

Information Sheet 2:

Global Framework Agreements addressing gender-based violence

a) IUF - IndustriAll-Unilever Joint Commitment to prevent sexual harassment (2016)

In 2016 Global Union federations, the IUF and IndustriAll, signed a joint commitment with the food and home/consumer products manufacturer Unilever on preventing sexual harassment at the workplace. This is the second international union agreement on sexual harassment signed by the IUF, following the 2013 agreement with banana producer Chiquita. The agreement gives a clear, comprehensive definition of sexual harassment to ensure that Unilever management at every level and all employees, including employees provided by third party labour suppliers, are fully aware of what constitutes sexual harassment; sets out procedures through which employees know how to raise a potential issue and can feel confident to report any abuses; specifies the concrete measures the company must follow in the event of a complaint; and gives detailed guidelines for jointly implementing the commitment at every Unilever workplace and for evaluating progress.

Unilever, the IUF and IndustriAll affirm their joint commitment to promoting diversity and inclusion within Unilever's non-management workforce. Preventing sexual harassment in the workplace is an essential foundation for promoting a culture of inclusion and diversity. Our common commitment builds on efforts by Unilever, the IUF, IndustriAll and their respective regional organizations, affiliates and European members working through the Unilever European Works Council (UEWC).

This joint statement outlines the standards, principles and practices on which Unilever, the IUF and IndustriAll commit to work together to ensure this goal is achieved.

Statement of Intent

Sexual harassment is a serious offence which is unlawful in many countries around the world. Sexual harassment is considered a form of discrimination under one of the Core Conventions of the ILO, C111 on Discrimination in Respect of Employment and Occupation.

Sexual harassment can cause severe distress and ill health and can lead to the victim giving up her/his job. Sexual harassment is a universal problem. Women workers, particularly those in plantations, export processing zones, contingent, temporary and/or migrant workers can be particularly vulnerable.

Most sexual harassment is carried out by men against women. Sexual harassment can also take place on the basis of sexual orientation. It can be perpetrated by colleagues, supervisors, managers or clients.

Sexual harassment undermines equality, damages working relationships and impairs productivity. It can take many forms and may include:

- Any insult or inappropriate remark, joke, insinuation and comment on a person's dress, physique, age, family situation, etc.;

- A condescending or paternalistic attitude with sexual implications undermining dignity;
- Any unwelcome invitation or request, implicit or explicit, whether or not accompanied by threats;
- Any lascivious look or other gesture associated with sexuality;
- And any unnecessary physical contact such as touching, caresses, pinching or assault.

Employees are particularly vulnerable to sexual harassment if it occurs in a situation where exposure to harassment is perceived as a condition of employment or a precondition for employment or may influence employment conditions and/or career development.

Unilever, the IUF and IndustriAll wish to ensure that all employees, including employees provided by third party labour suppliers, are aware of what constitutes sexual harassment and that they understand fully what is expected of them, know how to raise a potential issue, and feel confident to report any alleged abuses.

We have jointly identified actions and best practices to be communicated to Unilever Companies and affiliated Unions, to enable concrete action and further follow up.

Principles, Procedures and Processes for stopping sexual harassment in the workplace

The procedures agreed to between the IUF, IndustriAll and Unilever are based on the following principles:

- Sexual harassment is a disciplinary offence
- Cases of sexual harassment will be investigated confidentially and handled in a manner that ensures the confidentiality of the persons involved and within strict timescales
- In cases of sexual harassment it is the perpetrator and not the person making the complaint who will, where necessary, be redeployed
- The Company will train all staff and managers on the policy and their responsibilities under it
- The Company will monitor cases of sexual harassment to identify where further action might be appropriate

The IUF and IndustriAll have developed policies based on international standards against sexual harassment and will work with their affiliates to promote and implement them through awareness-raising and training programs and collective bargaining.

Unilever will not tolerate retaliation or victimization against employees who identify and raise issues relating to any form of sexual harassment or who lodge complaints and/or participate in any proceedings relating to alleged sexual harassment either directly with management or through the individual or collective grievance procedures in place. Unilever will work with legitimate trade unions to ensure that the existing processes can be fully used and that additional channels can also be opened where existing processes prove inadequate.

Trade Union representatives play a key role:

- With management, on advising their members of what constitutes Sexual Harassment in the workplace
- Working on awareness-raising and training
- Assisting employees/members to raise complaints and issues either through the Unilever Code process or via the established individual or collective grievance procedures and/or national legislation

Next steps

Unilever, the IUF and IndustriAll believe that concrete actions are required to prevent sexual harassment in the workplace. Unilever sees these steps as fundamental to ensuring its diversity and inclusion goals. Unilever welcomes the involvement of the IUF and IndustriALL in identifying areas of higher risk, identifying best practice, raising awareness and monitoring progress.

To ensure effective action to prevent sexual harassment in the workplace based on the above principles, local management and trade unions shall:

- Where a document with comparable standards and procedures does not already exist, agree and document a clear and precise local policy on sexual harassment, complaints procedures and mechanisms for dispute resolution/grievance handling based on international standards and national legal and collective bargaining law and practice. The procedure shall ensure that:
 - a. sexual harassment cases are handled by persons of confidence with specific training in this area
 - b. all complaints concerning sexual harassment are to be investigated securely, expeditiously and confidentially
 - c. investigation of complaints is to be carried out by independent persons/structures as defined by the Code of Business principles procedure and/ or other mutually agreed arrangements
 - d. complainants in all cases must be informed of their legal rights
 - e. the outcome of the complaint investigation is formally recorded and communicated to and reviewed by the complainant
 - f. sanctions on those found to have engaged in sexual harassment are clearly stipulated
 - g. full protection and support is given to the victims of sexual harassment throughout the process and its outcome
- Take adequate measures to ensure that local management and trade union members and representatives are fully aware of the relevant international standards with regard to sexual harassment and the procedures outlined in Unilever's Code of Business principles.
- Where there are areas of higher risk, e.g. plantations, where high levels of temporary labour have been employed and where there are high numbers of females supervised by a majority of males, specific awareness and training measures should be agreed and deployed by management and the trade union. The Unilever- IUF – IndustriALL Joint Working Party will assist with this process where required and will monitor and share experiences and best practice
- Agree on regular review procedures to monitor progress
- Local union/management discussions on implementing the above procedures shall commence following the signing of this joint commitment, with completion in 2016.

The Joint Working Party may also identify areas where they feel risks are higher and propose and follow up on such actions as appropriate.

London, Geneva, 26.01.2016

Source: <http://www.iuf.org>

b) Global Framework Agreement (GFA) between H&M Hennes & Mauritz GBC AB and IndustriALL Global Union and Industrifacket Metall

IndustriALL Global Union, representing 50 million workers, and one of the world's leading garment retailers H&M have together with the Swedish trade union IF Metall signed a Global Framework Agreement, protecting the interests of 1.6 million garment workers.

The innovative global framework agreement (GFA) marks a new level of commitment to fundamental rights of workers across H&M's supply chain. The 1.6 million garment workers that are protected in the agreement are employed at around 1,900 factories run by the manufacturers where H&M buys their products.

The agreement is based on a shared conviction that collaboration between the parties on the labour market is crucial for lasting improvements for the garment workers and the creation of well-functioning industrial relations.

"This agreement opens an exciting new chapter in the relationship between IndustriALL Global Union and H&M. It cements the path towards a sustainable garment industry with unionized workforce, constructive labour-management relations, living wages through industry level collective agreements, and safe workplaces," said IndustriALL general secretary Jyrki Raina

The GFA covers compliance and implementation of international labour standards of the suppliers of H&M Hennes & Mauritz GBC AB.

The agreement lists the main international labour standards that suppliers are required to implement. Under the agreement H&M confirms its commitment to and respect for human and trade union rights in the workplace, including the right to organize and to negotiate collective agreements. H&M will actively use all its possible leverage to ensure that its direct suppliers and their subcontractors producing merchandise/ready made goods sold throughout H&M group's retail operations respect human and trade union rights in the workplace. The following is an extract from the agreement that covers respect and dignity at work, including sexual harassment and discrimination:

"Every employee is treated with respect and dignity at all times. No employee shall be subject to humiliating or corporal punishment or subject to physical, sexual, psychological or verbal harassment or abuse. There is no discrimination in hiring, compensation, access to training, promotion, termination of contract or retirement on the grounds of gender or sexual orientation, race, colour, age, pregnancy, religion, political opinion, nationality, ethnic origin, migratory status, disease or disability. There is a grievance mechanism in place enabling employees to put forward complaints without risk of retaliation."

Source: GFA between H&M Hennes & Mauritz GBC AB and IndustriALL Global Union and Industrifacket Metall:
<http://www.industrial-union.org>

See also: Fibre2Fashion, 5 November 2015 <http://www.fibre2fashion.com>

c) Global Framework Agreement between Inditex and IndustriALL global union on the ‘implementation of international labour standards throughout the supply chain of Inditex’

The global framework agreement (GFA) between IndustriALL Global Union and the large fashion retailer, Inditex, was the first GFA to be agreed in the garment sector. The GFA was originally signed in 2007 and renewed in 2014. It has helped to reinstate workers dismissed for their union activities, raise salaries and promote freedom of association in countries where unionization has traditionally been weak.

The GFA, which addresses decent work and observance of international labour standards, covers over a million workers in over 6,000 supplier factories worldwide. It underlines the importance of freedom of association and the central role of collective bargaining in a sustainable supply chain. It provides for the payment of a living wage for a standard workweek, limitations on working hours, safe and healthy workplaces, regular employment and environmental protection. The terms of the agreement apply to direct suppliers, contractors and sub-contractors including homeworkers. No subcontracting is allowed without the prior written consent of Inditex. Suppliers who subcontract will be responsible for subcontractor compliance. The GFA puts in place mechanisms to monitor and review compliance and aims to collaborate on training programmes for management and workers.

The annex to the GFA includes provisions on “No harsh or inhumane treatment” on the basis that “Manufacturers and suppliers shall treat their employees with dignity and respect. Under no circumstances shall physical punishment, sexual or racial harassment, verbal or power abuse or any other form of harassment or intimidation be permitted.”

Source: GFA between Inditex and IndustriALL <http://www.industrial-union.org>

d) Global Framework Agreement on sexual harassment with banana producers in Latin America

COLSIBA (The Regional Coordinating Body of Latin American Banana & Agro industrial Product Unions) has campaigned to end a culture where sexual harassment, which is commonplace and justified by some male banana and pineapple producers as 'part of their culture'. In 2013, following a union campaign, the company Chiquita introduced the first sexual harassment policy in the Latin American banana sector as part of IUF/COLSIBA/Chiquita Regional Framework Agreement.

Text of the Joint Understanding on Sexual Harassment: Appendix to the IUF/COLSIBA/Chiquita framework agreement

"Chiquita operations will continue fostering a safe environment for women workers so that they can carry on their work in a safe space free from all forms of harassment, bullying or discrimination due to their condition or gender.

Chiquita, IUF and COLSIBA agree to work on developing a joint understanding on sexual harassment, so that this kind of harassment will not be tolerated in the workplace. This joint work includes the creation by mutual agreement of training strategies and sharing examples of good practice aimed at personnel, for the prevention of sexual harassment situations.

To that purpose, every workplace must take necessary measures to ensure men and women workers have access to information about their rights in the workplace. The measures must take into consideration the laws (and relevant particularities of each country where Chiquita operates). Laws usually constitute minimum and not maximum standards. Where the provisions of law and this agreement address the same subject, the standard that provides the best protection to workers should be applied."

The agreement references the ILO Code of Practice on safety and health in agriculture as a source for language on prevention of sexual harassment that could be included in collective bargaining agreements. The appendix was negotiated in the gender sub-committee of the Framework's Review Committee and agreed in 2013.

For further information: Chiquita: <http://csrblog.chiquita.com> and IUF: <http://www.iuf.org>