



Gender Equality Policy

2021

GENDER EQUALITY WITHIN FAIR WEAR MEMBERSHIP

The Fair Wear Gender Equality programme is covered by three documents.

- 1** The Gender Equality Policy outlines the Fair Wear requirements for member brands to be compliant with the Fair Wear Code of Labour Practice as it relates to ensuring gender equality in their production facilities.
- 2** The Gender Equality Approach outlines the direction and scope of the Fair Wear Gender Equality programme. It explains the methodology Fair Wear takes on gender equality, as well as the theoretical framework behind this approach.
- 3** The Brand Guidance on Gender Equality (forthcoming) is a resource for member brands, to support them in applying a gender lens to their own work and implementing gender equality in their supply chain.

This Gender Equality Policy is best understood in conjunction with the Gender Equality Approach ([insert link](#)) and the Brand Guidance on Gender Equality (forthcoming).

INTRODUCTION

The aim of Fair Wear is a world where the women and men working in the garment industry are able to realise their rights to safe, dignified, properly paid employment. Gender equality is a key component to realising this aim. In working towards this vision, particular emphasis is placed on workers' rights to decent working conditions. Standards for these decent working conditions are captured in eight Fair Wear Code of Labour Practices. Currently, gender equality is addressed first and foremost as a cross-cutting dimension that is intrinsic in each of the Fair Wear Code of Labour Practices. Therefore, for member brands to be compliant with each standard, they must first address gender inequality issues relevant to the standard.

People made vulnerable because of their sex or gender often experience labour violations in differing and exacerbated ways. Analysing and addressing the specific and different needs of women and men, for example, working conditions that impact women and men differently, is a vital first step in the commitment to the Fair Wear Code of Labour Practice.

The aim of this Gender Equality Policy is to lay out Fair Wear's requirements for member brands to address gender inequality within each of the labour standards.

As women make up the majority of garment workers and are among the lowest paid and most disadvantaged people in the garment supply chain, incorporating a gender analysis in all of Fair Wear's activities, and the consideration of gender in our brand actions ensures greater focus on the workers rendered most vulnerable in the supply chain: women. At the same time, it is also in the interest of brands and managers to encourage gender equality in the workplace through women's empowerment, making use of their full potential. In addition to human rights, there is a business case for addressing human and labour rights within supply chains, and hence advancing women's economic empowerment at the global, national and firm level. Investing in gender equality, providing women with technical and managerial skills and ensuring a safe and equal workplace helps companies to become more competitive and to develop new markets. Some of the concrete rewards for this investment include better efficiency and productivity in operations.

Effective implementation by member brands of this gender policy will require commitment and practical support from top management, as well as organisational support in order to advance the skill and knowledge of the brand staff in order to mainstream gender equality in their areas of work.

RELEVANT INTERNATIONAL FRAMEWORK

The key ILO Conventions relevant to gender equality are:¹

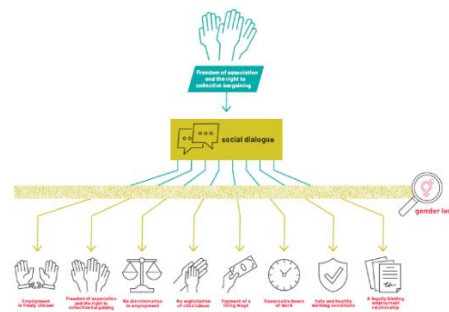
- Equal Remuneration Convention ([No. 100](#)),
- Discrimination (Employment and Occupation) Convention ([No. 111](#)),
- Workers with Family Responsibilities Convention ([No. 156](#))
- Maternity Protection Convention ([No. 183](#))
- Violence and Harassment Convention ([No. 190](#))

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](#) and referenced in the Fair Wear Code of Labour Practices. The Discrimination (Employment and Occupation) Convention, 1958 (No. 111) is the reference point for the fundamental right of non-discrimination at work. This Convention has been ratified by 174 member states. Gender based violence and harassment, which disproportionately affect women at work, are serious forms of discrimination and can also be considered as violating the right to a safe and healthy workplace.

In addition to the ILO Conventions, there are binding and non-binding obligations found in international law to address gender inequality and discrimination, for example, in the United Nations Declaration of Human Rights (UNDHR) and the Convention on the Elimination of All Forms of Discrimination against Women, 1979 (CEDAW). The United Nations Agenda for Sustainable Development Goal 5 calls for gender equality and the empowerment of all women and girls.

¹ All ILO Conventions concerning gender equality can be found here: <https://libguides.ilo.org/gender-equality-en/standards>

GENDER EQUALITY AS A CROSS-CUTTING ISSUE



The Fair Wear Gender Equality programme provides a gender analysis of the Code of Labour Practices to reveal the gendered components and impacts within each Code of Labour Practice (see Gender analysis of the Code of Labour Practices). This is to offer guidance to Fair Wear member brands and their suppliers on how to address structural inequalities based on gender. The Fair Wear Gender Equality programme applies a gender lens across all programmes to conduct a gender analysis.

A gender lens is a tool to expose implicit and explicit forms of gender discrimination which exist in factories. Applying a gender lens means, first, that we take as a starting point that the reality of workers and the way they are treated in society and in the workplace is deeply and structurally influenced by the fact that they are women or men. Second, it is important when applying a gender lens to also take into account garment workers' multiple, intersecting realities and identities, such as migration status, age, race, ethnicity, caste, sexual orientation, disability or gender identity,² and analyse how these realities and identities may increase the risk of labour violations. Incorporating what is called an 'intersectional' approach³ to gender equality in garment factories reveals how labour violations impact workers differently or more severely (for example the multiple discrimination against a worker based on being both a migrant worker and a woman). Only by adding such an intersectional approach can we identify and acknowledge the full extent of sex and gender discrimination or other labour violations.

When applying a gender lens to the Fair Wear Code of Labour Practices, it is apparent that particular labour practices are strongly gendered. Often work on gender equality is linked to labour standards related to the prohibition of discrimination based on gender and sex, which includes equal pay for equal work as well as violence and harassment when it occurs on the basis of someone's gender or perceived gender. Gender equality also sometimes falls under occupational health and safety which typically includes provisions against physical abuse, threats of physical abuse, unusual punishments or discipline, sexual and other harassment, and intimidation. However, gender equality, to varying degrees, is linked to all labour elements. The gender lens will serve to highlight their gendered implications more clearly.

² The Yogyakarta Principles plus 10: http://yogyakartaprinciples.org/wp-content/uploads/2017/11/A5_yogyakartaWEB-2.pdf

³ For more, please refer to the work of Professor Kimberlé Crenshaw: <https://www.law.columbia.edu/faculty/kimberle-w-crenshaw>

WHAT THIS MEANS FOR MEMBER BRANDS

Because gender equality is a cross-cutting issue, Fair Wear requirements on gender equality are also cross-cutting. The following is a list of actions that we require from member brands.

- 1** All Fair Wear member brands need to explicitly, and at top management level, commit to pursuing gender equality in their supply chains as part of compliance with the Fair Wear Code of Labour Practice, including steps to prevent, address and remediate gender discrimination and violence and harassment.
- 2** The member brands' purchasing and sourcing strategies include provisions on gender equality, non-discrimination, and gender-based violence and harassment to ensure compliance with all the Fair Wear Code elements. These provisions should align with the Fair Wear template (see brand guidance).
- 3** In their contractual agreements with suppliers, member brands should include stipulations that suppliers must agree to work towards gender equality in order to uphold the Fair Wear Code elements, with a specific focus on tackling workplace discrimination and gender-based violence and harassment.
- 4** To support suppliers in adhering to these agreements, member brands should commit to long-term relationships with suppliers (several years or more) so as to provide the financial stability and predictability needed to implement measures to address Fair Wear Code of Labour Practice violations, including gender inequality.
- 5** Recognising that through social dialogue, workers themselves—particularly women—can exercise their rights, member brands encourage and, to the greatest extent possible, facilitate female workers to participate in social dialogue structures to ensure that their voices, wants and needs are included. This is especially relevant when collective bargaining agreements are being negotiated.
- 6** Member brands' sourcing strategies and risk assessments of their supply chains have undergone a gender analysis to better understand the gendered implications of their sourcing and purchasing practices.
 - i. If, during this process, member brands identify high risk areas related to gender inequality in their sourcing or purchasing practices, they take steps to mitigate the risks, such as training of CSR staff; adapting purchasing practices to prevent overtime; and living wage projects with a gender focus.
 - ii. If, during this process, member brands identify high risk areas related to gender inequality in their supply chain, they take steps to mitigate the risks such as training for workers,

supervisors and management on specific topics; facilitating the creation and continuation of workplace harassment committees; and encouraging collective bargaining agreements which include women's voice.

- 7** When collecting data on their supply chains to understand more about working conditions, member brands should make sure the data is gender disaggregated. This can help to reveal gender inequalities, such as discrimination in wages, hiring, promotions and termination practices. The brands should use this data in their gender analysis to inform their actions to mitigate harms, such as addressing the gender pay gap.
- 8** Member brands must urgently address violations related to gender inequality, especially those involving discrimination and gender-based violence and harassment. They should include a root cause analysis and work with their suppliers to address the root causes.
- 9** When an internal grievance system is available, member brands should assess whether it is best suited to address cases related to gender-based violence, harassment and discrimination and if not, take action to make sure a suitable mechanism is available. Member brands should ensure that workers, especially those vulnerable to violence, harassment and discrimination, are made aware of these grievance mechanisms and feel confident to utilise them. Member brands should be aware that when remediating these types of complaints, specialised additional support might be needed. Member brands should first ask for support from Fair Wear. *(next year, to be replaced with: Member brands should first consult the Fair Wear remediation guide.)*
- 10** Member brands support and facilitate initiatives and programmes that ensure workers and management are able to build an understanding of their rights, gender equality and gender-based violence and harassment as well as social dialogue and worker-management dialogue. Member brands should also facilitate the inclusion of women in these initiatives and programmes, especially if they cover topics that specifically or disproportionately affect women, or topics that impact gender equality.

Fair Wear Brand Performance Check

Currently, the Fair Wear Brand Performance Check has no specific indicators related to gender equality. This will change. In 2021, Fair Wear will develop the indicators, share them with the member brands and begin to offer training to them on how to implement actions to be compliant with the indicators. In 2022, member brands will have to implement actions in order to score on these indicators. In 2023, Fair Wear member brands will be marked on gender equality indicators during their brand performance check.

WHAT THIS MEANS FOR PRODUCTION LOCATIONS

Fair Wear considers a production location to be in compliance with this policy if workers are supported by effective and operative policies and procedures that aim to address gender inequality, have access to functional, victim-centred complaints mechanisms and have equal access to initiatives and opportunities that lead to a more gender equal working environment. This means production locations should:

- 1** Encourage and facilitate the participation of women in social dialogue structures. Ensure, for example, that they have equal opportunity to form or join unions, to act as worker representatives, that they can participate in democratic elections and are included in any related workplace trainings. See the Member Hub for more information on workplace trainings.
- 2** Have written policies related to gender equality, with explicit references to non-discrimination and gender-based violence and harassment or embed provisions on gender-based violence and harassment in existing policies related to occupational health and safety and human resources. In the over-time policy, set provisions that address the specific needs of women, such as safety precautions when working late at night, and care responsibilities. Communicate these policies and provisions clearly to all workers and management.
- 3** Have a clear, accessible and functional complaints procedure for violations related to gender equality, including gender-based violence and harassment and discrimination. Ensure that the procedure is able to handle cases related to these topics, and if need be, enlist the support of local women's organisations or organisations focusing on gender-based violence and harassment and discrimination in setting it up.
- 4** Ensure that there is a transparent system for hiring, termination, remuneration and promotions with equal terms and access for women, and that women workers are informed that new positions and promotions are open for all workers to apply for. Analyse this system regularly to make sure that it does not have any gender biases that create barriers to women's employment opportunities and skills development.
- 5** Encourage women to seek management and supervisory positions, and if possible, provide skills training to women workers to this end.
- 6** Comply with legislation that addresses issues that relate to women, for example, maternity and childcare laws, including pay, record keeping, occupational health and safety requirements. This would include, for example, ensuring that pregnant workers are not exposed to dangerous working conditions, that they do not experience discrimination in the workplace, and that they are provided

the legally allocated maternity leave and the ability to return to their job at the same level or higher, if they choose. Promote and facilitate childcare facilities for workers.

- 7** Monitor if women workers are returning to work after maternity, and if the numbers are lower than average, investigate and address why.
- 8** Disaggregate by gender when registering data on, for example, workforce profile, wages, hiring, promotions, terminations, and overtime. Utilise this data by collecting and sharing with brands or third parties or by conducting a gender analysis to enable the identification of gender inequality.
- 9** Encourage and facilitate gender-balanced workplace committees.
- 10** Facilitate trainings for women workers on their human (including labour and gender equality) rights.
- 11** Work towards a workplace that is free of violence and harassment, for example, by facilitating trainings for workers on gender sensitive workplace behaviour and practise. Ensure that both women and men are included in trainings.