

GUIDANCE DOCUMENT

Due Diligence, Social Audits and Gender-Based Violence and Harassment



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Preface

This guidance document entitled ‘Due Diligence, Social Audits and Gender-Based Violence and Harassment’ is the outcome of a joint project involving the Partnership for Sustainable Textiles (PST), the International Association for the Natural Textile Industry (IVN), its Business Scout, and the Global Organic Textile Standard (GOTS).

The project engaged PST members, IVN and GOTS in a discussion on the challenges and pitfalls of social audits with regard to gender-based violence and harassment (GBVH). The main outcome sought by the project was to develop a guidance document for gender-sensitive social audits and assessments, with a particular focus on integrating GBVH into those assessments and into due diligence.

With this guidance, the project partners aim to support companies, certifiers and auditors tackling GBVH in the garment sector and to complement the policies and measures on discrimination and GBVH they have already put in place.

PST defines discrimination, sexual harassment and gender-based violence as one of eleven sector risks (PST 2020, 5) and asks companies to incorporate the issue of GBVH into their due diligence process. PST also points to the limited ability of social audits to ‘measure’ GBVH and recommends complementing audits with ‘direct communication with local stakeholders as crucial for obtaining reliable information’ (PST 2020, 13).

GOTS recently revised its **Auditor Guidance for Auditing Social Criteria of GOTS 6.0**. This guidance is meant to serve as an aid and suggestion to auditors of GOTS-approved certification bodies. The guidance makes GBVH a prominent feature in its section on harassment and violence to be audited in the social audit segments, worker interviews, management interviews, document reviews and facility walkthroughs (GOTS 2020, 25–27). GOTS follows a gender-sensitive approach throughout the auditor guidance.

IVN includes the prohibition of gender discrimination in its NATURTEXTIL BEST standard as one of the minimum social requirements (IVN BEST 2018, 23) and as an obligation for companies to integrate, ‘refraining from disciplinary measures, dismissals or other forms of discrimination against workers for providing information concerning observance of the social criteria into their declaration of socially responsible actions’ (IVN BEST 2018, 25). In addition, the standard demands that ‘[t]here is no kind of discrimination e.g. in hiring, compensation, access to training, promotion, termination or retirement based on race, caste, national origin, religion, age, disability, gender, marital status, sexual orientation, union membership or political affiliation’ (3.8. No practice of discrimination).

This guidance is authored by Dr Nicole Helmerich, external consultant to the project.

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INTRODUCTION TO AND AIM OF THE GUIDANCE DOCUMENT

CHAPTER 1

Introduction to and aim of the guidance document

This guidance aims at giving practical, hands-on advice for brands, certifiers and auditors on how to conduct gender-sensitive social audits. It also discusses the role of gender-sensitive social audits in a due diligence process addressing GBVH.

The guidance is divided into three parts. The first chapter presents the main **definitions and forms of GBVH** and explores **GBVH as a risk factor in the garment sector**. The second chapter contains hands-on **recommendations on how to integrate gender-sensitive social audits into a due diligence process addressing GBVH**. The third chapter presents **step-by-step checklists to integrate GBVH into social audits** and includes checklists for facility walk-throughs, reviewing documentation, and interviewing managers, supervisors and workers at suppliers in the garment sector.

The issue of **gender-based violence and harassment has come to the forefront in the garment sector** during the last seven years, driven by the Rana Plaza factory collapse, the United Nations Guiding Principles on Business and Human Rights and its national action plans, the OECD Due Diligence Guidance for Responsible Supply Chains in the Garment and Footwear Sector, ILO Convention No. 190 on Eliminating Violence and Harassment in the World of Work, and the #MeToo debate.

GBVH is **strongly present** in the garment supply chains and it is **not a new phenomenon**. **GBHV** is not a local or regional phenomenon but **exists at workplaces around the globe and is embedded in the respective societies** (ILO ITC/FWF (no date); Silliman Bhattacharjee 2019). **It is a sector risk.**

Conducting social audits is one of the main approaches companies take to address social and human rights risks in their supply chains. Currently, **GBVH issues are scarcely detected in social audits**. The Fair Wear Foundation (FWF) found that GBHV is severely underreported in audits (FWF 2018). Interviews with corporate responsibility experts, brand representatives, social auditors of brand companies and third-party auditors reveal that GBHV is scarcely detected and is, in fact, difficult to detect given the current design of social audits. This guidance will make suggestions on how to improve social audits to take account of GBVH.

Even though social audits are important in addressing GBVH, they cannot solve this sector risk as a stand-alone measure; this guidance will show how this can be effectively addressed by integrating gender-sensitive social audits into a coherent due diligence process. We will also discuss the limits of social audits in addressing GBVH. Social audits make a necessary, but not sufficient, contribution to reducing GBVH in the garment sector. If GBVH is detected in a social audit, effective and anonymous grievance mechanisms as well as an effective remediation process need to be in place to protect the life of the harmed worker. This illustrates that **social audits must go hand in hand with due diligence and that both must be gender-sensitive in terms of their design and process.**

CHAPTER 1.1

Definitions of gender-based violence and harassment and understanding the problem

This chapter defines key terms concerning gender-based violence and harassment in the garment sector. It helps companies, certification bodies and auditors alike to understand the dimensions and complexity of the problem of GBVH at work and gives orientation on how to integrate the various forms of GBVH into company policies, social audits and due diligence.

Who is affected by GBVH at work?

Sexual harassment and sexual and gender-based violence are forms of gender-based discrimination. Women and girls are disproportionately affected by GBVH (ILO 190). However, people of all genders – including men and nonbinary individuals – can be victims of gender-based violence and harassment in the world of work. This is especially true for gender nonconforming people, including those who either are or are perceived to be gay/lesbian, bisexual or transgender. It is also important to include men and nonbinary individuals as potentially being affected by GBVH in your due diligence process and during gender-sensitive social audits. Concerning individuals affected by GBVH, intersectionality plays an important role. Intersectionality is the complex, cumulative way in which the effects of multiple forms of discrimination (such as racism, sexism, and classism) combine, overlap, or intersect especially in the experiences of marginalised individuals or groups.¹ This means that many female migrant workers, minorities, and young women are especially affected by GBVH.

1 For more details on individuals and groups affected by GBVH in the garment sector, see FWF 2018, ILO/IFC 2019 and HRW 2019.

Important terms in the area of GBVH

The following terms are important when discussing GBVH: violence and harassment, violence against women, sexual harassment, physical, emotional, psychological or sexual violence and gender and power inequality. We have therefore described them in this section.

BOX 1: GBVH IN ILO CONVENTION 190

The key document to start out with and to draw on is the International Labour Organization's Convention Concerning the Elimination of Violence and Harassment in the World of Work (Convention No. 190) adopted in 2019.

'[T]he term **'violence and harassment'** in the world of work refers to a range of unacceptable behaviours and practices, or threats thereof, whether a single occurrence or repeated, that aim at, result in, or are likely to result in physical, psychological, sexual or economic harm, and includes gender-based violence and harassment' (ILO 190 I. Art.1 (a))

Gender-based violence and harassment 'means violence and harassment directed at persons because of their sex or gender, or affecting persons of a particular sex or gender disproportionately, and includes sexual harassment' (ILO 190 I Art.1 (b)).

GBVH and associated psychosocial risks should also be taken into account in the **management of occupational safety and health** (ILO 190 IV Art.9 (b)).

BOX 2: GBVH IN THE OECD DUE DILIGENCE GUIDANCE

The OECD Due Diligence Guidance for Responsible Supply Chains in the Garment and Footwear Sector defines sexual harassment and violence against women and gives examples of what form sexual harassment and violence against women can take in the garment sector, as well as guidance on how to realise that discrimination has occurred.

'Sexual harassment includes such unwelcome sexually determined behaviour as physical contact and advances, sexually coloured remarks, showing pornography and sexual demand, whether by words or actions. It is discriminatory when the victim has reasonable grounds to believe that his or her objection would disadvantage him or her in connection with employment, including recruitment or promotion, or when it creates a hostile working environment. Men, women, boy and girls may be victims of sexual harassment' (OECD 2018, 116).

'Violence against women – Any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women and girls, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.' (OECD 2018, 116)

These two core documents, the ILO Convention 190 and the OECD Due Diligence Guidance, form the basis for understanding and defining gender-based violence and harassment. The umbrella term 'gender-based violence and harassment' covers various forms of gender-based violence and harassment such as physical violence, sexual violence, sexual harassment, emotional violence, psychological violence, sexual coercion, unwanted sexual attention, and gender harassment. We have described and disaggregated them here in order to be able to identify and measure these different forms in social audits, grievance processes and remediation.

Forms of gender-based violence and harassment

FWF distinguishes **five forms of gender-based violence: physical violence, sexual violence, sexual harassment, emotional violence and psychological violence.**

TABLE 1: FIVE FORMS OF GENDER-BASED VIOLENCE

PHYSICAL VIOLENCE	SEXUAL VIOLENCE	SEXUAL HARASSMENT	EMOTIONAL VIOLENCE	PSYCHOLOGICAL VIOLENCE
is defined by the World Health Organisation and ILO as 'the use of physical force against another person or group that results in physical, sexual or psychological harm. Includes beating, kicking, slapping, stabbing, shooting, pushing, biting, or pinching.'	occurs when someone forces another against their will to take part in sexual activity.	is a form of gender-based violence particularly prevalent in the workplace. It is sex-based behaviour that is unwelcome and offensive to its recipient.	occurs when someone says or does something to make another feel stupid or worthless.	refers to the use of threats, fear and intimidation by a person to gain control over another.

Source: FWF (2018, 7).

Sexual harassment is very prevalent in the garment sector (ILO/IFC (2019); ILO ITC/FWF (no date)). It can be divided into **three main categories.**

TABLE 2: THREE MAIN CATEGORIES OF SEXUAL HARASSMENT

SEXUAL COERCION	UNWANTED SEXUAL ATTENTION	GENDER HARASSMENT
involves threats towards a person who will not comply with sexual requests or bribes in exchange for sex.	consists of sexual advances, including inappropriate comments, staring, and even touching.	refers to negative views of a person due to their gender and general hostility and, as such, really represents the basis for more egregious forms of sexual harassment and reflects broader gender inequalities in society.

Source: Adapted from Fitzgerald et. al. (2017) as cited in Keplinger et. al. (2019, 2).

Sexual harassment at work also involves:

- 'Quid pro quo: When a benefit of a job – such as a pay rise, a promotion, or even continued employment – is made conditional on the victim acceding to demands to engage in some form of sexual behaviour.
- Hostile working environment: Wherein the conduct of the offender creates conditions that are intimidating or humiliating for the victim' (FWF 2018, 9).

CHAPTER 1.2

GBVH as a sector risk in the garment sector: driving factors, root causes and consequences

GBVH is considered a sector risk in the garment sector (PST 2020, FWF 2018, BSR 2019) and, as such, it is a systemic problem that needs to be solved urgently. **GBVH is not something that affects just the workplace; it is also embedded in the traditional gender norms of a society.** It is rooted in **gender inequality and power inequalities.** It is complex and does not have a quick fix. The gender forum organised by FWF suggests that '[a]ddressing it requires a multi-pronged approach that empowers individuals, and tackles discrimination and abuse both in the workplace and at the broader society level' (FWF 2018, 21).

GBVH is a complex problem in the garment sector and cannot be solved by a single actor. Multi-stakeholder initiatives, certifiers, auditors, brands, suppliers, workers, trade unions, civil society actors, international organisations and governments **can bring about change.** Multi-stakeholder initiatives, certifiers, auditors, brands should **draw much more on the knowledge of local actors** such as human rights organisations, women's rights organisations, local self-help groups, and female union officers who are experts on GBVH, and engage in exchanges of ideas with them about possible solutions. **Local anti-GBVH alliances** need to be created in the garment sector.

There is still a lack of gender data and data on GBVH in the garment sector and a lack of policies and measures to tackle GBVH in due diligence and in gender-sensitive audits (BSR 2019, Global Labor Justice, and Asia Floor Wage Alliance. 2019). **An understanding of local GBVH patterns** in the country and regions where suppliers are located is needed to tackle GBVH.

Box 3 below gives an overview of important facts about GBVH in the garment sector.

BOX 3: GBVH IN THE GARMENT SECTOR ...

- ✓ is highly underreported;
- ✓ happens in the private sphere and at work;
- ✓ violates fundamental human rights;
- ✓ is rooted in gender and power inequality;
- ✓ has many different forms (see tables above);
- ✓ is a complex and deeply entrenched problem;
- ✓ is an obstacle to gender equality;
- ✓ undermines economic and human development (see SDGs, especially SDG 5);
- ✓ affects mainly women (but also men).

Source: FWF 2018, ILO 2016

BOX 4: ACT ON PURCHASING PRACTICES AND STANDARDS

“As a result, the Partnership continues to evolve into the first point of contact for anyone wishing to systematically implement due diligence and thus taking responsibility also for business partners and workers in their value chains.”

Thomas Linemayr, CEO, Tchibo

(<https://actonlivingwages.com/purchasing-practices/>)

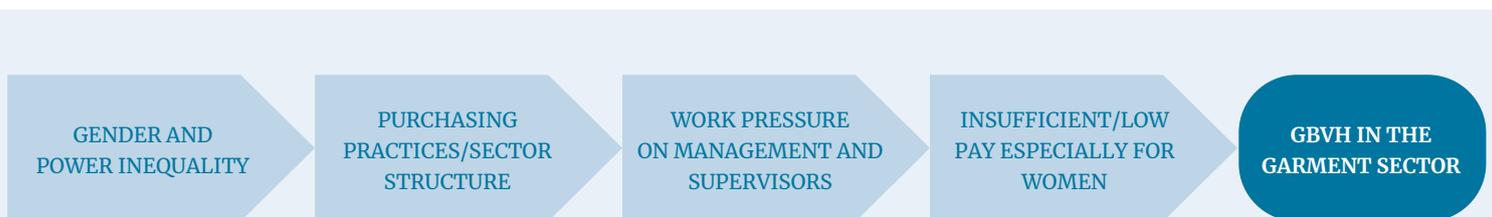
Purchasing practices and their impact on GBVH and equal pay

Purchasing practices of Western brands have a direct influence on working conditions in supplier factories in the garment sector (Anner 2020; Amengual et al. 2020, Anner et al. 2013). Purchasing practices affect wages (see Box 4 with information by Thomas Linemayr, CEO of Tchibo and member of ACT). Women tend to be more affected than men (Anner 2020, 18). This has been shown in research on the garment sector in Asia (Bangladesh and India) (Anner 2020, Anner 2019). Purchasing practices also influence workload, stress and pressure on supervisors, which can lead to GBVH (ILO 2016). The main factor at work here is the sourcing squeeze (Anner 2020, Anner 2019).

Factors driving GBVH in the garment sector

There is still a need to deepen the research on factors driving GBVH in the garment sector. Research on sexual harassment in the garment sector published by the International Labor Organization, which is based on data from its Better Work project, finds that societal factors such as gender and power inequality play out in the world of work and, together with structural economic factors within the garment industry – such as purchasing practices and sourcing structure – impact supplier-level factors such as work pressure and low pay, especially for women (Truskinovsky et al.2014; ILO 2016; ILO/IFC (2019) (see Graph 1).

GRAPH 1:



Source: Author's own graph based on Truskinovsky et al.2014, ILO 2016, FWF 2018, ILO Convention 190.

Consequences of GBVH in the garment sector

GBVH has severe consequences for the victim, its witnesses, co-workers and the company as a whole in terms of productivity, turnover and business culture (ILO 2016, EBRD et al. 2020). With regard to the victim, GBVH has a negative effect on a person's psychological, physical and sexual health, dignity, and family and social environment. GBVH has economic impacts such as a negative effect on the quality of public and private-sector services. Furthermore, it is incompatible with the promotion of sustainable enterprises and impacts negatively on the organisation of work, workplace relations, worker engagement, enterprise reputation, and productivity (ILO Convention 190, 4).

ILO Convention 190 concludes that these negative consequences call for an 'inclusive, integrated and gender-responsive approach, which tackles underlying causes and risk factors, including gender stereotypes, multiple and intersecting forms of discrimination, and unequal gender-based power relations, [and] is essential to ending violence and harassment in the world of work' (ILO Convention 190, 4).

Box 5 summarises some important conclusions concerning GBVH as a sector risk. Box 6 has a list of useful literature on how to address GBVH in the garment sector.

BOX 5: SUMMARY: GBVH AS A SECTOR RISK

- If you improve your social auditing techniques, you can increase the number of cases of GBVH you can detect.
- Detection alone does not solve the problem of GBVH. Social audits need to be embedded in a coherent and consistent process regulating how to protect workers who have suffered GBVH, and how to remediate the situation. Any gap in the process puts the victim and their witnesses at risk and may even threaten their lives.
- Sustainable long-term improvements for all workers, irrespective of their gender identities, concerning gender-based violence and harassment do not come about only by improving your social auditing techniques. This needs to be accompanied by addressing GBVH in your due diligence process as well as capacity building at the supplier level and communication with local stakeholders.

BOX 6: PUBLICATIONS ON HOW TO ADDRESS GBVH IN THE GARMENT SECTOR

- EBRD, CDC group. IFC (2020). *Addressing Gender-Based Violence and Harassment. Emerging Good Practice for the Private Sector*, <https://www.cdcgroup.com/wp-content/uploads/2020/07/Addressing-gender-based-violence-and-harassment.pdf>.
- Fair Wear Foundation (FWF) (2018). *Gender Forum. One Year Later*, <https://api.fairwear.org/wp-content/uploads/2018/10/Gender-Forum-One-Year-Later-2.pdf>.
- Global Labor Justice and Asia Floor Wage Alliance. (2019). *End Gender Based Violence and Harassment. Pillar 1. Gender Justice on Garment Global Supply Chains: An Agenda to Transform Fast-Fashion*, <https://globallaborjustice.org/wp-content/uploads/2020/06/end-GBV-pillar1-edit-singlepage-final-1.pdf>.
- ILO/IFC (2019) *Sexual Harassment at Work: Insights from the Global Garment Industry*. Thematic Brief June 2019. Better Work, https://www.ilo.org/wcmsp5/groups/public/---ed_dialogue/---sector/documents/publication/wcms_732095.pdf.
- ILO ITC/FWF (no date) *Gender-Based Violence in Global Supply Chains: Resource Kit. Part A*, https://gbv.itcilo.org/assets/pdf/ResourceKit_PART_A.pdf.

2

INTEGRATING
GENDER-
SENSITIVE
SOCIAL
AUDITS INTO
A DUE
DILIGENCE
PROCESS

This section addresses how to integrate gender-sensitive audits into a due diligence process addressing the risk factor GBVH.

This section is particularly directed at companies who are members of or associated with multi-stakeholder initiatives such as PST, FWF, Amfori, BSR, FLA, SAI etc. and/or have GOTS or IVN certification. It can also help certification bodies such as GOTS or IVN to learn how gender-sensitive social audits can be designed and integrated into a company's due diligence process on GBVH. It may also be helpful for suppliers who would like to integrate GBVH into their company policies and management systems.

CHAPTER 2.1

Gender-sensitive social audits: possibilities and limitations

Social audits are one of the main tools used by companies to address supply chain risks. They are a well-defined 'modus operandi' in the garment sector and form an integral part of the corporate social responsibility programmes of most companies. **Social audits, announced or unannounced, have certain limitations** with regard to discovering violations of social and labour standards and business and human rights (Sanders et al. 2018). What are known as process rights violations, such as freedom of association and **discrimination**, are **particularly hard to identify in an audit** (Egels-Zandén/Lindholm 2015). In social audits, GBVH is usually audited within the discrimination section. **GBVH is heavily underreported in auditing reports** (FWF 2018).

We suggest three measures to improve social audits concerning GBVH:

1

Map your auditing procedures and questions and identify:

- ✓ Whether and in what way your auditing procedures and questions are gender-sensitive and integrate issues of GBVH.
- ✓ To what extent your auditing approach allows for building trust among auditors and workers, auditors and management, and auditors and supervisors.
- ✓ Your type of auditing approach: a) a traditional compliance approach or b) a participatory social auditing approach that is gender-sensitive and also worker-focused (see Auret/Barrientos 2006).

- ✓ Your data reliability (overall consistency of your measure) and data validity (is your approach actually measuring GBVH or proxies of GBVH). This applies to gender data in general and especially data on GBVH. Put differently, can you identify the actual GBVH situation at suppliers through your social audits and truly compare them across audits/regions/countries?
- ✓ For more details see chapter 3 of this guidance.

2 Integrate gender-sensitive social audits into your due diligence process in a coherent way

- ✓ For more details, see chapter 2 of this guidance.

3 Understand the limitations of social audits and establish alternatives or complementary measures to find out more about risks and non-compliance in the area of GBVH at your supplier factories (see chapter 1 of this guidance).

Gender-sensitive social audits: necessary but not sufficient

To sum up, **social audits are a necessary, but not sufficient, tool for detecting and tackling GBVH** in the garment sector. They are necessary because they allow for a snapshot analysis, finding out about whether the supplier has policies, processes and bodies in place to address GBVH and learning about the awareness of GBVH issues and the mindset of managers, supervisors and workers on GBVH (see box 7).

BOX 7: WHY SOCIAL AUDITS THAT INCLUDE GBVH ARE NECESSARY

They make it possible to:

- gain a snapshot impression and analysis;
- triangulate social audit results with other sources such as workers' surveys, discussion with local stakeholders and country/region reports on GBVH;
- find out the degree of implementation of GBVH policies, training and capacity building at the supplier level;
- screen documents and processes concerning GBVH;
- carry out factory walkthroughs;
- conduct interviews with management, supervisors and workers to understand the awareness and mindset concerning GBVH and possible violations.

Social audits alone are not sufficient to tackle GBVH; it is too complex to be solved with one single measure alone. Moreover, it is very unlikely that workers trust auditors enough to open up about GBVH issues they have either suffered themselves or seen other workers suffer (see Box 8) and reasons for non-detection of GBVH in social audits are complex (see Box 9). Furthermore, social audits need to form part of a multi-dimensional approach addressing GBVH at the supplier and including due diligence and especially capacity building and training.

BOX 8: WHY SOCIAL AUDITS ARE NOT SUFFICIENT WHEN IT COMES TO GBVH

- For anyone who personally experienced physical or psychological harm, reporting it is generally speaking not an easy thing to do. This is especially true not when it involves talking to a stranger (i.e. auditor).
- GBVH at the workplace is embedded in a community, neighbourhood and society, and talking about it is often a taboo.
- Given the strong culture of silence, fear and shame around GBVH, tackling it in a social audit is very difficult.
- Vulnerable groups at a workplace are less likely to talk about GBVH; they cannot afford to lose their job.

BOX 9: THE REASONS FOR NON-DETECTION OF GBVH IN SOCIAL AUDITS ARE COMPLEX

- Auditing time is very short and audits may concentrate on a few compliance issues that are visible and seemingly easy to fix. These include health and safety standards, or issues that are easily discoverable such as overtime or FoA.
- Auditing lists are very long and auditors have a tendency to focus on specific elements.
- Worker interviews are mainly on-site instead of off-site.
- Workers do not trust auditors enough to open up to them.
- There are language barriers between workers and auditors.
- Auditors are not trained on GBVH.
- Auditors do not dare to ask or deepen GBVH issues.
- No safe grievance mechanism is in place.
- Safety and protection for workers who open up about GBVH is not guaranteed.
- There is no or little discussion between auditor and local stakeholders such as women's groups, human rights centres etc.

The reasons for non-detection of GBVH in social audits are linked to the root causes behind these reasons described in Box 9 above.

BOX 10: ROOT CAUSES OF LOW IDENTIFICATION RATES FOR GBVH IN SOCIAL AUDITS

- ✓ Lack of protection for the person suffering from GBVH and further witnesses (i.e. confidentiality);
- ✓ Lack of contact and communication with brands and auditors and local self-help groups, women's rights organisations, human rights organisations and female union officers who are experts on GBVH;
- ✓ Lack of awareness and understanding of GBVH issues by management, supervisors and workers;
- ✓ Power inequalities and lack of trust by workers vis-a-vis auditors;
- ✓ Insufficient efforts to collect and correlate gender data, GBVH data and data on non-compliance issues such as wages, excessive overtime and turnover, which could predict potential violations/harm involving GBVH at the supplier.

CHAPTER 2.2

Due diligence of GBVH and gender-sensitive social audits

This chapter has two aims. Firstly, it introduces how to consider measures to tackle GBVH in each step of a company's due diligence process. Secondly, it shows how gender-sensitive social audits can be a tool, playing different roles throughout the steps of a company's due diligence process. There are different ways to design a due diligence process. This guidance draws on the one set out in the OECD Due Diligence Guidance for Responsible Supply Chains in the Garment and Footwear Sector (OECD 2018). The process and its elements are coherent and applicable to other due diligence approaches such as the PST due diligence process.

BOX 11: RECOMMENDATIONS FOR COMPANIES WITH BEGINNER AND INTERMEDIATE-LEVEL EXPERIENCE CONCERNING GBVH AND DUE DILIGENCE

Map how you currently integrate GBVH and gender-sensitive social audits in your due diligence process.

Answer guiding questions to identify the degree to which GBVH and gender-sensitive social audits are currently integrated into your due diligence process, such as:

- ✓ Do you conduct gender-sensitive audits and how are they currently integrated into your due diligence process?
- ✓ Do you integrate GBVH into the risk analysis within your due diligence process? If so, how?
- ✓ Do you use gender-sensitive social audits as an element of your risk analysis on GBVH? Which other elements do you use (such as country reports, risk assessment tools, country sheets for risk analysis concerning GBVH, expert knowledge, stakeholder knowledge) and how are they connected and triangulated with the results of the audits?
- ✓ Do you have measures in place to prevent and mitigate harm associated with GBVH in your enterprise's own operations and in your supply chain?
- ✓ Do you verify, monitor and validate progress on due diligence concerning GBVH and its effectiveness in your enterprise's own operations and in your supply chain?
- ✓ Do you provide for or co-operate in remediation of GBVH where appropriate and, if so, how?

Use the following documents as a starting point:

- ✓ OECD (2018), OECD Due Diligence Guidance for Responsible Supply Chains in the Garment and Footwear Sector, OECD. Module 2. Sexual harassment and sexual and gender-based violence (SGBV) in the workplace, pages 116–125.
- ✓ Partnership for Sustainable Textiles (PST) (2020) Identifying and prioritising risks. Basis for the Review Process in the Textile Partnership.
- ✓ Country sheets for risk analysis concerning GBVH from stakeholder organisations such as PST and FWF.²
- ✓ United Nations Human Rights Special Procedures/Business and Human Rights Asia Pacific/UNDP (2019) Gender guidance for the Guiding Principles on Business and Human Rights.

² For PST members, contact the secretariat to get PST's fact sheets on gender-specific violence in individual countries. FWF's gender fact sheets can be downloaded here: <https://www.fairwear.org/resources-and-tools/gender-fact-sheets>

The following information box describes the six steps of the OECD due diligence process concerning GBVH. Along and within these six steps we will now look at how to address GBVH in your due diligence process and how to integrate gender-sensitive social audits. The six steps are:

BOX 12: THE OECD'S DUE DILIGENCE PROCESS AND SUPPORTING MEASURES FOR RESPONSIBLE SUPPLY CHAINS THAT TAKE ACCOUNT OF GBVH

1. Embed responsible business conduct in enterprise policy and management systems
2. Identify potential and actual harms in the enterprise's own operations and in its supply chain
3. Prevent or mitigate harm in the enterprise's own operations and in its supply chain
4. Track
5. Communicate
6. Provide for or co-operate in remediation where appropriate

³ Note that step 1 and step 6 do not form part of the core due diligence process of the OECD but they are considered to be supporting measures for responsible supply chains (OECD 2018, 24).

Source: OECD 2018, Module 2. Sexual harassment and sexual and gender-based violence (SGBV) in the workplace, pages 116–125.³

STEP 1

Embed responsible business conduct in enterprise policy and management systems concerning GBVH

As an enterprise have **internal policies** in place including:

- ✓ 'a commitment to foster an environment at work free from harassment, bullying and violence' (OECD 2018, 116);
- ✓ 'clear consequences for breaking the enterprise's standards' (OECD 2018, 117) and decide on whether and how to integrate zero tolerance into policies towards the supplier: see information box below;
- ✓ 'a commitment to hear grievances, to provide a 'reprisal-free complaints mechanism (e.g. operational-level grievance mechanism) and to maintain the confidentiality of workers or employees who raise complaints' (OECD 2018, 117).

BOX 13: ZERO TOLERANCE POLICY IN POLICIES TOWARDS THE SUPPLIERS MAY CAUSE PROBLEMS

Many brand companies include in their supplier policy a policy of zero tolerance towards GBVH. It is important to know the effects of this zero tolerance policy. A strict policy usually contains only 30 days of remediation time before the brand terminates its relationship with the supplier. In cases of GBVH, 30 days is not a sufficient time frame. A strict zero tolerance policy may harm workers who allege GBVH violations because after termination their situation might be life threatening. From research, we know that policing approaches to force the supplier into compliance, which zero tolerance policies form part of, are less successful than cooperative/commitment approaches (Locke et al. 2009; Locke et al. 2010). If brands maintain a zero tolerance policy towards GBVH, it is important to monitor what negative side effects this might have. If kept in place, a zero tolerance policy needs to have a longer remediation time with a continuous improvement approach instead of a cut-and-run approach.

STEP 2

Identify potential and actual harms associated with GBVH in the enterprise's own operations and in its supply chain ⁴

Identify sourcing countries where GBVH risks are high

- ✓ Note that a mere document review might not be sufficient to identify potential and actual GBVH risks.
- ✓ Use risk assessment tools for sector risks such as discrimination and GBVH. They include the Textile Risk Expert System (risk analysis tool), a risk library, and country factsheets on discrimination and GBVH, such as those published by PST or FWF.⁵
- ✓ Conduct a risk factor analysis for sexual harassment and sexual and gender-based violence, as described in the OECD's Due Diligence Guidance. This analysis includes the following risk factors for the garment sector as proxies for the likelihood of potential harms associated with GBVH: low-income employment, precarious employment, children and adolescents in the workplace, limited upward mobility, high turnover of workers, location of workplace in relation to homes, on-site housing, vulnerable minorities, including migrant workers.⁶ Note: If this data is not available to you, identify how to gather it through gender-sensitive social audits (supplier-level data), expert and stakeholder interviews and country fact sheets on discrimination and GBVH.
- ✓ Consult stakeholders and experts on the ground including representatives from civil society, trade unions, self-help groups against GBVH, local human rights organisations and local women's rights organisations and conduct focus group discussions with workers to determine the risk in the country and region in question (maintain a list of experts/stakeholders for each country).

⁴ Note: This is the risk analysis part of the PST due diligence process including the PST steps a) identify the extent to which risks occur in the supply chain and b) prioritise risks by their severity and likelihood.

⁵ For PST members, contact the secretariat to get the PST country-specific fact sheets on gender-specific violence in countries. FWF gender fact sheets can be downloaded here: <https://www.fairwear.org/resources-and-tools/gender-fact-sheets>.

⁶ For more details on how to conduct this analysis, see OECD 2018, Table 10, 118-119.

- ✓ Note: The OECD recommends that '[i]n the context of sexual harassment, enterprises should make the assumption that if sexual harassment is a high risk in a particular sourcing location, it is a high risk within the workplace' (OECD 2018, Table 10, 118).

Supplier assessments concerning GBVH

Supplier assessments can help to identify potential risks and actual harms associated with GBVH.

You might follow the OECD Due Diligence Guidance recommendations, which suggest:⁷

- ✓ finding out if workers understand what GBVH is;
- ✓ establishing what measures the supplier has implemented to prevent GBVH;
- ✓ assuring that the establishment of an operational-level grievance mechanism by the supplier meets the core criteria of operational-level grievance mechanisms.⁸

⁷ For more details, see OECD 2018, 119-120.

⁸ For more details on core criteria of operational-level grievance mechanisms, see OECD 2018, Table 8, 96-97.

Note: Gender-sensitive social audits can help to follow these recommendations. For more details on how exactly to integrate these issues into a gender-sensitive audit, please turn to the checklists for the gender-sensitive social auditing process in chapter 3 of this guidance.

BOX 14: POTENTIAL AND ACTUAL HARMS ASSOCIATED WITH GBVH

Potential harms are also referred to as **potential adverse impacts** (risks).

They 'describe possible harm or grievances, regardless of whether they have already occurred' (PST 2020, 5-6). PST defines discrimination, sexual harassment and gender-based violence as one of eleven sector risks (PST 2020, 5) and asks companies to include the issue of GBVH in their due diligence process.

Actual harms are also referred to as **actual adverse impacts**.

They 'describe verified actual incidents. Actual adverse impacts can often only be determined via direct contact with affected individuals or their legitimate representatives (for example, by way of interviews with workers or through effective grievance mechanisms). In many cases, risk analyses are used to determine where specific information and dialogue with affected individuals would be necessary to develop targeted solutions for dealing with problem situations' (PST 2020, 5-6).

Understand the operating context of your suppliers when considering GBVH

- ✓ 'Understand which population groups are most affected by the harm, local risk factors that could worsen harms, the underlying causes of harm and the actors that are involved in the harm' (OECD 2018, 61). Enterprises need to understand the extent to which GBVH exists in the countries that they operate in or source from (i.e. beyond the workplace) and which population groups are mainly affected. Women and girls are disproportionately affected by GBVH.⁹ Also many migrant workers, minorities, and young women are affected by GBVH.
- ✓ For example, the risk factors set out in the analysis in the OECD's Due Diligence Guidance, country factsheets on discrimination and GBVH, and local stakeholders can help you to identify the population groups, local risk factors and underlying causes of GBVH in the sourcing region in question.
- ✓ Identify judicial and non-judicial grievance mechanisms for GBVH issues that are external to the supplier's operational-level grievance mechanism and are accessible to workers (OECD 2018, 120).
- ✓ Get to know and communicate with GBVH self-help groups, local human rights organisations and local women's rights organisations. If you do not have direct access to them, contact international civil society actors for contact details of their local partners.

Note: If you develop a gender data approach which also includes coherent collection of gender data during a gender-sensitive social audit, this can help you to improve step 2 of identifying potential and actual harms associated with GBVH in your enterprise's own operations and in your supply chain.

⁹ People of all genders can be victims of gender-based violence and harassment in the world of work, including men and nonbinary individuals. This is especially true for gender nonconforming people, including those who either are or are perceived to be gay/lesbian, bisexual or transgender. It is also important to include men and nonbinary individuals as being potentially affected.

STEP 3

Prevent or mitigate harm associated with GBVH in the enterprise's own operations and in its supply chain¹⁰

Draft a roadmap

If you have identified individual risks associated with GBVH in step 2 of your due diligence process, draft a roadmap including effective targets and measures to mitigate the risk of GBVH in your supply chain.

Prioritise the most severe risks associated with GBVH (see different forms of GBVH in chapter 1) and analyse where they occur. With respect to these topics and parts of the supply chain, you can achieve the greatest effect in terms of risk mitigation and prevention of adverse impacts by setting good targets and measures.

Targets and measures to mitigate and prevent harm associated with GBVH may include:¹¹

- ✓ **Capacity building measures** such as support for the supplier in setting up a GBVH policy, gender-sensitive HR processes, creation of bodies such as anti-harassment committees with the help of external experts or integrating GBVH issues into other bodies the supplier has already put in place (such as the health and safety committee).
- ✓ **Reviewing the type of approach your supplier is using:** partnership approaches focusing on cooperation, learning and trust are more successful than policing approaches focusing exclusively on comply and explain (Locke et al. 2009; Locke et al. 2010).

¹⁰ Note: This addresses the following steps in the PST due diligence process: a) devise targets and measures (roadmap) and b) prevent the most important risks, mitigate them or, in the event of occurrence, compensate for them (impact).

¹¹ For more details, see OECD 2018, 120

- ✓ **Awareness raising:** raise awareness among the supplier's management, line supervisors and workers for GBVH issues.
- ✓ **Grievance mechanism:** help the supplier to establish an operational-level grievance mechanism that is equally accessible by every worker regardless of the complainant's gender, religion, etc. and guarantees the protection and anonymity of the complainant and witnesses. Check in your own enterprise whether you have a grievance mechanism for workers from your supply chain in place, check whether the mechanism enables all workers to access it in a safe and anonymous way and, if so, how it does that.
- ✓ **Training:** train the supplier's management, line supervisors and workers on GBVH issues. Important: Include all workers, managers and supervisors in the training, irrespective of their gender. GBVH can only be solved by a joint effort. There is a lack of awareness among workers on GBVH, their rights, and possibilities for launching a complaint within or outside of the factory (OECD 2018, 120). Consequently, training is an important measure to make sustainable improvements on GBVH issues.
- ✓ **Local alliances on GBVH:** have regular communication, help build and participate in a local alliance with civil society actors, trade unions, self-help groups against GBVH, local human rights organisations, and local women's rights organisations.
- ✓ **Integrate the state:** find out whether there are state representatives responsible for GBVH at work in the region or country in question and engage in a dialogue with them.

Note: '[T]raining and the establishment of operational-level grievance mechanisms are core components of any corrective action plan (CAP).' (OECD 2018, 120)

STEP 4

Track GBVH issues

In this step, you verify, monitor and validate progress on due diligence and its effectiveness in your enterprise's own operations and those of your suppliers. The situation in the garment sector is currently characterised by a gender data gap, fragmentation of data collected and a lack of a clear data collection policy concerning gender and GBVH issues.

While maintaining confidentiality, the enterprise should:

- Have a policy on which supplier-level data should be collected through supplier assessments, gender-sensitive social audits or worker surveys and on how the individual data can help you improve your information concerning GBVH in your supply chain. Review this policy at least every two years.
- Collate records about the type, pattern and incidence of all forms of workplace harassment and violence in its own operations.
- It is recommended that data is collected on all incidents, including both minor and potential incidents, and that it is disaggregated by age and gender.
- If possible, also collect data on migrant workers since this group is very vulnerable to GBVH.

STEP 5

Communicate on progress and measures with regard to GBVH

- Regularly communicate your progress concerning tackling GBVH in your supply chains.
- Know which elements to communicate to the multi-stakeholder initiative you are member of, to the certification bodies you are certified by, such as GOTS or IVN, what progress to share with the local alliances against GBVH in sourcing countries, and what progress to communicate publicly in your annual report and on your website.
- Communicate your policy and your measures concerning GBVH to your supplier and have a summary published on the workers' pin board in the local language(s) describing what GBVH is and what grievance mechanisms are in place.
- Use gender-sensitive social audits to communicate your measures on GBVH and to check whether they are communicated to workers and whether managers and supervisors at suppliers know about them.

STEP 6

Provide for or co-operate in remediation of GBVH issues where appropriate

Sexual harassment and sexual and gender-based violence are crimes in some contexts that need to be reported to relevant authorities. As mentioned above, it is important that operational-level grievance mechanisms enable a worker to report harassment, violence or threats of violence. Recognising that children may be victims of sexual harassment or sexual and gender-based violence, grievance mechanisms should also be accessible to those who can raise concerns on behalf of the child in contexts in which children are employed in the workplace (OECD 2018, 122–123).

- Enterprises should 'provide for or cooperate through legitimate processes in the remediation of adverse human rights impacts where they identify that they have caused or contributed to these impacts' (OECD Guidelines.IV.A6.).
- Cooperation with judicial or state-based non-judicial mechanisms. This also involves co-operation in legitimate grievance processes, complaints procedures, court cases and corrective action plans.
- Have processes for remediation of GBVH issues in place. A single system – such as a grievance mechanism – can operate as an early warning system and at the same time provide processes to enable remediation.
- Commit to hearing and addressing complaints raised through legitimate processes.
- Determine the appropriate form of remedy.

3

STEP-BY-
STEP CHECK-
LISTS TO
INTEGRATE
GBVH INTO
SOCIAL
AUDITS

This section contains recommendations on how to integrate and improve the detection of GBVH in social audits and how to conduct gender-sensitive audits. It addresses brands, auditors and certification companies alike. It describes the possibilities, challenges and limitations of measuring GBVH in social audits and includes the following practical checklists to integrate GBVH into the different steps of a gender-sensitive social audit:

- ✓ a checklist for identifying GBVH during a facility walkthrough
- ✓ a checklist for including GBVH issues when reviewing documentation
- ✓ a checklist of questions to ask to HR management concerning GBVH
- ✓ a checklist of questions to ask to a supervisor/line manager concerning GBVH
- ✓ a checklist of questions to ask to workers concerning GBVH

CHAPTER 3.1

The role of brand companies in gender-sensitive audits tackling GBVH

Before looking in detail at the checklists for the various auditing steps, we need to consider the important role of brand companies when integrating GBVH into social audits:

- ✓ Accept the limitations of social audits to detect GBVH. ILO's Better Work rightly points out that, even though social audits can discover some GBVH issues, 'cultural norms, fear of reprisal or shame and embarrassment might act to limit what workers are prepared to say' about sexual harassment (ILO/IFC 2019, 7).
- ✓ Map how you currently integrate GBVH into your social audits and what you need to change in order to improve the social audit process to address GBVH. You can do this by following the suggestions in this section on factory walkthroughs, document screening, management interviews, supervisor interviews and worker interviews.
- ✓ Complement social audits with other elements to tackle GBVH, such as off-site worker interviews, anonymous worker surveys, discussion with local stakeholders, and capacity building and training if necessary.
- ✓ Familiarise yourself with key documents on GBVH and communicate them to the supplier.

- ✓ Communicate regularly and clearly to the supplier that GBVH is an important priority for the brand. GBVH needs to be a priority topic to address – especially with the strategic suppliers.
- ✓ Partner with multi-stakeholder initiatives to tackle GBVH.
- ✓ Work with governments to improve labour conditions in the garment sector.
- ✓ Promote transparency across all tiers of the garment supply chain.
- ✓ Raise awareness among management, supervisors and workers concerning GBVH.
- ✓ Reflect on conflicting issues such as limits of social audits, zero tolerance policy in your policies towards the supplier and its consequences for GBVH, and your purchasing practices and their consequences for GBVH.

CHAPTER 3.2

The role of auditors and the need for a gender-sensitive skill set for auditors

- ✓ Ensure you have had training on GBVH issues before you include them in your audit and learn gender-sensitive interview techniques.
- ✓ Always conduct social audits in mixed teams (women and men) with auditors having ample local knowledge of customs, traditions, religion and cultural norms, and speaking the local language.
- ✓ Have refresher training on GBVH at least every two years.
- ✓ Get to know local self-help organisations, women's rights organisations, human rights organisations and female union officers who are experts on GBVH.
- ✓ Respect every employee you are interviewing.
- ✓ Be aware of your privilege, bias and power imbalances especially in situations of worker interviews.
- ✓ Know about issues of intersectionality such as religion, cast and regional cultural context factors that correlate with GBVH.
- ✓ Create safe spaces for workers during the interview.

CHAPTER 3.3

Select audit methodology and rules to protect workers: important for brands, certifiers and auditors alike to consider

BOX 15: CREATING SAFE SPACES FOR WORKERS DURING THE INTERVIEW

During and after a social audit, an auditor interviewing workers should take various measures to create a safe space. This is true in general, but especially on issues of GBVH because they may risk the worker's life and their health if victims are not protected.

- ✓ Have female auditors interview female workers;
- ✓ Have male auditors interview male workers;
- ✓ Have off-site conversations with workers rather than on-site interviews;
- ✓ Use smartphone/tablet applications for questions on GBVH that assure workers anonymity;
- ✓ If you cannot do off-site interviews, do on-site interviews with workers out of sight and earshot of management and supervisors;
- ✓ Accept that workers may not trust the auditor and decide not to open up about GBVH;
- ✓ Accept that workers should be able to decide that GBVH should not be reported to the management and that a CAP and remediation process should not be launched without the consent of the workers who suffered GBVH;
- ✓ Leave them your contact details;
- ✓ Leave them the contact details of a trustworthy local organisation specialised in GBVH cases.

Creating safe spaces for workers when interviewing them about GBVH issues primarily involves deciding whether to interview worker on-site or off-site. Workers are more protected if interviews are conducted off-site and are more likely to report on GBVH issues. By contrast, workers are less protected and less likely to report on GBVH issues during on-site interviews.¹²

12 For more information on how to conduct off-site interviews with workers, see Worker Rights Consortium “effective interview techniques”, page 8–17, <https://www.workersrights.org/wp-content/uploads/2019/08/DLSE-Manual-July-2012.pdf> and Fair Wear Foundation’s auditors’ guides (see FWF Audit Manual, page 35, <https://api.fairwear.org/wp-content/uploads/2020/09/Fair-Wear-Foundation-Audit-Manual.pdf> and FWF terms of audits by FWF audit teams, <https://api.fairwear.org/wp-content/uploads/2016/06/>).

BOX 16: FOR BRAND COMPANIES: PROS AND CONS CONCERNING ON-SITE OR OFF-SITE WORKER INTERVIEWS ON GBVH

Here are some pros and cons for brand companies to consider when deciding whether to insist that auditors conduct on-site or off-site interviews with workers on GBVH.

On-site interviews with workers on GBVH

- ✓ Easy to organise during an auditing process;
- ✓ Lower level of trust by the worker towards the auditor;
- ✓ Low likelihood that a worker will report on GBVH issues in a direct interview with auditor. Indirect interviewing with audio computer-assisted self-interviews (ACASI) on GBVH issues can increase the likelihood that a worker reports on GBVH issues, but it is still lower than during off-site interviews;
- ✓ Findings and outcome will most likely be only on the worker’s awareness of GBVH and GBVH measures at the supplier.

Off-site interviews with workers on GBVH

- ✓ More time and organisation involved in meeting workers off-site;
- ✓ Higher level of trust by the worker towards the auditor;
- ✓ Higher likelihood that a worker reports on GBVH issues at the supplier;
- ✓ Findings and outcomes on violations concerning the risk factor GBVH will be higher than on-site.

In general, ILO’s Better Work recommends complementing gender-sensitive social audits with worker surveys. Worker surveys can either be conducted during the social audit or independent of a social audit if the worker receives access to an audio computer-assisted self-interview (ACASI) survey on tablet computers or a smart phone app. These worker surveys in combination with grievance mechanisms can facilitate an early warning system concerning GBVH issues at the supplier level (see Box 17).

BOX 17: ILO'S BETTER WORK RECOMMENDATION TO IMPROVE GBVH DETECTION BEYOND NARROW SOCIAL AUDITS: WORKER SURVEYS

- Complement in-factory assessments with independent impact assessment research based on anonymous input from workers gathered through surveys
- Conduct anonymous worker surveys on GBVH issues at the supplier:

Best practice example 1:

'Better Work facilitates audio computer-assisted self-interviews (ACASI) surveys on tablet computers equipped with headphones. Survey content is translated and read out in the local language with pictorials to aid low-literacy workers. This approach encourages workers to share their concerns with a greater sense of privacy and in a less intimidating environment than when responding directly to an assessment team member.' (ILO/IFC 2019, 7).

Best practice example 2:

Elevate WorkerApp¹³

Best practice example 3:

Apprise Audit – a social-compliance application¹⁴

13 <https://www.elevatelimited.com/about-elevate/news-media/elevate-and-fung-group-workerapp/>.

14 <https://www.apprise.solutions/> and <https://www.asiaglobalonline.hku.hk/technology-amplifier-giving-workers-voice-social-compliance-audits>.

CHAPTER 3.4

Checklist for facility walkthroughs

- ✓ It is important to see **every** part of the facility including the access to and from the facility, and the dormitories.
- ✓ Dormitories should have separate floors or separate houses for male and female workers with separate toilet facilities for men and women.
- ✓ Notice the communication efforts of the management on GBVH issues and grievance mechanisms
- ✓ Separation by gender during fire drill/fire alarm, evacuation or other health and safety dangers

BOX 18: BACKGROUND INFORMATION ON VULNERABLE WORKERS AND GBVH

- Due to serious power imbalances and dependencies, vulnerable workers such as young migrant workers or single mothers are especially at risk of GBVH at work, in dormitories, and while commuting to and from the workplace.
- 'Many workers in factories and farms are young first-generation migrant workers and indigenous people from rural areas who seek a route out of poverty. Their youth and migrant status means they are at risk of exploitation in the workplace, particularly if their accommodation is tied to employment. Some are vulnerable to sexual harassment and are unable to complain because they fear they will be punished or will lose their job.' (ILO ITC/FPWF (no date), 33)

CHAPTER 3.5

Checklist for reviewing documentation

Checklist for reviewing documentation on GBVH

- Check personnel records: several employment contracts including list of written warnings and documented disciplinary measures (especially to male supervisors and lower paid female workers). Check whether issues of GBVH and its various forms (see chapter 1 for the different forms) are mentioned in written warnings and documented disciplinary measures.
- Check wages and hours: wage sheet, time sheet, pay slip, business hours, leave records and benefits etc. (Note: When suppliers are found to be non-compliant in the area of GBVH, there will usually also be non-compliance with wage payments or forced/unpaid overtime: check time sheets and look for forced or unpaid overtime).
- Check that workers are not required to make 'deposits' or leave their identity papers with the employer.
- Check training records to see whether workers have been trained on GBVH.
- Check health and safety records to establish whether there are injuries that might be caused by forms of GBVH.

- Check grievance and complaint records for grievances or complaints concerning GBVH. If none are found, ask managers in interviews how their grievance and complaint mechanisms are set up and verify whether they are set up in such a way that they serve as operational-level grievance mechanisms (see also chapter 2.2. step 3 on operational-level grievance mechanisms).
- Check production records, compare with wage and hours, and check whether there is excessive overtime. This is an indicator of work pressure from supervisors to workers and might cause some forms of GBVH. Take this up in manager, supervisor and worker interviews.
- Check disciplinary procedures and actions and assess whether they are related to any form of GBVH.
- Document/check number of male workers and number of female workers and distinguish between supervisory positions and lower skilled positions. (Women tend to be given lower-skilled, lower-paid jobs and work under male supervisors and managers).
- Check for number of migrant workers.
- Document/check for any female workers as supervisors or cutting masters or other leading positions.
- Check if there is a social compliance management system in place.
- Check if a GBVH/anti-harassment policy is in place and if any policies are in place for social compliance to foster an environment at work that is free from harassment, bullying and violence.
- Check if there are any policies in place committing to respect and protect human rights.

Sources: GOTS (2020), ILO/IFC (2019), ILO ITC/FWF (no date).

CHAPTER 3.6

Checklists of questions for different interviews during the social audit

3.6.1 A checklist of questions to ask to HR management

WRITTEN POLICIES

Does your company have a workplace policy on gender-based violence and harassment?

(With this question, you can find out whether there is a formal policy on GBVH and what it entails.)

Do you include GBVH in your code of conduct?

→ If the answer is yes, ask to see the document

Do you include GBVH in any other policy document?

→ If the answer is yes, ask:

- What forms of gender-based violence and harassment does the policy include? Ask to see the document?
- What forms of gender-based violence and harassment does the policy exclude and why?

GENDER DATA

Do you have the following data?

- Number of female workers and number of male workers
- Number of female workers (distinguish between supervisory positions and lower skilled positions).
- Number of male workers (distinguish between supervisory positions and lower skilled positions).
- Number of male migrant/foreign workers
- Number of female migrant/foreign workers
- Pay of female workers in comparison to pay of male workers

MINDSET

- What does gender-based violence and harassment at work mean to you? Could you give some examples?

(With this question you can find out about the mindset of the manager: is there awareness concerning GBVH, is there commitment concerning GBVH? It can also shed light on questions of definition of GBVH).

TRAINING AND AWARENESS RAISING

- Do you provide training for managers and workers to raise awareness for gender-based violence and harassment?
- What is the content of the training for managers and workers to raise awareness for gender-based violence and harassment?
- Do you train new workers and new managerial staff to raise awareness for gender-based violence and harassment?
- What is the content of the training for new workers and new managerial staff to raise awareness for gender-based violence and harassment?

COMMUNICATION

- How do you communicate to workers about GBVH and the policies covering GBVH you have put in place?
- How do you communicate to supervisors and managers about GBVH and the policies covering GBVH you have put in place?

COMMITTEES

- Is there an anti-harassment committee in place or any other committee that is responsible for tackling gender-based violence and harassment? (Think of OSH committees or gender committees)

If the answer is yes, ask:

- Do you know how often they meet and how they work?
- Do you let the committee use a room in your company?
- Do you let committee members meet during working hours?
- Can the committee communicate with workers and make announcements?

RECRUITMENT PROCESS

- Is your recruitment process gender sensitive? Describe how.
- Are your job advertisements for new positions written in a gender sensitive manner? Describe how.

GRIEVANCE MECHANISMS

- How can workers make a complaint concerning GBVH?
- Do you have a (written) procedure to process complaints and grievances?
- How do you assure anonymity of the complainant?
- If you do not have any complaint or grievance procedure in place, how do you deal with complaints?
- Do you know of judicial and non-judicial grievance mechanisms that are external to your operational-level grievance mechanism and available to workers?

REMEDIATION

- Does your company have a procedure in place for creating corrective action plans whenever an audit or a monitoring process discovers violations in the area of gender-based violence and harassment?

If yes:

- ask to see documentation
- ask how the remediation process works (ideally, ask for an example case to be described)

OBLIGATIONS FOR SUB-CONTRACTORS/ SUB-SUPPLIERS

- Do you raise issues of GBVH with your sub-contractors/sub-suppliers?

If yes, how?

3.6.2 A checklist of questions to ask to a supervisor/line manager

KNOWLEDGE ABOUT WRITTEN POLICIES AND IMPLEMENTATION

- Does your company have a workplace policy on gender-based violence and harassment? If yes, how does it guide your work?
- Does the company have a code of conduct?
- If, yes, is gender-based harassment and violence mentioned there and, if it is, how?
- If yes, what role do these written policies play for you in your daily work as a supervisor?

TRAINING AND AWARENESS RAISING

- Have you participated in training on GBVH?
- If yes, how long was it? What did you discuss?
- How does the training help your daily work as a supervisor?

MINDSET

What does gender-based violence and harassment at work mean for you?
 Could you give some examples?

(With this question you can find out about the mindset of the supervisor: is there awareness concerning GBVH, is there commitment concerning GBVH? It can also shed light on questions of definition of GBVH.)

GRIEVANCE MECHANISM

Do you have a grievance mechanism in your company?

→ If yes, how does it work? Give an example.

→ If yes, is it anonymous?

3.6.3 A checklist of questions to ask workers

- No go: never ask a worker directly whether they have suffered GBVH!
- Use anonymous smart phone or tablet applications such as ILO's Better Work ACASI, Elevate apps, Appraisal app or others.
- If possible, conduct off-site worker surveys in preference to on-site worker interviews

KNOWLEDGE ABOUT WRITTEN POLICIES AND IMPLEMENTATION

- Does your company have a workplace policy on gender-based violence and harassment? If yes, how does it help workers?
- Does the company have a code of conduct?

If, yes, is gender-based harassment and violence mentioned in your code of conduct? If yes, how does this help workers?

GRIEVANCE MECHANISM

Note: These kinds of questions should NOT be asked by the auditor directly and on-site but ideally by an anonymous app or by a female auditor in an off-site interview

For example, if a worker is yelled at, beaten or touched in a way that they do not like, can that worker complain about this?

If so, how?

GBVH NON-COMPLIANCE

Note: These kinds of questions should NOT be asked by the auditor directly and on-site but ideally by an anonymous app or by a female auditor in an off-site interview.

Note: The mix of questions on this list also depends on the country and region. Before using these questions, pilot them, adapt them locally and consult a local organisation specialized in GBVH.

Do you know of a worker who has been:

- Whistled or stared at in an inappropriate way?
- Received unwanted requests to go on a date?
- Touched inappropriately without their consent?
- Asked to go on a date with the promise of a promotion?
- Asked to go on a date with the threat of losing their job or pay if they say no?
- Subjected to anything similar?

If yes, to any of the above:

- Did this worker talk to co-workers about it?
- Was there any organisation such as a group of women or a union who were able to help this worker?
- If yes, how did they help?
- Did the worker or other workers who have witnessed GBVH organise a protest or a strike?

SUGGESTIONS FOR CORRECTIVE ACTIONS

Note: These kinds of questions should NOT be asked by the auditor directly and on-site but ideally by an anonymous app or by a female auditor in an off-site interview.

- What could help to enable people to work better together and treat each other well at the workplace?

4

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