standards they use to set supply chain ethical requirements. The first of a set of tools that aim at promoting practices and systems in supply chains that empower women, this Guidance is now open for public consultation. Meridian Group International, Inc. was a key contributor to the women’s health component of this framework, under the USAID-funded Evidence Project.

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