



**Fair Wear's Approach to Addressing Violence and
Harassment in the World of Work: Guidance for Suppliers**

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Introduction

In June 2019, ILO Convention No. 190—addressing the Elimination of Violence and Harassment in the World of Work—was adopted. The text establishes a broad definition of violence and harassment as a range of unacceptable behaviours and practices that may happen once or is repeated. It clearly includes gender-based violence and harassment, including sexual harassment.

Violence and harassment in the world of work remains a widespread violation of workers' rights, present in all countries, and can be found in across sectors, occupations, and working arrangements. Given its global prevalence, it comes as no surprise that violence and harassment is found throughout the garment industry. In a baseline survey of 658 women from 35 factories in Bangladesh, Fair Wear found that of the women interviewed, 75% said that regular verbal abuse occurred in their factory, most of which was sexually explicit, while 23% of women reported physical abuse in their factory. In a 2016 study in Cambodia, nearly one in three workers reported experiencing sexual harassment in the workplace, and in Vietnam, a participatory research carried out by Fair Wear found that 43.1% of female garment workers interviewed reported experiencing violence and harassment in the past 12 months.

Nearly three-quarters of garment workers around the world are women, and women are disproportionately affected by violence in the workplace, the focus on addressing gender-based violence predominately assumes that the perpetrators are men and the victims are women. At the same time, it's vital to note that gender does not necessarily refer to women or men, but rather to the social constructions and power imbalances that exist between genders. Men and gender non-conforming persons are also victims of gender-based violence and harassment in the workplace, especially those who either are or are perceived to be gay, bisexual or transgender.

Fair Wear's Code of Labour Practices (CoLP) forms the foundation of collaboration between Fair Wear and its members. Fair Wear's CoLP is based on internationally recognised standards that have been set through tripartite negotiation. One of the standards in the CoLP is 'safe and healthy working conditions', which states:



Fair Wear's CoLP standard aligns with the rights enshrined in various international agreements, all of which underscore that these are fundamental rights and critical to functional industrial relations. The Constitution and various Conventions of the International Labour Organisation (ILO) – as well as the ILO's Declaration on Fundamental Rights and Principles – go a long way to defining and protecting freedom of association and collective bargaining. These fundamental rights are further recognised in the United Nation's Declaration of Human Rights, as well as UN human rights Conventions and the OECD Guidelines for Multinational Enterprises.

The international community is unambiguous in its recognition of these inalienable rights.



Purpose of this guideline

- »» ***To support factory compliance with national and international regulations and standards.***
- »» ***To increase supplier knowledge on addressing violence and harassment in the world of work.***
- »» ***To help suppliers establish a system at the factory level to identify, prevent, and remediate incidences of violence and harassment, particularly gender-based violence (GBV).***



TARGET AUDIENCE

This guideline can be used by brands and garment factories. The implementation of this guideline may vary across factories due to difference in company size, number of brands/buyers, complexity of suppliers, location, culture, the use of homeworkers, etc. Brands can also use this document to support their suppliers in identifying, preventing and addressing gender-based violence.

BENEFITS

The implementation of this guideline by factory management can improve workplace conditions for workers, lower the risk of doing business, and lower the cost implications caused by gender inequality and violence and harassment. At the same time, it can increase productivity and safety at work, both of which have a positive impact on company competitiveness, reputation of the brand or supplier and an increase in job satisfaction among workers. Suppliers can use this guidance to demonstrate to workers and brands the steps they've taken to prevent and address violence and harassment.

BASIS OF THIS GUIDELINE

This guideline is based on OECD Guidelines, Fair Wear Foundation's Code of Labour Practices, and national and international regulation. This document represents minimum standards for suppliers to use to address violence and harassment in their workplace. It should be adapted to incorporate national legislation and policies. For more on the national guidance, refer to the Fair Wear Gender Country Fact Sheets.

ABOUT FAIR WEAR FOUNDATION

Fair Wear Foundation is a multi-stakeholder organization, working with business, governments, trade unions and NGOs to improve labour conditions in the garment sector. Fair Wear has extensive experience working with member brands and their suppliers in preventing and addressing violence and harassment including gender-based violence in the workplace. In combatting gender-based violence, Fair Wear has undertaken training of factory management and workers, research, capacity building, lobby and advocacy.

For more information, please visit www.fairwear.org

Definitions

Violence and harassment

Violence and harassment refers to a range of unacceptable behaviours and practices, or threats, whether it happens once or is 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.

Gender-Based Violence

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.

Sexual Harassment

Sexual Harassment includes anyone or more of the following unwelcome acts or behaviour (whether directly or by implication) namely:

1. Physical contact or advances
2. A demand or request for sexual favours
3. Making sexually coloured remarks
4. Showing pornography
5. Any other unwelcome physical, verbal or non-verbal conduct of a sexual nature

It is important to remember that workplace sexual harassment is sexual, unwelcome and the experience is subjective. It is the impact and not the intent that matters and it almost always occurs in the matrix of power. It most often is categorised in two forms: quid pro quo or hostile working environment.

Quid pro quo

Quid pro quo occurs when a job benefit—such as a pay rise, a promotion, or even continued employment—is linked to a worker submitting to or rejecting sexual advances.

Hostile Working Environment

Hostile Working Environment consists of any conduct that creates an intimidating, hostile, or humiliating work environment covering a range of behaviour including sex-based comments, disparaging remarks about the sex or gender of the victim, innuendos, and sexually suggestive or explicit materials.

While a single incident constitutes sexual harassment, oftentimes, sexual harassment involves repeated behaviours.

Worker

A worker includes employees as defined by national law and practice, as well as persons working irrespective of their contractual status, persons in training, including interns and apprentices, workers whose employment has been terminated, volunteers, jobseekers and job applicants, and individuals exercising the authority, duties or responsibilities of an employer..

World of Work

- In the workplace, including public and private spaces where they are a place of work;
- In places where the worker is paid, takes a rest break or a meal, or uses sanitary, washing and changing facilities;
- During work-related trips, travel, training, events or social activities;
- Through work-related communications, including those enabled by information and communication technologies;
- In employer-provided accommodation; and when commuting to and from work.

International Legislation

Equal Remuneration Convention (No. 100),

Discrimination (Employment and Occupation) Convention (No. 111),

Workers with Family Responsibilities Convention (No. 156),

Maternity Protection Convention (No. 183).

Convention concerning the Elimination of Violence and Harassment in the World of Work (No. 190)

Conventions 100 and 111 are also among the eight fundamental Conventions and the principles and rights enshrined in those Conventions are found in the ILO Declaration on Fundamental Principles and Rights at Work .



Overview

SIX STEPS TO ADDRESS VIOLENCE AND HARASSMENT IN FACTORIES



Embed a factory-wide approach to address violence and harassment in policies and management systems.



Identify potential and actual cases of violence and harassment through conducting gender-responsive risk assessments in the factory.



Cease, prevent, or mitigate behaviours linked to increased risks of violence and harassment.



Track the progress of the workplan to cease, prevent or mitigate risks.



Communicate the progress made. Suppliers can communicate their progress to workers, unions and subcontractors, brands and auditors. Further demonstrating their commitment to addressing violence and harassment.



Allegations of violence and harassment should be prioritised for investigation and remediation in accordance with national laws. Training should provide workers with information on the process for bringing forward complaints and should address not only how to identify cases but also how to safely collect evidence. All cases should be addressed with sensitivity, confidentiality and through a victim-centered approach.

This practical guidance divides addressing violence and harassment in six steps:

In each step and where possible, engage with brands, factory management, local government, and workers representatives and disseminate information about the progress made. Violence and harassment, including gender-based violence, is a topic that should be addressed collectively and included in collective bargaining agreements. Freedom of Association can facilitate workers involvement in identifying and addressing violence and harassment in factories. Trade unions or workers representatives can take a role in prevention and mitigation.

As gender-based violence is a sensitive issue, the victims are most likely to tell the story to someone they trust, such as a worker representative or trade union representative, rather than directly to management. Factory management has a role in developing a system to handle grievances and monitor its effectiveness.

Examples of activities factory management can take are:

- »» ***Anonymous worker surveys to identify prevalence of violence and harassment,***
- »» ***Developing and communicating policies and procedures,***
- »» ***Supporting the development of an anti-sexual harassment committee,***
- »» ***Placing gender-based violence as a topic in a bipartite committee or a Occupational Health and Safety committee,***
- »» ***Training workers to identify violence and harassment, and report on violence and harassment in workplaces,***
- »» ***Workers have information about other grievance handling mechanisms/tools.***

Step 1:

BUILD COMMITMENT AT THE TOP

Incorporate policies and systems to address violence and harassment, developed with input from unions and worker representatives. Raise awareness and build commitment throughout the factory, from top management, CSR representatives, human resources and marketing, through to department heads, production line managers and workers on the factory floor. Commit to collectively addressing the issue together with brands, subcontractors and workers.

- »» Raise awareness about the prevalence of violence and harassment throughout the garment supply chain.
- »» High level management should define its mission statement and intended outcome for handling violence and harassment in the factory.
- »» Discuss the mission and outcome with the brand or supplier.
- »» Establish a team who will be responsible for developing a strategy. The team should consist of management (both sales/marketing and CSR should be involved), workers representative and external parties if possible. External stakeholders include local government, brands, agents, auditors, NGOs, local university representatives, experts, etc.
- »» The current active committees or taskforces in the factory such as bipartite committee and the Occupational Safety and Health committee should be included, as well as management in direct contact with workers on the production floor such as human resources, compliance, security, and production division. Consider gender balance within the team.
- »» The team should develop a workplan, timeline and budget for preventing, addressing and remediating violence and harassment. Those documents should be reviewed, consulted on, and approved by high level management, and discussed and shared with other relevant actors in the supply chain including brands, subcontractors and worker representatives.
- »» Communicate and publicise mission statement, workplan, and outcomes to workers.

Step 2:

RISK ASSESSMENT

Identifying risk of violence and harassment against women workers in factories. Step 2 will need time and resource investment as this is the process of assessing the current situation and identifying what needs to be improved. Workers engagement in this step is essential.



Understand the context of the country.

Fair Wear Foundation conducts a 'Country Study' every 2 years. These are available online. For Fair Wear member brands, more content is available under the Gender Toolkit on the Member Hub, including a gender analysis of each country.

Identify the existing social groups in the factory

(e.g. consider gender, race, pay scale, production line, religion, ethnicity, residence, location, etc.). The identification can give more context on the variety of worker's needs, concerns and requests. Consider power dynamics such as if the factory is foreign owned or managed, and if members of management are of a different race, nationality or ethnicity or religion in comparison to workers.

Map out relevant parties to answer:

“Who needs to be involved in addressing gender-based violence in the factory?”. It can be local NGOs, legal aid, regional government responsible for labour or for women’s rights, women’s NGOs, domestic violence support organisations, trade unions and other relevant stakeholders.

Identify the risk

By asking workers what are the risks or impact of factory operation which may contribute towards conditions of violence and harassment and discrimination? Risks can be identified through audit findings, and by applying the Fair Wear Risk Analysis Checklist ([Annex 1](#)). For small enterprises, using low-cost tools like a checklist can be an affordable first step to conducting a risk assessment. Factories producing for Fair Wear member brands can also reach out to brands to request further support in implementing risk assessments. Or an analysis can be conducted by categorising risks based on scale, scope and possibility for remediation.



Scale refers to the extent of the adverse impact, this can be low, medium, and high.



Scope is how many people that can be affected, that can be categorized as low, medium, and high.



Possibility for remediation assesses the possibility of fully remediating the situation after the fact.

While risks or incidences are not always easy to categorise, using a table can help prioritise which situation need to be addressed first. It may also highlight a culture of violence and harassment that exists in a factory, requiring long-term efforts for remediation.

NOTE: that this is very individual so the scale is not meant to take away from that, but it can help to prioritise what to address. It is an exercise to give you a starting point. Suppliers should take the first lead in doing so. It can also be a tool to start SD- involve worker representatives and others in the process.

Undertake a desk review

on internal policies, audit reports and collective bargaining agreements (CBA). Identify to what extent those documents have stipulated about non-discrimination, prevention of violence and harassment, and supporting the remediation of cases (Annex 2). Which documents are not available or need to be improved? Consult with external expert if needed.

Identify what data is not available and needs to be collected

Identify which data and indicators will be used as baseline data and which data will be monitored periodically. Brands and factories can use this Gender Data Checklist to conduct a gender mapping of the supply chain. For more in-depth data collection consider the BSR Gender Data Indicator Tool.

Analyse violence and harassment-related complaints



What are the most common complaints raised?
To what extent does the factory complaints mechanism address violence and harassment?
Any specific mechanisms to handle gender-based violence cases?
When there has been a case, how was it handled and what steps can be taken to prevent the reoccurrence of the incident?
What are the mechanisms workers use to report complaints?

When there are no cases of violence and harassment, factories and brands should not assume that this means that none have occurred.

Revisit factory complaints' mechanisms to ensure that victims have a safe way to report. Consider a factory training on violence and harassment so that management and workers know what constitutes violence and harassment. Consider off-site discussion with workers facilitated by external parties

Map the layout of the factory

Including area/spots that have high risk of sexual harassment. This mapping should involve women workers from a variety of departments. Install CCTV-camera in the high-risk location inside the factory premise (Annex 3). This method was successfully used by Fair Wear in a participatory research amongst workers.

Women Identified safety concerns in the following locations



Quiet places or places with low lighting

Crowded locations in the factory and particularly on the factory production line, as well as around the factory gates

Restrooms, followed by workstations, the canteen areas, poorly lit areas, some corridors, staircases, and the parking lot

Lack of safety travelling to and from work, particularly late at night and in the dark

Review the function of bipartite and OSH committee in preventing and remediating gender-based violence. Is a new specific committee needed to handle incidences of violence and harassment or can the function be added into the current active committee? To read about the Anti-Harassment Committees developed in India and Bangladesh through Fair Wear's training programme, see the publication: 'Breaking the Silence'.



Reduce excessive overtime to prevent the occurrence of Violence and Harassment in factories

Only set/accept orders with reasonable deadlines and price

Do internal technical audits to improve production efficiency

Ensure the number of working hours do not exceed legislation

Ensure that overtime is predictable and voluntary for workers

Establish long-term brand-supplier relationships

Provide workers with safe travel to and from work, particularly in cases of overtime/night work

Step 3:

CEASE, PREVENT OR MITIGATE BEHAVIOURS LINKED TO VIOLENCE AND HARASSMENT.

Use the risk assessment to identify areas where improvements are needed and develop a workplan and timeline to address these risks. Update policies and management systems developed in Step 1. Include training across all levels of the factory and support the creation grievance mechanisms to handle grievances and complaints through a victim-centered approach.

After completing the risk assessment, it is time to put the results into policies and integrate into the management system. Please refer to Annex 2 and start from there. As a basis of improvement, it is crucial for brands and factory management to support freedom of association and social dialogue. Additionally, brands should be supportive of every step that a factory takes.

Based on the risk assessment conducted in Step 2:

- » Establish or strengthen the Code of Conduct/Ethics. A model Employer Code of Conduct is available online. Consider the needs and interests of women and men workers equally in the development and refinement of company policies. The risk of occurrences of gender-based violence should be included in the development and refinement of company policy and practices, for example working time hours, the landscape of factory and maternity practices and facilities.
- » Establish or strengthen a non-discrimination policy that offers similar opportunities for women and man to be promoted and to access worker training, to encourage more women to be in management and supervisor roles, provides similar wage and benefits for women and man who are in similar position. Ensures that there are no prohibitions on pregnancy for women in any position. Offers similar opportunities for pregnant women to be hired as other workers and allow women to return to the same position, if they want, when they return from maternity leave.
- » Establish or strengthen an anti-sexual harassment policy. The example of anti-sexual harassment policy can be found online.

Support training for management, supervisors, and workers representatives on the following topics:

- Complaints procedures and gender-related company policies.
- Gender-based violence including the definition, scope, impact.
- Freedom of association, the role of trade unions and other committees in the factory.
- How to do worker surveys.

How to improve a workplace anti-sexual harassment policy

- Clearly define sexual harassment
- Include sanctions for perpetrators and support for victims
- Provide the contacts of supporting organisations that can help victims
- Involve brands, representatives, and local government in the process
- Engage male workers

Include steps to promote the policy in the workplace

- » Establish or strengthen grievance mechanisms that consider gender-based violence as a special case that may need different treatment to address.
The criteria on a functional grievance mechanism can be found in Annex 4. To read more about gender sensitive interviewing of workers, see this guidance on Gender Equality in Social Auditing.
- » Include operational standards on sexual harassment in Collective Bargaining Agreements (CBA), job contract, induction and probation.
- » Establish mechanisms to prevent and handle violence and harassment, also responsible for capacity building, and monitoring and evaluation of violence and harassment programmes.
- » Define the indicators on knowledge of violence and harassment policies.

INDICATORS ON VIOLENCE AND HARASSMENT

Indicator	Criteria for next year	Means of verification	Monitoring Time
Level of knowledge of GBV among workers	Minimum 50% of workers know the definition of sexual harassment	Workers survey	Annually
	Minimum 50% of workers can give 3 examples of sexual harassment	Workers survey	Annually
Willingness to report GBV cases	Number of cases reported	Complaints report	Annually
Awareness Raising	Minimum 20% of all workers trained on violence and harassment	Training Report	Annually

Step 4:

EVALUATION, MONITORING AND TRAINING

Establish a monitoring system that helps track the implementation of policies and provides information that can be used by factory management to measure the result of GBV policies. By monitoring, management can ensure that the company policies are implemented and identify where improvement needs to be made. Monitoring can be simple or complex. This will depend on the budget, skills of the team, size of your factory, and complexity of the indicators you are trying to measure. It is also possible to hire an external party to assist in monitoring and training. For Fair Wear member brands, suggested civil society partners are available for some production locations. The policies should be reviewed and updated every three years.

Establish a regular monitoring system:

- »» Assign a high-level member of management to be responsible for monitoring and training.
- »» Establish a Monitoring Team (include a worker representative in the team). Gender-based violence is sensitive issue where the victims tend to not disclose the experience. Therefore, “gender sensitivity” to collect information from workers is highly important, including involving women and other trusted persons (such as an external NGO member) in data collection. The information should be collected off-site and by an external party if possible.
- »» Decide the approach and methodology. See Annex 5 for a gender-based violence indicator checklist to help guide your approach.
- »» Provide adequate resource including training to the monitoring team. Document best practices and lessons learned.
- »» Ensure the coordination between GBV monitoring team with the other team e.g compliance, sustainability, human resources and communication.
- »» Have an external party conduct off-site worker surveys to ensure their voices and experiences are included in the process. Make sure that the interviews cover a variety of job functions, production lines, and gender.
- »» Offsite interviews conducted by an external party (preferably a woman) are considered best practice for identifying gender-based violence cases.

These can cover:

- The level of understanding of workers and management about violence and harassment, and the policies.
- The occurrence of underreported violence and harassment cases.
- The benefits and success factor of the policies.

How to prevent or mitigate harm with subcontractors?

Some factories rely on sub-contractors for their production. It is important for brands to be aware of the factory's list of subcontractors, assessment findings, and corrective action plan (CAP).

- » Establish a policy for subcontractors. The policy should clearly stipulate what action that factory will take if there is violence and harassment found on the subcontractor premises.
- » Establish a rigorous assessment for choosing subcontractors. Regularly monitor subcontractors.
- » Brands should support factories and their sub-contractors to mitigate risks.
- » Open the grievance mechanisms to sub-contracted/home-based workers to receive complaints against subcontractors.



Step 5:

COMMUNICATE THE PROGRESS MADE

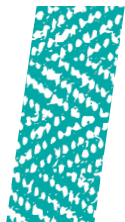
Suppliers can communicate their progress to workers, unions, subcontractors, brands and auditors. Further demonstrating their commitment to addressing violence and harassment

Evaluation is useful for the following purposes

- »» To get feedback from workers, their representatives, and committee members about the impact and the challenges on implementing violence and harassment policies at the factory level.
- »» To analyse to what extent these policies support the existing certification and compliance systems a brand or factory has in place. To incorporate new legislative norms or global ratifications

Designing the evaluation

Based on the indicators and criteria that has been set on Step 3 an evaluation tool on GBV policies should analyse the following questions:



What is going well?
What needs to be continued?
What needs to be improved?
What needs to be stopped?

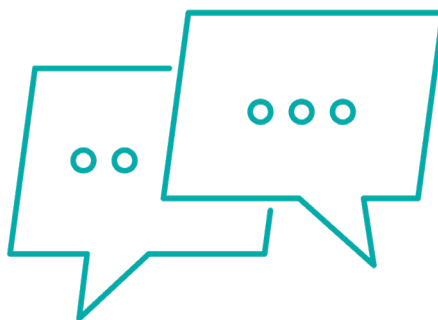
- »» Ensure the evaluation is used for the improvement of violence and harassment prevention and remediation.
- »» Share the evaluation results with relevant stakeholders such as brands, trade unions and workers.
- »» An evaluation report can be used for discussing the results and areas for improvement.
- »» Evaluation should be done every one or two years.

Awareness raising in the factory that includes:

- Campaigns to publicise the company policy on violence and harassment, **Example:** the prohibition of sexual harassment visualized in banners and posters, verbally informing workers when signing their employment contract.
- Publicise the complaints process.
- Regular campaigns raising awareness on gender-based violence.
- Information on alternate grievance handling mechanisms such as the Fair Wear Hotline.

To the extent possible, factories should ensure that the actions that it has taken are preventing sexual harassment and other forms of violence and harassment. Factories (with the support of brands) may monitor through simple surveys, peer discussions or other forms of worker engagement the following:

- » The extent to which workers know what constitutes sexual harassment and sexual and gender-based violence and the consequences for breaking the enterprise's policy against such conduct.
- » The extent to which workers know how and where to report sexual harassment, violence or threats of violence and feel they may do so without fear or reprisal (i.e including alternative avenues for filling a complaint).
- » The extent to which workers believe that management will or did respond appropriately if they report an incident.

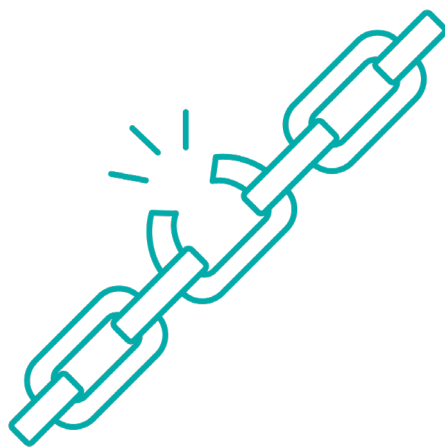


Step 6:

REMEDIATE

Allegations of violence and harassment should be prioritised for investigation and remediation in accordance with national laws. Training should provide workers with information on the process for bringing forward complaints and should address not only how to identify cases but also how to safely collect evidence. All cases should be addressed with sensitivity, confidentiality and through a victim-centered approach.

Brands and workers should be engaged in remediation plans to strengthen the response to complaints.



Further Resources

Many resources have already been developed and can be used by factories and brands to begin addressing gender-based violence. A few of these are referenced throughout this report and these links are included below.

See the document of Annexes for specific checklists and risk-assessments that can be followed. For Fair Wear member brands, the complaints helpline can be a useful tool to help workers report incidences and the Workplace Education Programme can help in establishing anti-harassment committees. Furthermore, efforts to address low wages and strengthen social dialogue can be keen to preventing gender-based violence in garment factories.

To read more about the Fair Wear approach and access to country specific information visit: <https://www.fairwear.org/programmes/gender>.

LINKS

Country Studies: <https://www.fairwear.org/programmes/countries> Model Employer Code of Conduct: <https://api.fairwear.org/wp-content/uploads/2019/05/EMP-of-CEYLON-Code-of-Conduct-on-sexual-harassment.pdf> Model Policy on Sexual Harassment: <https://api.fairwear.org/wp-content/uploads/2019/05/Model-policy-on-sexual-harassment-JP-Nov-2018.pdf> Gender Mapping Your Supply Chain: <https://api.fairwear.org/wp-content/uploads/2019/05/a4-Checklist-for-Brands-Awareness-as.pdf> BSR Gender Equality in Social Auditing: https://www.bsr.org/reports/BSR_Gender_Equality_in_Social_Auditing_Guidance.pdf BSR Gender Data Indicator Tool: <https://www.bsr.org/reports/BSR-Gender-Data-Impact-Framework.zip> ITCILO/Fair Wear Gender Resource Toolkit: <https://gbv.itcilo.org/index.php/index.html#home-index> OECD, 'OECD Due Dilligence Guidance for Responsible Supply Chains in the Garment and Footwear Sector' (2017) <https://mneguidelines.oecd.org/OECD-Due-Diligence-Guidance-Garment-Footwear.pdf>; Fair Wear, 'FWF Code of Labour Practices' (2016) <https://api.fairwear.org/wp-content/uploads/2016/06/fwfcodeoflabourpractices.pdf/>. Care International, "I know I cannot quit." The Prevalence and Productivity Cost to the Cambodian Garment Industry' (2017)https://insights.careinternational.org.uk/media/k2/attachments/SHCS_Full_Technical_Report_March_2017.pdf Fair Wear, 'Breaking the Silence: The FWF Violence and Harassment Programme' (2018) https://api.fairwear.org/wp-content/uploads/2018/04/2018_FWF_Breaking-the-silence.pdf The Observer, 'Revealed: Women making clothes for the west face sexual abuse' (2019) <https://www.theguardian.com/global-development/2019/apr/07/violence-sexual-abuse-vietnam-garment-factory>.



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