

## Module 3: Global supply chains and gender-based violence in the world of work

### Learning objectives

At the end of the module, participants will be able to:

- Understand and define gender-based violence and sexual harassment in the world of work.
- Reflect on how this type of violence particularly affects women working in global supply chains, identifying the specific risk factors comprised in global production methods.
- Identify arguments and means to advocate for eliminating gender-based violence in global supply chains.

### Module contents

Two briefings:

- Briefing 3.1 – Introduction to gender-based violence in the world of work
- Briefing 3.2 – Gender-based violence in global supply chains

Three case studies:

- Case Study 3.1: The vulnerability of immigrant farmworkers to sexual harassment
- Case Study 3.2: Protecting pregnant workers' rights in Lesotho – the impact of long working hours
- Case Study 3.3: Dealing with production pressures in the horticulture industry in Ethiopia

Four learning activities (in Part C, electronic format):

- Learning Activity 3.1: What is our understanding of gender-based violence?
- Learning Activity 3.2: Production pressures in the horticulture industry in Ethiopia
- Learning Activity 3.3: The vulnerability of immigrant farm workers to sexual harassment
- Learning Activity 3.4: Exploring the causes of sexual harassment in global supply chains

### Target audiences

This module will particularly interest representatives of:

- Lead companies (brands, supermarkets and company CSR)
- Multi-stakeholder initiatives and CSR stakeholders
- Multi-lateral organizations
- Employers and trade unions at national and international level
- Legal and government agencies
- Occupational safety and health specialists, including factory inspectors
- Trainers of managers and workers in factories and farms in global supply chains
- Local trade unions and NGOs supporting worker education
- International and local development programme planners

## Briefing 3.1 – Introduction to gender-based violence in the world of work

### 1. Introduction

This briefing introduces definitions of gender-based violence and highlights the importance of addressing these issues within a ‘world of work’ context, connecting workplaces to public spaces, transport and housing, as well as women’s unpaid roles in the family. In the next briefing, Briefing 3.2, gender-based violence is looked at specifically in relation to global supply chains.

#### Summary of key points: gender-based violence in the world of work

- Gender-based violence in the workplace is often invisible, but is a growing problem as more women enter the workforce. The most common form is sexual harassment.
- Both women and men can be victims of sexual harassment and violence – however, it is disproportionately experienced by women.
- The ‘world of work’ includes workplaces, transport and public places, and also takes account of women’s burden of care work.
- Globally one in three women experiences some form of gender-based violence.

### 2. Defining gender-based violence

This Resource Kit focuses principally on women’s experiences of gender-based violence in the world of work, as women are the vast majority of workers at the bottom of the global supply chain and it is women who overwhelmingly experience violence and sexual harassment. Gender-based violence is reinforced by gender inequalities between women and men, where women hold lower-levels of power than men. However, it is important to note that men and boys are also the victims of gender-based violence. Unequal gender roles have negative effects on men too, as they reinforce men’s power over women and perpetuate unequal societies.

In addition, ideas of masculinities are also socially reproduced and can result in gender-based oppression towards men.

Gender-based violence encompasses violence against women and girls as well as violence against men and boys, people who are lesbian, gay, bisexual, transgender and intersex (LGBTI), and other individuals who do not conform to dominant gender roles (ILO 2012). It has also become widely used to address violence against women as a phenomenon that is related to the gender of both victim and perpetrator.

In particular, gender-based violence is increasingly used to define acts of violence rooted in some form of ‘patriarchal ideology’ with the purpose of maintaining social power for (heterosexual) men. (Council of Europe, 2007)

Violence against women – in the home, in the workplace and in public spaces – perpetuates inequalities between women and men. It is an issue of significant global attention and is a key issue affecting women’s empowerment as identified under the UN Sustainable Development Goals. (UN, 2015)

#### **The UN defines violence against women as:**

*“Violence against women means any act of gender-based violence that results in, or is likely to result in, physical, sexual, or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life.” (United Nations, 1993)*

For a discussion of the different definitions of gender-based violence see the ILO’s Annotated Bibliography. (Cruz and Klinger, 2011)

- ➔ **Information Sheet 1 provides further information and definitions about gender-based violence as well as the main international instruments from the UN and the ILO that have relevance to gender-based violence.**



### 3. Gender-based violence in the world of work

#### 3.1 Defining the world of work

The *world of work* is a concept developed by the ILO to encompass all aspects of women's and men's working lives, both paid and unpaid work. Gender-based violence in the world of work can occur in the workplace itself, in the home, in public places, in employer provided housing and in commuting to and from work. The concept of the world of work also encompasses informal work, such as selling products in the street or artisanal production or piecework in the home.

#### 3.2 What is gender-based violence in the world of work?

Gender-based violence in the world of work includes:

- Bullying, physical and verbal abuse from work colleagues, supervisors or managers.
- Sexual harassment and unwanted sexual advances.
- Sexual abuse and violence, including 'coercive' or transactional sex, rape and sexual assault.
- Abuse and harassment around pregnancy.
- Psychological abuse and intimidation.
- Threats and acts of physical and sexual violence.
- Abusive working conditions such as poor health and safety (including building and equipment safety).
- Inadequate or inappropriate sanitary facilities and rules about their use.
- Involuntary excessive long working hours and unpredictable or late demands to work overtime.

*“Gender-based violence in the workplace is a serious violation of human rights and an attack on dignity and physical and psychological integrity. Across the world, 35 per cent of women fall victim to direct violence at the workplace, and of these between 40 per cent and 50 per cent are subjected to unwanted sexual advances, physical contact or other forms of sexual harassment.” (European Economic and Social Committee, 2015, para 2.4.1)*

#### 3.3 Sexual harassment

The most common form of gender-based violence in the world of work is sexual harassment. Sexual harassment is unwelcome and offensive conduct of a sexual nature that may make workers feel humiliated, intimidated or uncomfortable. It is a violation of workers' rights. Sexual harassment creates a climate of fear and physical and mental ill health; workers may have to take sick leave or at worst are forced to leave their jobs.

According to the ILO there are two kinds of sexual harassment in the workplace: **quid pro quo** sexual harassment (demand for something in return for sexual favours) and **hostile environment** sexual harassment.

This can take many different forms:

- Physical harassment: unwelcome touching, fondling, hugging or kissing.
- Verbal harassment: sexually suggestive, offensive, comments or jokes; inappropriate invitations to go out on dates; intrusive, offensive questions about private life; intrusive, offensive comments about a woman's physical appearance.
- Non-verbal harassment: inappropriate, intimidating staring or leering; receiving or being shown offensive, sexually explicit pictures, photos or gifts; indecent exposure; being made to watch or look at pornographic material against one's wishes.
- Cyber harassment: receiving unwanted, offensive, sexually explicit emails or SMS messages; inappropriate, offensive advances on social networking web-sites or in internet chat rooms.

*“Sexual harassment is overwhelmingly a problem of women workers. It has nothing to do with normal interaction between the sexes: it denotes scorn of another person, and is used to establish or prove power over others. Sexual harassment produces feelings of revulsion, violation, disgust, anger and powerlessness. Good managers know that it is in the long-term interest of the enterprise to ensure that their employees are treated with respect. While effective legal remedies are necessary, it is also important to ensure that the problem ceases, or better still, never starts. Thus, preventive measures are especially important.”*

**Source:** ILO Combating sexual harassment at work. Conditions of work digest 1/92.

*“What is considered sexual harassment in many countries is actually violence, often sexual violence.” (Phil Fishman, Senior Technical Advisor to Better Work Jordan)*

### 3.4 Domestic violence – a workplace issue

The World Health Organization estimates that one out of three women suffers from violence, and this is the leading cause of death among women aged 16-44 years. Domestic violence affects women in all societies of the world, regardless of age or social status, but it has its most harmful effects on ethnic minorities, migrants and the poor, on account of existing social inequalities. Men can also be victims.

Women’s working lives are inextricably linked to their domestic and care roles. A woman who experiences domestic violence from an intimate partner may be stalked by the perpetrator at her workplace, impacting on her safety and that of her co-workers. Her work performance may be affected and she may miss days at work.

The Australian *Safe at Home, Safe at Work* project provided a methodology for surveys that have been carried out in Australia, Canada, the Philippines, Turkey and the United Kingdom. The surveys point to the importance of measures to respond to domestic violence in the workplace, because it impacts on victims’ health and wellbeing, attendance at work, productivity and security. In particular, women who suffer domestic violence may be harassed by their husband or partner at work, raising safety issues for themselves and their colleagues. In Australia and Canada, among other countries, trade unions have negotiated agreements to give victims of domestic violence entitlements to leave. (Wagner et al., 2012; Baird et al., 2014)

### 3.5 Gender-based violence and women’s occupational safety and health

Workplace sexual harassment and violence have a significant impact on women’s physical and mental health, undermining their well-being and confidence and resulting in a working environment based on fear. In the worst cases rape and sexual violence in the workplace, in dormitories attached to the workplace and in travel to and from the workplace, also pose risks for women in contracting HIV/AIDS and other sexually transmitted diseases.

Gender-based violence has costs to employers, whether it takes place in the workplace, in public places or in the home. According to the United Nations it can “... impact the workplace through decreased productivity, increased absenteeism, health and safety risks, and increased healthcare costs for the employer.” (Cruz & Klinger, 2011, p. 13).

#### UN Global plan to end gender-based violence

At the UN Commission on the Status of Women 2013, 130 governments agreed to promote gender equality and ensure access to sexual and reproductive health services. This global plan recognized that women’s right to control their sexuality is essential to preventing violence against women and that sexual education can help reduce the harmful gender stereotypes that lead to violence. Among the priorities is the establishment of multi-sectoral services for survivors of violence, including for health, psychological support and counselling, as well as the need to protect the right to sexual and reproductive health. For further information see: <http://www.un.org/womenwatch/daw/csw/57sess.htm> <http://www.unwomen.org/en/csw>

Increasingly sexual harassment and violence are considered as important occupational safety and health issues. Sexual harassment can include restrictions on the use of the toilet during working hours. There are anecdotal reports of women garment factory workers in Mexico and car assembly workers in Honduras wearing diapers because of severe restrictions on toilet breaks. In addition, temperatures inside factories often exceed 30° C but because toilet breaks are restricted, workers refrain from drinking water. The risk of infection and further medical complications are particularly evident for pregnant and menstruating women.

NGOs such as Women's Informal Employment Globalizing and Organizing (WIEGO), Homeworkers World Wide and HomeNet have pointed to the increase of suppliers that sub-contract to women home workers, as a means to cut costs by replacing core, full-time workers. In addition, in many garment factories women workers are supervised and managed by men. This results in power imbalances often where women are sometimes forced against their will to work in dangerous conditions and use dangerous substances.

On the morning of 24 April 2013, thousands of factory workers went to work in the eight-story Rana Plaza commercial building just outside of Dhaka. A few hours later the building collapsed, killing 1,137 people and injuring a further 2,500 workers. Most of those who died that morning were women.

Women make up 80 per cent of the 4.2 million strong workforce in the garment export industry and for many, these jobs are the first opportunity for economic independence and a job outside the home. According to UN Women, the Rana Plaza tragedy underlined the double-edged sword this employment has proved to be: "The industry has created tragically unsafe, exploitative and dangerous workplaces where women workers face poor pay, inequality, harassment and violence. Today, while they are four out of five workers on the production lines of Bangladesh's 5,000 textile factories, only 1 in 20 supervisors is a woman." (UN Women, 2015, p. 59)

Rana Plaza survivor, Jesmin Akter, was forced to go to work by her supervisor, despite being scared for her life by the large crack in the eight-storey garment factory building. If she didn't go to work in the unsafe factory she was told she would lose her pay. Later the same day the building collapsed.

**Source:** IndustriALL: <http://www.industrialall-union.org/i-was-forced-to-go-up-rana-plaza-victim>

Women's lack of power often makes it difficult to negotiate safe sex and refuse unwanted sex. When women and girls lack power in the workplace, or if their accommodation is tied to their employment, they face greater risks of sexual harassment and violence, including rape. Young women are particularly vulnerable to coerced sex and are increasingly infected with HIV/AIDS. Over half of new HIV infections worldwide occur among young people between the ages of 15 and 24 years. More than 60 per cent of HIV-positive youth in this age bracket are female. The vulnerability of women and girls to HIV remains particularly high in sub-Saharan Africa which accounts for 80 per cent of all women living with HIV in the world. (WHO & UN, 2010).

### The impact of gender-based violence on women's sexual and reproductive health

*Violence affects family planning and safe sex practices:* It limits a woman's power to have safe sexual practices that protect them from pregnancy and sexually transmitted infections, including HIV. Violence is not only a risk factor for HIV but also a consequence of status disclosure. Informed choices are jeopardized because women are unlikely to disclose their status due to fear of violence. Young women and those who are forced to have sexual intercourse are more vulnerable to HIV infection.

*Violence adversely affects maternal health:* Women who experience violence are far more likely to delay seeking prenatal care, delay seeking postnatal care, gain insufficient weight, and bleed during pregnancy. They are also far more likely to acquire vaginal, cervical and kidney infections.

*Violence adversely affects pregnancy outcomes:* Violence increases the risk of miscarriages, abortions, premature labour and foetal distress. Violence also is associated with a four-fold increase in low birth weight. Low birth weight is a leading cause of infant mortality.

*Violence directly impacts physical health:* It is common for female victims who have experienced gender-based violence to report trouble walking and or carrying out daily activities due to excessive pain, memory loss, and nausea.

*Violence affects mental stability:* It makes a woman up to four times more likely to have suicidal thoughts and six times more likely to attempt suicide on more than one occasion. 37 per cent of deaths of women aged 15-44 are due to suicide and this percentage continues to increase – GBV or sexual abuse is a particular cause of suicide among young women who suffer irreversible reputational damage.

*Gender-based violence restricts choices and decision-making of those who experience it:* This curtails women's rights across their life cycle to access critical sexual and reproductive health information and services. It is a risk factor for sexually transmitted diseases (STDs), including HIV, and unwanted pregnancy, in addition to causing direct physical and mental health consequences.

*Integrated responses to violence against women in existing programmes* for the prevention of HIV and AIDS, and for the promotion of adolescent health, is recommended by international agencies.

**Source:** International Centre for Migration, Health and Development. Available at: <https://icmhd.wordpress.com/2013/08/26/ending-gender-based-violence-in-bangladesh/>



## Briefing 3.2 – Gender-based violence in global supply chains

### 1. Introduction

This briefing looks in more depth at the extent of gender-based violence in global supply chains and the reasons why women and men working at the bottom of global supply chains may be vulnerable to violence and sexual harassment.

#### Summary of key points

- Global supply chains may present characteristics that put workers in situations of particular vulnerability.
- Certain organizational and workplace characteristics have been demonstrated to contribute to the prevalence of violence and sexual harassment in global supply chains.
- The issue is rarely reported and is often invisible; and there is an absence of human resources policies to address sexual harassment.
- Risks are reinforced by the fact that many workers are often young migrant/indigenous workers, who work in precarious and casual work and in workplaces with low unionization.
- Occupational segregation, where women predominate in lower-skilled jobs and men in supervisory and managerial positions, further reinforces a culture where women workers have low value and status.

### 2. Gender-based violence in global supply chains

Despite an increase in international attention to working conditions in the lower tiers of global supply chains, sexual harassment is largely invisible and unreported. It is rarely included in the policies and codes of conduct of lead companies, or at the level of the factory or farm. National legislation on gender-based violence exists in most global production countries. However, laws are weakly implemented in the workplace.



#### Examples of sexual harassment in the world of work

Indonesian women employees report that: *“girls in the factory are harassed by male managers. They come on to the girls, call them into their offices, whisper into their ears, touch them, bribe them with money and threaten them with firing if they don’t have sex with them.”* (Clean Clothes Campaign: <http://www.cleanclothes.org/issues/gender>)

Men’s behaviour in Bangladesh garment industry: *“Offensive and sexually explicit language, hitting, suggestions to become a prostitute, slapping on heads, pulling of hair; these are examples of abusive behaviour reported by garment workers. Millions of women have experienced this type of treatment because they made a mistake, failed to meet a production target, asked for leave, worked slower because of illness, or arrived late. Many women have also experienced unwanted sexual advances in the workplace, stalking, or worse, from male colleagues or supervisors.”* (Fair Wear Foundation 2013, cited in DFID 2015a)

#### Gender-based violence in global supply chains: some evidence

- A baseline survey by Better Work Indonesia found that 85 percent of female employees reported that they were concerned with sexual harassment. Better Work argues that this “...may be due to a variety of reasons, such as the presence of large numbers of young, inexperienced, rural migrant female workers under the supervision of few men, high levels of production pressure and abusive disciplinary practices.” (Better Work Indonesia)
- In Ecuador’s export-oriented floriculture industry, over 55 per cent of flower workers have been victims of sexual harassment – rising to 70 per cent of 20-24 year olds. Nearly one-fifth of flower workers had been forced to have sex with a coworker or superior and ten per cent



had been sexually attacked. Women working in low-skilled jobs, such as cultivation and post-harvest work, were the most common victims of sexual harassment. Women in higher-skilled jobs (supervisors, administrators) experienced very little harassment. Adolescents of 14-15 years of age were the most common victims of sexual harassment. (Mena and Proaño, 2005)

- According to Banana Link sexual harassment is commonplace and justified by some banana producers as ‘part of their culture’. The Latin American Banana Workers’ Unions (COLSIBA) has campaigned to end sexual harassment and calls on all fruit companies to accept their responsibility to challenge discrimination and sexual harassment.
- Fair Wear Foundation found that at least 60 per cent of Indian and Bangladeshi garment factory workers report harassment at work; anecdotal evidence and worker group discussions suggest the real proportion is much higher and that for most female workers verbal or physical abuse is a ‘daily experience’ on the production line. (FWF, unpublished)
- In Kenya, sexual harassment is widespread in the horticulture industry. It takes the form of sexist jokes, bullying (reported by 60 per cent of women) and sex which is demanded for a job or other favours, such as allocation of housing. There are also some cases of male harassment. The research was carried out in 2012 in 15 flower farms. Source: YouTube: Sexual harassment rife in the horticulture industry NTV television station. <https://www.youtube.com/watch?v=Tpxuoy3JwDk>
- Women Working Worldwide (2014) research found that the vast majority of the women interviewed (86 per cent) in 20 farms in the Kenyan horticultural sector had witnessed one or more incidents of sexual harassment and violence. These involved offensive jokes and/or comments on physical appearance (verbally, by email or text message); unwelcome touching; being pestered for dates; threats of reprisal for refusal to comply with a sexual request – including refusal of promotion, non-renewal of contract, non-issuance of permanent contract; and sexual assault. Men were also targeted and affected by sexually harassing behaviour. Sexual harassment occurred in both working and living spaces – in the greenhouses and fields, housing areas, eating areas, on transport to the farms and in surrounding town areas.

### 3. Characteristics of global supply chains and causes of gender-based violence in global supply chains

Certain organizational and workplace characteristics contribute to the prevalence of violence and sexual harassment in global supply chains. These characteristics have been uncovered in research by Better Work in garment factories in several countries. This provides important insights into the characteristics of all global supply chains that predispose them to a culture of sexual harassment and violence.

#### Better Work: Relationship between factory characteristics and the incidence of sexual harassment

Baseline worker surveys carried out by Better Work country programmes show that workers in garment factories are often vulnerable to threats of abuse and sexual harassment. Better Work has identified some factory characteristics that lead to a lower or higher incidence of sexual harassment.

- Sexual harassment is less likely to be a concern in factories where managers recognize the challenges facing supervisors. In factories in Jordan where managers acknowledge concern with the stress and lack of labour-management skills of supervisors, workers are up to 5 per cent less likely to be concerned with sexual harassment.
- Haitian workers who report they must meet a daily production target are 50 per cent more likely to be concerned with sexual harassment. Where garment workers are paid “by the piece,” and supervisors receive a fixed salary, there can be an environment conducive to supervisors extorting sexual favours from workers.
- Perceptions of trust, fairness and pay transparency can predict the rate of concern with sexual harassment in a factory. Haitian workers who do not trust they will be paid on time are up to 36 per cent more likely to be concerned with sexual harassment.



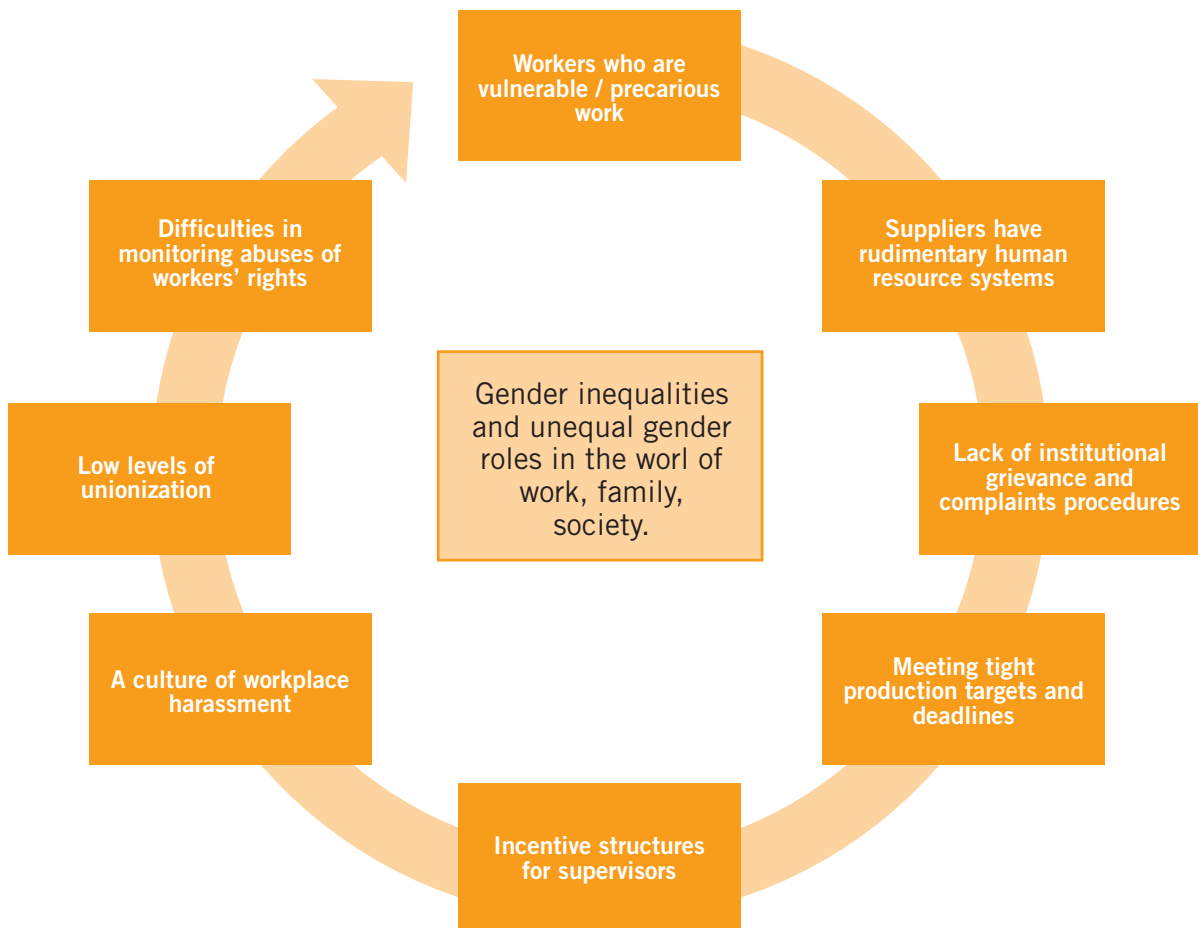
- Factories with nearby competitors have fewer reported concerns with sexual harassment. In Haiti, sexual harassment is 5.5 per cent less likely to be a concern among workers in factories with nearby competitors.
- Workers who are isolated or cannot move around freely are more likely to encounter sexual harassment. For example, workers in Jordan without access to a phone are 35 per cent more likely to express concern with sexual harassment.

**Source:** Better Work Research Brief: Garment Factory Characteristics and Workplace Sexual Harassment.

Understanding that there are specific reasons why gender-based violence is pervasive in global supply chains is an important starting point for building strategies and practical initiatives to address such practices.

It is important to note that sexual harassment is not specific to global supply chains. It arises in all sectors of the economy because of unequal power relations at work and in the wider society. Unequal gender roles, the under-valuing of women’s work and skills, women’s burden of care work and harmful gender stereotypes are among some of the inequalities faced by women. In addition, Module 2 discussed some of the specific forms of workplace gender inequality in global supply chains, which are relevant to understanding the reasons why sexual harassment and violence are pervasive in global supply chains. For women working at the bottom of global supply chains, gender inequalities and unequal gender roles in work, family and society are further reinforced by issues that are unique to global supply chains. **Chart 3** summarizes the complex inter-related factors, which contribute to sexual harassment and violence.

**Chart 3: The specific factors contributing to sexual harassment and violence in global supply chains**



### a) Workers in global supply chains who are vulnerable and in precarious work are more at risk

As discussed in Module 2 workers are exposed to risks when they work in insecure and precarious forms of employment, work alone or work outside of standard working hours. Where there is limited protection against discrimination and little bargaining power, the risk of violence and sexual harassment in the workplace increases. Women in precarious work and on short-term contracts are the least likely to report violence due to their vulnerability. Women in precarious work often include migrant workers, indigenous people, young workers and unskilled workers.

 **Case Study 3.1 looks in more detail at the vulnerability of immigrant farmworkers in the US.**

In agriculture and horticulture many workers are employed for long periods on a casual basis, often on temporary or seasonal contracts that are renewed monthly. A general lack of rights, including rights to paid maternity leave, a living wage or reasonable working hours increases women's vulnerability to sexual harassment. For example in Kenya insecure temporary horticultural workers were granted permanent status if they agreed to have sex with supervisors or managers. (Cited by Ethical Trading Initiative, 2005)

Women working in factories or on agricultural plantations who live in company accommodation can be further exposed to gender-based violence. Many are young migrant women who cannot change jobs because their accommodation is tied to their work. The accommodation may be some distance from the factory/plantation along an unlit path, which poses dangers for workers walking back after late night shifts. Home-based workers, such as women and children carrying out piece-work in the garment sector, experience isolation and risk of sexual violence from supervisors or agents.

*“Sexual harassment against women in the workplace serves to reinforce or maintain existing hierarchies and gender power relations. For example, women may be reluctant to take up a job in a male-dominated occupation or apply for a promotion because of a real or perceived threat of harassment or violence, thereby perpetuating segregation.” (UN Women 2015, p.92)*

### b) Suppliers often have rudimentary human resources systems

For many suppliers putting in place policies and procedures to tackle sexual harassment is a relatively new issue, particularly where human resources systems are rudimentary. Good procedures ensure all employees are informed of what is acceptable workplace behaviour, which may, in some countries, conflict with locally accepted social norms. Human resources policies and procedures, if they exist, are rarely suitable for dealing with highly sensitive and personal issues such as sexual harassment or violence.

Workers in factories and farms where there is no union have little chance of independent support or representation. Worker elected committees, such as those required in Indian legislation, are unlikely to be independent of management pressure and young and inexperienced workers may not appreciate the need for absolute confidentiality about the names of complainants and the nature of complaints.

### c) Lack of institutional grievance and complaints procedures

If there are no or limited grievance and complaints procedures, women will often remain silent to avoid the risk of losing their livelihood and exposure to further violence. (DFID, 2015a) In addition, issues of a sexual nature have the potential to cause lasting reputational damage to both women and their families, sometimes fatally damaging young women's marriage chances.

A report by the Bangladesh AWAJ Foundation and AMRF Society (2013) found that in the ready-made garment industry women rarely reported sexual harassment because of a lack of formal grievance and complaints mechanisms. The survey highlighted some of the problems in gaining accurate information on gender-based violence and led to discussion about how to avoid under-reporting of gender-based violence in future research.

*“There is no way for affected workers to convey complaints. In this context the response of “doing nothing” in the face of abuse might be a “strategic indifference” and a rational way to react. Without any system in place that could provide sufficient bargaining power to break through the oppressive*

*structures of social and sexual hierarchy, what could the complaint of the worker possibly lead to, if not to more harassment?” (AWAJ Foundation and AMRF Society, 2013, p. 50)*


#### d) Meeting tight production targets and deadlines

Women workers may be at greater risk where tight production deadlines require workers to carry out long hours and overtime. (Better Work, undated) As well as impacting on their health and wellbeing, women have an added risk of sexual harassment and violence getting to and from work in the dark. (Action Aid International, 2013) Long working hours and overtime are commonplace in many production workplaces. In Bangladesh, for example, many garment workers have to work 14-16 hours shifts each day (often six days per week). In Pakistan workers have to work ten or more hours a day. Excessive (often compulsory) overtime can be the result of late production changes from brands and supermarkets or factory owners who are reluctant or are unable to hire additional workers. If workers refuse to carry out overtime they often face penalties, harassment, verbal abuse and dismissal. (Institute of Development Studies, 2006; FWF, 2014; Better Work, undated)

Research by Better Work (Truskinovsky, Rubin & Brown, 2013) shows that the structure of the supply chain, resulting in buyer pressure or payment systems, can exacerbate the incidence of sexual harassment. As production pressure builds, managers become more abusive in an effort to speed production, and as an outlet for the stress of meeting demanding targets. Lead companies that demand large production targets at short notice or negotiate very low prices contribute to the risk of workers being exposed to long working hours and workplace harassment and violence. High level of competition places additional pressure on managers to satisfy buyers, and ‘Fast Fashion’ can put intense seasonal pressure on factories to produce unexpectedly large quantities of a popular item.

In India, Viet Nam and Costa Rica workers were forced to work overtime and managers reported that they struggled to meet the provisions on workers’ rights due to the need to meet tight production deadlines. In Costa Rica workers commonly work a 60-hour week with no premium on overtime hours, as they are paid by piece/task. In Viet Nam factory

workers complained of not being given notice when overtime would be required and in India factories had increased working hours because of shortened production deadlines. Some workers reported they were not paid a premium for all overtime hours worked, and that breaks were no longer counted as working hours. (Institute of Development Studies, 2006)

 **Two Case Studies deal with the problem of production pressures from the garment and horticulture sectors. Case Study 3.2: Protecting pregnant workers’ rights in Lesotho – the impact of long working hours and Case Study 3.3: Dealing with production pressures in the horticulture industry in Ethiopia.**

#### e) Incentive structures for supervisors

Incentives for supervisors may play a role in increasing risks of sexual harassment. Better Work research (see box below) found that supervisors’ incentive pay systems, were based either on the performance of the workers they supervise or on the basis of production line incentives or bonuses. If these incentives are very demanding or if production targets are difficult to achieve, this can result in a culture of sexual harassment. Because the majority of supervisors and managers are male, there is a hierarchical structure in which supervisors have considerable power relative to the workers, who are predominantly women.

*“If a salaried line supervisor, who is predisposed to harass, is given the power to certify whether a worker has met a production quota that affects the worker’s pay, the supervisor may use this power to demand sexual favours in exchange for approving the production bonus.” (Better Work Briefing. Garment Factory Characteristics and Workplace Sexual Harassment, p.2)*

### The impact of sexual harassment on performance and profits

Research carried out by Lin et al. (2014) of apparel factories in Haiti, Jordan, Viet Nam and Nicaragua participating in the Better Work programmes found that sexual harassment is pervasive in garment factories and has a negative impact on performance and profits. These findings suggest that the structure of incentives is important in creating vulnerability to sexual harassment. This can be overcome with objective criteria of work effort as a basis for performance-related pay, thus reducing the level of discretionary power that a supervisor has over a worker. In addition, creating an understanding of sexual harassment and changing organizational norms is also important in reducing levels of sexual harassment.

Sexual harassment was shown to have a negative impact on job outcomes, such as work satisfaction, individual psychological outcomes, such as distress and trauma, and indirectly on health. In Jordan, for example, where hierarchical structures led supervisors to have significant power over workers, supervisor training was seen as having a potential to change organizational norms and culture. In Haiti and Viet Nam, sexual harassment was closely related to supervisors' incentives for achieving production quotas. Sexual harassment was also found to increase workforce turnover.

It is worth noting that in Nicaragua, in those factories where human resources managers reported awareness of sexual harassment there was a change in organizational norms, with lower reports of sexual harassment in the factories.

Overall, the study found that there are strong incentives for firms to control the incidence of sexual harassment in their factories, particularly as this will have a positive impact on retaining workers and enhancing productivity.

### f) A culture of workplace harassment

Women's lack of power in the workplace and an accepted culture of workplace harassment mean that sexual harassment is often invisible. Power imbalances mean that factory managers and supervisors often deny that sexual harassment exists, and many are not aware of how sexual harassment can have a negative impact on performance. Fair Wear Foundation (2015) found that most factory managers initially denied that there was sexual harassment in garment factories in Bangladesh and India. Managers said no one reported, therefore it was not an issue. Although supervisors reported their knowledge levels had increased significantly after attending FWF training, they said they found it very difficult to implement changes at work. One supervisor said that yelling at workers is expected 'performance' of a supervisor.

#### Quotes from supervisors attending Fair Wear Foundation training

*"It is good that we know now what is right and wrong according to harassment definition, also good to know that such acts of harassment are forbidden and punishable in law, but who applies law in factories? If our management does not understand it, our knowledge will create further frustration." (Supervisor attending FWF training)*

*"We are also exposed to harassment from our superior line management. If all staff are not educated and if top management does not integrate the practice willfully and hardily, anything will change. We do not want to scold workers, we are forced to do so, since it is taken as our performance."*

Many supervisors might not be violent themselves, but they considered they need to be abusive to show they have power over production workers who are mainly women. Some supervisors felt that harassment is 'unfair for women', but they enjoyed the privilege of being the 'boss' on the production floor. Some supervisors felt powerless themselves, because of the patriarchy system in society and in the factory. Peer pressure is also a factor that contributes to verbal and



physical harassment. Breaking a culture of workplace harassment is vital: workers are under pressure from supervisors, supervisors are under pressure from senior managers, who in turn are under pressure from global buyers.

### g) Low levels of unionization

Risks of sexual harassment and violence are highest if women and men do not have the opportunity to collectively organize to address violence. In many of the factories and farms at the bottom of supply chains unionization is very low. In the garment sector there is often intense hostility to unions. (ITUC, 2015) Participatory approaches to involve workers in discussion and dialogue, including collective bargaining and human resources policies, are crucial in addressing workplace gender-based violence. As the ILO argues: “the strong commitment of both trade unions and management is instrumental in progressively reducing the incidence of workplace violence.” (Cruz & Klinger, 2011, p. 14)

*“It is in the farms we find the most vulnerable women workers. They have many problems; they get violated in so many ways on the farms. Many are migrant workers; they came to look for better opportunities. They work because they have to, they often don’t have much education and poverty is rife in the farm areas. The trade unions bring a collective power for women workers. When you organize the women together and mobilize them you can find out their needs and get issues like sexual harassment addressed. Women don’t know that what they experience is sexual harassment, we need to ensure that women know what is going on and then we can advocate in the workplace to make sure women are safe at work. We can deal with sexual harassment when we hold each other’s hands – unions give us the space to do this. (Nolukho Matanzima, South Africa National Council of Trade Unions. Participant in the Global Gender Academy workshop on gender-based violence in global supply chains,” November 2015)*

Where unions do exist, they may not include sexual harassment in bargaining agendas. Factories and farms at the bottom of global supply chains often recruit young migrant women with low levels of education, who are not an easy target group for union membership campaigns. There is a very high turnover of workers, making union organizing and

retaining members even more challenging. (See Module 8 for examples of union action at local levels and collective bargaining).

### h) Difficulties in monitoring abuses of workers’ rights

Because many lead companies and brands source suppliers from multiple companies, it is difficult to monitor working conditions and build long-term relationships with factory or farm owners to improve working conditions. Workers’ rights are also affected by labour laws and industrial relations systems, which vary from one country to another, for example, on the right for workers to organize and to be represented by trade unions (freedom of association and collective bargaining).

## 4. Addressing the challenges – creating workplaces free from gender-based violence

*“Gender-based violence in the workplace should be prohibited; policies, programmes, legislation and other measures, as appropriate, should be implemented to prevent it. The workplace is a suitable location for prevention through educating women and men about both the discriminatory nature and the productivity and health impacts of harassment. It should be addressed through social dialogue, including collective bargaining where applicable at the enterprise, sectoral or national level.” (International Labour Organization, 2009)*

## Tool 1: Tips for employers in preventing sexual harassment:

### **Identify the problem**

- ✓ Establish systems for identifying sexual harassment and violence.
- ✓ Be aware that sexual harassment is often a hidden issue. Don't assume that because there have been no complaints from workers the problem does not exist.

### **Define and publicize**

- ✓ Agree a clear definition of sexual harassment and ensure everyone understands what acceptable workplace behaviour is.
- ✓ Ensure men understand what behaviour is sexual harassment, such as making lewd remarks about women or touching them inappropriately.
- ✓ Adopt a 'zero tolerance' approach to verbal and physical abuse or sexual harassment in the workplace.

### **Adopt clear policy and procedures**

- ✓ Agree a company sexual harassment policy.
- ✓ Establish fair and confidential complaints procedures.
- ✓ Inform all employees that sexual harassment will not be tolerated and is a disciplinary matter.
- ✓ Encourage managers to promote prevention initiatives.
- ✓ Ensure the workplace and the places associated with the factory, such as dormitories and company transport, are safe and free from violence, with policies and procedures in place to prevent a culture of harassment.

### **Negotiate clauses in collective bargaining agreements**

- ✓ Work with trade unions to develop clauses in a collective bargaining agreement (CBA) on sexual harassment and gender equality.
- ✓ Draw on trade union experience of running workshops for women and men – and jointly develop fair policies and procedures.

### **Train managers, supervisors and workers**

- ✓ Raise workplace awareness of sexual harassment – what it is and the forms it takes.
- ✓ Raise awareness of the negative consequences of sexual harassment on employees and the company.
- ✓ Train managers, supervisors and workers on the new policies and procedures.

### **Support for those who are sexually harassed**

- ✓ Change the culture of the workplace so that women feel comfortable and valued.
- ✓ Set up a confidential help-line.
- ✓ Support women workers to make a complaint.
- ✓ Adopt an approach that empowers workers to ensure that they know, and can access, their rights.
- ✓ Promote training for both female and male supervisors.
- ✓ Implement responses to sexual harassment in the workplace that are seen in the broad context of wider gender inequalities, such as women's low pay and precarious working conditions.

### **Develop social dialogue**

- ✓ Take note of workers' views and comments.
- ✓ Encourage managers, supervisors and workers to suggest solutions to workplace issues (e.g. location of toilets or work areas that are a focus of sexual harassment or sexism).
- ✓ Find practical solutions to problems.

Better Work suggests that managers can reduce violence and sexual harassment in global production through a number of actions:

- Aligning the incentives determining pay for workers and supervisors. Workers and their line supervisors should have the same pay structure and production target linked to a wage bonus, to minimize opportunities for supervisors to abuse their power in determining the pay workers receive.
- Address challenges facing line supervisors. Sexual harassment is less likely to occur where managers acknowledge the stress and low labour-management skills of supervisors. Supervisory skills training can serve to improve workplace relations.
- Promote greater communication among managers, supervisors and workers. More communication across all levels of the factory can foster greater trust and awareness of workers' concerns.
- In addition to these actions, factories should establish clear policies against sexual harassment; train managers, supervisors and workers on the policies; and ensure implementation and enforcement. These steps have the potential to create conditions in factories that reduce the likelihood of sexual harassment.

**Source:** Better Work. Research Brief: Garment Factory Characteristics and Workplace Sexual Harassment. <http://betterwork.org/global/wp-content/uploads/Research-Brief-Sexual-Harassment-LR-Rnd5-4.pdf>

## Case Study 3.1

# The vulnerability of immigrant farmworkers to sexual harassment

This case study shows how immigrant farmworkers are vulnerable to sexual harassment and violence.

Research by Human Rights Watch (2012) about US female immigrant farmworkers found extensive evidence of sexual harassment, in a sector that is heavily dependent on seasonal, migrant and unauthorized workers. Nearly all of the 52 farmworkers interviewed reported that they had been victims of sexual harassment or knew of workers who had. A culture of sexual harassment and abuse predominates in the sector. Workers were dependent on housing and transport provided by employers.

The case of Patricia (below) is documented in Human Rights Watch's study on the vulnerability of farmworkers in the US to sexual violence and sexual harassment. It illustrates the extreme risk of sexual violence faced by immigrant farmworkers.

### Patricia M.'s Story

Patricia M. was 21 years old when she first came to the United States from Mexico about six years ago. Like most immigrant farmworkers in the US, Patricia did not have a work visa, but she was able to get work. About four years ago, she got a job harvesting almonds. The foreman would pick workers up and then drop them off at the end of the day at a local gas station. She said he repeatedly offered her food and drink, which "bothered [her] a lot," because she felt he was not offering these things innocently. He insinuated that he could help her, saying, "Listen to me, I'm the foreman, and you'll have a job."

On the third day, he dropped off all the workers at the gas station except her. He told the rest of the workers he was going to pick up the water cooler, but instead, he took Patricia to a remote field. "From there, he didn't say anything, he just stared at me. I was wearing a hat and a bandanna [that covered my face], and he said, 'What do you have there? An animal?' And I knew he wanted to do something to me."

Patricia described him as "fat, very big." She reported that he got on top of her and tied her hands with her bandanna to the hand grip above the truck door. Then, she said, "He took off my clothes and he raped me.... He hurt me badly."

Patricia did not tell anyone. She said: "I felt very sad and very alone." She had no family in the US, and she did not want to tell her family in Mexico what had happened.

After the rape, Patricia continued to work at the same farm. She could not leave the job because there was no other work available. The abuse continued. "He kept raping me and I let him because I didn't want him to hit me. I didn't want to feel pain." Eventually, Patricia found out she was pregnant.

She heard that she could apply for disability benefits and went to a social service agency where the employees asked her whether she had a partner. That question prompted her to tell them everything, and the agency helped her file a police report. Patricia credits the agency for providing crucial support. She still has not told her family in Mexico what happened. Although she told her mother she was



pregnant, she didn't tell her about the rape, "because I don't want her to be sick." Without the counsellors at the agency, she knows she would never have filed the police report: "I was afraid they would put me in jail; I was afraid [they'd] send me to Mexico because I was illegal."

Patricia stated that the foreman was not prosecuted and sentenced for the crime. Instead, after arresting him, the police seem to have contacted immigration authorities, as he was soon deported. Unfortunately, this does not mean he is completely out of Patricia's life. She has heard reports from his family that he is planning to come back to the US and see the child. The rape continues to affect her in other ways as well. Patricia is now married, and her daughter is "so beautiful," despite the painful memories of how she became pregnant. Yet she reports: "Sometimes, I remember and I can't be intimate with my husband." She also worries because "I don't know what to tell my daughter when she gets older." (Human Rights Watch, 2012, p. 1)

## Case Study 3.2

# Protecting pregnant workers' rights in Lesotho – the impact of long working hours (Better Work)

This case study from Better Work Lesotho shows how workers may need support to know and access national pregnancy and maternity benefits which are their legal right – and that managers should know their responsibility to inform pregnant workers. The majority of garment workers in Lesotho are young women so maternity rights at work are of great importance. In Lesotho, Better Work is striving to ensure that the needs and rights of pregnant workers are met.

### Mamontseng Habahaba's story

When 31-year-old Mamontseng Habahaba was pregnant with her third child, she worked as a quality control inspector at one of Lesotho's 39 garment factories. She didn't bother telling her supervisor. She figured she would just work until it was time to give birth, unaware of her rights as a pregnant factory worker.

Into her third trimester, she struggled to stay on her feet for her 9-hour daytime shift, and though her pregnancy was obvious, she was not provided with a chair to sit on, nor did she dare to ask for one.

"This is something that cannot be done in this factory," Habahaba said. "If your work requires you to work standing, you have to work standing, even when you are pregnant."

Habahaba requested maternity leave when she was seven-months pregnant, and she stopped working at the last possible moment, on 15 January 2014. Four days later, she gave birth prematurely to Molise Habahaba, a 3.6kg baby boy named after his grandfather. The family's financial strain sent her back to work two months after Molise was born.

Habahaba knew from her supervisor and other colleagues at the factory that she was allowed 12 weeks leave. What she didn't yet know was that a law amended in October 2013 provided she get paid for six out of those 12 weeks. When Habahaba returned to work, she was only given two weeks' pay to cover the time she took off. With an extra mouth to feed, she began working overtime even though labour laws prohibit nursing mothers from working extra hours. Habahaba said she did not know she was not supposed to work overtime. And only recently she was aware of the amended law on paid maternity leave.

"We only knew some time ago and we lodged a complaint to our shop stewards and they are working on the issue," Habahaba said. "However, the workers that came back from maternity leave after we lodged the complaint have been paid six weeks."

According to Better Work, Habahaba's situation repeats itself at other apparel factories where pregnant workers face losing out on benefits entitled to them and rights that protect them in the workplace before and after giving birth. The issue is critical, not just in Lesotho, but across the world, where a majority of women factory workers are of child-bearing age.

Better Work's programme in Lesotho helps protect pregnant workers by offering maternity protection training as part of the Workers' Life Skills programme. Better Work is training factory human resources managers to understand and observe the law, as well as training peer educators who in turn are training their co-workers

on maternity health issues. Drilling deeper into the issue, Better Work conducted a series of workers' focus group discussions with workers from 17 factories to help them and the factories gain better understanding of the needs of pregnant workers.

Better Work learned that:

- Awareness regarding the rights and needs of pregnant workers remains low.
- In a number of factories, workers still get paid only two weeks during their maternity leave despite an amended law that mandates six weeks of paid leave.
- Pregnant workers are not always accommodated at their jobs with lighter workloads.
- Maternity benefits are not always part of the induction training and workers do not receive adequate explanation of their benefits.
- Pregnant workers are often not aware of the safety and health risks at their workplace that could harm their unborn child.
- Many workers report for duty one month after giving birth worried about losing income if they stay at home with their babies.
- Factory improvements, such as a subsidized nursery on site, would help reduce the financial burden for working mothers of newborns.

“Maternity protection in the apparel industry workplace has been a topic neglected for long. We are working together with our partners – unions, employers, government to strengthen the law and promote compliance with it,” said Programme Manager, Kristina Kurths.

**Source:** Quoted and adapted from Better Work (undated) Protecting Pregnant Workers' Rights in Lesotho: <http://betterwork.org/global/?p=6243>.

## Case Study 3.3

# Dealing with production pressures in the horticulture industry in Ethiopia

Like many other industries that rely on a large supply of cheap labour, many jobs in floriculture – such as grading, packing, harvesting, tending beds, watering and so on – require limited skills. Many of the workers employed in the industry are poor and vulnerable to exploitation.

**Developing Strategies for Change for Women Workers in African Horticulture** was a project implemented in Ethiopia between April 2008 and March 2011 by the National Federation of Farm Plantation Fishery Agro Industry Trade Union (NFFPFATU) in collaboration with Women Working Worldwide funded by Comic Relief in the UK. The project was also implemented in Tanzania and Uganda. As part of the project, research was carried out to document working conditions in the sector. This briefing summarizes some of the findings of the research in Ethiopia.

The export horticulture industry in Ethiopia started in 1995 and has been growing steadily since 2002; it now plays a major role in the Ethiopian economy. Most of the farms are foreign owned. Farms export to EU markets, in particular to the Netherlands through both auction and direct markets. Some products are also exported to non-EU markets such as the Russian Federation, Japan and Saudi Arabia. Roses are the main product.

The overwhelming majority of workers in the horticulture sector in Ethiopia are women, mostly aged between 20 and 25 years. The proportion of non-married or single women is higher than married women. Many women are non-permanent workers and they often do not have written contracts so security of employment is a concern.

Workers are often kept on rolling temporary contracts, have unpredictable and seasonal working hours, poor safety and health protection, low wages, long hours and low levels of union representation. Also companies often fail to protect workers from repetitive strain injuries and toxic pesticides.

### ***Long working hours and production pressures***

Workers in five of the eight farms surveyed complain of long working hours. Overtime is habitually compulsory and frequently exceeds the maximum hours during busy periods, such as peak seasons, public holidays or when orders are increased but delivery dates not lengthened. Women report that because overtime during peak seasons is so excessive they are not able to perform their domestic responsibilities or care for their children. Shifts of up to 15 hours a day, sometimes without a break, are common around Valentine's Day and Mother's Day.

### ***Low wages***

According to the researchers, wages are not always sufficient to meet the basic needs of workers. Although most codes of conduct stipulate that wages must be sufficient to meet the basic needs of workers, salaries in the horticulture sector still remain very low.

### ***Sexual harassment***

The majority of horticulture workers are women. Sexual harassment and bullying is often a major issue. The study found that six out of eight farms had specific policies on verbal and physical abuse and sexual harassment, designed to prevent sexual harassment. 86.7 per cent of workers revealed that sexual harassment had not occurred in their workplace but it occasionally took place outside of work. 13.3 per cent of workers mentioned that sexual harassment occurred in their work place in the form of unwanted touching, unwelcomed comments and banter.



In 2007 the Ethiopian Horticulture Producer Exporters Association (EHPEA) took responsibility for the development and management of the Ethiopian code of practice for the export horticulture sector. The code includes clauses on freedom of association and collective bargaining, equality of treatment, living wages, working hours, safety and health, pesticides and chemicals, security of employment, the prohibition of child labour and forced labour. During the research, it was found that several farms had adopted or were in the process of adopting the EHPEA code of practice, and five out of eight farms were covered by the International Code of Conduct (ICC) for cut flowers. The research highlighted the need for better implementation of the codes of conduct and that trade unions should continue to play a critical role in ensuring workers are aware of these codes of conduct and in auditing compliance. The research recommended that all stakeholders work together to ensure workers' rights are fully respected.

Although the farms are unionized and covered by collective bargaining agreements, union activity was still reported to be discouraged by employers; for example, employers were reported to favour non-union workers for promotions over union members and there were cases of dismissal or demotion of union members.  
**Source:** Women Working Worldwide (2011)

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