

Gender Discussion Group: Sexual violence and harassment against women
7th UN Forum on Business and Human Rights

I. CHALLENGES

- **Prevalence:** Gender-based violence (GBV), which includes sexual harassment and the threat of violence, is one of the most prevalent human rights violations and business-related risks in the world. GBV disproportionately affects women and may particularly impact women from vulnerable groups, such as local communities, jobseekers, victims of trafficking, indigenous women, sex-workers, domestic workers, undocumented migrants and refugees. At least one in three women around the world will experience sexual violence or harassment in her lifetime. GBV causes individual pain and suffering which can include unwanted pregnancies or physical/mental illness, negative impacts on families and communities. It is a major barrier to decent work, diminishes business profits, negatively affects GDP, and stalls development.
- **Gendered impacts of business-related activities:**
 - pregnancy complications such as miscarriage due to harmful work during pregnancy, such as long working hours, exposure to extreme temperatures, toxic chemicals and pollution;
 - loss of livelihood, wages, and property due to formal and traditional discrimination; wage discrimination; pregnancy discrimination, fewer promotion opportunities.
 - exclusion of women from decision-making processes and consultations where access to land and resources, compensation and benefits are being negotiated;
- **Lack of data** on the risks and costs of GBV from a business perspective (direct costs: absenteeism, productivity loss, services provision, litigation, reputational costs; indirect costs: staff turnover, personnel reorganization). Sexual violence is also difficult to measure and quantify. Existing data is scattered or difficult to compare. There is also a lack of awareness of GBV as a problem across the value chain of business.
- **Lack of awareness and engagement from business.** There is a lack of understanding among business of how to provide an effective remedy to victims of sexual violence and assault, as well as the best way to prevent and address violence and harassment in the world of work. This includes the extent of business responsibility to prevent and remediate workplace violence and harassment, as well as how to provide support to victims of intimate partner violence at home. There is also a lack of awareness of the business case for action against GBV - i.e. the positive and profitable outcomes of safe and harassment-free workplaces.

II. POTENTIAL SOLUTIONS

- **Raise Awareness and Build the Business Case Among Business:** raise the visibility of GBV as a business-critical issue through coordinated outreach and communications and convene business leaders to identify practical challenges and emerging good practice.
 - Identify, collate and disseminate good practices of business policies and practices that have effectively addressed sexual violence and harassment
 - Collect, analyse and present data on the costs and risks of sexual violence and GBV to business to catalyse action from the private sector
- **Worker-Employer partnerships:** Employers and workers can participate in [Worker-Driven Social Responsibility](#) programmes (e.g., Fair Food Programme, Bangladesh Accord)

- **Embed a gender lens in other corporate human rights frameworks.** For example, the Voluntary Principles on Security and Human Rights Initiative should be applied in ways that further mitigate and anticipate potential human rights abuses, including violence against women
- **Establish a non-state based remedy framework** for victims of sexual harassment and violence that takes into account the particular difficulties associated with these issues including burden of proof, lack of reporting, fear of reprisal from colleagues and community

III. GOOD PRACTICES

Pillar 1 The state's responsibility to protect

- Strengthen legal mechanisms to protect all people from violence and harassment, including in the world of work (at local, state, national and international levels). For example, this could include supporting an ILO Convention on Ending Violence and Harassment (which may be adopted at the 2019 ILC).
- Publicly support organizations that aim to address sexual harassment and violence in the workplace, and support education initiatives for boys and girls about the importance of respectful relationships and non-violent behaviour

Pillar 2 Business responsibility to respect.

Policy Commitment

- Sign the CEO Statement of Support and commit to the Women's Empowerment Principles (WEPs) - a joint initiative of the UN Global Compact and UN Women that provides a holistic framework for corporate action on empowering women in the workplace, marketplace and community, including a principle (Principle 3) dedicated to ensuring the health, safety and well-being of all women and men workers.
- Establish a zero-tolerance policy towards all forms of violence at work, including verbal and/or physical abuse and sexual harassment

Human Rights Due Diligence

- Conduct gender-specific due diligence based on the nature of the investment or activity, the sector, national/local context, working conditions and women's human rights. The results of the due diligence should be made publicly available and be a prerequisite for support from export credit agencies and lenders such as the World Bank
- Provide women and men time off for medical care and counselling for themselves and their dependents; offer health insurance or other needed services - including for survivors of domestic violence - and ensure equal access for all employees
- When operating in conflict zones associated with sexual and gender-based violence, or when considering large investment opportunities in natural resources, consider the effect that a large influx of a predominantly male workforce could potentially have on local communities, including in the use of private and public security forces
- Provide integrated and repeated training for all employees and suppliers on social, cultural and gendered norms that perpetuate GBV. Train managers to recognize signs of violence against women and laws and company policies addressing human trafficking, labour and sexual exploitation.
- Provide workers, including women, with safe, fair and stable employment, and recognize their freedom of association and to organize for better treatment
- Include women, girls and marginalized groups in consultations of all large-scale industrial developments, such as large natural resource projects, in order to learn how these developments may affect them

- In consultation with employees, identify and address health and security issues and risks, including the safety of women travelling to and from work and on company-related business

Pillar 3 Access to Remedy

- Work with women and other marginalised groups to establish an effective and accessible grievance mechanism that would allow women to report sexual violence and harassment in the workplace
- Remove barriers for women to access effective remedy whether through judicial or non-judicial means. For example, companies can eliminate the practice of including forced arbitration in employment contracts for sexual harassment claims.

Research and Resources *section added for reference*

1. [ILO-IFC Better Work Programme](#), ILO-IFC, 2016
2. [Counting the Cost of Violence](#), CARE, 2018
3. [Methodological Approaches for Estimating the Economic Costs of Violence against Women and Girls](#) (What Works to Prevent Violence)
4. [How to calculate the cost to business of gender-based violence in Papua New Guinea](#) (ODI, 2014)
5. [\\$MeToo: The Economic Cost of Sexual Harassment](#), Institute for New Economic Thinking, 2018
6. [Gender-based violence in the world of work: Overview and selected annotated bibliography](#), ILO, 2011
7. [IUF- IndustriAll-Unilever Joint Commitment on preventing sexual harassment](#), Unilever, 2016
8. [EEOC Task Force Report & Resources](#) (includes checklists etc for employers):
9. [Case Study: Addressing Gender-based violence with Companies in Papua New Guinea](#), IFC
10. [Ending Gender-based Violence in the World of Work in the United States](#), Futures Without Violence & AFL-ICO
11. [Extracting Equality — A Guide](#), UN Women and Publish What You Pay, 2014
12. [The role of gender in the extractives industries](#), UNU-WIDER, Macdonald, C, 2017
13. [Quick Scan: Key Actors in Gender and Mining in the Netherlands and Internationally](#), Gender Resource Facility, June 2017
14. [Fact sheet 1: 10 DO's – Support Women's Rights and Mitigate Gender Risks through OECD Due Diligence Implementation](#) The Women Rights & Mining Working Group (WRMWG),
15. [Why gender matters: a resource for integrating gender considerations into Communities work at Rio Tinto](#), Rio Tinto 2009
16. [Unlocking Opportunities for Women and Business: Chapter on Addressing Gender-based Violence in the Workplace](#), IFC, 2018

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