



Gender Equality in Codes of Conduct Guidance

Funded by the Dutch Ministry of Foreign Affairs



About this Report

BSR's Gender Equality in Codes of Conduct Guidance provides a framework for companies to integrate gender equality considerations into the standards they use to set supply chain ethical requirements. This Guidance is the first of a set of tools that aim at promoting practices and systems in supply chains that empower women.

We would like to thank Meridian Group International, Inc. in particular for the key contributions made to the women's health component of this framework, under the USAID-funded Evidence Project.

Through the development of the guidance, BSR has consulted with a number of external women's empowerment experts and other stakeholders including supply chain initiatives, NGOs, and companies on a one-to-one basis and through collective consultation workshops held in The Hague and New York. This Guidance has also been posted on BSR's website during a three week public consultation period.

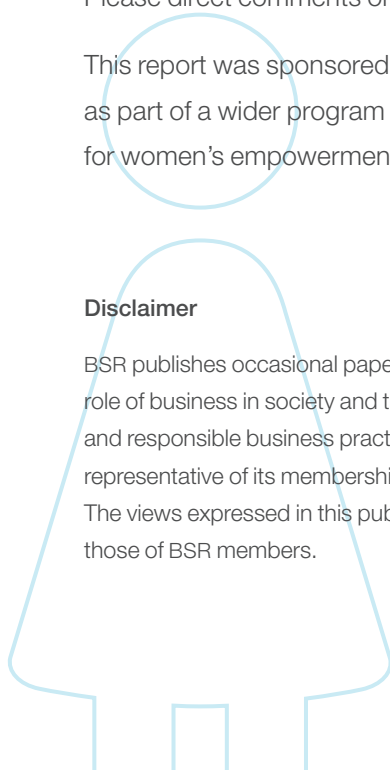
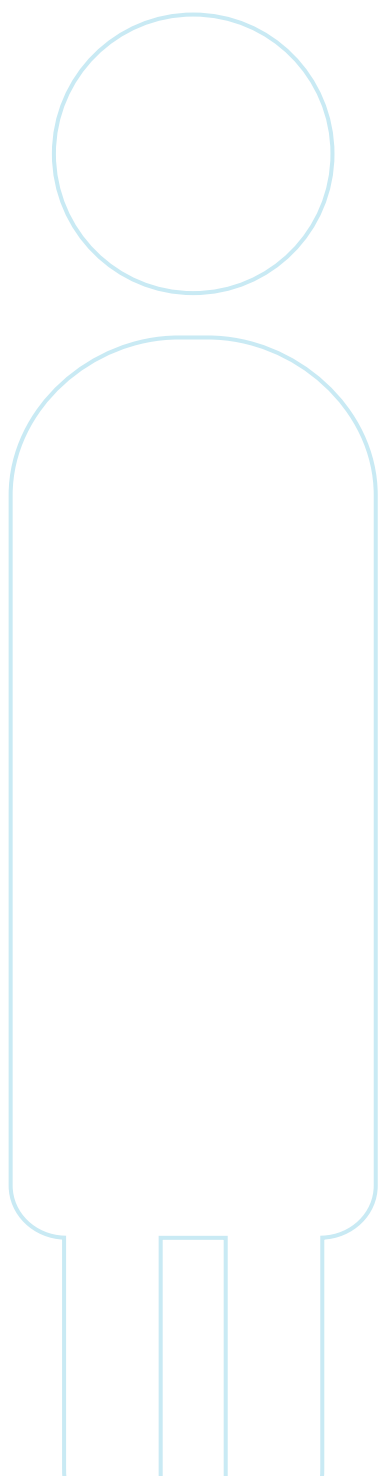
This Guidance was written by Maria Pontes and Magali Barraja with input from David Wofford and Carolyn Rodehau from Meridian Group International, Inc. Any errors that remain are those of the authors.

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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 by 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 performing to their full potential is increased, and this can significantly disrupt supplier performance and ultimately a company's bottom line.

This Guidance recognizes that, although both men and women in the workplace face complex and different challenges, women are disproportionately affected by:

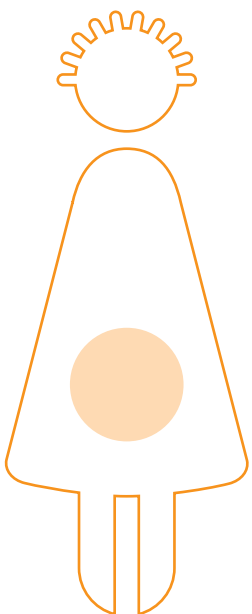
- exposure to the most vulnerable situations in a workforce (e.g., as migrants or homeworkers); and
- their specific gender roles as women (e.g., caretaker, expectant mother, and mother).

Women are also overrepresented in certain workforces (e.g., 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 recommendations on how companies 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:

- **Traditional issues found in codes related to conditions of employment and employment-related benefits and rights** (what we identify as being the most widespread clauses in codes of conducts);
- **Relevant gender issues that are not generally included in codes of conduct but are linked with many core issues addressed by codes.** These may not ultimately go into new language, but they are in the Guidance because they are issues that leading companies need to understand and address (e.g., financial inclusion, health considerations beyond Health & Safety, communication and leadership training).

This 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 a clear and common set of requirements that can be integrated into their existing codes of conduct.



Guidance Summary

General Considerations

- Since 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

1 Discrimination

- Women and men workers shall be protected against discrimination on the basis of marital status.
- Pregnancy tests or the use of contraception shall not be used as a condition of hiring or continued employment.
- Women workers shall 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.
- Equal opportunities for women and men shall be provided in all aspects of training and personal and professional development.
- Workers with family responsibilities shall be protected against discrimination with regard to dismissal (see ILO Convention No. 156).

2 Wages and Benefits

- Fair and comparable wages, hours, and benefits are guaranteed to all workers for comparable work.
- Every worker, male or female, has a right to compensation for a regular workweek that is sufficient to meet the worker's basic needs (such as food, water, housing, healthcare, education, transport, and clothing) and provides some discretionary income for the workers and their families.
- 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 shall apply to both men and women.

3 Forced Labor

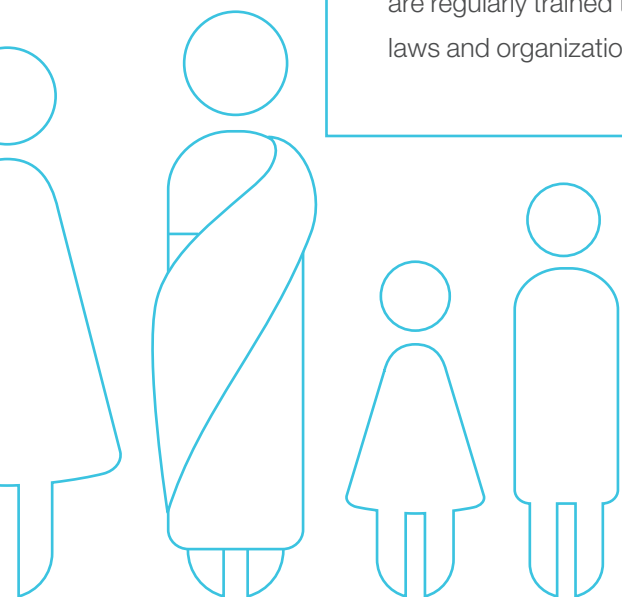
- Migrant workers shall have exactly the same entitlements as local employees. Any commissions and other fees in connection with employment of migrant workers must be covered by the employer. The employer must not require the employee to submit his/her identification documents. Deposits are not allowed.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

4 Working Hours

- 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.
- Piece-rate work shall not be exempted from the right to overtime compensation.
- The imposition of overtime where women or men workers are unable to leave the work premises or are in any way forced to accept it (through abuse, threats of dismissal, or other) is not allowed.

5 Harassment and Abuse

- All forms of violence and harassment in the workplace, including verbal, physical, sexual, or psychological abuse, are prohibited.
- Sexual harassment, including unwelcome sexual advances, unwanted hugs and touches, suggestive or lewd remarks, requests for sexual favors, or the display of indecent, derogatory, or pornographic pictures, posters, drawings, or videos, is prohibited.
- Sexual harassment in any form is not acceptable in the workplace or in any facilities related to the workplace, including transportation and dormitories.
- All workers are protected from retaliation for complaining about harassment.
- Security staff, doctors, nurses, managers, and other key personnel (where relevant) 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

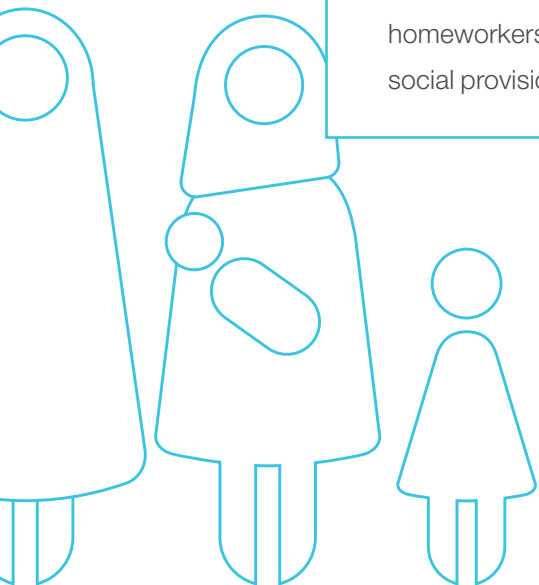
- Access to basic healthcare services shall be ensured to workers in accordance with national law and international norms (including UDHR and CEDAW), recognizing gender differences and specifically facilitating services for migrants and their dependents who may face language or other social barriers to care.
- Reasonable actions should be taken (e.g., providing on-site clinics, a strong referral system, and 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.
- 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 and care relating to pregnancy, maternity leave, and childcare. Feminine hygiene products also shall be available to women workers.
- 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.
- The number of toilets within reasonable distance of the workplace required under applicable laws shall be provided. The number of toilets shall also take into consideration the number of workers, privacy for each individual and gender, accessibility, and hygiene. Undue restrictions shall not be imposed on the time and frequency of toilet use.
- Workplace policies and practices shall be established to ensure that women—and men—have the agency to take rest and water breaks and to take leave to see nonemergency services from on-site or off-site health service providers when needed.
- Where doctors, nurses, or other health professionals are required on site, they shall 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 off site.
- Flexible working arrangements and on-site facilities shall be offered to women who are pregnant or nursing.
- Women and men workers shall have access to childcare services.

7 Freedom of Association and Collective Bargaining

- Workers, without distinction whatsoever and irrespective of sex, shall have the right to establish and join organizations of their own choosing, subject only to the rules of the organization concerned, without previous authorization.
- When the right to freedom of association and collective bargaining is restricted under law, employers shall not obstruct legal alternative means for women and men workers to join or form associations.
- 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

- Standard contract language shall 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.
- All legally mandated requirements for the protection or management of special categories of workers, including migrant, juvenile, contract/contingent/temporary, homeworking, pregnant, or disabled workers, are implemented.
- When homeworkers are used, all local laws and internationally recognized standards must be followed. At a minimum, hours and wages must be tracked and homeworkers must be guaranteed proper compensation and access to minimum social provisions, such as maternity and statutory social security protection.



9 Management Systems

Codes of conduct should integrate the following elements:

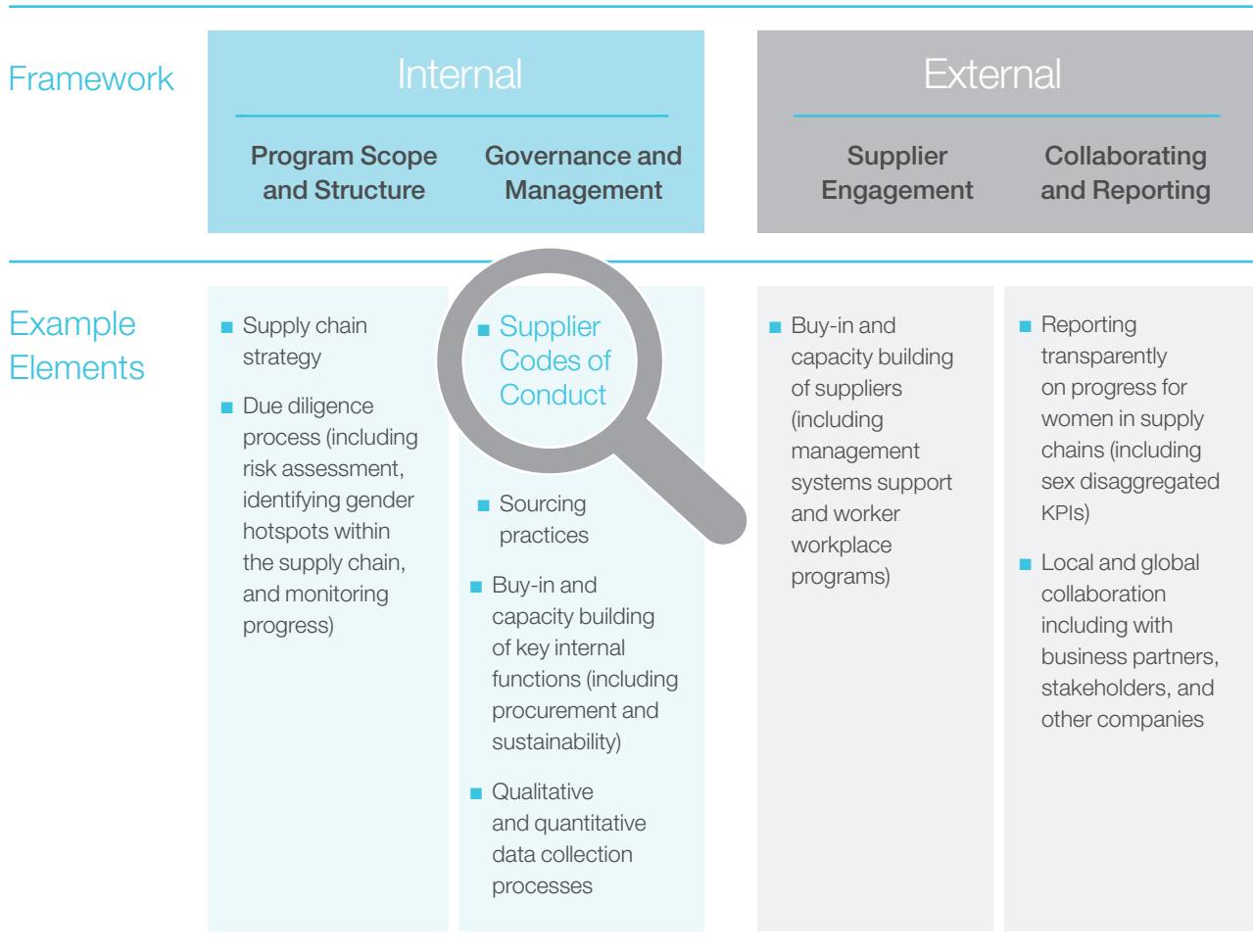
- Allocation of resources
- Policies and procedures
- Communication about those policies and procedures
- Gender-awareness and capacity-building
- Quantitative and qualitative indicators and targets (gender disaggregated)
- Gender-sensitive grievance mechanisms
- Capacity-building of auditors

A woman wearing a bright green sari and a yellow lanyard is working in a factory. She is focused on her task, which involves handling a long, thin object, possibly a piece of fabric or a tool, on a red surface. In the background, other workers in red and yellow clothing are visible, and the factory environment is brightly lit.


“One way business can contribute to the Sustainable Development Goals (SDGs), and that is well within their scope of influence and decision-making, is to evolve in the expectations laid out in codes of conduct to include gender-focused considerations.

Mainstreaming Gender Equality in Supply Chains

The Gender Equality in Codes of Conduct Guidance is a first step toward driving gender equality in the supply chain. Designing a strategy that incorporates a focus on women, establishing gender-sensitive sourcing practices, and securing buy-in and building the capacity of suppliers on the topic are examples of elements that a company needs to have in place to drive positive change for women workers in its supply chain.



This general framework is based on BSR’s Supply Chain Leadership Ladder. For more information, see www.bsr.org/our-insights/report-view/the-supply-chain-leadership-ladder

A photograph of two women in a garment factory. The woman in the foreground is wearing a red headscarf with white floral patterns and a red top. She is looking down at a piece of white fabric she is holding. A green measuring tape is draped over her shoulder. The woman in the background is wearing a white shirt and is also looking down at her work. The background is slightly blurred, showing other workers and factory equipment.

“When enhancing the gender sensitivity of codes of conduct, it is important to recognize the broader context as well as the level of complexity and the interlinkage of workplace gender-related issues.

The Guidance

Introduction

¹ policy-practice.oxfam.org.uk/publications/trading-away-our-rights-women-working-in-global-supply-chains-112405

² www.ilo.org/wcmsp5/groups/public/-ed_norm/relconf/documents/meetingdocument/wcms_468097.pdf

³ www.microlinks.org/sites/microlinks/files/group/resource/files/barrientos_value_chains.pdf

Since the 1990s, when the garment sector was affected by a spate of negative publicity exposing conditions in sweatshops, a wave of companies have responded by adopting codes of conduct for their suppliers. Levi Strauss is often recognized as the first company to do so. Since then, codes have been viewed 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, is 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 even more relevant today because women represent 60 percent to 90 percent of jobs in the labor-intensive stages of the clothing and fresh-produce global supply chains in many countries.¹ In fact, a recent estimate of women employed in global supply chains in 40 countries was, as a group, 2.5 percent higher than their share in total employment in 2013, a percentage that was even higher in emerging economies.² This does not imply, however, that sectors in which women are underrepresented should be exempted from integrating gender considerations within their codes.

Codes of conduct alone will not create the conditions under which all workers' rights are respected. However, if codes fail to address the poor conditions and unequal treatment faced by women in the supply chain, companies run the risk that the effectiveness—and credibility—of their codes will be reduced.³ As a result, part of their workforce won't be protected or empowered, which, in turn, can affect a 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 Guidance aims 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.

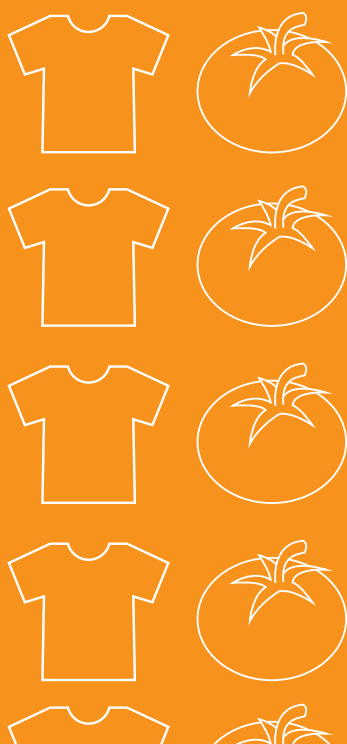
Instead of creating a separate code of conduct or adding a new women-specific single clause to existing codes, this resource offers an analysis of gender-related issues within traditional code of conduct principles and provides some good practice examples on how to best infuse gender-sensitive content. It suggests how specific wording can be added to or amended within existing clauses. It also addresses



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.

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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 to 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 this Guidance is for the revision of codes, its 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 for global supply chain sustainability initiatives. The intention is to provide businesses with a framework that promotes gender equality and 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 businesses 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 relation to 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, and should not in any way prevent these standards from being exceeded.

Why the Focus on Women?

Gender in Focus

¹ www.womenseconomicempowerment.org/assets/reports/UNWomen%20Full%20Report.pdf

² Woetzel, Jonathan, et al. 2015. “The Power of Parity: How Advancing Women’s Equality Can Add \$12 Trillion to Global Growth.” McKinsey Global Institute. www.mckinsey.com/insights/growth/how_advancing_womens_equality_can_add_12_trillion_to_global_growth

³ Noland, Marcus, Tyler Moran, and Barbara Kotschwar. 2015. “Is Gender Diversity Profitable? Evidence from a Global Survey.” The Peterson Institute for International Economics. www.iie.com/publications/newsreleases/newsrelease.cfm?id=241

⁴ Pruzan-Jorgensen, Peder Michael. 2016. “Business Must Close the Gender Gap.” BSR Blog. Accessed March 14, 2016. www.bsr.org/en/our-insights/blog-view/business-must-close-the-gender-gap

⁵ Meiers, Racheal. 2013. “The Other Women’s Movement: Factory Workers in the Developing World.” Harvard Business Review. Accessed March 14, 2016. hbr.org/2013/05/the-other-womens-movement-fact

Gender has become a central issue for business. 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:

- 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)
- 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, including those of the most vulnerable, and recognize 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 Sustainable Development Goals (SDGs), and that is well within their scope of influence and decision-making, is 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.¹

The **Women’s Empowerment Principles (WEPs)**, a set of principles for business offering guidance on how to empower women in the workplace, marketplace, and community, which resulted from a collaboration of a number of UN entities, reinforced this progress. Signed by over 1,200 companies, the WEPs, particularly Principle 5, put forward the commitment companies should make to also promote gender equality among their business partners and peers and through their products, services, and facilities.

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 GDP² — 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.³ 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.⁴ Yet when women’s health, well-being, and access to opportunities are compromised, companies lose out on their contributions to productivity and efficiency. At the same time, ignoring gender gaps and inequalities can leave companies exposed to production and delivery disruptions, bottlenecks, and inefficiencies.⁵



“ If women participated in the economy equally to men, **it would add as much as US\$28 trillion to annual global GDP²** — equal to the combined GDP of the world’s two largest economies, the United States and China.

Our Analysis

¹ microlinks.kdad.org/sites/microlinks/files/group/resource/files/Gender%20value%20chain%20barrientos.pdf

² ilo.org/global/topics/economic-and-social-development/gender-and-development/lang--en/index.htm

³ www.ilo.org/wcmsp5/groups/public/-ed_norm/---relconf/documents/meetingdocument/wcms_489115.pdf

⁴ See the MenEngage Alliance for more information and resources on gender equality and men. menengage.org

This Guidance is designed under the principle that women and men should 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.¹

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

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.²

This Guidance recognizes that, although both men and women in the workplace face complex and different challenges—challenges that are linked to societal and culturally established roles, norms, and values as well as to legal frameworks—women are 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 to maternity protection in particular, and their career opportunities are limited.³ Therefore, both the analysis and recommendations put forward in this Guidance focus primarily 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. In 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.⁴

Gender and Codes of Conduct

General considerations

¹ Fair Wear Foundation. "A survey on GBV at the workplace in Bangladesh garment factories". Accessed April 4, 2016. www2.fairwear.org/vaw-prevention/#!/content www2.fairwear.org/vaw-prevention/asurvey-on-gbv-at-the-workplace-in-bangladesh-garment-factories

² United Nations Population Fund. 2016. "Universal Access to Reproductive Health: Progress and Challenges." United Nations. www.unfpa.org/publications/universal-access-reproductive-health-progress-and-challenges

³ www.bsr.org/en/our-insights/report-view/working-paper-womens-empowerment-in-global-value-chains

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.¹

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 result not only from physical barriers to access but also from limited awareness and education, alongside policies or practices that restrict women's access to family planning.² In addition, women 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.³

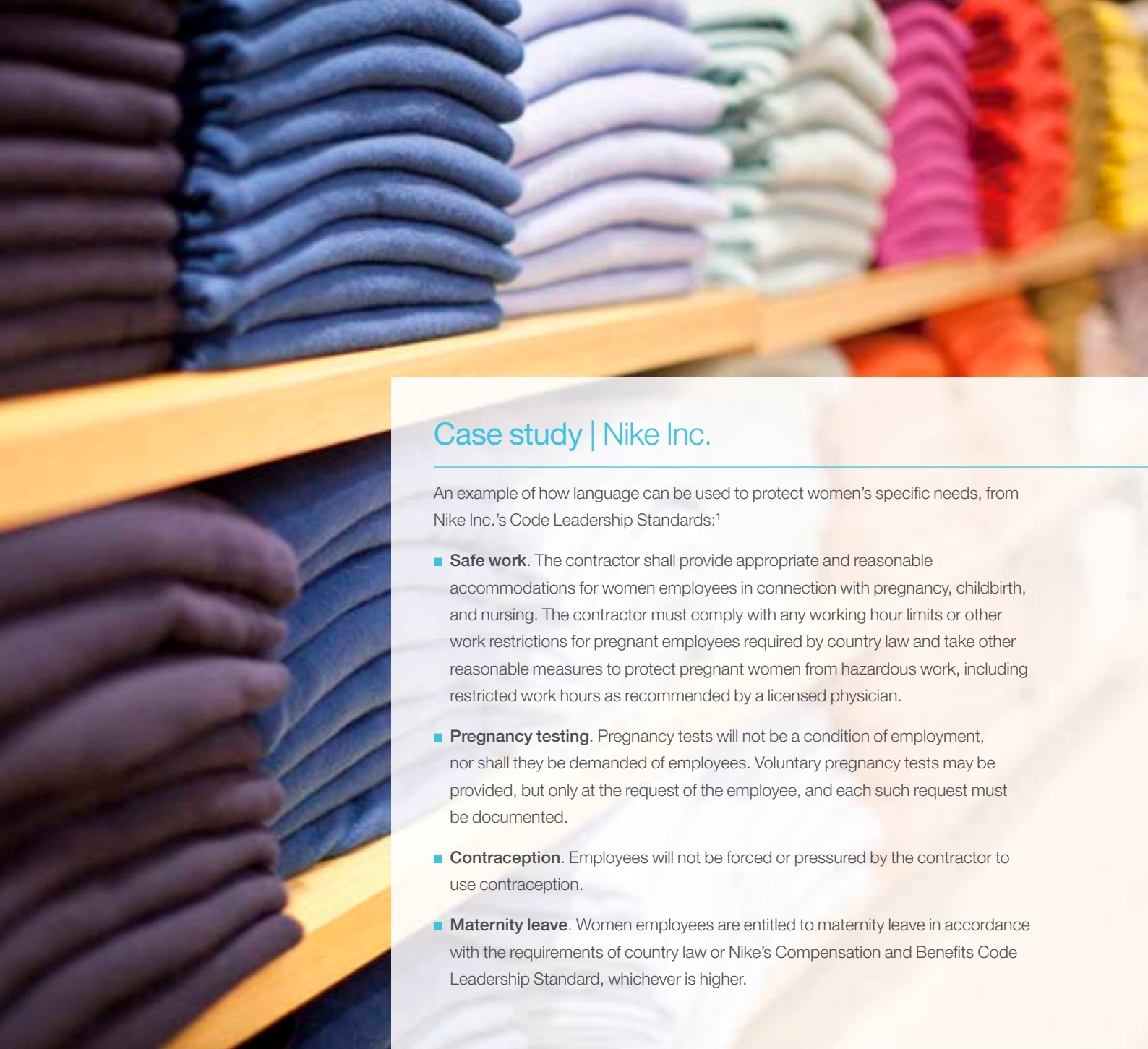
When enhancing the gender sensitivity of codes of conduct, it is important to recognize this broader context as well as the level of complexity and the interlinkage of workplace gender-related issues. This complexity and interlinkage is reflected in the analysis provided below for each principle, with 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:

- by exposure to the most vulnerable situations in a workforce (e.g., as migrants or homeworkers); and
- by their specific gender roles as women (e.g., caretaker, expectant mother, 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 applying 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 recommendations set forth in this Guidance are therefore applicable to both genders.

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



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:¹

- **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.
- **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.
- **Contraception.** Employees will not be forced or pressured by the contractor to use contraception.
- **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.

¹ 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.

- 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 because men and women have different needs, such as when it comes to healthcare, 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 that this disaggregation is incorporated into documentation and record-keeping. Without disaggregating data, it is very hard to identify the differential impacts on male and female workers in the workplace.



“In addition to the general requirements outlined in these Principles & Guidelines, ANN is also committed to working with suppliers to provide a supportive working environment for women.¹”

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, while at the same time strengthening their families and communities.

¹www.responsiblyann.com/downloads/GlobalSupplierPrinciplesandGuidelinesDec2014.pdf

- **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 and promoting gender equality at work will both show leadership and corporate commitment and will raise awareness among suppliers.
- **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 lead times, 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 that companies clearly state what suppliers can expect from them with regards to these practices in codes of conducts.
- **Communication and awareness-raising.** Effective dissemination of the code of conduct and other related policies and procedures to suppliers, as well as to 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 because, for example, they are illiterate, immigrants not fluent in the local language, or submissive due to local cultural norms. Companies can encourage communication and awareness-raising 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. 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 to 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 reaffirm that these requirements are becoming mainstream for international buyers.

Suppliers who demonstrate a strong commitment to gender equality should be encouraged to take part in local as well as global initiatives such as the Women's Empowerment Principles.

Navigating the Codes of Conduct Principles

The Guidance Document addresses nine code of conduct principles:

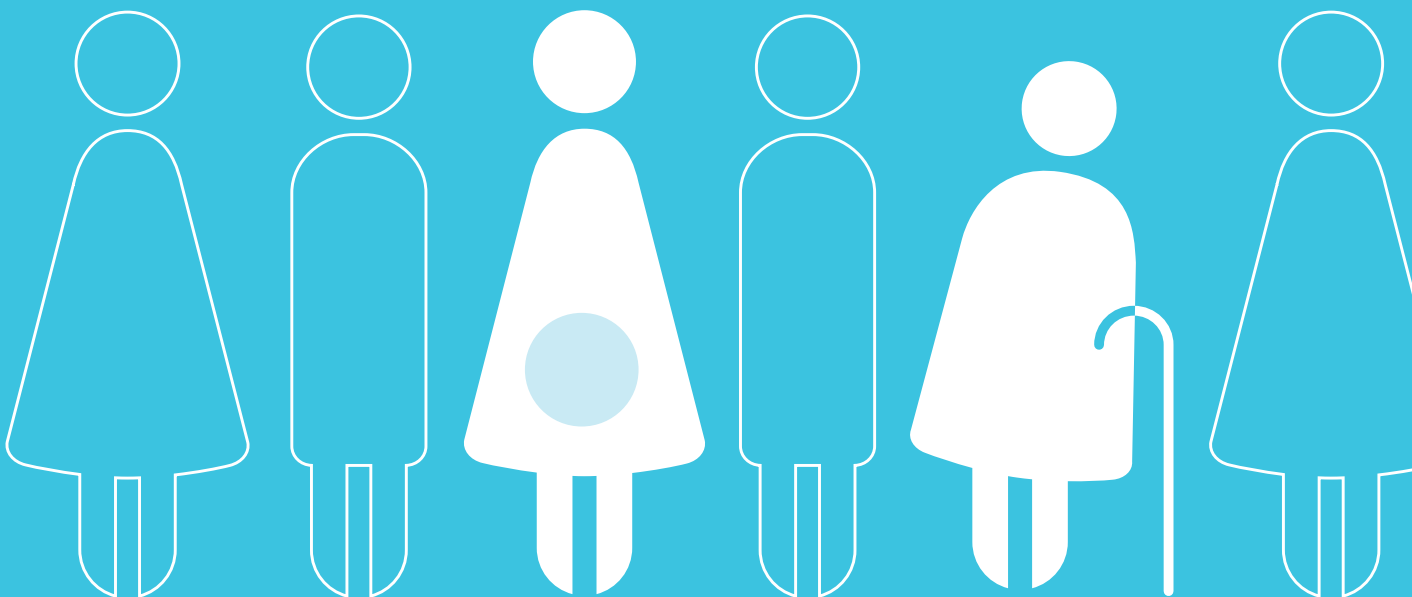
1 Discrimination	25
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Each of these sections contains examples of traditional code language, followed by a discussion of related gender issues and the recommended gender-sensitive language for incorporation into codes of conduct.

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's empowerment, and the SDG agenda. These critical issues represent opportunities for business to apply a gender lens to their sourcing decisions, supplier training, and capacity-building, and more widely to their approach to multi-stakeholder collaboration.

1 Discrimination

“ We recommend that language be included to specify that the principle of nondiscrimination applies to both women and men and that roles and needs specific to women, such as those related to pregnancy, may not be used to undermine, cut, or in any way diminish their equal rights to men when it comes to any aspect of the employment relationship.



1 Discrimination

¹ Fontana, Marzia, and Andrea Silberman. 2013. "Analysing Better Work Data from a Gender Perspective: A Preliminary Exploration of Worker Surveys with a Focus on Vietnam." International Finance Corporation and International Labor Organization. betterwork.org/global/wp-content/uploads/DP13.pdf

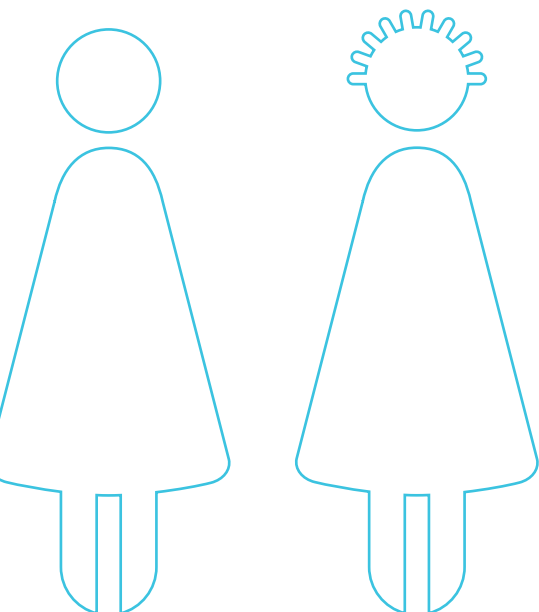
Traditional code language under this principle:

- 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 in the workplace. It is also a cross-cutting challenge affecting many of the other principles in codes of conduct, and one that is difficult to assess in audits. It constitutes a violation of the Universal Declaration of Human Rights and ILO Convention No. 111, as well as 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, 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, and 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-specific matters, such as maternity or motherhood. Throughout the analysis offered below, it will become evident how women often face double discrimination—bias related to gender on top of discrimination related to issues like ethnicity and nationality.
- **Occupational gender segregation:** Vertical occupational segregation by gender is usually quite pronounced, with women typically taking less senior positions. In production job categories, there are fewer women supervisors and they tend to take jobs that require less technical skill 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.¹ Horizontal segregation happens as well, with women often concentrating or primarily being employed in certain sectors that are traditionally low paying.
- **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.



¹ Fontana, Marzia, and Andrea Silberman. 2013. "Analysing Better Work Data from a Gender Perspective: A Preliminary Exploration of Worker Surveys with a Focus on Vietnam." International Finance Corporation and International Labor Organization. betterwork.org/global/wp-content/uploads/DP13.pdf

- **Termination:** Women are often more vulnerable to unlawful termination as a result of being married or becoming pregnant, or during and after maternity leaves. They are sometimes required to pre-sign termination letters during recruitment to avoid any termination issues if and when they get pregnant. Their duties as caregivers of children and sick family members may also increase their absenteeism and therefore make them more vulnerable to early termination.
- **Benefits:** There are cases where women are denied all or part of their maternity leave, 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 against women due to the way they are calculated or attributed (see [Wages and Benefits](#)).
- **Training and Promotion:** There is plenty of evidence showing that women have less access to training programs and are therefore less mobile in their careers. Tasks that are more technical and require more skills are often dominated by male workers (e.g., cutting in garment factories). Women also encounter obstacles to career advancement due to other societal norms. For example, trainings might be scheduled at times or places that are inaccessible to them. Women who are promoted are also more likely to suffer abuse in the workplace or at home, or other types of retaliation¹

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 of them. In addition, most supervisors have little knowledge of 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 because they do not want to use sexually explicit profanity, but they don't always see how they have a choice.

Fair Wear Foundation: www2.fairwear.org/vaw-prevention/#!/content
www2.fairwear.org/vaw-prevention/women-supervisors-bangladesh

¹ www.fairlabor.org/sites/default/files/fla_complete_code_and_benchmarks.pdf

- **Wages:** Unequal pay for the same work or work of equal value is another area where women face discrimination (see [Wages and Benefits](#)).
- **Employment status:** Women may also face additional discrimination depending on their employment status (see [Employment Relationship](#)).

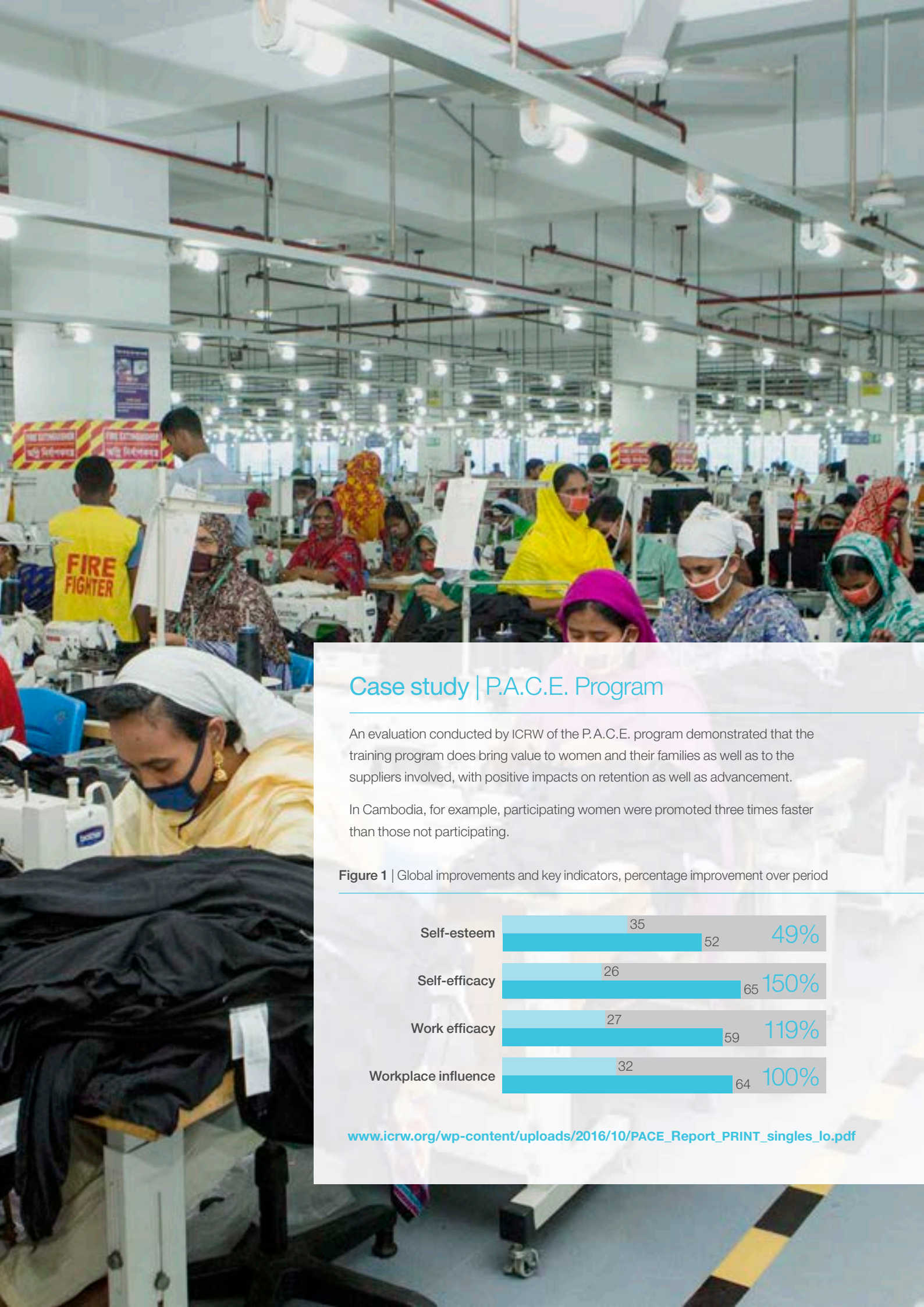
Recommended Revisions

General nondiscrimination and equal opportunities clauses can be strengthened.

We recommend that language be included to specify that the principle of nondiscrimination applies to both women and men and that roles and needs specific to women, such as those related to pregnancy, may not be used to undermine, cut, or in any way diminish their equal rights to men when it comes to any aspect of the employment relationship.

Examples of gender-sensitive provisions regarding Discrimination:¹

- Women and men workers should be protected against discrimination on the basis of marital status.
- Pregnancy tests or the use of contraception shall not be used as a condition of hiring or of continued employment.
- 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.
- Equal opportunities for women and men shall be provided for all aspects of training and personal and professional development.
- Workers with family responsibilities, both men and women, should be protected against discrimination with respect to dismissal (see ILO Convention No. 156).

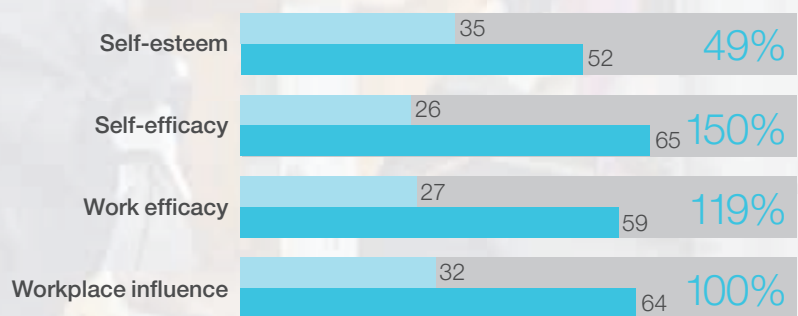


Case study | P.A.C.E. Program

An evaluation conducted by ICRW of the P.A.C.E. program demonstrated that the training program does bring value to women and their families as well as to the suppliers involved, with positive impacts on retention as well as advancement.

In Cambodia, for example, participating women were promoted three times faster than those not participating.

Figure 1 | Global improvements and key indicators, percentage improvement over period



Leadership Area

Communication and Leadership

¹ Anita Borg Institute, **Innovation by Design: The Case for Investing in Women**

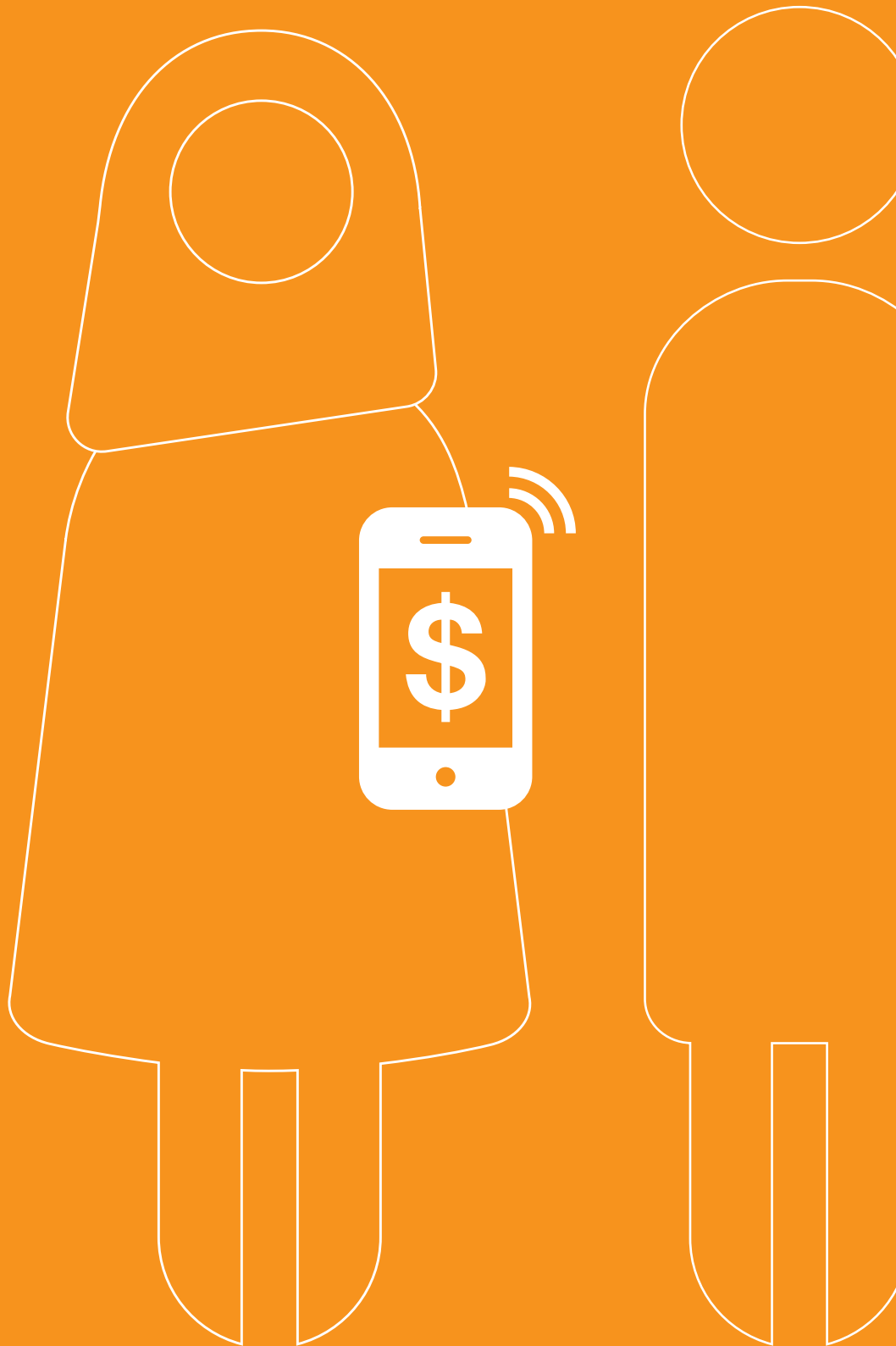
There is a clear business case for promoting gender diversity at work, from positive effects on retention and ease of recruitment to improved reputation, growth in market share, better performance and problem-solving, and increased innovation.¹ However, despite the large number of women in the manufacturing and agriculture workforce, relatively few female workers advance to higher-level positions because they have limited opportunities to acquire the skills that would enable their professional and personal growth.

In fact, globally, women continue to be underrepresented in high-level and decision-making positions and often face barriers to their advancement (i.e., the “glass ceiling”). 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 that value a subordinate role for women, for instance, can restrict women’s access to education and training and development of self-awareness. The expectation that women should play a subservient role in the workplace can make them more vulnerable to violence and harassment. In addition, norms relating to communication can result in women not standing up against poor working conditions.

Business can take several measures to promote the advancement of women workers:

- By promoting the employment of women and men in nontraditional occupations for their gender by undertaking concrete, verifiable actions to recruit and retain candidates from traditionally underrepresented groups.
- 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.
- 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.’s **P.A.C.E. program** and Walmart’s **Women in Factories program**.

2 Wages and Benefits



2 Wages and Benefits

¹ Better Work Paper Series N.13; www.capturingthegains.org/pdf/ctg_briefing_note_6.3.pdf

² 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, and the worker is not obliged to accept any work offered.

³ www.ilo.org/wcmsp5/groups/public/-ed_norm/---relconf/documents/meetingdocument/wcms_468097.pdf

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 is 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 can 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 (see ILO Convention No. 100), while others go further by talking about living wage.

Women workers are particularly affected because 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 specific roles and needs.

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.¹ There are a few interlinked considerations:

- The attribution by societies of different values to the work performed by women and men.
- Types of payment offered for the positions women often take, such as piece-rates in the garment sector, are prejudicial because workers end up working longer hours for less pay.
- Type of employment offered increasingly falls outside of standard labor forms to allow for additional flexibility, such as part-time, temporary, casual, or zero-hour contracts.² These are also often linked to the use of third-party labor intermediaries. There is evidence that these workers frequently lack labor protection in law and/or practice (see [Employment Relationship](#)).³
- Women who are also migrant workers often suffer from double discrimination. They tend to be less aware of their rights and more vulnerable to unfair employment contracts/relationships and unlawful deductions.

¹ World Bank. 2012. "World Development Report 2012: Gender Equality and Development." The World Bank Group. openknowledge.worldbank.org/handle/10986/4391

² www.ethicaltrade.org/resources/living-wages-in-global-supply-chains-new-agenda-business

■ **Unpaid work:** On average, women do almost 2½-times as much unpaid work as men.¹ This causes many women to pursue part-time, informal work and homeworking, which, combined with these unpaid responsibilities, may result in additional problems 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 of termination may drive women to conceal pregnancy, which may result in health issues for them and their baby. They also might continue working beyond the date they should reasonably be expected to work or continue performing work that might be hazardous to them and their baby, which can lead to health problems. On the other hand, pregnant women might also be denied overtime, which they often rely on to make enough additional money because the basic wage is 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, such as being demoted or finding that their jobs are not available anymore or are posted with lower pay.

■ **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 being weak or "un-masculine". Often piece-rate remuneration limits the capacity of workers to absorb financial loss from taking sick leave. This also applies 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 the childcare responsibilities and could benefit greatly from pay scales that take childcare costs into account. Women may also not truly benefit from maternity leave benefits because such benefits are usually based on a worker's basic salary, which may not be enough given that a large proportion of a worker's income often comes from overtime. Therefore, guaranteeing equal pay for work of equal value may not be enough. Living wage should also be considered from a gender perspective as well. While we recognize the complexity of the living wage debate and, more importantly, the associated implementation challenges, it is essential that companies also understand the broader impacts of living wage and how it is dependent on, supportive of, and a precursor to other code of conduct principles as well as to basic human rights.²



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:

- Fair and comparable wages, hours, and benefits are guaranteed to all workers for comparable work.
- Every worker, both men and women, has a right to compensation for a regular workweek that is sufficient to meet the worker's basic needs (such as food, water, housing, healthcare, education, transport, and clothing) and provides some discretionary income for the workers and their families.
- 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.



¹ Mark Napier, Claire Melamed, Georgia Taylor, and Thomas Jaeggi, “Promoting women’s financial inclusion”. (Bonn: GIZ and London: DFID, December 2012).

² www.un.org/en/ecosoc/phlntrpy/notes/clinton.pdf

³ www.bsr.org/reports/BSR_HERfinance_Evaluation_2015.pdf

Women are far less likely to have a bank account than men, despite the fact that women make up the majority of the export manufacturing and agriculture labor force globally. Ensuring that women have the proper knowledge, skills, and attitudes about financial services and that 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.¹

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 more influence over family decisions. And when women are given increased financial means they typically invest 90 percent of their income back into the health, nutrition, and education of their families, as opposed to 30 percent to 40 percent for men.²

Supply chain programs can be especially critical in 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 might 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 improving worker and management’s ability to address workplace challenges before they escalate to more serious problems.³

Case Study | bKash: Financial inclusion through mobile services

Like the populations of many other developing countries in Southeast Asia, the majority of Bangladeshis relocate from their provinces and settle in the capital city or other urban and/or industrial areas in order to provide basic income to support their families in their hometowns. But despite the severity of the market, remittance outlets and banking platforms have refused to decrease the transaction fees for payment transfers and remittances. As a result, banking and remittances have become services that the average Bangladeshi 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 percent of the population.

Local employee Rebecca Sultana described how bKash is being used as a payroll system by most companies in the country, enabling users to quickly send money back to their families. Because of the high cost of traditional financial services, Sultana explained, many workers used to hire individuals to physically deliver money to their villages. Now, she noted, "We get our salary through bKash. It is very convenient for us."

www.bloomberg.com/news/videos/2016-01-15/why-bill-gates-is-investing-in-mobile-banking



IMAGE BKASH



PAYROLL DIGITIZATION

¹ www.un.org/en/ecosoc/phlntrpy/notes/clinton.pdf

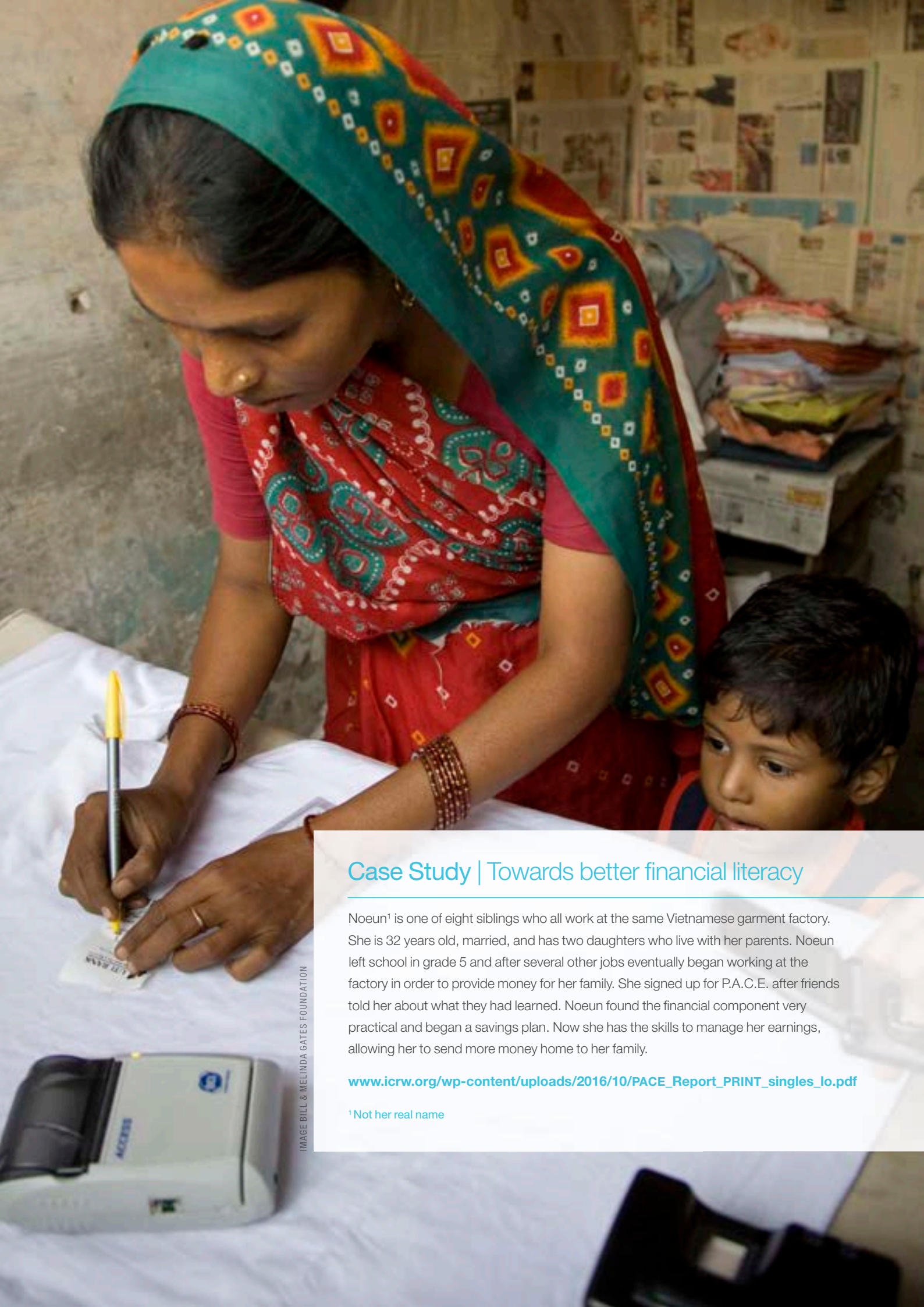
Part of the problem these low-income women and men face is that they are accustomed to operating in an informal economy and conducting cash-based financial transactions. Traditional financial services are often not accessible to the working poor because these institutions have high minimum balances, charge fees that don't support small-scale transactions, or provide access points that are too distributed and not physically accessible. In addition, factory workers generally spend six days a week at work, which leaves them little time to travel to conduct a transaction at a formal financial institution. Women in particular face challenges with traditional banking because they have less mobility than men.¹

By paying wages digitally, companies can bring 280 million adults into the formal financial system. By using mobile banking, they can address many of the issues faced by workers, 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 well-being programs will also help with compliance and overall relationships with clients, who are increasingly looking at suppliers' labor practices when engaging in long-term contracts. Digitized payrolls also increase the transparency of supply chains, particularly with regard to how much workers are being paid as well as how they are being paid. This can provide some assurance that workers are less susceptible to payroll fraud.

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 focused on financial education for women in their workforce or supply chain. Such programs are offered by organizations such as BSR and CARE.



Case Study | Towards better financial literacy

Noeun¹ 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.

www.icrw.org/wp-content/uploads/2016/10/PACE_Report_PRINT_singles_lo.pdf

¹Not her real name

3 Forced labor

¹ www.ilo.org/wcmsp5/groups/public/-ed_norm/---declaration/documents/publication/wcms_243391.pdf

² www.ilo.org/global/about-the-ilo/newsroom/news/WCMS_181961/lang-en/index.htm

³ Sumangali is a form of child labor which, although forbidden, is practiced in India, particularly in 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.

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 indentured labor) in all its forms is prohibited.

Women and girls represent the greatest share of the 21 million people in forced labor globally.¹ Of that number, 14.2 million are victims of forced labor exploitation in economic activities, such as agriculture, construction, domestic work, mining, or manufacturing.² The least protected persons, including women and youth, indigenous peoples, and migrant workers, are particularly vulnerable.

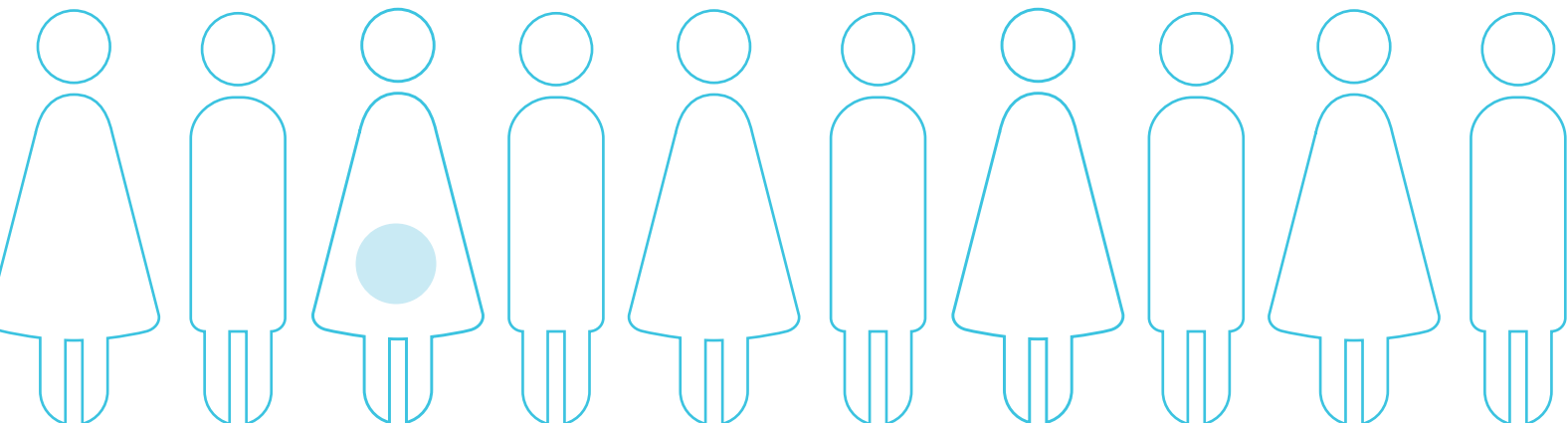
Schemes affecting women, such as the Sumangali³ in South India, are well known. Other cases of forced labor and labor trafficking through legal recruitment, particularly in Asia, involve abusive practices such as changing the conditions of employment from those stipulated in contracts signed before the 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; the Protocol of 2014 to the Forced Labor Convention, 1930; and Convention No. 105. It is also addressed by 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 facts below suggest that women are subjected to different kinds of forced labor far more than is reported:

- Women workers are concentrated in informal labor sectors without legal protections.
- Women have gender-specific vulnerabilities, especially related to sexual abuse and/or maternity.
- A growing number of women are migrant workers.



¹ www.verite.org/research/electronicsmalaysia

² traffickingresourcecenter.org/sites/default/files/Women%20and%20Forced%20Labor%20-%20GFC.pdf

Cases of forced labor are well reported in sectors where women workers outnumber men, such as in the garment sector or agriculture. These cases often involve such practices as debt bondage and illegal confiscation of personal identification documents, particularly where recruitment agencies are involved, such as in the electronics industry in Malaysia.¹ However, sexual violence and physical abuse are also used to compel labor, such as in the agriculture industry in India.² (See [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 a particularly common practice among migrant workers who struggle to find housing and are offered company accommodation where they are confined and/or under constant surveillance.

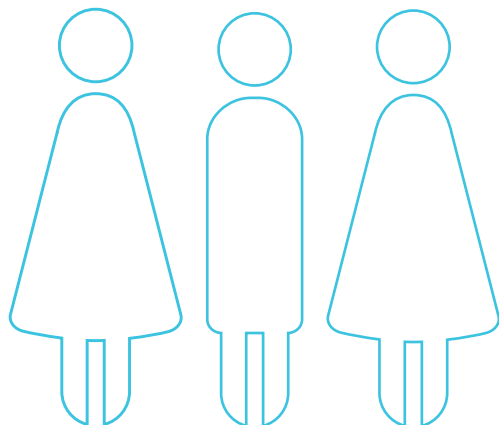
Case Study | Migrant workers and labor agencies

The Burmese woman worker said:

“ The agency deducted RM 500 [US\$113] 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 my passport and work permit, they said that I would have to pay RM 1500 [US\$340] to the recruitment agency.

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

War on Want: www.waronwant.org/sites/default/files/Restricted%20Rights.pdf



Recommended Revisions

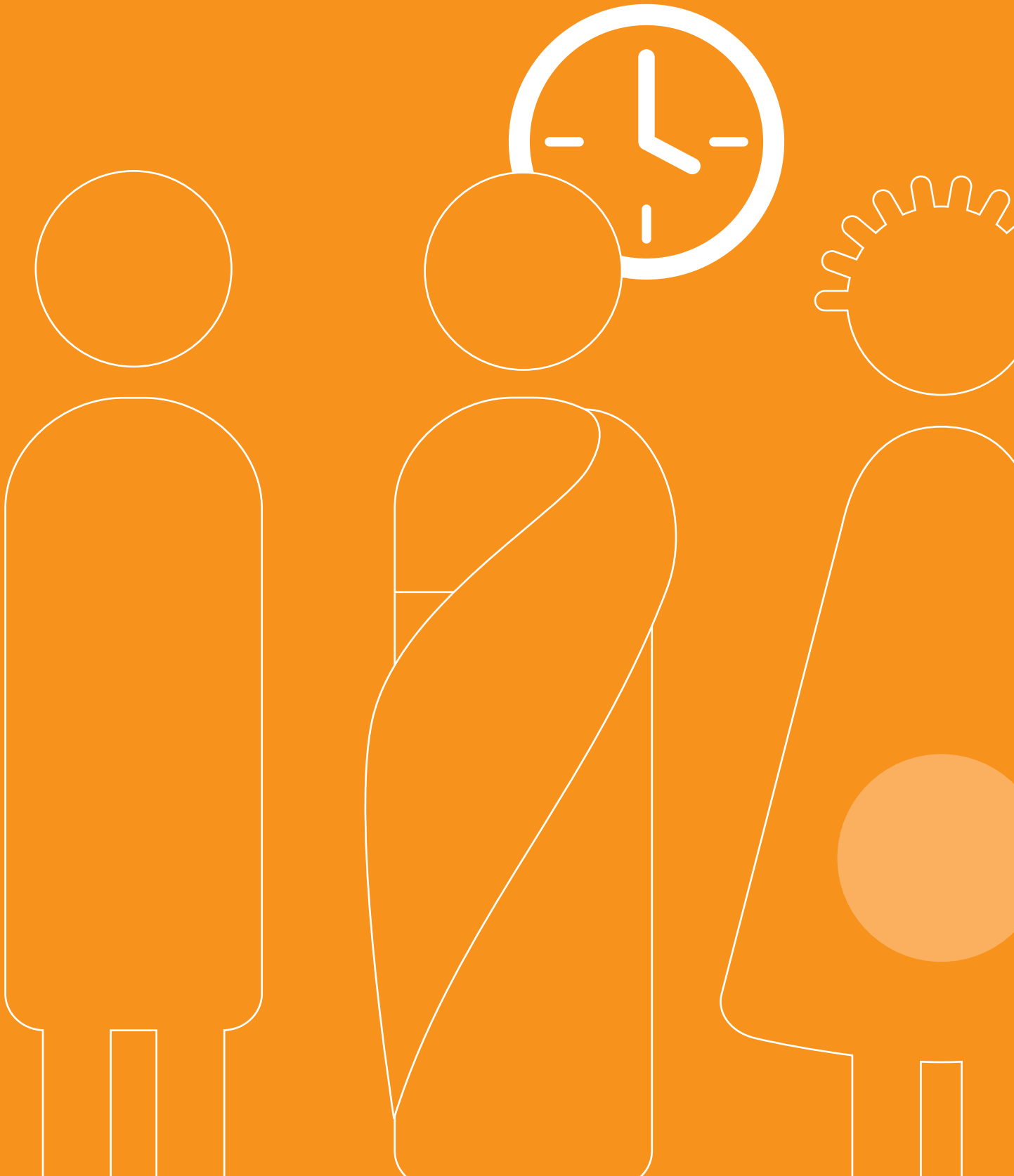
Consider that women may be particularly vulnerable to forced labor practices (because of the mere fact they are women, their increasing migration for work, and their concentration in sectors where forced labor is prevalent), and include language to address:

- Typical forms of forced labor used, such as debt bondage
- Migrant workers specifically (the **Dhaka Principles** could be referenced)
- Principles that explicitly concern recruitment agencies
- Provisions regarding conditions of company accommodations, because these are often linked to types of forced labor

Examples of gender-sensitive provisions for Forced Labor:

- 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 or 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.
- Practices that restrict workers' freedom of movement or ability to terminate his or her employment are prohibited.
- Workers, both men and women, shall not be required to make deposits and/or financial guarantees, and their identity documents (such as passports, identity cards, etc.) shall not be retained.

4 Working Hours



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 12 hours per week, and shall not be requested on a regular basis.

Working long hours can be especially burdensome for women who are often responsible for most tasks at home and are the main caregivers to children and 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 limits on the hours of work in a day and in a week are clearly stipulated in ILO Convention No. 1. Issues arise, however, especially with regard to overtime, which is much harder to control and, though often regulated, the 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 pay rates. Line and floor managers are 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 workers are happy to work overtime because it means they can earn extra money for their families, so this issue is once more linked to low wages (see [Wages and Benefits](#)). However, because their overtime is not always recorded, they don't always receive the extra money they are entitled to.

- As noted earlier, women tend to work longer hours than men, and they are often in a more vulnerable position with regard to their employment and payment terms, as well as their exposure to sexual harassment. They are also affected differently than men 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 income 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:** Workers sometimes have little choice but to accept overtime, and overtime is often requested at the last minute. This may put women workers in particular in difficult situations where they are subjected to verbal, physical, or even sexual abuse. It may also add stress as they try to balance their jobs with their caregiving and home duties. Overtime also raises security issues for women because traveling to and from work very early in the day or late in the evening may put them at risk of abuse and violence outside of the workplace. (See [Harassment and Abuse](#).)

Conversely, in some sectors, such as horticulture in Africa, women often have no choice but to work fewer hours than men, and hence are paid less. Again, this is 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 to 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 her to stay at work to complete the 200 pieces.

Fair Wear Foundation: www2.fairwear.org/vaw-prevention/#!/content/https://www2.fairwear.org/vaw-prevention/home-life-the-story-of-nazima

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

Recommended Revisions

A clear distinction should be made between allowed working hours in a week and daily delivery targets.

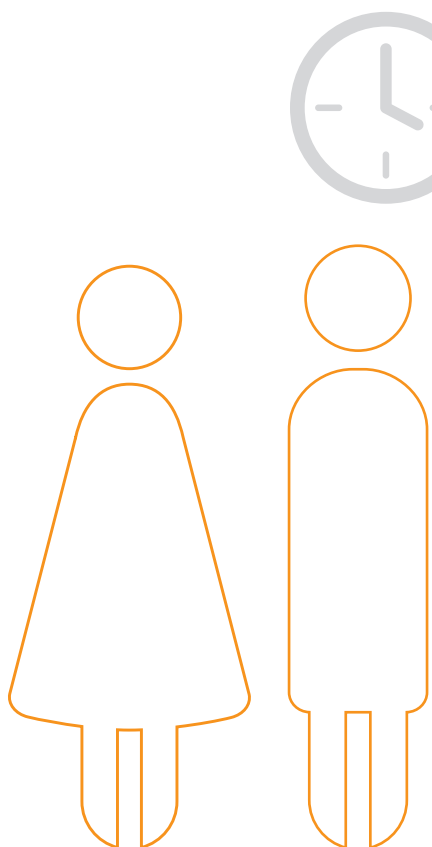
Working hours should be fixed according to national and international limits, and delivery targets should not be set unrealistically and as a way to avoid overtime pay.

Bonuses and benefits should not be provided based on the 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:

- 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.
- Piece-rate work should not be exempted from the right to overtime compensation.
- The imposition of overtime, where women or men workers are unable to leave the work premises or are in any way forced to accept it (through abuse, threats of dismissal, or other means), is not allowed.



¹ apps.who.int/iris/bitstream/10665/77350/1/9789241501736_eng.pdf

² apps.who.int/iris/bitstream/10665/77350/1/9789241501736_eng.pdf

³ apps.who.int/iris/bitstream/10665/77350/1/9789241501736_eng.pdf

“ 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’¹

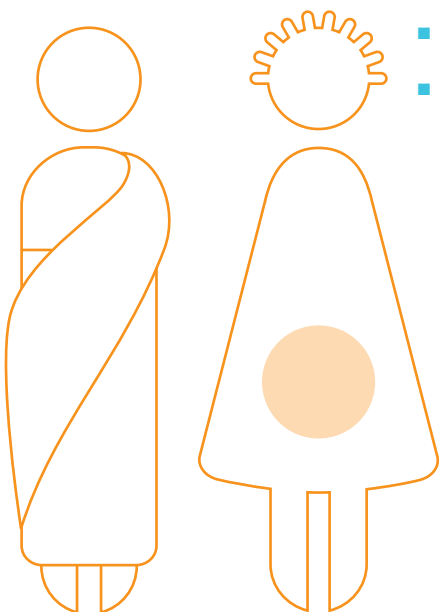
Women still perform the bulk of housework and care for children, the elderly, and disabled. They are more likely to experience long workdays as a result of combining paid and unpaid work—especially in developing countries. Flexible work options as well as homeworking arrangements, when carefully defined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

Flexibility required of 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 two 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 the creation of a “relief pool” to cover absences, saving the company overtime expenses. In another example, an institution of higher education provided a drop-in child care program near the campus where faculty and staff could leave their children when school was cancelled because of snow.

Employees also commonly used flextime options such as compressed work weeks and teleworking to better cope with family demands. 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.²

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 on-site day-care facilities or establishing partnerships with local authorities and/or organizations offering community-based day care that meet workers’ specific contexts (e.g., in terms of working hours, location, and affordability).



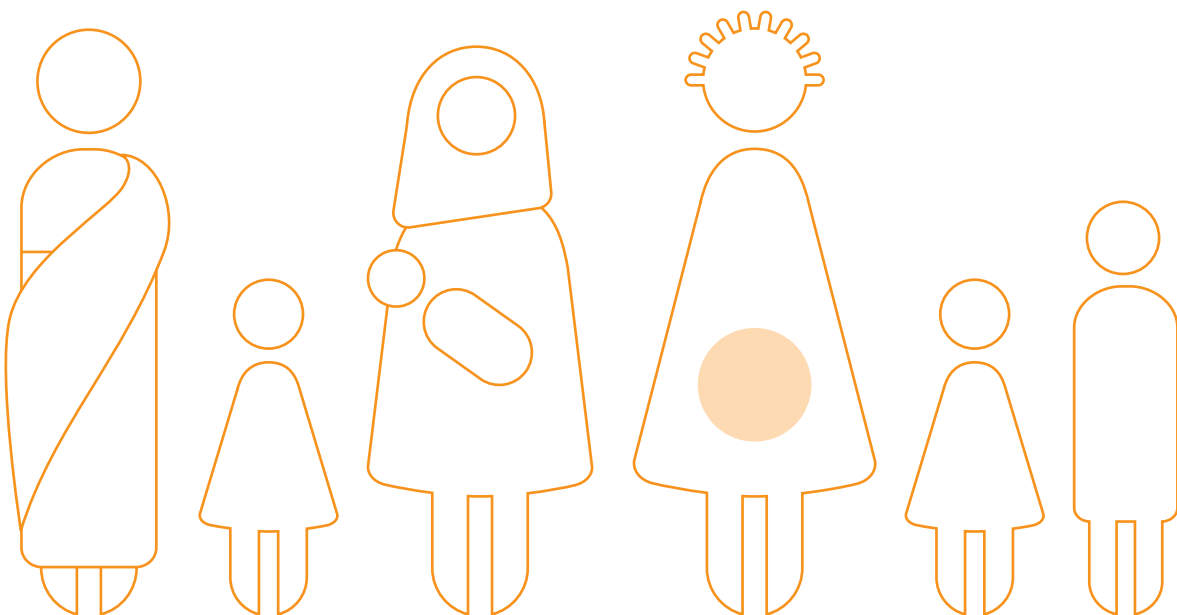
Case Study | Day care

Despite the legal obligation to provide day care to young children in factories in Bangladesh, on-site day care 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 and 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, day-care centers in Dhaka. Caretakers at the centers 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 day care 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 day care 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.

www.phulkibd.org/about.php



5 Harassment and abuse

¹ “Standing Firm Against Factory Floor Harassment”, Fair Wear Foundation, 2013 www.fairwear.org/ul/cms/fck-uploaded/documents/fwfpublications_reports/StandingFirmReportFWF2013.pdf

Traditional code language under this principle:

- Workers should be treated with respect and dignity.
- Bullying, harassment, or abuse of any kind is not tolerated.

Workplace violence has negative consequences for all parties involved. Female workers are especially vulnerable to harassment and violence—ranging from verbal abuse and sexual harassment to forced labor, assault, and rape—at work and at home. This abuse can have a detrimental effect on victims’ overall health, including their sexual and reproductive health and rights as well as their 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, specifically sexual harassment, is unfortunately endemic in several exporting industry sectors, such as the RMG industry. In countries like Bangladesh and India about 60 percent of factory workers have experienced harassment at work.¹ Sexual harassment is an everyday experience for many female workers, who endure abusive behaviors including offensive and sexually explicit language, hearing suggestions to become a prostitute, as well as 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,
- ask for leave,
- arrive late,
- merely fall sick,
- are 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 prospects, or upsetting their partner.

On the other hand, male counterparts of female workers are often not 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 LLC
- “ 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 LLC

Addressing Sexual Harassment in Jordan's garment industry:
betterwork.org/global/wp-content/uploads/ILO-1402-SHP-training-Case-Study-WEB.pdf

Harassment is a major risk in the supply chain. 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 fired. It is essential to have measures in place to protect workers when complaining about harassment.

¹ Gender Equity Seal Standard, www.sa-intl.org/_data/n_0001/resources/live/GenderEquitySealGESstandard_2012.pdf

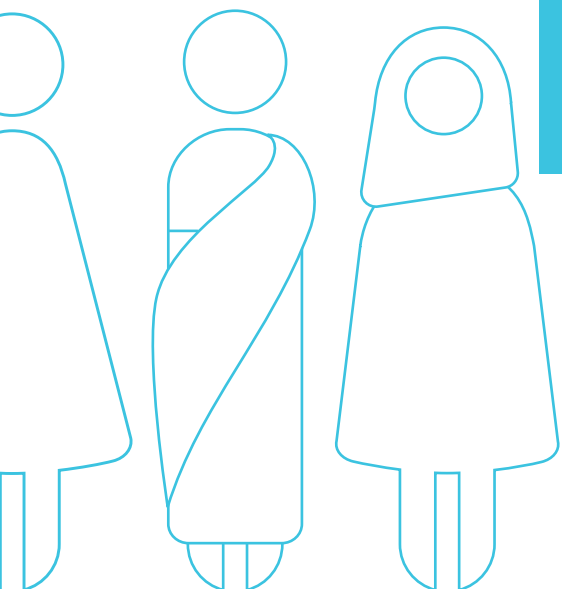
Recommended Revisions

Principles should detail the meaning of harassment and state not only that abuse and harassment of any kind are not tolerated, but also that periodic awareness and training sessions for management and both women and men workers are compulsory.

Sexual harassment (both quid pro quo and hostile-environment harassment) should be explicitly mentioned.

Example of gender-sensitive provisions for Harassment:¹

- All forms of violence and harassment in the workplace, including verbal, physical, sexual, or psychological abuse, are prohibited.
- 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.
- Sexual harassment in any form is not acceptable in the workplace or in any facilities related to the workplace, including transportation and dormitories.
- All workers, both men and women, are protected from retaliation for complaining about harassment.
- Security staff, doctors, nurses, managers and other key personnel, where relevant, 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

“Work generally has a positive effect on the health of women and men and on the well-being of households, communities, and economies.



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 have access to medical assistance and facilities, clean toilet facilities, and drinkable water as well as sanitary facilities for food preparation and storage, if applicable.
- 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 are entitled to their own general health and well-being, 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 Nos. 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 companies have failed to acknowledge general health needs and obligations beyond the occupational health and safety (OHS) framework.



Example | 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.

www.who.int/occupational_health/publications/healthy_workplaces_model_action.pdf

¹ apps.who.int/iris/bitstream/10665/77350/1/9789241501736_eng.pdf

Under the **UN Guiding Principles on Business and Human Rights** 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 for men. Principle 3 of the **Women's Empowerment Principles** 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 those on men. They include 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. Specific vulnerabilities that women face include:

- Risks linked to women's reproductive system, especially during pregnancy.
- Certain types of work and substances are suspected of having adverse effects, especially if women are pregnant or breastfeeding.
- Lack of proper accommodations, such as toilet facilities. If there are too few toilets available to allow women to have enough bathroom breaks, for example, it can have terrible consequences on their health, such as serious infections. The situation 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 being in most 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.¹
- 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 or 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 | Childcare in Bangalore's garment factories

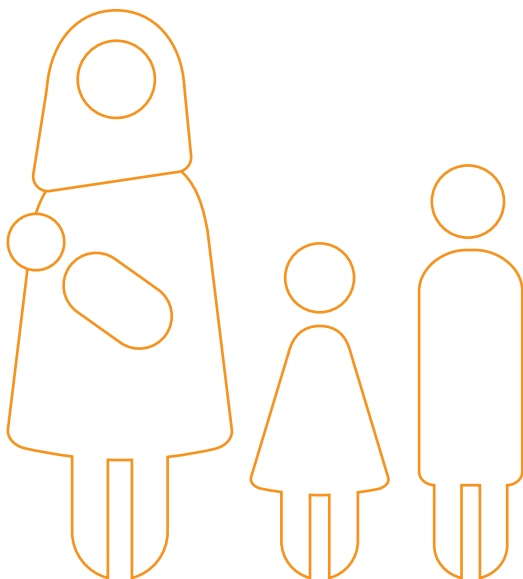
Quality childcare is a necessity, not just for the safety and security of the children, but for the stable growth of an industry besieged by heavy labor turnover among women, who constitute the bulk of the workforce. According to a study commissioned by FLA about the provision and quality of legally-mandated childcare in Bangalore's garment factories, a number of factors inhibit women from using crèche facilities where they exist. Moreover, 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 and that decisions are made not based on the quality of care but on its mere availability and affordability.

Fair Labor Association: www.fairlabor.org/blog/entry/exploring-childcare-bangalores-garment-factories

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 have specific needs and the issues they encounter are different than those faced by men.

- **Health services:** hygiene, reproductive health and family planning, cancer screening, nutritional and breastfeeding counselling are health services that are particular to women and should be provided on-site to workers or at external healthcare facilities 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 enable women to continue breastfeeding even after they return to work. This may also reduce stress for women workers.
- **Childcare facilities:** either on-site 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 be especially important for women migrant workers by allowing them to keep their children with them rather than sending them back to their community to be taken care of by other family members.
- **Toilets:** the number of toilets should be adequate for the number of employees. There should be proper disposal bins.



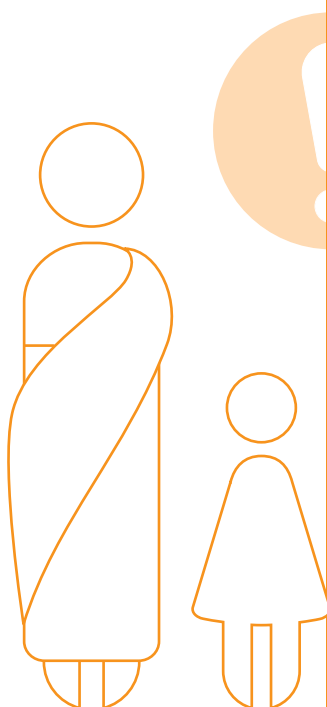
Recommended Revisions

Focus on 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.

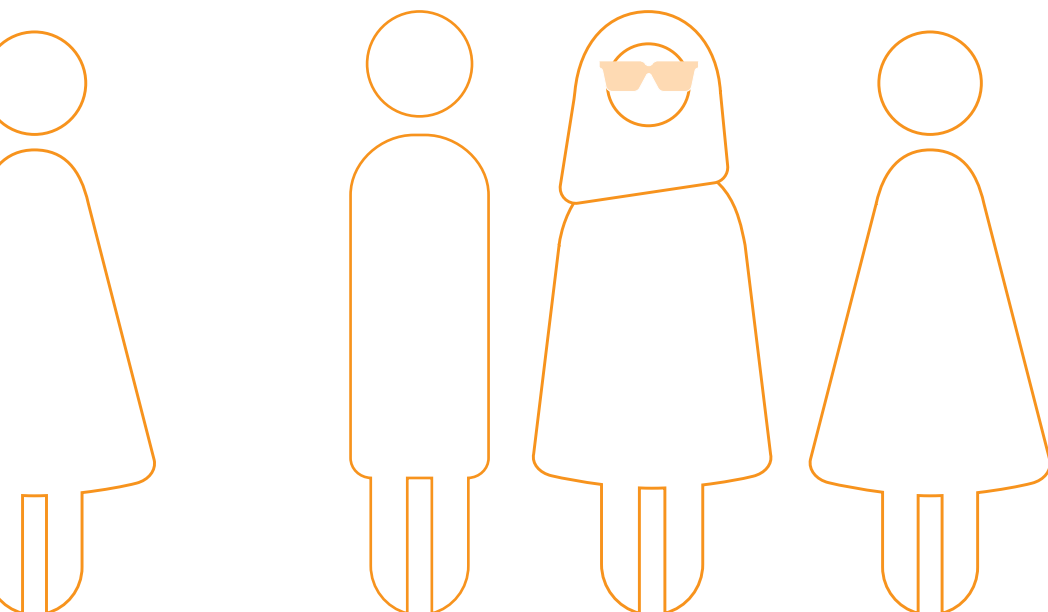
Make provisions to guarantee workers access to health services and insurance that serve the distinctive concerns and needs of both women and men. Ensure that health-related clauses extend to all facilities, such as infirmary, dormitories, and transportation to and from work.

Example of gender-sensitive provisions for Health and Safety:

- Access to basic healthcare 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.
- Reasonable actions (e.g., providing on-site clinics, a strong referral system, and external health providers) shall be taken to ensure that workers have access to health services and insurance that serve the distinctive concerns and needs of women and men.
- On-the-job attention and accommodations shall be given to ensure that the reproductive rights of women—and men—workers are respected. This 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.
- Flexible working arrangements and on-site facilities should be offered to women who are pregnant or nursing.
- 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. *over ▶*



- The number of toilets within reasonable distance of the workplace required under applicable laws shall be provided. 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 shall not be imposed on the time and frequency of toilet use.
- Workplace policies and practices are established to ensure that women—and men—have the agency to take rest and water breaks when needed and take leave to receive nonemergency services from on-site or off-site health service providers.
- 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 off site.
- Both women and men workers shall have access to childcare services.



Leadership Area | Health Beyond OHS

¹ www.bsr.org/reports/BSR_Healthcare_Delivery_in_RMG_Factories_in_Bangladesh.pdf

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. Proactive management and effective on-site health services can result in significant return-on-investment for business.

Providing accessible and affordable healthcare and helping to prevent foreseeable health risks can help a business lower its long-term costs for health plans as well as better utilize its current healthcare services. Company-sponsored or company-supported health programs can reduce the number of sick days taken by employees and 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 breastfeeding breaks and rooms, on-site childcare facilities, parental leave, and contraceptives) 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 and compensation).

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, lack of awareness, or restrictive workplace policies.

Many workplaces already have in place health facilities and health providers that are often underused and poorly managed.¹ 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 than other resources, but factory managers often lack the knowledge needed to oversee health functions or just assume that the health staff knows what to do.



Case study | 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 stomach aches and frequent dizziness.” These ailments also decreased Fu’s productivity and caused her to 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, she 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: www.bsr.org/reports/BSR_Women_in_Factories_China_2015.pdf

¹ herproject.org/downloads/BSR-Womens-Health-Report-2006.pdf; www.bsr.org/reports/BSR_HERproject_East_Africa_Scoping_Study_2014.pdf

² apps.who.int/iris/bitstream/10665/77350/1/9789241501736_eng.pdf; herproject.org/downloads/HERproject_Health_Enables_Returns_The_Business_Returns_from_Womens_Health_Programs_081511.pdf

³ h20195.www2.hp.com/V2/GetPDF.aspx/c03742928.pdf

Occupational health norms should focus not only on inputs (number of nurses or availability of first aid kits) and safety (use of protective clothing, etc.), but also on the quality of health services and the practices of healthcare teams. 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 and can be detrimental to their performance at work. Women in particular 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.¹ The workplace therefore offers a unique intervention point to address workers' access needs as well as 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, and peer education (see [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,² and even on compliance.³ There are several international and local organizations that offer this type of service, including BSR, CARE, Swasti, and NOPE.

Business can take several measures to promote health:

- Invest in workplace health systems, such as capacity-building of on-site health staff and upgrades of on-site clinics;
- Offer capacity-building and training programs focused on health, and specifically reproductive health, to women in their workforce or supply chain. Such programs are offered by organizations such as BSR, CARE, Swasti, and NOPE.

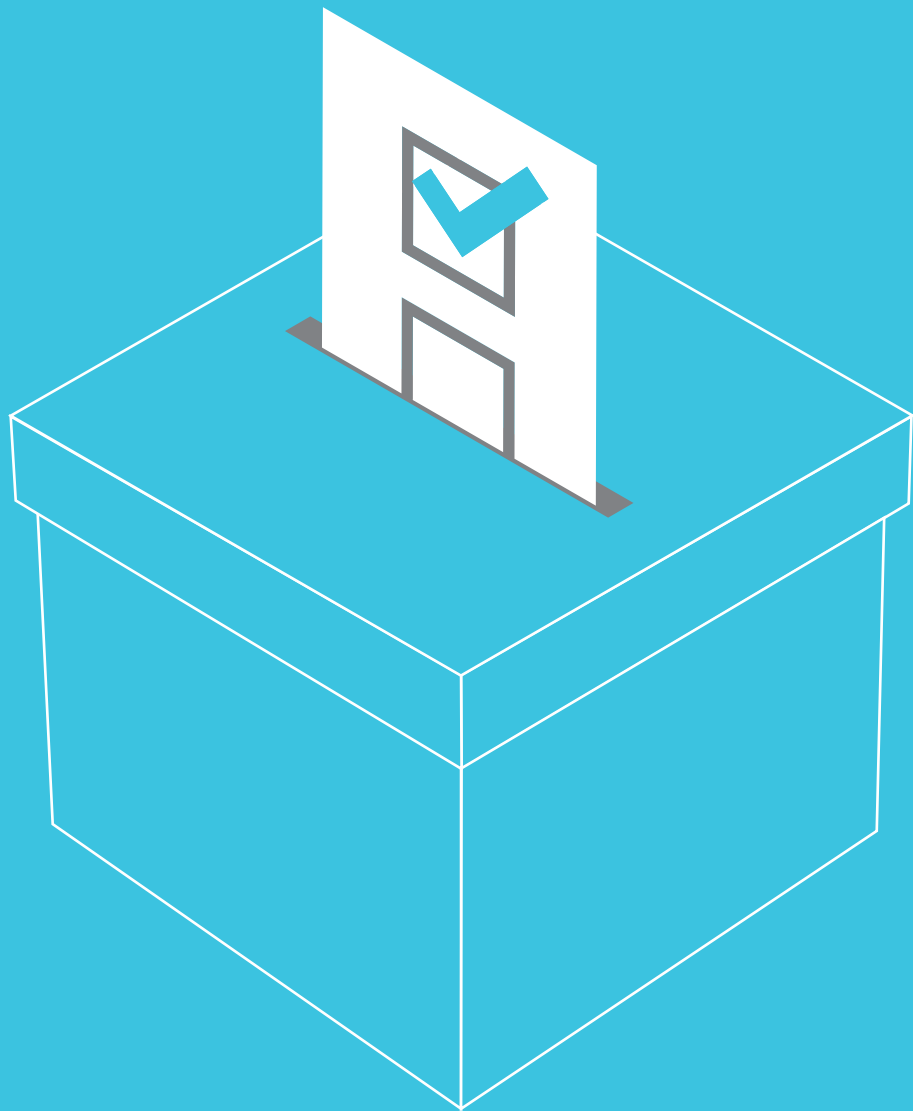


Case study | HER health

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 in the workplace.

BSR HERproject: [herproject.org/downloads/
herproject-incorporating-womens-health.pdf](https://www.herproject.org/downloads/herproject-incorporating-womens-health.pdf)

7 Freedom of Association and Collective Bargaining



7 Freedom of Association and Collective Bargaining

¹ www.capturingthegains.org/pdf/ctg_briefing_note_6.3.pdf

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 Nos. 87 and 98 and part of the Universal Declaration of Human Rights, freedom of association and the right to collective bargaining are sometimes denied by law and are often denied in practice.

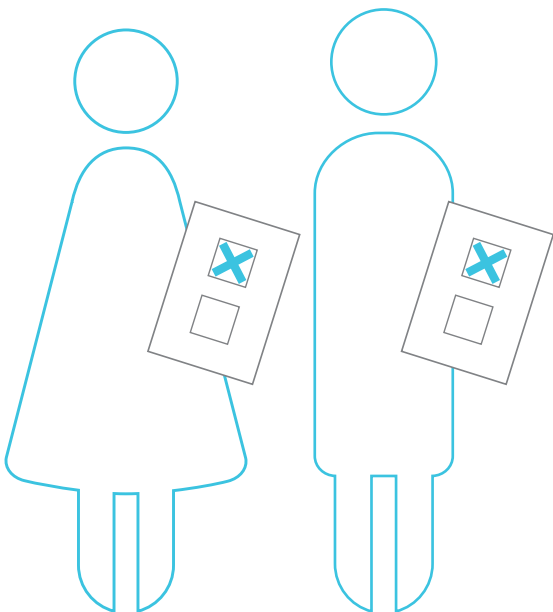
Moreover, new challenges have arisen in this area with the emergence of new forms of work and new types of employment relations that divide the workforce into “core” and “contingent” workers within the same sector, industry, or workplace. The precariousness resulting from atypical employment relationships (see **Employment Relationship**)—which we know affects women,¹ 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 relationships, 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:

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 nonpermanent 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 the representatives are often men, and that men dominate leadership positions.



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](#)).

Gender-based societal and cultural norms:

- where women's self-awareness and self-perception may inhibit them from voicing their concerns, especially about work-related matters;
- or may limit their participation in trade union or worker representative committees because meeting locations and times 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 fired, 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 take the case to court.

ETI: s3-eu-west-1.amazonaws.com/www.ethicaltrade.org/files/shared_resources/foa_in_company_supply_chains.pdf?j1porNelxmYq49FHPmB3iMLySLe54k8

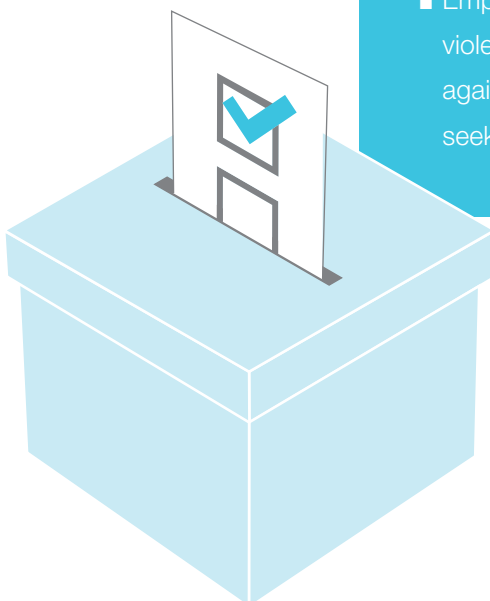
Moreover, the focus of organized labor should become more sensitive to gender diversity. Wage levels and freedom of association are critical, but they do not adequately address issues such as inflation and impacts on household costs typically managed by women, such as childcare, healthcare, daily meals,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

Recommended Revisions

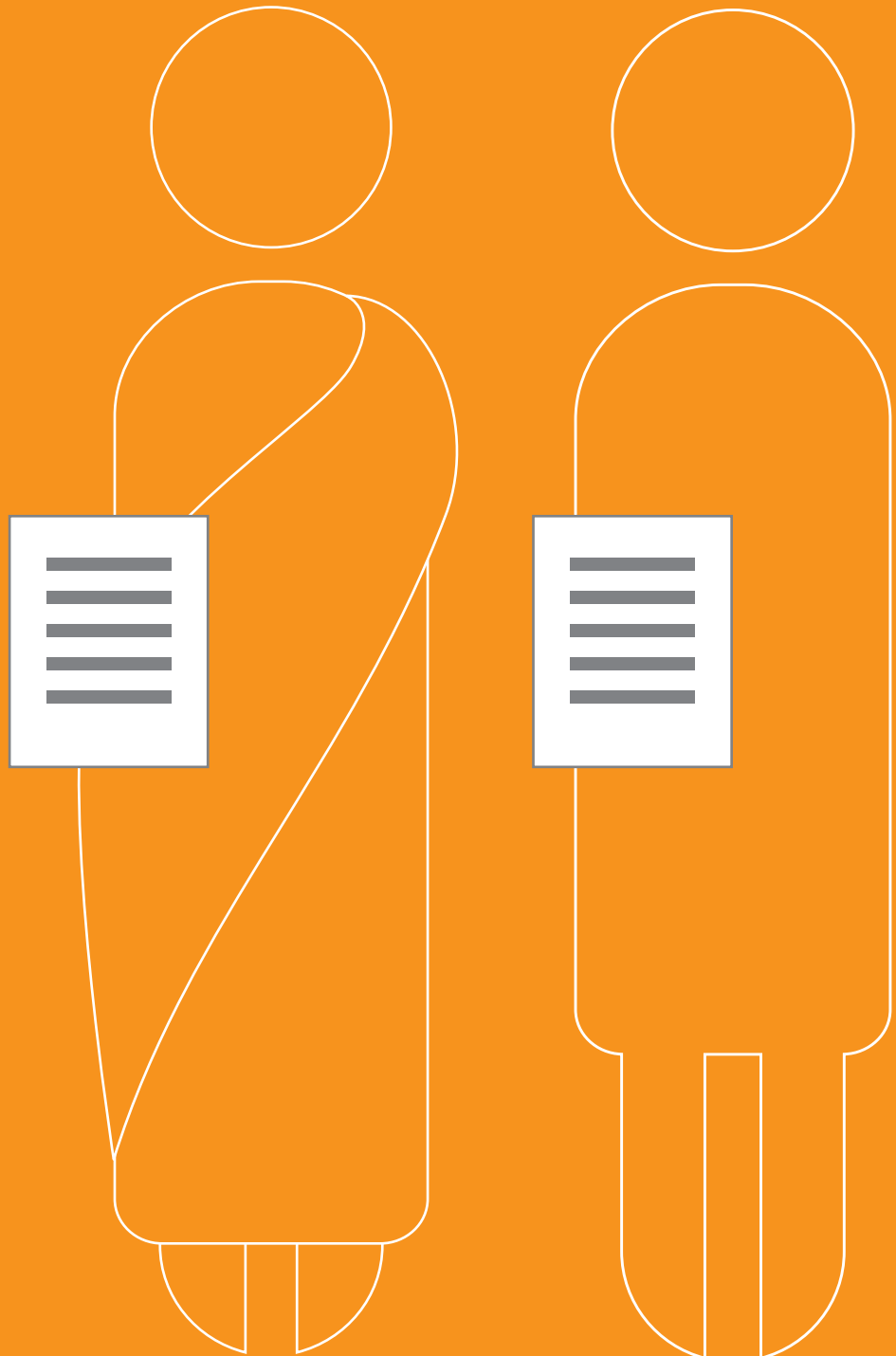
Include language that stresses the rights of both women and men to freedom of association and collective bargaining, and that prohibits any related gender-based discrimination.

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

- Workers, without distinction whatsoever and irrespective of sex, shall have the right to establish and join organizations of their own choosing, subject only to the rules of the organization concerned, without previous authorization.
- When the right to freedom of association and collective bargaining is restricted under law, employers shall not obstruct legal alternative means for women and men workers to join or form associations.
- 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



8 Employment Relationship

¹ www.ilo.org/wcmsp5/groups/public/-ed_norm/---relconf/documents/meetingdocument/wcms_468097.pdf

² 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.

Traditional code language under this principle:

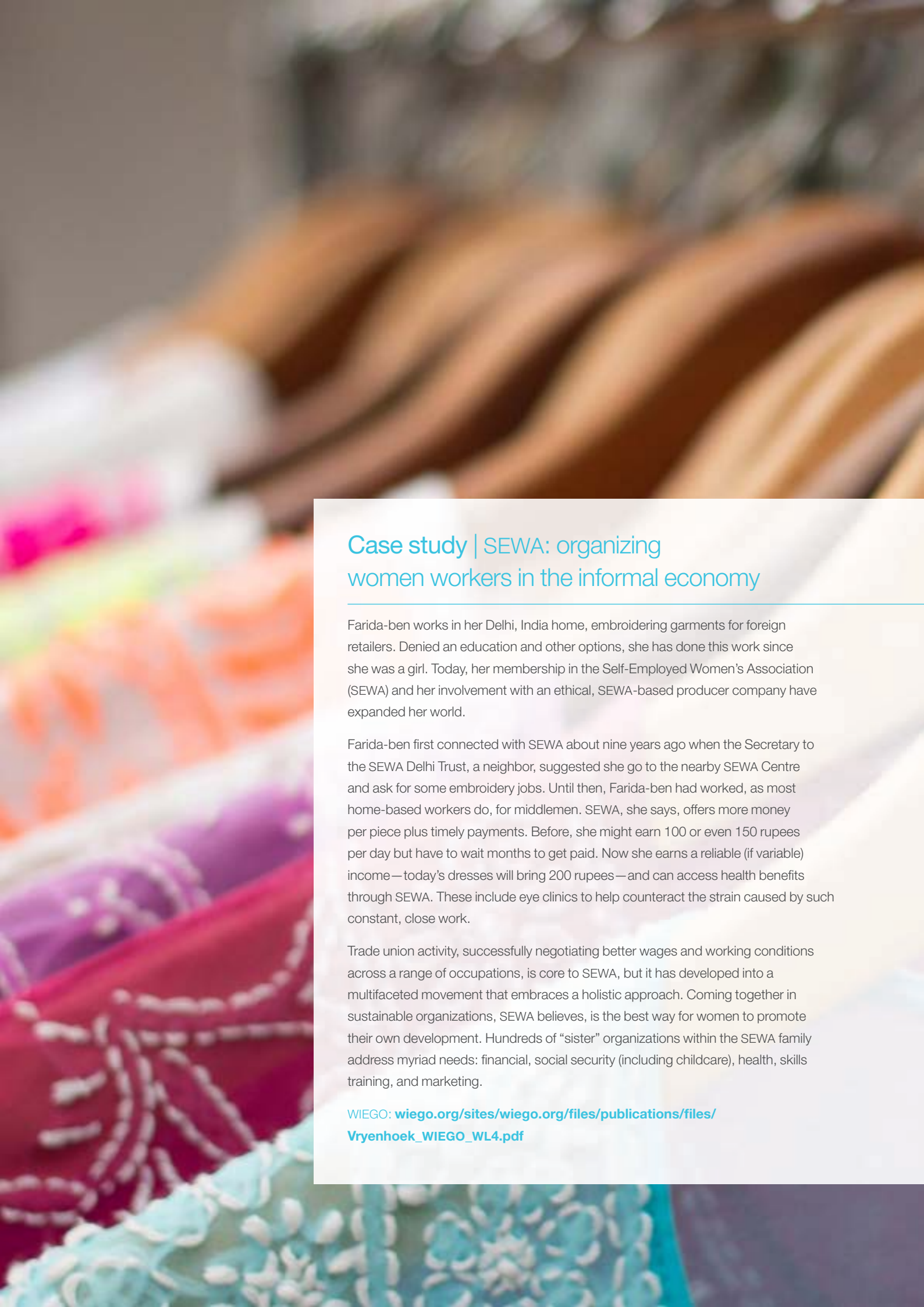
- Work performed must be on the basis of a recognized employment relationship established in compliance with national legislation and practice and international labor standards, whichever affords the greater protection.
- Labor-only contracting, subcontracting or homeworking arrangements, apprenticeship 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, and 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 migrants, and are 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 practices¹ 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 often homeworkers, with no access to any type of job security, benefits, or health and safety standards, who often bear 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 enables women to combine both productive and reproductive work,² 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.



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, Farida-ben 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.

WIEGO: wiego.org/sites/wiego.org/files/publications/files/Vryenhoek_WIEGO_WL4.pdf

¹ www.microlinks.org/sites/microlinks/files/group/resource/files/barrientos_value_chains.pdf

In the horticulture exporting sector in Africa, for example, seasonal/temporary/casual workers comprise between 50 percent and 75 percent of the total workforce, and most of those workers are women. This informality, although a large source of paid employment for women, brings several issues, including job insecurity and lack of social protection (e.g., insufficient childcare or lack of maternity leave).¹

Recommended Revisions

Extend the application of the code of conduct principles to contracting, subcontracting, homeworking, and recruitment agencies.

Considering women often have the most precarious or vulnerable employment status, include specific provisions to protect them.

Example of gender-sensitive provisions for employment relationship:

- 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.
- All legally mandated requirements for the protection or management of special categories of workers, including migrant, juvenile, contract/contingent/temporary, homeworkers, pregnant, or disabled workers, are implemented.
- When homeworkers are used, all local laws and internationally recognized standards must be followed. At a minimum, hours and wages must be tracked and homeworkers must be guaranteed proper compensation and access to minimum social provisions, such as maternity and statutory social security protection.

9 Management Systems



9 Management Systems

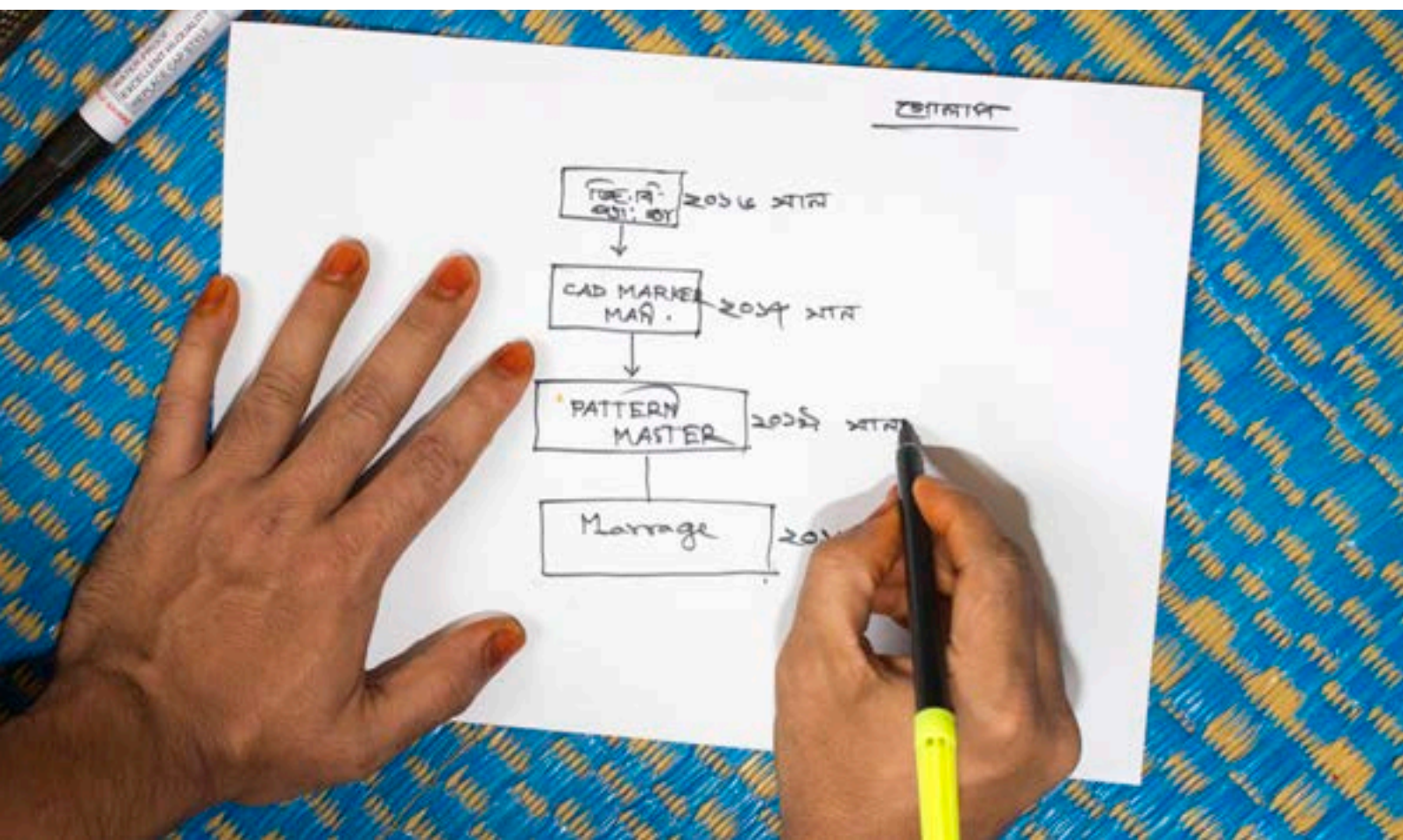
¹ apps.who.int/iris/bitstream/10665/77350/1/9789241501736_eng.pdf

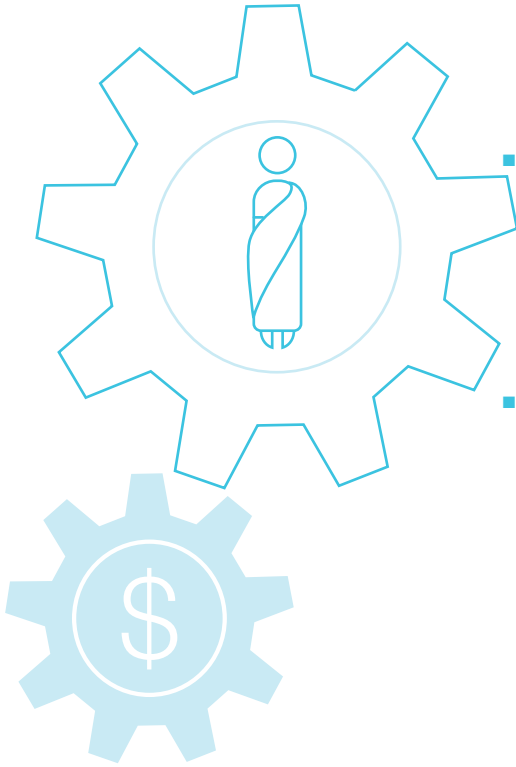
Some codes of conduct include a management system section, usually not offering a high level of detail. This section may already offer guidance on how suppliers can implement the principles and what basic measures can be put in place to operationalize and monitor them (further detail will be offered in 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 considerations 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 subcontractor. This includes a specific sexual harassment policy, which suppliers should have. It is important that suppliers communicate these principles to their own suppliers because many gender-related abuses and other nonconformities often happen with subcontracting.

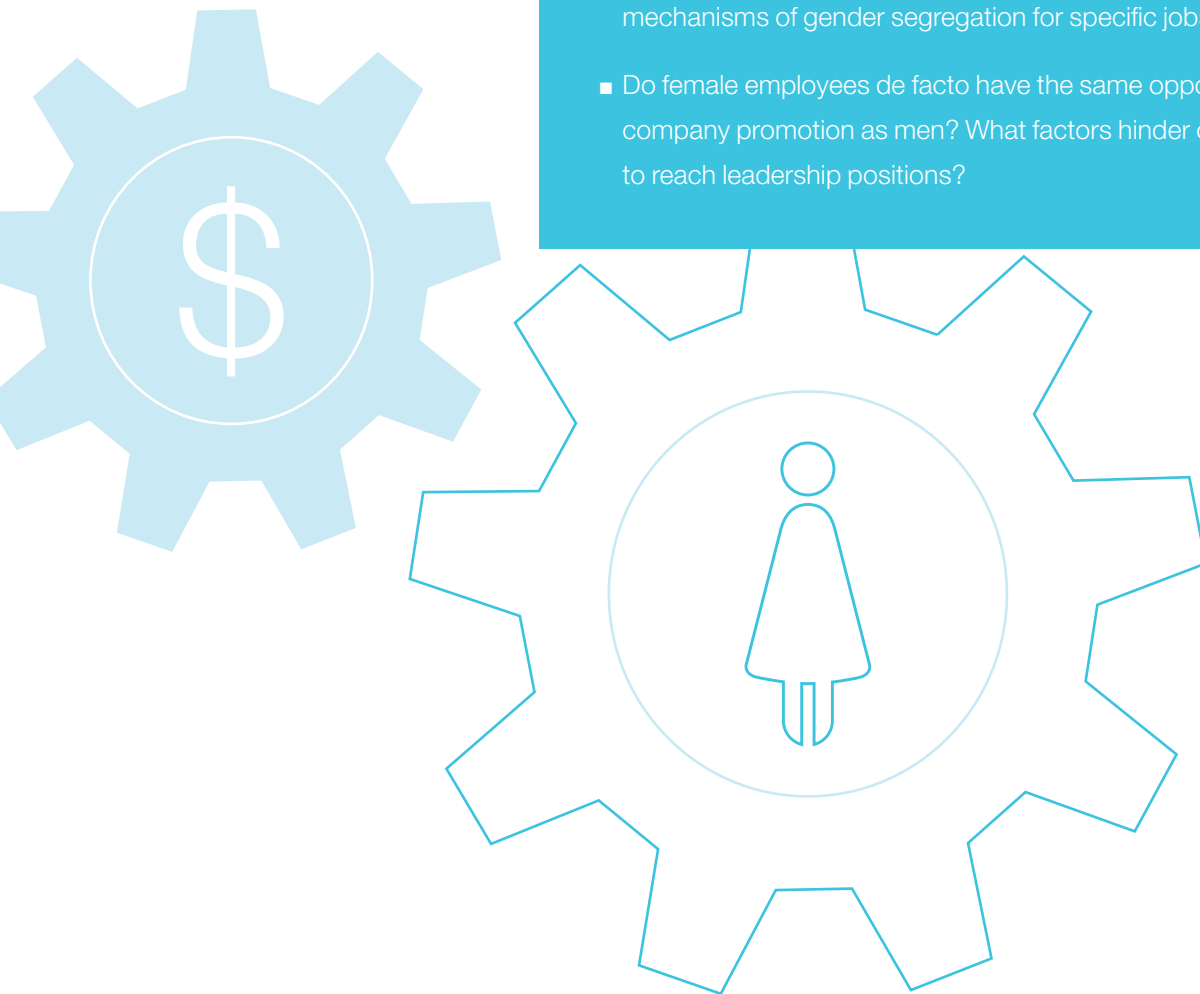




- **Communications and capacity-building.** There should be routine communications with all women and men workers concerning gender as well as gender-awareness training for both suppliers and internal staff at all levels of the organization, including those responsible for procurement, to evaluate the 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, 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, which is particularly important for issues related to reproductive health. Without disaggregating data, it is very hard to identify the differential impacts on male and female workers in the workplace. 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 worldwide.¹
- **Gender-Sensitive Grievance Procedures.** A confidential, unbiased, nonretaliatory grievance procedure should be established allowing women and men workers to make comments, recommendations, 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. There is often 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.** 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 on-site 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 voicing 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 of 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.

Questions 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 recruitment 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 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, and distributing educational and supportive materials.

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

- Facilitate the formation of Gender Committees at the workplace;
- Invest in awareness-raising activities on gender equity, such as training and events for management, supervisors, and workers.



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;
- Promoting gender-sensitive management at farm level; and
- Preventing and protecting farm female workers from gender-based violence and harassment at farm and farm's vicinity.

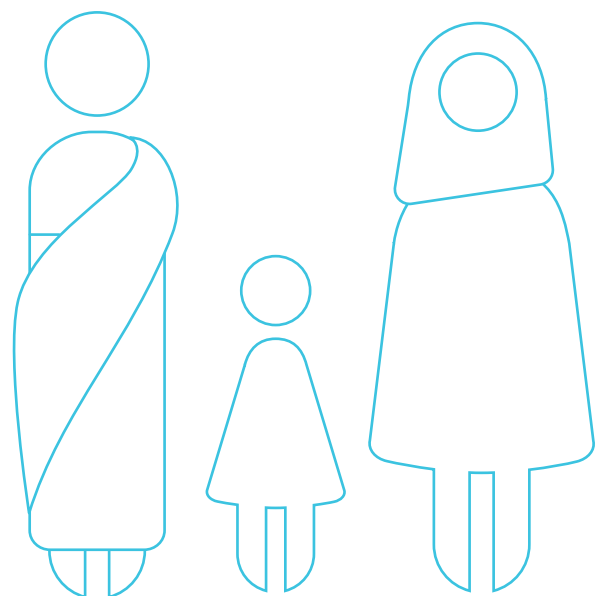
The team trained management of the farms about concepts of gender, gender mainstreaming, and gender-based violence, and international and regional conventions that Ethiopia signed and ratified to ensure human rights and rights of women in the country. Women-specific legislation in Ethiopian constitutions, Ethiopian criminal laws, 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.

The team is also supporting farms in establishing their own Gender Committees and has been conducting workshops to inform local stakeholders about health and gender issues of farms and establish a forum. It is hoped that the forum will be a medium for local stakeholders and farms to plan and work together in the future to address health and gender issues of farms.

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, as highlighted earlier in **Mainstreaming Gender Equality in Supply Chains**, 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. To help companies take this next step, BSR will produce a Gender-Sensitive Workplace Assessment Guidance. The Guidance will focus on how to integrate a women's lens into audit methodologies (e.g., site tour, document review, management and worker interviews), but it will also explore which surrounding conditions are essential in making these assessments more effective at identifying gender- and women-specific issues and tracking progress against these. It will also explore other less traditional assessment methodologies to facilitate the adoption of more inclusive and effective monitoring frameworks.



Annex 1 | Treaties and Conventions

ILO Convention 1 (Hours of Work—Industry)	ILO Recommendation 102 (Welfare Facilities Recommendation)
ILO Conventions 29 (Forced Labor)	ILO Recommendation 111 (Discrimination in Respect of Employment and Occupation)
ILO Convention 87 (Freedom of Association)	ILO Recommendation 116 (Reduction of Hours of Work)
ILO Convention 98 (Right to Organize and Collective Bargaining)	ILO Recommendation 130 (Examination of Grievances)
ILO Conventions 100 (Equal Remuneration)	ILO Recommendation 146 (Minimal Age)
ILO Convention 102 (Social Security—Minimum Standards)	ILO Recommendation 165 (Workers with Family Responsibilities)
ILO Convention 105 (Abolition of Forced Labor)	ILO Recommendation 166 (Termination of Employment)
ILO Convention 111 (Discrimination—Employment and Occupation)	ILO Recommendation 191 (Maternity Protection)
ILO Convention 118 (Equality of Treatment—Social Security)	ILO Recommendation 200 (concerning HIV and AIDS and the world of work)
ILO Convention 131 (Minimum Wage Fixing)	Resolution on equal opportunities and equal treatment for men and women in employment, adopted by the International Labour Conference at its 71st session, 1985
ILO Convention 135 (Workers' Representatives)	Universal Declaration of Human Rights
ILO Convention 138 (Minimum Age)	The International Covenant on Economic, Social, and Cultural Rights
ILO Convention 155 (Occupational Safety and Health)	The International Covenant on Civil and Political Rights
ILO Convention 156 (Workers with Family Responsibilities)	The United Nations Convention on the Rights of the Child
ILO Convention 158 (Termination of Employment)	The United Nations Convention on the Elimination of All Forms of Discrimination Against Women
ILO Convention 159 (Vocational Rehabilitation and Employment—Disabled Persons)	The United Nations Convention on the Elimination of All Forms of Racial Discrimination
ILO Convention 161 (Occupational Health Services)	CEDAW, 2008
Recommendation 164 (Occupational Safety and Health)	Tripartite Declaration of Principles Concerning Multinational Enterprises and Social Policy (4th edition)
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)	

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Weblinks accessed 21 April 2017*





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