

Zero tolerance in fashion



How companies should address gender-based violence and harassment in the garment and footwear industry as an occupational health and safety risk

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Alarming levels of gender-based violence and harassment

Gender-based violence and harassment (GBVH) is a human rights violation of global proportions, with the WHO estimating that one in three women (30%) are subjected to physical or sexual violence. GBVH is also a highly prevalent due diligence risk for companies in their global supply chains. The garment and footwear sector are particularly affected, with the vast majority of workers being young women (16-28 years old), migrant women, women from lower classes or castes, or women with other intersectional vulnerabilities.

Definition of violence and harassment in the world of work

“[a] range of unacceptable behaviors 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.”

The world of work includes “the workplace, places where the worker is paid, takes a rest break or a meal, or uses sanitary, washing and changing facilities, travel, training, events or social activities; work-related communications, including those enabled by information and communication technologies; employer-provided accommodation; and when commuting to and from work.”

Workers include “persons working irrespective of their contractual status”, thus also including homebased workers and informal workers.

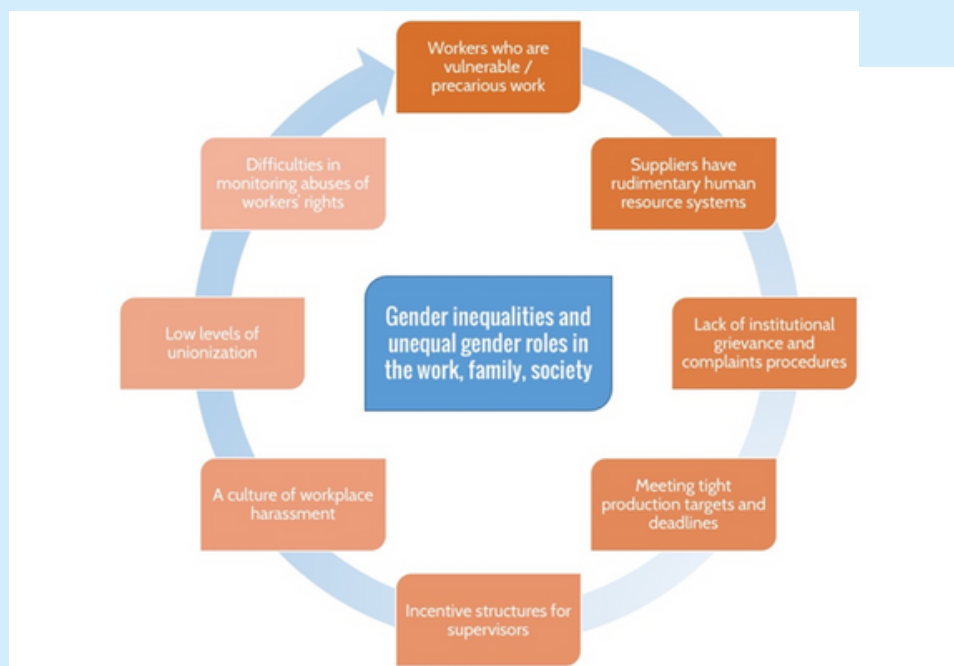
ILO Convention 190



Numerous studies and reports point to the shocking finding that the majority of women workers in the garment and textile industry are directly or indirectly affected by GBVH, mainly by male supervisors. To cite just a few examples, participatory research by the Solidarity Centre and trade unions in Indonesia found that 71% of garment workers had experienced GBVH at work, including verbal, sexual and physical abuse. According to Fair Wear Foundation, 75% of respondents in India and Bangladesh faced gender-based violence on a regular basis, and 75% faced sexual harassment in the factory. In a study by the Solidarity Centre and others in South Africa, 98% of workers surveyed had experienced one or more incidents of gender-based violence or harassment. It is important to note that while women are the main victims of GBVH, men can also be affected. This is particularly the case for non-binary men, including those who iare (perceived to be) bisexual, gay or transgender.

While these statistics are more than alarming, they may still be a gross underestimate due to low rates of reporting of GBVH by those affected. Victims' fear of reporting incidents is linked to perpetrators' impunity, patriarchal social norms, power imbalances, workers' job insecurity, lack of living wages and social protection, as well as low levels of (women-led) worker organisation and lack of policies and procedures. In addition, the pressures of high production targets and short delivery times, together with high market competition and low prices, have been shown to exacerbate GBVH, pointing to an industry-wide structural problem. Informal and home-based workers are particularly vulnerable to GBVH, as a lack of legal protection facilitates abuse.

Figure 1: Specific factors contributing to sexual harassment and violence in global supply chains



Source: ITC-ILO/Fair Wear Foundation, Gender-Based Violence in Global Supply Chains – Resource Kit

GBVH as an occupational health and safety issue

An important step in addressing GBVH in the garment and footwear industry is to recognize it as a workplace hazard and include it in occupational safety and health (OSH) policies. The impact of GBVH on workers' physical and mental health threatens their well-being and undermines their rights as workers. This has been highlighted in two recent landmark studies on OSH in the garment and footwear industry by the Trade Union Rights Centre (TURC) in Indonesia and CIVIDEP in India.



Forms of Gender-based violence and harassment

- physical abuse, including assaults, injuries, attempted murder or murder
- sexual violence including rape and sexual assault
- sexual harassment
- verbal abuse, including insults and bullying
- coercion
- psychological abuse, intimidation, threats of violence and stalking
- economic harm and exploitation
- restricted toilet breaks
- restricted access to drinking water
- requirement to work excessive hours (especially for pregnant women and mothers)
- lack of protection of women's reproductive health, including the protection of pregnant women

FEMNET e.V., 2018
ITC-ILO and Fair Wear, 2018

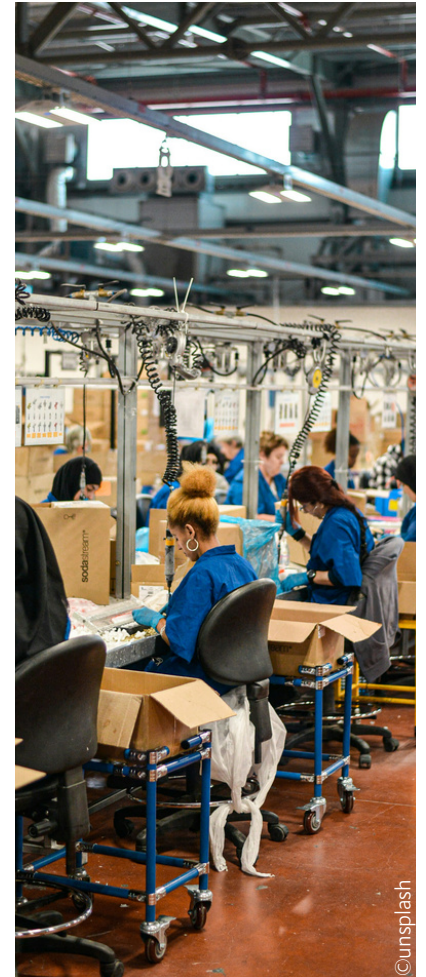
Rather than limiting GBVH to acts typically associated with it, such as physical and psychological abuse, groping, catcalling and other sexualized acts, we advocate a broad definition. This means including threats to reproductive health and restrictions on the use of toilets during working hours. Restrictions on toilet breaks can be particularly detrimental to workers' health in the summer, as workers restrict their water intake despite temperatures in factories often exceeding 30 degrees Celsius.

The health risks associated with rising temperatures could increase significantly in the coming years because of climate change. As research by the ILO has shown, productivity losses due to heat stress and increased incidence of catastrophic weather events may encourage GBVH, as factory management and supervisors resort to physical and verbal abuse as a means of forcing higher output.

The cost of GBVH to business

It should be of paramount interest to companies in the garment and footwear industry to promote the mental and physical health of their workers - primarily from a social perspective, but also from an economic one. GBVH has a negative impact on productivity, increases absenteeism and healthcare costs, and has a detrimental effect on the overall morale of workers. This can lead to higher staff turnover, with increased costs for recruiting and training new staff. In addition, high levels of GBVH can have a negative impact on reputation and reduce credibility with investors, as well as lead to higher rates of labour unrest. GBVH in the workplace can therefore result in significant loss of revenue. Care International estimates that GBVH costs the garment sector in Cambodia around US\$89 million per year.

In addition, regulatory requirements for responsible business are increasing globally, most recently with the adoption of the European Union's Corporate Sustainability Due Diligence Directive. As brands are increasingly required by law to identify and address human rights risks such as GBVH in their global supply chains, violations can result in significant administrative fines or civil litigation. As highlighted by ETI, there are already a growing number of cases in the UK courts relating to GBVH in supply chains. It is only a matter of time before the first cases are brought in German, French and other national courts. It is therefore in the interest of companies to conduct thorough and gender-sensitive due diligence risk assessments that go beyond traditional social audits and grievance mechanisms, which are rarely able to identify GBVH.



Landmark Agreements against Gender-based violence and harassment

Nien Hsing Agreements (Lesotho)

Following the exposure of structural GBVH at Nien Hsing Textile factory in Lesotho by WRC, five Lesotho trade unions and women's rights organizations signed separate enforceable agreements with Nien Hsing and major brands buying from Lesotho, including Levi Strauss & Co., The Children's Place, and Kontoor Brands (Wrangler and Lee jeans). The agreement demands for the implementation of a worker-led programme to eliminate gender-based violence and harassment. An independent investigative organization was created to investigate allegations of gender-based violence and harassment at Nien Hsing's Lesotho factories and can impose sanctions.

Dindigul Agreement (South India)

The agreement followed the 2021 rape and murder of 20-year-old Dalit worker Jeyasre Kathiravel by her supervisor at Eastmen Exports in South India, which produces for H&M as well as other brands like PVH and GAP. After subsequent investigations by the Workers' Rights Consortium (WRC) revealed an unchecked culture of verbal and physical and sexual violence by supervisors against workers an international campaign forced H&M, the other sourcing brands, and Eastman Exports at the negotiating table. Together with the Dalit women-led textile workers' union Tamil Nadu Textile and Common Labour Union (TTCL), the Asia Floor Wage Alliance (AFWA), and the Global Labor Justice-International Labor Rights Forum (GLJ-ILRF), they signed an agreement against GBVH. It commits factory management to a zero-tolerance approach to sexual harassment, abuse, and violence in verbal and physical forms. Union members together with other stakeholders have been tasked with overseeing the factory to protect female workers. Violations may trigger binding arbitration in Stockholm, Sweden, which is the home jurisdiction of H&M.

Recommendations for addressing GBVH as an occupational safety and health risk

It is the primary duty of states to protect workers' rights, and thus to provide laws and policies that protect workers' OSH through a gender-sensitive lens. However, there are still significant gaps in existing national legislation, which often takes a gender-blind approach to OSH. In addition, many countries have not yet ratified key international standards such as [ILO Convention 190](#) on the elimination of violence and harassment at work. States therefore need to fill existing legal gaps and ratify relevant international conventions.



In addition, brands and manufacturing companies have a responsibility to ensure that workers' rights are respected. They should collaborate closely with all relevant stakeholders to address GBVH and thereby promote the health, well-being and gender equality of workers in the garment and footwear industry. Brands can address structural issues through contracting and pricing and promote occupational health and safety practices that create safe, inclusive and sustainable working environments. To this end, they can push for the implementation of legislation with high levels of worker protection and implement policies in their own production. In the case of the latter, it is essential that companies address GBVH in the workplace in a way that ensures worker confidence in the process. Any policy needs to be developed with close attention to the needs of workers and in continuous cooperation with workers' representatives.

To highlight existing legal gaps and provide companies with specific and practical guidance on how to implement gender-responsive OSH policies in a worker-centred way, Cividep India and TURC Indonesia have each produced guidelines. They were developed on the basis of regional surveys of workers and in close collaboration with representatives of trade unions, NGOs, company representatives, OSH experts and multi-stakeholder initiatives. Through their regional focus, the proposed interventions address common intersectional vulnerabilities such as class, caste, employment status and ethnicity. The guidelines also build on existing national and international standards on OSH and GBVH, including ILO Convention 190. In addition, the Guidelines can help brands meet human rights due diligence requirements in their apparel and footwear supply chains. As a result, they work towards the elimination of sexual harassment, the promotion of effective reporting mechanisms and the support of affected workers.

Addressing GBVH as an OSH risk

The key takeaways from the two guidelines are summarised below in four steps:

1 Assess risks

- Understand gender dynamics and vulnerabilities
- Identify forms of GBVH (see Box 2)
- Examine different aspects of the workplace environment, including working conditions, organisational culture and social norms
- Include factors such as purchasing practices, pricing, production targets, wages, long working hours, lack of supervision, inadequate lighting or safety measures, and isolated or confined workspaces, as these may increase women's vulnerability to GBVH. Also consider cultural norms and attitudes

2 Prevent GBVH

- Provide education, awareness and training on gender-based violence, gender equality and rights awareness to all workers. In particular, management and staff in producing countries need to be trained on how to prevent and respond appropriately to GBVH and promote gender equality in internal grievance committees. Women are encouraged to take on coordinating and leadership roles in internal complaints committees and to share knowledge and skills
- Encouraging women in supervisory and leadership roles - Develop clear and gender-responsive policies and procedures to address GBVH in the workplace, including reporting and handling of cases, in close collaboration with all relevant stakeholders, especially workers

- Develop clear and gender-responsive policies and procedures to address GBVH in the workplace, including reporting and handling of cases, in close collaboration with all relevant stakeholders, especially workers
- Sign a joint commitment to zero tolerance with relevant stakeholders, including workers' representatives. - Promote the inclusion of GBV policies in collective agreements and company rules, including strong sanctions and protection guarantees for witnesses and victims - Establish oversight committees with representatives from all relevant stakeholders.
- Provide accessible, confidential and gender-sensitive complaint mechanisms Engage in advocacy and build partnerships on GBVH

3 Cease/Mitigate

- Take immediate action upon receiving reports or complaints of GBVH
- Provide immediate protection to victims, e.g. by arranging leave or temporary relocation
- Provide counselling and psychosocial support to victims of GBVH
- Ensure confidentiality and safety of the victim at all stages of case handling
- Conduct thorough, fair and transparent internal investigations of cases with a victim-centred approach
- Take disciplinary action against offenders
- Reporting cases of gender-based violence to the relevant authorities
- Provide support and resources to victims of gender-based violence, including access to gender-sensitive counselling and legal assistance

4 Monitor progress

- Analyse data on incidents to identify trends, patterns and areas of risk that require special attention
- Evaluate the implementation and effectiveness of policies and procedures on GBVH
- Evaluate the effectiveness of training and awareness programmes on GBVH
- Conduct welfare surveys to assess the safety and well-being of workers, including GBVH
- Evaluate the effectiveness of psychosocial support for victims of GBVH



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About FEMNET - FEMNET is an international NGO founded in 2007 in Bonn, Germany. Our goal is to improve conditions in the global garment industry. Guided by the Sustainable Development Goals of the UN, we aim to empower female workers in the industry. Our policies include:

- Developing an extensive network of decision-makers and partners at grassroots level.
- Developing widespread commercial and political contacts to promote the introduction of higher standards and more transparency in the garment industry.
- Assisting communes and businesses that are willing to align their textile production, purchase and marketing with pervade UN sustainability goals.
- Raising awareness about the poverty and exploitation that pervade the garment industry and informing a new generation on the global impact of such oppression.
- Educating the public on an international scale is a vital factor in our work, which includes pilot projects, campaigns, lectures, online training courses and workshops for universities and schools.

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