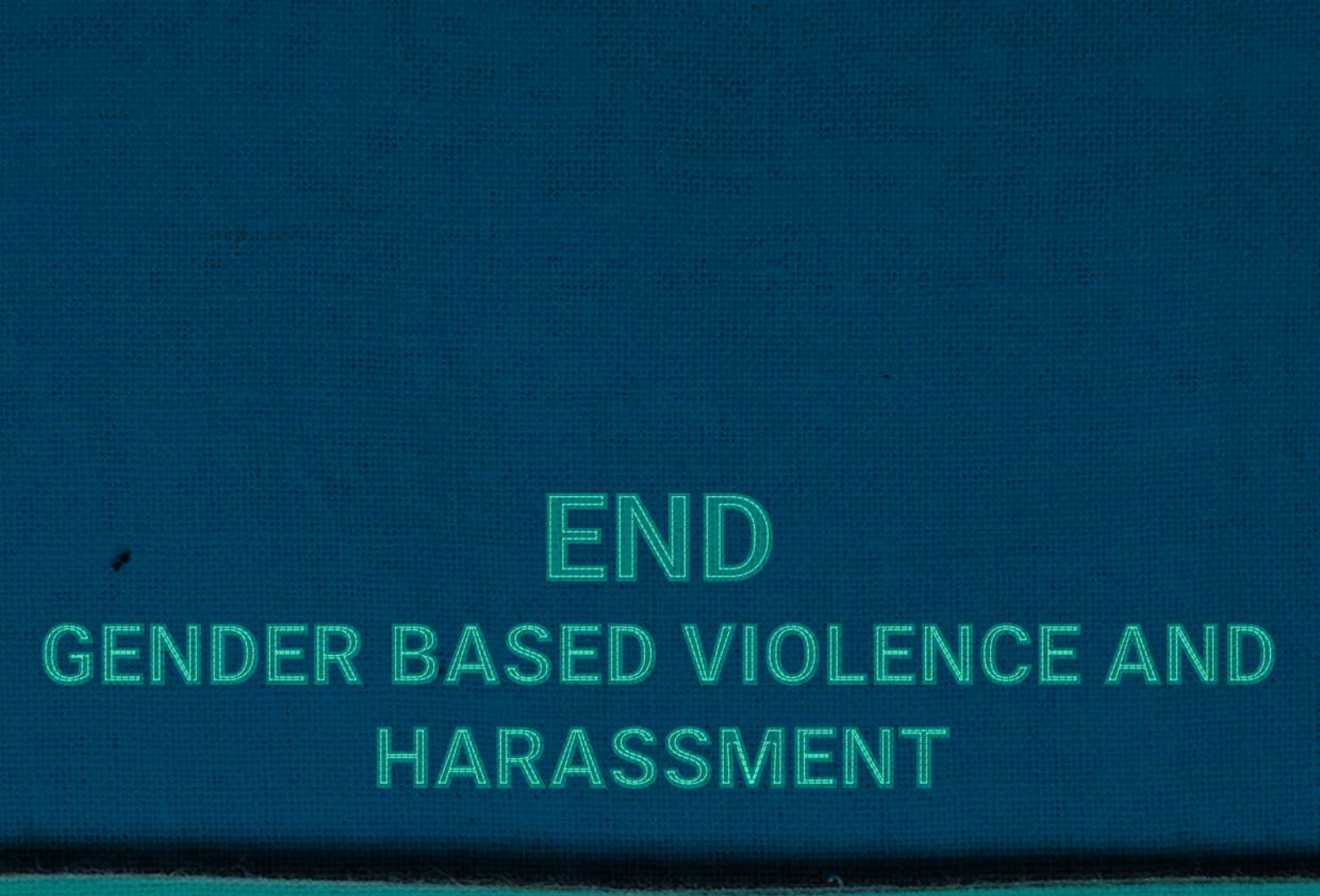

Pillar 1

Gender Justice on Garment Global Supply Chains: An Agenda to Transform Fast-Fashion

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Global Labor Justice (GLJ) is a strategy hub supporting transnational collaboration among worker and migrant organizations to expand labor rights and new forms of bargaining on global value chains and international labor migration corridors.

The Asia Floor Wage Alliance (AFWA) was founded in 2007 as an Asian labour-led global social alliance across garment producing countries in Asia and retail regions (USA and Europe) for addressing poverty level wages, gender discrimination, and freedom of association in global garment production networks.

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Forward

Transforming the world of work to meet the challenges posed by global inequality and the gender gap requires a gender lens. More important, the leadership of women in trade unions and civil society organizations is a must to face these challenges along with rising fascism, xenophobic nationalism, and climate change.

It is therefore especially appropriate that at the Centennial of the International Labor Organization, negotiations toward the first international labor standard addressing gender based violence in the world of work are informed by and inform broader discussions on the Future of Work.

Ending gender based violence and harassment (GBHV) is one key component of bringing a gender justice approach to global supply chains- specifically fast fashion. This report—the first in the series, *Gender Justice on Garment Global Supply Chains: An Agenda to Transform Fast-Fashion*—provides a roadmap for international legal frameworks, criteria for corporate accountability initiatives, and a transformative new prevention approach from the Asia Floor Wage Alliance to end GBVH on garment production lines.

The Global Labor Justice series, Gender Justice on Garment Global Supply Chains: An Agenda to Transform Fast-Fashion, lays out six pillars of a gender justice approach:

- **Pillar 1**, End Gender Based Violence and Harassment: Gender Justice on Garment Global Supply Chains, An Agenda to Transform Fast-Fashion
- **Pillar 2**, Advance Economic Security: Protect Workers as Supply Chains Relocate
- **Pillar 3**, Incorporate a Gender Lens into Living Wage Frameworks
- **Pillar 4**, Uplift Women's Leadership in Organizations and Advocacy
- **Pillar 5**, Promote Decent Work and Fair Migration in the Garment Sector
- **Pillar 6**, Shift Coercive Supply Chain Practices that Contribute to and Constitute Forced Labor

The series analyzes key barriers to gender justice and proposes a bold and transformative vision of work with dignity and economic security for women workers led by women worker leaders involved in national and regional worker organizations. Each Pillar sets out concrete solutions to advance gender justice on garment supply chains, including recommendations for new international labor standards and interpretations, and innovative roles for supplier unions, allied unions, women's organizations, human rights organizations, and consumers in production and retail countries.

The ILO's Future of Work Commission calls for:

> [S]eizing the opportunities presented by these transformative changes to create a brighter future and deliver economic security, equal opportunity and social justice – and ultimately reinforce the fabric of our societies.

Through this series, women worker leaders on Asian garment supply chains draw from their deep experience to show us the way forward.

Jennifer (JJ) Rosenbaum
US Director
Global Labor Justice

Executive Summary

On May 28, 2018, the ILO Standard Setting Committee on violence and harassment in the world of work began the historic task of creating a global standard protecting workers from violence and harassment, with a specific mandate to address gender based violence. As the Committee entered deliberations on the definition of the term "gender-based violence," women labor leaders and their organizations around the world continued their work on the ground. At the International Labor Conference (ILC), a delegation including trade union leadership from Asia Floor Wage Alliance (AFWA) and the Global Labor Justice (GLJ) legal and research teams released factory level research reports documenting gender based violence in H&M, and Walmart Asian garment supply chains (AFWA and GLJ 2018a-c). The reports projected experiences of GBVH in Asian global garment supply chains into public discourse and the ILC standard setting deliberations, calling for a commitment to end GBVH from multinational brands employing tens of thousands of women in the global south.

Women garment workers interviewed for this research described sexual violence and harassment; and industrial discipline practices, including physical violence, verbal abuse, coercion, threats, retaliation, and routine deprivations of liberty—including forced overtime. Conducted between 2015 and 2018, this body of research, including perspectives from 898 workers employed in 142 garment supplier factories across Asia (AFWA and GLJ et al. 2018a-c), provides indisputable evidence that GBVH persists on garment global supply chains. The reports were covered by more than 50 news outlets across 17 countries, and described by The Nation as a "#MeToo Movement for the Global Fashion Industry."

This campaign—which has emerged as Garment #MeToo—built upon the successes of ten years of organizing by AFWA, including establishment of the only Asian-led alliance of workers and allies, widespread legitimacy around a regional living wage for Asian garment workers, and the role of trade unions in bargaining for brand accountability. In response to this campaign, on June 5, 2018, H&M and Gap publicly declared support for a binding ILO Convention on workplace violence, including gender based violence in garment supply chains. In the public realm, AFWA and GLJ established widespread recognition of the spectrum of gender based violence (Table 1) and associated risk factors in the garment industry, and the need for solutions which include collective worker voices.

Confronted by the viral #MeToo movement that has demonstrated widespread sexual harassment and sexual assault in the workplace, the global fast fashion industry faces a reckoning. From allegations of sexual misconduct perpetrated by powerful photographers in the American fashion industry (Cartner-Morley 2018), to exposure of gender based violence perpetrated against women garment workers, the fashion world—from runway to retail—has been called to task (Chen 2018). Multinational brands that drive the industry, from marketing to production, stand at a critical crossroads: they can continue to drive supply chain practices that subject women workers to GBVH, or they can use their authority across the supply chain to root out GBVH, production line by production line.

Brand and retail CSR codes of conduct are far from sufficient to address workplace harassment, violence, and violations of decent work standards. CSR initiatives not only sidestep social dialogue and freedom of association required by decent work standards, but are also entirely self-monitored. Research demonstrates that self-monitored CSR commitments fail to address risk factors for violence, provide avenues for relief in cases of workplace violence, and safeguard workers from retaliation (Finnegan 2014).

Table 1: Spectrum of GBVH in Garment Supply Chains

	Gendered aspects of violence, including: • Violence against a woman because she is a woman • Violence directed against a woman that affects women disproportionately due to (a) high concentration of women workers in risky production departments; and (b) gendered barriers to seeking relief
Forms of violence	
Acts that inflict physical harm	• Assault, including pushing to the floor, beating, and kicking, gendered aspects (1), 2(b) • Slapping, gendered aspects 2(a) and (b) • Pushing, gendered aspects 2(a) and (b) • Throwing heavy bundles of papers, clothes, scissors, and other projectiles, gendered aspects 2(a) and (b) • Overwork with low wages, resulting in fainting due to calorie deficit, high heat, and poor air circulation, gendered aspect 2(a) • Long hours performing repetitive manual tasks leading to chronic leg pain, ulcers, and other adverse health consequences, gendered aspect 2(a) • Traffic accidents during commutes in large trucks without seats, seatbelts, and other safety systems, gendered aspect 2(a)
Acts that inflict mental harm	• General verbal abuse, including bullying and verbal public humiliation, gendered aspect 2(a) • Verbal abuse linked to gender and sexuality, gendered aspect (1) • Verbal abuse linked to caste or social group, gendered aspect 2(a) and (b) • Verbal abuse targeting senior women workers so that they voluntary resign prior to receiving benefits associated with seniority, gendered aspect 2(a)
Acts that inflict sexual harm or suffering (including sexual harassment, abuse, assault, and rape)	• Sexual advances from management and mechanics and retaliation for reporting, gendered aspect (1), 2(a) • Sexual harassment from management and co-workers, gendered aspect (1) • Unwanted physical touch, including inappropriate touching, pulling hair, and bodily contact by managers and male co-workers, gendered aspect (1) • Rape outside the factory at accommodation, gendered aspect (1)
Coercion, threats, and retaliation	• Threats of retaliation for refusing sexual advances, gendered aspects 1, 2(a) and (b) • Retaliation for reporting gendered violence and harassment, gendered aspects 1, 2(a) and (b) • Blacklisting workers who report workplace violence, harassment, and other rights violations, gendered aspect 2(a)
Deprivations of liberty	• Forced to work during legally mandated lunch hours, gendered aspect 2(a) • Prevented from taking bathroom breaks, gendered aspect 2(a) • Forced overtime, gendered aspect 2(a) • Prevented from using legally mandated leave entitlements, gendered aspect 2(a) • Forced labour, including payment of advances to women workers and restricting mobility from the workplace, gendered aspect (1), 2(a), and 2(b)

While many brands report well- funded initiatives including corporate social responsibility (CSR) and partnerships with non-governmental organizations (NGO), AFWA and GLJ research—updated with new case studies in 2019—shows that GBVH is still prevalent on Asian garment supply chains. Brands must move beyond current approaches because they are not working.

Ending GBVH on garment global supply chains requires an urgent rethinking of current practices and a reimagining of solutions. This report—the first in the series, *Gender Justice on Garment Global Supply Chains: An Agenda to Transform Fast-Fashion*—provides a roadmap for international legal frameworks and corporate accountability to end GBVH on garment production lines. It calls for action across the dispersed spatial landscape of the garment global production network (GPN) to raise consciousness and develop institutions and practices capable of ending GBVH, and shows that women worker leaders with their deep experience are positioned to lead as key stakeholders innovating solutions.

Part 1, Patterns and Structure of GBVH on Garment Production Lines, revisits our 2018 research documenting a spectrum GBVH faced by women workers on Asian garment supply chains; and updates this research with new case studies of GBVH collected in 2019. As laid out in this chapter, these forms of violence are rooted in risk factors for GBVH related to brand purchasing practices and corresponding working conditions in garment supplier factories. Part 1 also includes new analysis on GBVH as a gendered industrial discipline practice that manifests in two distinct but interrelated forms of GBVH on garment production

Criteria for effective initiatives to end GBVH on production lines

Initiatives must include:

1. Comprehensive identification of the locally-specific spectrum of GBVH—including all forms of violence covered by international law—and developed through proactive engagement with women production-line workers who are targets of violence
2. Opportunities for collaboration between women who are targets of violence, supervisors, and bystanders to address gendered relationships of power within factories and advance a shared goal of ending GBVH in the workplace
3. Protections against workplace retaliation for reporting violence and other violations of rights and work
4. Protection of freedom of association and collective bargaining to safeguard the rights of workers who participate in processes to transform their workplaces
5. Avenues to address risk factors for GBVH related to brand purchasing practices, including production targets, accelerated work, failure to pay living wages, and lack of job security

lines: supervisory behavioral and employment-practice based GBVH. Our understanding of the escalation of supervisory behavioral GBVH to employment-practice based GBVH makes an urgent case for approaches to ending GBVH that engage workers and supervisors on production lines—the frontlines of GBVH escalation. Part 1 concludes by distilling core criteria required in order for initiatives to eliminate GBVH on production lines to be effective.

Part 2, Global standards addressing GBVH, provides an update on the status of current standard setting at the International Labour Organization (ILO) on eliminating violence and harassment in the world of work, and a discussion of the role of more nascent ILO conversations about regulation of global supply chains in addressing GBVH. Attention to GBVH in the ILO standard setting process on violence and harassment in the world of work emerges from an upsurge in organizing by women trade union leaders and their allies, elevating issues of workplace violence and building a consensus and institutional commitment by government and employers to join a unified trade union movement in codifying a framework to address these urgent issues. An international labor standard on eliminating violence in the workplace is an important step forward in consensus on both the problem; and the roles of governments, employers, corporations that drive global supply chains, and trade unions in negotiating and implementing serious solutions.

Part 3, Corporate accountability to end GBVH, provides a roadmap for brands to end GBVH across their supply chains. It calls for corporations to:

- **Analyze GBVH and risk factors for GBVH across their supply chains** in a manner that includes the spectrum of GBVH identified under international law; interrogates risk factors related to brand purchasing practices and factory-level supervisory and employment practices; and proactively engages with women workers on production lines and their collectives.

- **Prevent GBVH** by addressing risk factors for violence in supply chains (e.g. production targets, failure to pay living wages, and job insecurity); participating in programs negotiated with trade unions, suppliers, and brands, including expanding opportunities for women's leadership; and addressing gendered workplace demographics by providing incentives to hire women in supervisory and permanent positions.

- **Ensure incentive programs are consistent with a prevention approach**, including by using incentive structures that promote rather than repress GBVH reporting; supporting freedom of association; and maintaining open dialogues with worker organizations to ensure that incentive programs are making meaningful inroads in addressing GBVH.

- **Uphold accountability** for GBVH by supporting and publicly ratifying a binding ILO convention and recommendation on violence and harassment in the world of work; facilitating enforcement of labor standards addressing GBVH by national labor departments and courts across their supply chains; negotiating and implementing agreements negotiated with trade unions and supplier factories; and maintaining transparency concerning their supply chains and initiatives to address GBVH.

The roadmap for corporate accountability to end GBVH described above is overall consistent with the approach laid out in the United Nations Guiding Principles on Business and Human Rights (UNGPBHR), calling for business enterprises to carry out human rights due diligence to identify, prevent, mitigate, and account for how they address their adverse human rights impacts (Article 17). Our analysis presents a robust framework for corporate due diligence in identifying and assessing, preventing, and mitigating GBVH that is consistent with the UNGPBHR framework. However, whereas the UNGPBHR view of accountability focuses on transparent communication by business enterprises, we make a case for accountability rooted in global legal standards, national labor departments, and agreements negotiated between brands, suppliers, and trade unions.

Part 4, Transformative Solutions for Ending GBVH, concludes the report with an in-depth account of *AFWA's Step-by-Step Approach to Prevent GBV at Production Lines in Garment Supplier Factories in Asia.* This approach to eliminating GBVH is rooted in the rich experience of the AFWA's Women's Leadership Committee. It combines new perspectives in responding to GBVH in garment factories with well-established

circle approaches implemented through quality circles (QCs) from other industrial contexts, converging in a sophisticated and innovative integration of key elements of corporate accountability. The AFWA Safe Circle (SC) Approach aims to develop and sustain a positive organizational culture on garment production lines, co-produced by workers and management who engaged in advancing the shared goal of preventing GBVH.

Tables and Figures

Table 1: Spectrum of GBVH in Garment Supply Chains

Table 2: Recommendations to the ILO to inform standard setting on Violence and harassment in the world of work, current status in draft text, and next advocacy steps

Table 3: Risk factors identified by the ILO Expert Committee that expose garment workers to violence and harassment

Table 4: Gendered production roles in garment supplier factories in Bangladesh, Cambodia, and India

Table 5: Operatory labour practices, workforce demographics, and working conditions in garment production factories

Table 6: GBVH as a gendered industrial relations practice, supervisory behavioral GBVH practices and employment-practice based GBVH practices

Table 7: Levels of GBV manifestation

Figure 1: GBV escalation latter

Figure 2: Incentive techniques that promote and repress reporting

Abbreviations and Acronyms

AFWA	Asia Floor Wage Alliance
AFWA SC	AFWA Safe Circle Approach
CEDAW	Convention on Elimination of All Forms of Discrimination against Women
CSR	Corporate Social Responsibility
FoA	Freedom of Association
FGD	Focus Group Discussion
GBVH	Gender based violence and harassment
GLJ	Global Labor Justice
GPN	Global Production Network
GSC	Global Supply Chain
GUF	Global Union Federation
IDWF	International Domestic Workers Federation
ILC	International Labour Conference
ILO	International Labour Organization
ITUC	International Trade Union Conference
QC	Quality Circle
MNC	Multi-national corporation
NGO	non-governmental organizations
RMG	Ready Made Garment
TCLF	Textile, Clothing, Leather and Footwear
UDHR	Universal Declaration of Human Rights
UNCTAD	United Nations Conference on Trade and Development
UNGPBHR	United Nations Guiding Principles on Business and Human Rights

Prohibitions of GBVH in international law

GBVH has long been recognized as a human rights violation. As explained by General recommendation No. 35 on gender-based violence against women, adopted by the Committee on the Elimination of Discrimination against Women (CEDAW), released on July 14, 2017, the prohibition of gender based violence against women has evolved into a principle of customary international law (paragraph 2).

General recommendation No. 19 on violence against women, adopted by the CEDAW Committee, defines gender based violence as “violence which is directed against a woman because she is a woman or that affects women disproportionately’, and, as such, is a violation of their human rights” (article 1). Forms of gender based violence named by General recommendation No. 19 include acts that inflict physical harm, mental harm, sexual harm or suffering, threats of the any of these acts, coercion, and deprivations of liberty. According to CEDAW recommendation No. 35, for over 25 years the practice of States parties and the opinions of jurists have endorsed the Committee’s interpretation of gender based violence in recommendation No. 19.

General recommendation No. 35 emphasizes that gender based violence is a social rather than an individual problem, requiring comprehensive responses that extend beyond specific events, individual perpetrators, and victims/survivors (para. 9). The Committee underscores that gender-based violence against women is one of the fundamental social, political, and economic means by which the subordination of women with respect to men is perpetuated (para. 10).

General recommendations No. 28 and No. 33—on the core obligation of States parties under article 2 of CEDAW and women’s access to justice, respectively—confirms that discrimination against women is inextricably linked to other axes of discrimination. These include: ethnicity/race, indigenous or minority status, colour, socioeconomic status and/or caste, language, religion or belief, political opinion, national origin, marital and/or maternal status, age, urban/rural location, health status, disability, property ownership, being lesbian, bisexual, transgender or intersex, illiteracy, trafficking of women, armed conflict, seeking asylum, being a refugee, internal displacement, statelessness, migration, heading households, widowhood, living with HIV/AIDS, deprivation of liberty, being in prostitution, geographical remoteness and stigmatisation of women fighting for their rights, including human rights defenders (No. 35, para. 12).

Part 1: Patterns and Structure of GBVH on Garment Production Lines

Based upon extensive empirical research on GBVH in garment supply chains in Asia, this section revisits and updates our 2018 research, documenting a spectrum of GBVH faced by women workers on Asian garment supply chains. These forms of violence are not one-off occurrences, but are instead rooted in risk factors for GBVH related to brand purchasing practices and corresponding working conditions in garment supplier factories.

This section also includes new analysis on GBVH as a gendered industrial discipline practice that manifests in two distinct but interrelated forms of GBVH on garment production lines: supervisory behavioral and employment-practice based GBVH. Our understanding of the escalation of supervisory behavioral GBVH to employment-practice based GBVH makes an urgent case for approaches to ending GBVH that engage workers and supervisors on production lines—the frontlines of GBVH escalation.

The evidence presented in this section is a resounding demonstration that current approaches to addressing GBVH on garment supply chains are not working. This up to date empirical account of the complex and multifaceted manifestations of GBVH on garment production lines provide critical context for the recommendations that follow in Parts 2 and 3 of this report.

Spectrum of GBVH in Garment Global Production Networks

Guided by established international legal frameworks for identifying GBVH (CEDAW, General recommendation 19, article 1), from January 2018 – May 2018, AFWA investigated cases of GBVH in Asian garment supply chains, including H&M, and Walmart supply chains in Dhaka, Bangladesh; Phnom Penh, Cambodia; West Java and North Jakarta, Indonesia; Bangalore, Gurgaon, and Tiruppur, India; and in Gapaha District and Vavuniya District, Sri Lanka (AFWA and GLJ et al. 2018a-c).

Based upon the perspectives of 150 women workers from 37 different supplier factories, this 2018 research documented a spectrum of GBVH in Asian garment supply chains (Table 1). This spectrum of violence, developed in direct consultation with women garment workers, provides meaningful guidance to multinational brands on the adverse human rights impacts of their activities and business relationships. The persistence of this spectrum of violence has been verified through ongoing research conducted by AFWA in 2019.

Our findings reveal that women garment workers may be targets of violence on the basis of their gender, or because they are perceived as less likely or able to resist. Comprising the majority of workers in garment supply chains in Asia, women workers are also disproportionately impacted by forms of workplace violence perpetrated against both women and men. For women garment workers, violence and harassment in the world of work includes not only violence that takes place in physical workplaces, but also during commutes and in employer provided housing.

Risk Factors for GBVH

The 2017 study on *Violence and Harassment Against Women and Men in the World of Work: Trade Union Perspectives and Action*, released by the International Labour Office in 2017, directs attention to new and emerging risks in the workplace, including work

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Acts that inflict sexual harm or suffering (including sexual harassment, abuse, assault, and rape)	• Sexual advances from management and mechanics and retaliation for reporting, gendered aspect (1), 2(a) • Sexual harassment from management and co-workers, gendered aspect (1) • Unwanted physical touch, including inappropriate touching, pulling hair, and bodily contact by managers and male co-workers, gendered aspect (1) • Rape outside the factory at accommodation, gendered aspect (1)
Coercion, threats, and retaliation	• Threats of retaliation for refusing sexual advances, gendered aspects 1, 2(a) and (b) • Retaliation for reporting gendered violence and harassment, gendered aspects 1, 2(a) and (b) • Blacklisting workers who report workplace violence, harassment, and other rights violations, gendered aspect 2(a)
Deprivations of liberty	• Forced to work during legally mandated lunch hours, gendered aspect 2(a) • Prevented from taking bathroom breaks, gendered aspect 2(a) • Forced overtime, gendered aspect 2(a) • Prevented from using legally mandated leave entitlements, gendered aspect 2(a) • Forced labour, including payment of advances to women workers and restricting mobility from the workplace, gendered aspect (1), 2(a), and 2(b)

pressures, changes in work organization, and long working hours in manufacturing and other sectors (Pillinger 2017: xiii-xiv).

The experience of AFWA, working with low-wage, informal sector garment workers engaged at the base of global production networks reveals that garment workers are subjected to many of the risk factors for violence in the world of work named by the ILO Expert Committee. Table 4 supplements the risk factors identified by the Expert Committee with the experiences of the AFWA and GLJ. These risk factors can be subdivided into three categories of risks: (1) risks associated with workforce demographics; (2) risks related to brand purchasing practices; and (3) risks within garment supplier factories.

Risk factors for GBVH Associated with Gendered Workforce Demographics

Women are disproportionately impacted by patterns of violence in garment supply chains in part because they make up the vast majority of garment workers. In Bangladesh, Cambodia, India, Indonesia, and Sri Lanka, women workers represent the vast majority of the overall garment workforce (Barria 2014; Kashyap 2015; Mohan 2017; Oktaviani 2017; and Madurawala 2017).

Despite their numerical majority within the garment sector, women workers remain within low skill level employment and rarely reach leadership positions

Table 3: Risk factors identified by the ILO Expert Committee and AFWA that expose

Risk factors for GBVH associated with workforce demographics in the garment sector	
ILO Expert Committee • Concentration of women workers in low-wage jobs, especially in the lower tiers of the supply chains (para. 14) • Imbalanced power relationships, including due to gender, race and ethnicity, social origin, education, poverty, disability, HIV status, sexual orientation and gender identity, migrant status, and age (para. 12) • Workplaces where the workforce is dominated by one gender or ethnicity might be more hostile to people not conforming to established gender norms or individuals coming from under-represented groups (para. 12) • Intersecting grounds of discrimination, such as gender and race or disability (para. 12) • High rates of unemployment (para. 10)	**AFWA and GLJ (2018a-c)** • Majority woman workforce • Inadequate representation of women workers in supervisory positions • Concentration of women workers in subordinate roles as machine operators, checkers, and helpers in production departments under male supervision • Multiple and different gender segregated and spatially separate working environments within the same factory • Inadequate representation of women in leadership positions within their unions • Daily wage contract workers, migrant women, single women, and women from socially marginalized communities may be at increased risk of violence within the factory • Gendered social hierarchies
Risk factors for GBVH related to brand purchasing practices	
ILO Expert Committee Workers who cannot exercise their rights to freedom of association and collective bargaining, due to the inappropriate use of contractual arrangements leading to decent work deficits, including the misuse of self-employment, are also likely to be more at risk of violence and harassment (para. 13)	**AFWA and GLJ (2018a-c)** • Fast fashion purchasing practices that accelerate production cycles and shorten lead time • Pressure on suppliers to reduce costs and corresponding failure to pay a living wage • Low levels of job security among women workers heightens fear of retaliation, undermines GBVH reporting, and reinforces impunity.
Risks factors for GBVH in garment supplier factories	
ILO Expert Committee • Unrealistic production targets (para. 10) • Unsocial working hours (for instance, evening and night work)(para. 9) • Working in resource-constrained settings (inadequately equipped facilities or insufficient staffing) (para. 9) • Working in situations that are not properly covered or protected by labour law and social protection (para. 9) • Discriminatory practices (para. 10) • Culture of impunity (para. 12) • Poor labour relations (para. 10) • Absence of effective and accessible dispute resolution mechanisms (para. 15). • Weak enforcement mechanisms, including understaffed and poorly equipped and insufficiently trained labour inspectorates (para. 15). • Labour inspectorates and occupational safety and health (OSH) systems at different levels not mandated to address discriminatory practices or violence and harassment (para. 15).	**AFWA and GLJ (2018a-c)** • Gendered industrial discipline practices • Low wages • Excessive working hours • Performance of repetitive manual tasks under exposure to heat, noise, dust and chemicals. • Retaliation for reporting GBVH, including further targeting, loss of employment, social ostracizing, and personal and professional reputational harm • Male monopoly over authority in garment factories where majority male supervisors and line-managers oversee an overwhelmingly female workforce

in their factories and unions. Based upon in-depth factory profiles of 13 garment supplier factories (5 from Bangladesh, 5 from Cambodia, and 3 from India) AFWA and GLJ 2018 research demonstrated a pattern of gendered hiring practices in garment supplier factories (Table 4). At the factory level, women workers are concentrated in subordinate roles within production departments—as machine operators, checkers, and helpers. Departments, largely segregated by gender, may also be spatially separate, creating multiple and different working environments within the same factory (AFWA and GLJ et al. 2018a-c).

Patterns of GBVH reported by women garment workers reflect power asymmetries between men and women. Women garment workers reported sexual harm from men in positions of authority within the factory as well as co-workers. While perpetrators traverse hierarchical and non-hierarchical employment relationships with women workers, reports of sexual harm most commonly featured employment relationships where women held subordinate roles in relationship to male supervisors, line-managers, and mechanics tasked with fixing their machines In factories where majority male supervisors and line-managers oversee an overwhelmingly female workforce, male monopoly over authority can contribute to a culture of impunity around sexual violence and harassment. Daily wage contract workers, migrant women, single women, and women from socially marginalized communities may be at increased risk of violence within the factory (AFWA and GLJ et al. 2018a-c; Silliman Bhattacharjee 2019).

Gendered social hierarchies, rooted in patriarchal social norms, both manifest on the garment production lines, and are maintained by hiring practices. Multinational clothing brands have an opportunity to use their authority across the supply chain to root out GBVH, production line by production line.

Table 4: Gendered production roles in garment supplier factories in Bangladesh, Cambodia, and India

Department	Fabric Store	Cutting	Fusing/pasting	Production	Finishing/ packing
Management	Manager male	Supervisor male/female	Supervisor male	Supervisor 80-100% male 0-20% female	Supervisor 90-100% male 0-10% female
	In-charge male	Quality Control 60-100% male 0-40% female		Quality Control male/female	Quality Control male/female
	Supervisor male			Line In-Charge 70-100% male 0-30% female	
Specialized roles	Store Keeper male	Sticker Master male/female	Fusing machine Operator male/female	Record Keeper male/female	
		Cutting Machine male			
		Layer Man male			
Checkers	Checker male/female		Checker male/female		
Machine operators		Button Machine male/female		Line Tailor 80-90% female 10-20% male	
Helpers		Helper male/female	Helper male/female	Helper 20-30% male 70-80% female	Helper male/female

Risk Factors for GBVH Related to Brand Purchasing Practices

Risk factors for GBVH for women producing garments at the base of Asian garment supply chains are informed by the structure of the Textile, Clothing, Leather and Footwear (TCLF) global production network (GPN).[1] The TCLF global production network is characterized by geographically dispersed production and rapid, market-driven changes (ILO 2016). Brands engage in high-value market research, design, sales, marketing, and financial services. They typically outsource garment production to geographically disbursed Tier 1 companies that may, in turn, subcontract some or all of the garment production process to manufacturing companies known as suppliers.

This structure allows brands and retailers to drive coordinated production of goods by capitalizing upon new technology, relaxed regulatory frameworks, and a supply of low-wage labor in developing countries (Ghosh 2015). While brands and retailers do not produce garments, they drive sourcing and production patterns overseas. This production model has been characterized as a buyer-driven value chain (Gereffi 1994).

Business relationships between brands and suppliers are governed by purchasing practices that impact the functioning of supplier firms and, in turn, working conditions in these firms. The ascendance of fast fashion, and pressure on brands to reduce costs following the 2008 Great Recession inform contemporary purchasing practices. Due to diminished

1 Global production network (GPN) is a term that describes contemporary production systems that involve several companies across multiple countries. Companies linked through GPNs are related through various legal forms, with exchanges between firms structured so that multi-national or transnational corporations (TNCs) do not legally own overseas subsidiaries or franchisees but only outsource production to them. GPNs shift market relationships between firms from trade relationships to quasi-production relationships without the risks of ownership. Within this model, TNCs drive coordinated production of goods while disbursing risk associated with market fluctuations across global value chains. By 2013, GPNs accounted for some 80 percent of global trade (UNCTAD 2013).

government and brand accountability—especially among unregistered suppliers—working conditions in garment factories lack oversight and consistently fall below decent work standards (Kashyap 2015).

Fast Fashion, Production Targets, and Accelerated Work

Business relationships between brands and suppliers are governed by purchasing practices that impact the functioning of supplier firms and, in turn, working conditions. Current purchasing practices reflect the rise of fast fashion. Where the norm was four style seasons each year, the Zara brand pioneered monthly styles and even two-week cycles. Today, brands commonly release between eight and ten style seasons each year (Nathan and Kumar 2017), accelerating production cycles and shortening lead-time.

Short lead times, high quotas, and irregular, repeat orders for high demand items require supervisors and line managers to demand high-speed turnover, drive worker productivity, and hold workers overtime (Vaughan-Whitehead and Caro 2017). As described in the section below, pressure to meet production is commonly exerted through gendered industrial discipline practices, including GBVH.

Pressure on Suppliers to Reduce Costs and Failure to Pay a Living Wage

While prior to the Great Recession, suppliers report quoting lump-sum costs for orders, today, it is common for suppliers to estimate costs per item and then bargain with brands. Suppliers project labor costs based upon minimum wages, rather than living wages; and ten-hour days, including two hours of overtime, rather than eight-hour working days. These projections lend insight into the routine practice by suppliers of paying only normal wages for overtime rather than the double-wage rate required under many labor law regimes (Nathan and Kumar 2016).

Reliance on Contract Labor

Rise in employment of contract workers has been attributed to buyer purchasing practices. Downward pressure on prices, combined with increasingly unpredictable seasonal variation in production, require garment suppliers to employ a flexible, low-wage work force.

Since 2010, garment brand and retail members of the UK Ethical Trading Initiative (ETI) have reported increasing reliance on contract labor within garment value chains. Contract workers cost less to employ per unit, often receive lower wages, rarely receive non-wage benefits, including paid leave and social security, and can be fired according to shifting employer needs. These terms of employment leave contract workers particularly vulnerable to exploitation when compared to directly employed workers (Chan 2013). Low levels of job security among women workers heightens fear of retaliation, undermines GBVH reporting, and reinforces impunity (AFWA et al. 2018a-c).

Risk Factors for GBVH in Garment Supplier Factories

Labor and employment practices in garment production factories have been described as operatory labour practices (Table 5), referring to the role of workers as basic operators. Operatory labour practices correspond with particular workplace conditions and relationships that expose women garment workers to violence.

Production Targets

Women workers in divisions ranging from sewing, trimming excess thread, quality checking, and packaging are assigned production targets. Production targets vary by garment type, but typically require workers to be accountable for every minute they are at work. Women in Phnom Penh described group production targets of 380 pieces per hour per line—with 38 workers per line. In India, Indonesia, and Sri Lanka, women more commonly reported individual production targets.

Table 5: Operatory labour practices, workforce demographics, and working conditions in garment production

Authority	
Management	• Hierarchical work relations • Sweat shop disciplinary practices, including verbal, physical, and sexual harassment and abuse
Union presence	• Anti-union management practices
Workforce demographics	
Education	• Illiterate, low-literacy, and literate
Gender	• High percentage of women migrant workers • Concentration in low-skill departments and tasks • Home-workers hired on piece rate
Employment conditions	
Wages and incentives	• Below or at minimum wage and piece-rate payment
Overtime	• High levels of forced overtime
Employment security	• Low employment security

Source: Adapted from Nathan, Saripalle and Gurunathan 2016

Indian women in Gurugram described typical targets as 30-40 pieces per hour. However, during heavy production periods, they may be driven to meet inflated and unreachable targets of up to 100 pieces an hour. In Indonesia, women reported being required to produce 90-120 pieces every 25 minutes, with timed intervals to determine if targets were met. In Sri Lanka, production targets can escalate to 200-250 pieces every thirty minutes. Across Asian garment production networks, women reported that workers who fell short of their targets may be prevented from taking lunch breaks or forced to stay overtime (AFWA and GLJ et al. 2018a-c).

Gendered Industrial Discipline Practices

The daily race to meet production targets is sustained through gendered industrial discipline associated with operatory labor practices. Referring to the role of workers as basic sewing machine operators, operatory labor practices correspond with hierarchical work relationships, sweatshop discipline, and anti-union management practices (AFWA and GLJ et al. 2018a-c; Nathan, Saripalle and Gurunathan 2016).

Tied to their ability to reach production targets, women workers reported physical and verbal abuse, coercion, threats, and deprivations of liberty. While both women and men reported these forms of workplace violence, discipline is disproportionately directed at women workers due to their concentration in machine operator, checker and helper roles within production departments (AFWA and GLJ et al. 2018a-c).

Physical violence reported by women workers included slapping, pushing, kicking, and throwing heavy bundles of papers and clothes, especially during high-stress production times. Workers reported that physical discipline practices spiked after second tier management came out of meetings with senior management

Table 6: GBVH as a gendered industrial relations practice, supervisory behavioral GBVH practices and employment-practice based GBVH practices

driving production targets. In addition to targeted physical aggression, women reported rough treatment from male supervisors and relentless verbal abuse. Industrial discipline practices may intersect with sexual harassment and threats of violence on the factory floor (AFWA and GLJ et al. 2018a-c).

Supervisory-behavioral and Employment-practice based GBVH

The 2019 brief, *AFWA's Step-by-Step Approach to Prevent Gender Based Violence at Production Lines in Garment Supplier Factories in Asia* (AFWA 2019), distinguishes two subsets of GBVH that make up gendered industrial discipline practices: (1) supervisory behavioral GBVH practices and (2) employment-practice based GBVH (Table 6).

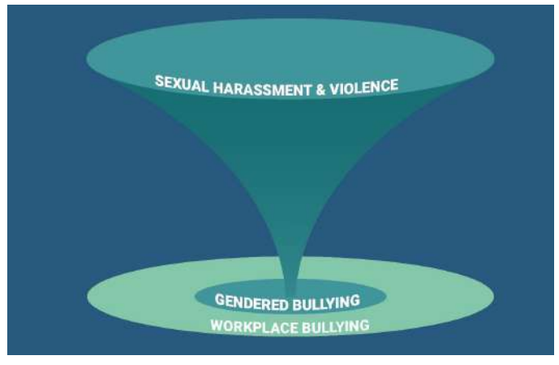
AFWA identifies gendered bullying as a precursor to more aggressive behavioral GBVH. Behavioral GBVH, in turn, leads to employment-practice based GBVH. The experiences of AFWA member unions in documenting and addressing GBV confirm the value of understanding GBVH using a graded approach that accommodates a complex spectrum of behaviors and manifestation levels (AFWA 2019).

Extractive Labor

The combination of low wages and relentless working hours in the garment industry violently extract labor from women's bodies. Introduced by Nathan et al. (2018), the term, *body mining* refers to the physical toll on women that results from poor nutritional intake, no weekly rest day, and the physical demands of work. Their study found that among 38 garment workers (21 women and 17 men) in two garment factories in India, 33.3% of women fainted at work and 28.6% received a glucose drip within the last year. All of the women reporting fainting had worked overtime. No

GBV as a tacitly approved gendered industrial relations practice
• **Supervisory behavioral GBV practices,** perpetrated at the production line level by male workers in hierarchical positions—including supervisors, line managers, and mechanics—accounts for the majority of (a) physical and sexual violence and discrimination; and (b) verbal and mental violence.
• **Employment-practice based GBV practices,** perpetrated at the factory level and rooted in control over job placement and security by male supervisors and managers in hierarchical positions, manifests as: (c) coercion, threats, and retaliation, including: ○ retaliation when women workers refuse sexual advances, ○ coercion and retaliation by senior management when workers challenge factory-level practices, and; (d) deprivation of liberty, including: ○ restrictions on freedom of mobility, ○ being forced to sign documents, ○ being forced to work in unsafe workplaces, ○ being forced to work overtime hours, and ○ being forced to submit to repeated abuse at work, an experience referred to by Asian women workers as "torture."

Figure 1: GBV escalation ladder (AFWA 2019)



man reported fainting, a finding contextualized by the authors in relationship to anemia among Indian women, a common condition due to discrimination in access to food; and women's heavy burden of unpaid work at home. According to a randomized survey conducted by India's Employees State Insurance Corporation in 2014, 60.6% of garment workers surveyed were anemic (Ceresna-Chaturvedi 2015).

Body mining is compounded by unsafe working conditions, including long hours performing repetitive manual tasks under exposure to heat, noise, dust and chemicals. Long hours sitting hunched over machines leads to back pain, ulcers, piles, reproductive health issues (irregular periods and excessive bleeding). Women working as checkers report varicose veins as a result of long hours standing and checking garments. Other routine health consequences for women garment workers include respiratory Illnesses like tuberculosis, irritation of the upper respiratory tract and bronchi, and silicosis from sand blasting. Prolonged exposure can progress to chronic, obstructive pulmonary disease. According to a randomized survey conducted by India's Employees State Insurance Corporation in 2014, 80% of all tuberculosis cases registered in 2009 were from garment workers, largely internal migrants between the ages of 18 and 45 years with lower socioeconomic status, faced difficulties accessing medical attention (Ceresna-Chaturvedi 2015).

Barriers to Reporting GBVH

Significant barriers to ending GBVH on garment production lines and in other workplace contexts have been well established. They include cultures of impunity, challenges in reporting, ineffective systems and procedures, and retaliation–including further targeting, loss of employment, social ostracizing, and personal and professional reputational harm (UN Women-ILO 2019; Feldblum and Lipnic (EEOC) 2016). Retaliation is pervasive: according to research cited by the U.S. Equal Opportunity Commission Taskforce (2016), 75% of women in America face retaliation for reporting workplace GBV.

Barriers to ending GBV are heightened in garment production line contexts. In garment factories where majority male supervisors and line-managers oversee an overwhelmingly female workforce, male monopoly over authority entrenches a culture of impunity around sexual violence and harassment. The Better Work Assessment Report, conducted by Tufts University under the leadership of Dr. Drusilla Brown, predicts that the most likely perpetrator of sexual harassment would be the line supervisor and the most likely victim would be the worker (Brown 2016).

"In the workplace, such conduct may also be seen by workers as a condition of their employment or as a requirement for promotion." –Better Work Assessment Report, Tufts University (Research Lead: Dr. Drusilla Brown)

Fear of retaliation often works through implicit or explicit threats which lead women not to report because the "confrontation outweighs the benefits"(Brake 2005). Therefore, ensuring the incentives exist to promote reporting by workers without fear of retaliation is fundamental and in the interest of workers and employers (Buonocore Porter 2018). Dealing with threats and/or retaliation swiftly and firmly is essential (EEOC 2016).

Good practices for responding to reports of GBVH

Evidence shows that reporting rises in "feedback rich" environments- "where middle managers are trained to respond to complaints and issues in an emotionally intelligent way, and where people feel comfortable speaking up and listening, no matter the issue" (Schulte 2018). This likewise connects to training and incentives that empower employees and managers collectively to create GBVH free zones and identify conduct that is not conducive to the environment before it rises to a severe incident.

This analysis of incentives tracks social science literature on the contextual efficacy of training. A study of sexual harassment trainings for employees showed that effectiveness correlated negatively with (1) cynicism towards organizational change (also understood as tolerance for behavior) and (2) the employment unit's perceived ethical climate- understood as the unit's ability to authentically implement change even pre-training. This blind study found that training was necessary at the unit and organizational level. It also found that reporting and remediation were necessary aspects to effective implementation of training (Cheung 2017). In other words, the effectiveness of training was impacted by whether employees believed the employer was sincere about preventing GBVH and whether the employees saw concrete actions before and after the training.

Criteria for Effective Initiatives to End GBVH on Production Lines

The evidence presented in this section is a resounding demonstration that current approaches to addressing GBVH on garment supply chains are not working. Grounded in this up to date empirical account of the complex and multifaceted manifestations of GBVH on garment production lines and risk factors for GBVH related to brand purchasing practices and industrial practices in supplier factories, AFWA and GLJ propose the following criteria required for initiatives to end GBVH on production lines to be effective.

Initiatives must include:

1. Comprehensive identification of the locally-specific spectrum of GBVH—including all forms of violence covered by international law—and developed through proactive engagement with women production-line workers who are targets of violence
2. Opportunities for collaboration between women who are targets of violence, supervisors, and bystanders to address gendered relationships of power within factories and advance a shared goal of ending GBVH in the workplace
3. Protections against workplace retaliation for reporting violence and other violations of rights and work
4. Protection of freedom of association and collective bargaining to safeguard the rights of workers who participate in processes to transform their workplaces
5. Avenues to address risk factors for GBVH related to brand purchasing practices, including production targets, accelerated work, failure to pay living wages, and lack of job security

Part 2: Global standards addressing GBVH

Standard Setting on Violence and Harassment in the World of Work at the ILO Centennial

This year, deliberations toward a standard and recommendation on violence and harassment in the world of work occur as the ILO celebrates its Centennial Anniversary. The ILO was founded in 1919, even before the United Nations, with the understanding that labor peace was an important component of broader peace and security, that economic interdependence among countries would continue to grow, and that workers, employers, and government had a shared interest and capacity to advance social justice. Labor peace was conditioned on advancing social justice. The notion of social justice addresses the power imbalance in the labor relationship beyond the restitution of rights.

The ILO brings together tripartite constituencies- governments, employers and workers- of the now 187 member States, to set labor standards, develop policies, and devise program promoting decent work for all women and men. This bold vision for a shared forum to advance social justice, which arose as the global community grappled with the end of the First World War and rising fascism is no less relevant in our contemporary moment, characterized by persistent global economic and job crises, worsening climate change, deepening socio-economic inequality, and rising populism and xenophobic nationalism.

Reflecting these ideas, the Preamble of the ILO Constitution states:

- Whereas universal and lasting peace can be established only if it is based upon social justice;
- And whereas conditions of labour exist involving such injustice, hardship and privation to large numbers of people as to produce unrest so great that the peace and harmony of the world are imperilled; and an improvement of those conditions is urgently required;
- Whereas also the failure of any nation to adopt humane conditions of labour is an obstacle in the way of other nations which desire to improve the conditions in their own countries.

At its Centennial, the ILO Commission on the Future of Work is in the midst of undertaking an in-depth examination of the future of work that can provide the analytical basis for the delivery of social justice in the 21st century.

Each of the four areas comprising the ILO's Future of Work research agenda leading up to the centenary require a gender justice lens: work and society, decent jobs for all, the organization of work and production, and the governance of work. Moreover, international labor standard setting-- adopting a convention and recommendation- on violence and harassment in the world of work, and securing robust ratifications, is critical to addressing workplace violence with innovative solutions capable of effecting structural change across new and old structures of the global economy.

Violence and Harassment in the World of Work is a Human Rights Violation

Fair and humane labor conditions have been included in international frameworks since the League of Nations Covenant, signed in June 1919 at the Paris Peace Conference in the aftermath of World War I. Article 23 of the League of Nations Covenant envisioned the establishment of the International Labour Organization (ILO) to promote fair and humane conditions for workers through legal mechanisms and monitoring procedures.

The adoption of the Universal Declaration of Human Rights as a foundational human rights text in 1948 formally recognized rights to just and favorable conditions of work as fundamental human rights. Article 23(1) of the Universal Declaration of Human Rights (UDHR) protects these rights at work for everyone:

> UDHR Article 23(1): Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.

Inclusion of Article 23 in the UDHR unequivocally establishes the workplace as an important site of intervention in addressing human rights violations.

Prohibitions against GBVH are also well established in international law. General recommendation No. 19 on violence against women, adopted by the CEDAW Committee, defines gender based violence as "violence which is directed against a woman because she is a woman or that affects women disproportionately', and, as such, is a violation of their human rights" (article 1). As explained by the CEDAW Committee in General recommendation No. 35 on gender-based violence against women, the prohibition of gender based violence against women has evolved into a principle of customary international law (paragraph 2)—in other words, although it is not formally included in a binding convention, the definition of GBVH in CEDAW General recommendation No. 19 has been so widely cited and applied that it has been recognized in the international arena as a source of international law.

Although the extension of human rights protections to the workplace, and prohibitions on violence and harassment, including GBVH, are both well-established principles of international law, there is still no law at the international level that mandates explicit action to eradicate violence and harassment in the world of work. The institutional commitment to end GBVH and all other forms of violence and harassment in the world of work currently under formulation in tripartite deliberations at the ILO's International Labour Conference draws upon and strengthens longstanding recognition that GBVH is a human rights violation, rooted in decades of feminist jurisprudence developed under CEDAW.

The ILO is the only global tripartite international institution—a unique forum for negotiation and adoption of international labor standards on a tripartite basis with governments, employers, and workers. Accordingly, the ILO has a unique role to play in ensuring that standards on violence in the world of work, including GBVH, extend to protect workers in supply chain production contexts.

Women Workers' Leadership in Elevating GBVH as a priority in International Labor Standard Setting

Elevation of GBVH as a priority in the ILO standard setting process on violence and harassment in the world of work is rooted in gendered shifts in employment within the global economy, including increased engagement of women in industrial work in supply chain contexts—which according to the International Trade Union Confederation (ITUC), not only include an overrepresentation of women in informal and precarious work arrangements, but also account for 60 per cent of global production, transport, and services (ITUC 2017).

While women workers have long been organizing across the globe, the increased presence of women in the global economy has corresponded with ascension of women leaders into key positions within international labor movement positions. In 2010, Sharan Burrow was elected as the first woman leader of the International Trade Union Confederation (ITUC). 2013 marked the formal founding of the International Domestic Workers Federation (IDWF)- the first fully women-led Global Union Federation (GUF) representing a sector of predominantly women of color and migrants who led with a commitment to organize women in the workplace and elevate them in their unions.

"I am a warrior for women and we still have work to ensure the inclusion of women in the work place and in our unions. The struggles for women are multiple – too often within their families for independence, then in the workplace for rights and equal opportunity, in their unions for access and representation and then as union leaders. But the investment in and participation of women is not only a moral mandate it is an investment in democracy and a bulwark against fundamentalism and oppression. Organising women is and must continue to be a priority for the ITUC."— Sharan Burrow, Acceptance Speech (2010)

The sustained surge of organizing to address GBVH globally across formal and informal sectors has had significant impact in elevating and prioritizing workplace GBVH in the global human rights arena. In turn, the ILO standard setting process on violence and harassment in the world of work continues to catalyze a groundswell of organizing around the world, both aimed at ensuring that the perspectives of women workers are included in this important standard; and organizing continues to make the standard real in their workplaces.

Notwithstanding the well-known limitations of enforcing binding international law, the current international standard setting process on violence and harassment in the world of work is a huge milestone for workers—both men and women. The standard setting process represents a framework for shared commitment and action to end violence in the world of work, including GBVH. This alignment and consensus among trade unions, governments, economic actors, and across civil society, represents momentum to change behavior, consequences, and priorities across institutions.

Current Status of Standard Setting on Violence and Harassment in the World of Work

From June 10-21, 2019, the International Labour Organization (ILO) Standard Setting Committee on violence and harassment in the world of work will convene a second tripartite deliberation aimed at framing a new ILO instrument on ending violence and harassment in the world of work. This convening follows the first tripartite negotiation of this standard held in June 2018.

According to the October 2016 report on the outcomes of the Meeting of Experts on 'Violence against Women and Men in the World of Work,' risk factors for violence in the world of work include factors associated with the nature and setting of work as well as the structure

of the labour market. According to the Committee, effective instruments must be both sufficiently focused and flexible enough to address different socio-economic realities, different types of enterprises, and different forms of violence and harassment, as well as different contexts. Such instruments should also be able to respond to the new challenges and risks which might lead to violence and harassment in the world of work, such as those arising from changing forms of work and technology (GB.328/INS/17/5, Appendix I, para. 18).

Women workers at the base of garment global production networks are routinely exposed to GBVH by gendered patterns of employment that concentrate women in low-wage, contingent employment. As detailed in the previous section on risk factors for GBVH associated with gendered workforce demographics, women garment workers inhabit intersecting categories of vulnerability that may be heightened based on their status as daily wage contract workers, migrant women, single women, and women from socially marginalized communities. Women workers are also exposed to risk factors associated with brand purchasing practices, and industrial employment practices in garment production factories.

The sections that follow include recommendations to inform active standard setting on violence and harassment in the world of work, and updates on key linkages between standards on violence and harassment in the world of work and the ILO "Follow-up to the resolution concerning decent work in global supply chains: Roadmap for the program of action" (GB.329/INS/3/2).

Table 2: Recommendations to the ILO to inform standard setting on Violence and harassment in the world of work, current status in draft text, and next advocacy steps

GLJ/AFWA recommendations	Current status/draft text as released in the Blue Report	Status and advocacy position
Form of the standard		
The International Labour Conference should adopt standards on violence and harassment in the world of work. These standards should take the form of a Convention supplemented by a Recommendation.	If the Conference so decides, these texts will serve as a basis for the second discussion, at its 108th Session (June 2019), with a view to adopting a Convention supplemented by a Recommendation concerning the elimination of violence and harassment in the world of work.	Status: Current standard setting approach is in line with AFWA/GLJ recommendations and should be included in the text as adopted.

Preamble

Recognizing that under international law, it is well established that human rights protections extend to the workplace; and gender based violence and harassment is a human rights violation, draw upon and strengthen definitions and prohibitions addressing violence against women by the Committee on the Elimination of Discrimination against Women (CEDAW), and apply these standards to gender based violence in the world of work.	Recalling that violence and harassment in the world of work is a form of human rights violation, is a threat to equal opportunities, is unacceptable and incompatible with decent work, and	Current standard setting approach is in line with AFWA/GLJ recommendations and should be included in the text as adopted.

Definitions

• Consistent with General Recommendation No. 19, adopted by the Committee on the Elimination of Discrimination against Women (CEDAW), the definition of violence should include acts that inflict physical harm, mental harm, sexual harm or suffering, threats of any of these acts, coercion, and deprivations of liberty (article 6) • Consistent with General Recommendation No. 19 on violence against women, ILO standards should include and address (1) "violence which is directed against a woman because she is a woman"; and (2) violence that "affects women disproportionately" (article 1).	Article 1 1. For the purpose of this convention (a) the term "violence and harass-ment" in the world of work refers to a range of unacceptable behaviours and practices, or threats thereof, whether a single occurrence or re-peated, that aim at, result in, or are likely to result in physical, psycholog-ical, sexual or economic harm, and includes gender-based violence and harassment; (b) the term "gender-based violence and harassment" means violence and harass-ment directed at persons because of their sex or gender, or affecting persons of a particular sex or gender disproportionately, and includes sexual harassment. 2. Without prejudice to paragraph 1(a) of this Article, violence and ha-rassment may be defined in laws and regulations as a single concept or separate concepts	**Status:** Current standard setting approach is in line with AFWA/GLJ recommendations and should be included in the text as adopted. **Interpretation note:** Consistent with the definition of violence set out in General Recommendation No. 19, adopted by the Committee on the Elimination of Discrimination against Women (CEDAW), in order to protect women workers from the spectrum of violence documented by AFWA and GLJ in garment supplier factories in Asia, AFWA and GLJ recommend that psychological harm should be interpreted to include threats of any recognized forms of violence, coercion and deprivations of liberty. See AFWA and GLJ et al. 2018a, 2018b, 2018c.

Scope

As presented in the Proposed Conclusions of Report V(2) on Ending violence and harassment in the work of work, the term "worker" should cover persons in the formal and informal economy, including "(i) persons in any employment or occupation, irrespective of their contractual status; (ii) persons in training, including interns and apprentices; (iii) laid-off and suspended workers; (iv) volunteers; and (v) jobseekers and job applicants."	This Convention covers workers and other persons, including employees as de-fined by national law and practice, as well as persons working irrespective of their contractual status, persons in training, including interns and apprentices, workers whose employment has been terminated, volunteers, jobseekers and job applicants, in all sectors, both in the formal and informal economy, and whether in urban or rural areas.	**Status:** Current standard setting approach is in line with AFWA/GLJ recommendations and should be included in the text as adopted.
Violence and harassment in the world of work should cover situations, including • (a) in the workplace, including public and private spaces where they are a place of work; • (b) in places where the worker is paid or takes a rest break or a meal; • (c) when commuting to and from work; • (d) during work-related trips or travel, training, events or social activities; and • (e) through work-related communications enabled by information and communication technologies." The proposed situations should be expanded to include the following situations: employer-provided housing; recruitment sites, including day-labor recruitment sites; home-based work; and export processing zones linked to global supply chains	Article 3 This Convention applies to violence and harassment in the world of work occurring in the course of, linked with or arising out of work: (a) in the workplace, including public and private spaces where they are a place of work; (b) in places where the worker is paid, takes a rest break or a meal, or uses sanitary, washing and changing facilities; (c) during work-related trips or travel, training, events or social activities; (d) through work-related communications enabled by information and communica-tion technologies; (e) in employer-provided accommodation; and (f) so far as is reasonably practicable, when commuting to and from work.	**Status:** Current standard setting approach is in line with AFWA/GLJ recommendations and should be included in the text as adopted. **Advocacy position:** AFWA and GLJ recommend that the proposed language should be expanded to explicitly include: • recruitment sites, including day-labor recruitment sites; • home-based work; and • export processing zones linked to global supply chains, including those characterized by exemptions from labor laws, taxes, and restrictions on union activities and collective bargaining AFWA and GLJ also recommend that the proposed language should categorically protect workers from violence and harassment when commuting to and from work. The language "so far as is reasonably practicable" dilutes this protection and should be struck from the text.

• As presented in the Proposed Conclusions of Report V(2), "victims and perpetrators of violence and harassment in the work of work can be employers, workers and third parties, including clients, customers, service providers, users, patients, and the public.
• The proposed definition of "victims and perpetrators" should be expanded to include the following roles:
  • Multi-national corporations and brands, supplier factories, and labor contractors in production, agricultural, food processing, and other relevant global supply chain contexts.
  • private employment agencies as defined under Article 1 of the ILO Private Employment Agencies Convention, 1997 (No. 181), including any enterprise or person, independent of the public authorities, which provides one or more of the following labour market services: (a) services for matching offers of and applications for employment; (b) services for employing workers with a view to making them available to a third party ("user enterprise"); (c) other services relating to job seeking, such as the provision of information, that do not aim to match specific employment offers and applications.
	Article 4
	For the purposes of this Convention, victims and perpetrators of violence and harassment in the world of work can be:
	(a) employers and workers, and their respective representatives, and other persons referred to in Article 2; and
	(b) in accordance with national law and practice, third parties, including clients, customers, service providers, users, patients and members of the public.
		Status: Current standard setting approach is in line with AFWA/GLJ recommendations and should be included in the text as adopted.
		
		Advocacy position: AFWA and GLJ recommend that the proposed definition of "victims and perpetrators" should be expanded to include the following roles:
		• Multi-national corporations and brands, supplier factories, and labor contractors in production, agricultural, food processing, and other relevant global supply chain contexts.
		• Private employment agencies as defined under Article 1 of the ILO Private Employment Agencies Convention, 1997 (No. 181), including any enterprise or person, independent of the public authorities, which provides one or more of the following labour market services: (a) services for matching offers of and applications for employment; (b) services for employing workers with a view to making them available to a third party ("user enterprise"); (c) other services relating to job seeking, such as the provision of information, that do not aim to match specific employment offers and applications

Core Principles

Address cultures of impunity for violence in the workplace by prohibiting workplace retaliation, and safeguarding fundamental rights to freedom of association and collective bargaining.	Article 6 With a view to eliminating violence and harassment in the world of work, each Member shall respect, promote and realize the fundamental principles and rights at work, namely freedom of association and the effective recognition of the right to collective bargaining, the elimination of all forms of forced or compulsory labour, the effective abolition of child labour and the elimination of discrimination in respect of employment and occupation, as well as promote safe and decent work.	Status: Current standard setting approach is in line with AFWA/GLJ recommendations and should be included in the text as adopted. Note: Prohibition of workplace retaliation is covered in Article 11 of the proposed text.
The proposed definition of worker should explicitly include all migrant workers, regardless of their legal status in the place of employment. Recognize and address discrimination against women that intersects with other axes of discrimination, including low economic resources, migrant status, race, ethnicity, caste, tribe, religion, and disability	Article 7 Each Member shall adopt laws, regulations and policies ensuring the right to equality and non-discrimination in employment and occupation, including for women workers as well as for workers and other persons belonging to one or more vulnerable groups or groups in situations of vulnerability that are disproportionately affected by violence and harassment in the world of work.	**Status:** Current language emphasing the rights of vulnerable workers is broad and inclusive and in line with AFWA/GLJ recommendations as adopted.

Protection and Prevention

- Address risk factors for violence rooted in the structure of the labour market. Consistent with the Report of the Committee of Experts convened by the ILO in October 2016, recognize gender based violence as a social rather than an individual problem, requiring comprehensive responses that extend beyond specific events, individual perpetrators, and victims/ survivors (No. 35, para. 9).
- Identify (1) garment and other global production networks and (2) migration corridors as sectors and sites in which workers, including women and migrant workers, are more exposed to violence and harassment. Take corresponding measures to ensure these workers are effectively protected.
- Address concentration of women and migrant workers in low wage, contingent work, especially in the lower tiers of the supply chain.
- Increase numbers of women in supervisory and managerial positions
- Call for and implement living wage standards.

Status: Current standard setting approach is in line with AFWA/GLJ recommendations and should be included in the text as adopted

Advocacy position: While the importance of identifying risk factors with the participation of workers and their representatives has been addressed in Article 10, the proposed text does not specifically particular high risk employment contexts.

AFWA/ GLJ recommend expanding the language to explicitly include:

1. Global production networks, including garment and others; and
2. Migration corridors

in which workers, including women and migrant workers, are routinely exposed to violence and harassment, but may not be included in identifying risk factors for violence due to low levels of worker representation in these contexts.

AFWA/ GLJ also recommend explicitly including the following risk factors for GBVH:

1. concentration of women and migrant workers in low wage, contingent work, especially in the lower tiers of the supply chain;
2. low representation of women in supervisory and managerial

Enforcement and Remedies

- Address cultures of impunity for violence in the workplace by prohibiting workplace retaliation, and safeguarding fundamental rights to freedom of association and collective bargaining.
- Require multi-national corporations, employers, contractors, and states to maintain effective remedies and safe, fair and effective dispute resolution mechanisms in cases of violence and harassment, including:
  - complaint and investigation mechanisms at the workplace level;
  - dispute resolution mechanisms external to the workplace;
  - access to courts or tribunals;
  - protection against victimization of complainants, witnesses and whistle-blowers; and
  - legal, social and administrative support measures for complainants.

Article 11
Each Member shall take appropriate measures to:
(a) monitor and enforce national laws and regulations regarding violence and harassment in the world of work;
(b) ensure that workers and other persons concerned have easy access to appropriate and effective remedies and safe, fair and effective reporting and dispute resolution mechanisms in cases of violence and harassment in the world of work, including:
(i) complaint and investigation procedures, as well as, where appropriate, dispute resolution mechanisms at the workplace level;
(ii) dispute resolution mechanisms external to the workplace;
(iii) courts or tribunals;
(iv) protection against victimization of or retaliation against complainants, victims, witnesses and whistle-blowers; and
(v) legal, social, medical and administrative support measures for complainants and victims;
(c) protect the privacy of those individuals involved and confidentiality, to the extent possible and as appropriate;
(d) provide for sanctions, where appropriate, in cases of violence and harassment in the world of work;
(e) provide that victims of gender-based violence and harassment in the world of work have effective access to gender-responsive, safe and effective dispute resolution mechanisms, support, services and

Status: Current standard setting approach is in line with AFWA/GLJ recommendations and should be included in the text as adopted.
Advocacy position: AFWA and GLJ recommend that the proposed text should explicitly include obligations for multi-national corporations to uphold Article 11(b)(i)-(V) provisions.

remedies;
(f) recognize the effects of domestic violence on the world of work and take measures to address them;
(g) ensure that workers have the right to remove themselves from a work situation which they have reasonable justification to believe presents an imminent and serious danger to life or health due to violence and harassment, without suffering undue consequences; and
(h) ensure that labour inspectorates and other relevant authorities, as appropriate, are empowered to deal with violence and harassment, including by issuing orders requiring measures with immediate executory force, and orders to stop work in cases of an imminent danger to life or health, subject to any right of appeal to a judicial or administrative authority which may be provided by law.

Guidance, Training, and Awareness Raising

Provide workers with information and training on the identified hazards and risks of violence and harassment and the associated prevention and protection measures.

Each Member, in consultation with representative employers' and workers' organizations, shall seek to ensure that:
(a) violence and harassment in the world of work is addressed in relevant national policies, such as those concerning occupational safety and health, equality and non-discrimination, and migration;
(b) guidance, resources, training or other tools are provided to employers and workers and their organizations, and to relevant authorities, on violence and harassment in the world of work, in particular on gender-based violence and harassment; and
(c) initiatives, including awareness-raising campaigns, are undertaken.

Status: Current standard setting approach is in line with AFWA/GLJ recommendations and should be included in the text as adopted.

Decent Work in Global Supply Chains

The 2017 report on Violence and Harassment Against Women and Men in the World of Work: Trade Union Perspectives and Action, released by the International Labour Office in 2017, directs attention to new and emerging risks in the workplace, including work pressures, changes in work organization, and long working hours in manufacturing and other sectors (Pillinger 2017: xiii-xiv).

Women garment workers and other workers employed at the base of global supply chains confront these new and emerging risks daily. They are, in fact, features of work in garment and other supply chain contexts. In this context, it is also important to highlight the importance of the ILO's ongoing work towards decent work in global supply chains.

Following International Labour Conference (ILC) deliberations on global supply chains at the 105th Session (2016), the ILO Committee on Decent Work in Global Supply Chains, submitted a report with resolution and conclusions for adoption by the Conference (ILC105-PR14-1-En). The Committee noted the significance of the ILO in ensuring decent work in global supply chains:

> With its mandate, experience and expertise in the world of work, its normative approach to development and its tripartite structure, the ILO is uniquely positioned to address governance gaps in global supply chains so that they can fulfill their potential as ladders for development (para. 7).

As the only global tripartite institution, the ILO has a unique role to play in not only advancing decent work in supply chains, but also ensuring that supply chain governance addresses risk factors for gender based violence, and provides accessible avenues for relief.

The **Conclusions on Decent Work in Global Supply Chains** adopted by the 105th ILC provide guidance on how the Office should pursue the objective expressed in the conclusion's title (45). Paragraph 23 (here shortened) requires the ILO to:

- Promote the ratification and implementation of the ILO standards relevant to decent work in global supply chains;
- Strengthen capacity building and provide technical assistance to member States on labour administration and inspection systems;
- Promote effective national and cross-border social dialogue, thereby respecting the autonomy of the social partners.
- Assess the impact and scalability of development cooperation programmes, such as Better Work and SCORE, and develop sectoral and other approaches to address decent work challenges in global supply chains.
- Provide leadership and use the ILO's convening power and unique added value to drive policy coherence among all multilateral initiatives and processes related to decent work in global supply chains.
- Strengthen its capacity to give guidance to enterprises on the application of labour standards within their supply chains and make information available on specific country situations, laws and regulations, including on the implementation of labour rights due diligence in coherence with already existing international frameworks.
- Consider adopting an action plan to promote decent work and protection of fundamental principles and rights at work for workers in EPZs export processing zones (EPZs).
- Take a proactive role in generating and making accessible reliable data on decent work in global supply chains, in cooperation with all relevant organizations and forums.
- Carry out further research and analysis to better understand how supply chains work in practice, how they vary by industry, and what their impact is on decent work and fundamental rights.

Source: **https://www.ilo.org/global/topics/dw4sd/themes/supply-chains/lang--en/index.htm**

By August 2017, a year after the adoption of the resolution and conclusions submitted by the Committee on Decent Work in Global Supply Chains (GSC), the ILO and its constituents released "Follow-up to the resolution concerning decent work in global supply chains: Roadmap for the program of action" (GB.329/INS/3/2). Appendix II of the Roadmap addresses risk factors for workplace violence, disproportionately experienced by migrant, home-based, and women workers in global supply chains:

> Migrant workers and homeworkers are found in many GSCs and may face various forms of discrimination and limited or no legal protection. In many sectors, women represent a large share of the workforce in GSCs. They are disproportionately represented in low-wage jobs in the lower tiers of the supply chain and are too often subject to discrimination, sexual harassment and other forms of workplace violence. In addition, they lack access to social protection measures in general, and maternity protection in particular, and their career opportunities are limited.

For women employed on global supply chains, this roadmap provides concrete steps toward the conclusions adopted from the 2016 Dialogue on Decent Work in Global Supply Chains and remains vital and complementary to this year's International Standard Setting on GBVH. AFWA and GLJ continue to advocate for continued research, convening, and ultimately International Standard Setting on Decent Work in Global Supply Chains.

Part 3: Building Blocks for Corporate Accountability to End GBVH

This section provides a roadmap of components global fast fashion brands should include in their effort to eliminate GBVH across their supply chains, and detailed guidance for identified action steps. These arise from 2018 research including perspectives from 898 workers employed in 142 garment supplier factories across Asia (AFWA and GLJ et al. 2018a-c), and subsequent 2018 and 2019 convening of AFWA and the AFWA Women's Leadership Committee aimed at innovating solutions to transform cultures of violence on garment supply chains.

GBVH will not be solved by supplier initiatives alone. Brands have a fundamental role to play- along with suppliers and supplier unions- to use their economic leverage- and in some instances economic control- to ensure programs to eliminate GBVH in their supply chain are prioritized and effective.

Specifically, building blocks of an effective effort to eliminate GBVH in Fast Fashion Garment Supply Chains includes:

- Analyze GBVH and risk factors for GBVH across supply chains
- Prevent GBVH through partnerships between brands, suppliers, and trade unions
- Ensure incentive programs are consistent with a prevention approach
- Uphold accountability for GBVH

The roadmap for corporate accountability to end GBVH described in the sections that follow is also consistent with the approach laid out in the United Nations Guiding Principles on Business and Human Rights (UNGPBHR), calling for business enterprises to carry out human rights due diligence to identify, prevent, mitigate, and account for how they address their adverse human rights impacts (Article 17). Our analysis also presents a robust framework for corporate due diligence in identifying and assessing, preventing, and mitigating GBVH that is consistent with the UNGPBHR framework. However, whereas the UNGPBHR view of accountability focuses on transparent communication by business enterprises, we make a case for accountability rooted in global legal standards, national labor departments, and agreements negotiated between brands, suppliers, and trade unions.

As illustrated by 2018 AFWA and GLJ research documenting the persistence of GBVH across garment supply chains in Asia, current strategies for addressing GBVH rooted in brand and retail Corporate Social Responsibility (CSR) Programs are insufficient to address workplace harassment, violence, and violations of decent work standards. CSR initiatives not only sidestep social dialogue and freedom of association required by decent work standards, but are also entirely self-monitored. Research demonstrates that self-monitored CSR commitments fail to address risk factors for violence, provide avenues for relief in cases of workplace violence, and safeguard workers from retaliation (Finnegan 2014). While collaboration with community organizations to provide training may be helpful, these opportunities are not independently sufficient to catalyze transformations of workplace culture.

A 2019 study on CSR commitments to living wages and their progress—a commitment that directly addresses a significant risk factor for GBVH—conducted by the Sheffield Political Economy Research Institute (SPERI), lends insight into the limitations of non-binding CSR approaches. SPERI found that corporate commitments to living wages have, for the most part, failed to translate into meaningful action nor results. The study found little evidence that corporations effectively defined, benchmarked, or enforced the payment of living wages to the workers in their global supply chains. Instead, corporations used the rhetoric of living wages to improve public perception of their labor practices while the reality of low-wage work persists on the ground.

3.1 Analyze GBVH and risk factors for GBVH across supply chains

All too often, studies aimed at documenting GBVH falter in capturing both the scale and prevalence of violence, due to underreporting by victims of GBVH who seek to avoid stigma, retaliation, and reliving experiences of violence. Survey based data conducted by external researchers, therefore, is unlikely to adequately capture GBVH and risk factors for GBVH across supply chains. Addressing these challenges, AFWA and GLJ developed an innovative model for mapping the spectrum of violence in garment supply chains, and understanding prevalence in relationship to the widespread presence of risk factors for GBVH in garment supplier factories.

As detailed in Part 1, women garment workers are subjected to many risk factors for GBVH in the world of work. Brands are responsible to assess and identify the prevalence of risk factors across their supply chains, including: (1) risks associated with workforce demographics; (2) risks within garment supplier factories; and (3) risks related to brand purchasing practices.

In order to adequately document, analyze, and understand GBVH and risk factors for GBVH across supply chains, brands should take the following steps, in partnership with trade unions in their supplier factories at each step:

- **Step 1: Adopt a definition of GBVH that is sufficiently broad. Specifically, use the international legal frameworks established in CEDAW, General recommendation 19, article 1 for defining the parameters of GBVH.**
- **Step 2: Use the definition to proactively engage production-line workers who are targets of**

violence and trade unions in identifying locally specific spectrums of violence on the factory floor.

- **Step 4: Work with production line workers and trade unions to aggregate local spectrums of violence from across suppliers to create an overall spectrum of violence on production lines across supply chains.**
- **Step 5: Identify underlying risk factors for GBVH related to both brand purchasing practices and industrial practices in supplier factories.**
- **Social dialogue and meaningful engagement with trade unions and worker organizations is not only required by decent work standards, but also essential to ensuring that initiatives to end GBVH on garment supply chains are informed by worker experiences, accountable to workers, and ensure pathways to redress in cases of retaliation. Accordingly, initiatives that do not include a role for trade unions and worker organizations are not sufficient to catalyze critical transformations of workplace culture.**

3.2 Prevent GBVH through initiatives negotiated with trade unions, suppliers, and brands

Following identification and assessment of GBVH across their supply chains—including identification of GBVH risks (1) associated with workforce demographics; (2) related to brand purchasing practices; and (3) within garment supplier factories—brands should take proactive measures to address risk factors and prevent and mitigate GBVH.

Negotiate and implement agreements between trade unions, suppliers, and brands

Risk factors for GBVH can be addressed through agreements negotiated between trade unions, suppliers, and brands.

- Gendered industrial discipline practices can be alleviated through prohibitions against unrealistic production targets that accelerate production speed, extend working hours, and create high stress work environments.
- Commitments to supplying only from factories that pay living wages and respect working hours can address body mining and other physically extractive labor practices.
- Brand and buyer commitments to sourcing from suppliers that provide employment security; prohibit workplace retaliation; protect workers from environmental and occupational health hazards; and uphold fundamental rights to freedom of association and collective bargaining have the potential to make strong inroads into addressing cultures of impunity for workplace violence.

Current corporate commitments—for instance in the arena of living wages—are undermined by lack of transparency, poor enforcement, and failure to promote freedom of association rights, which limits workers' ability to report problems (SPERI 2019). In order to be effective, negotiated agreements between trade unions, suppliers, and brands must involve the participation of workers and their organizations, and be transparent, enforceable, and protect freedom of association (Gordon 2017).

Include leadership roles in industrial relations for women leaders at supply factories

For agreements to intervene in patriarchal subordination and stigma that fuel gender based violence in supplier factories, they must take conscious measures to disrupt gendered power relationships in the workplace and beyond. Recent initiatives for racial justice that align worker interests within the workplace and community offer an instructive model for addressing gendered relationships of power.

In order for agreements to address unequal power relationships that subordinate women garment workers, negotiations must include an important role for women leaders at supplier factories. To that end, in

The UN Guiding Principles on Business and Human Rights (UNGPBHR) call upon business enterprises to identify and assess any actual or potential adverse human rights impacts with which they may be involved—either through their own activities or as a result of their business relationships (Article 18). In context of the garment global production network, this guidance calls for multinational brands to not only identify and assess the human rights impacts of their own business practices, but also the human rights impacts of production practices in their garment supplier factories.

Article 18 further calls upon business enterprises to (a) draw on both internal and independent human rights expertise; and (b) to involve meaningful consultation with potentially affected groups and other relevant stakeholders. In context of GBVH on garment production lines, this guidance suggests direct engagement with women garment workers and their trade unions.

Consistent with the guidelines in Article 18 of the UNGPBHR, the framework for identifying and assessing GBVH that follows harnesses deep experiential understanding of the industry and production line context, rooted in the perspectives of women garment workers and documented by AFWA.

UN Guiding Principles on Business and Human Rights, Article 18
In order to gauge human rights risks, business enterprises should identify and assess any actual or potential adverse human rights impacts with which they may be involved either through their own activities or as a result of their business relationships. This process should:

- Draw on internal and/or independent external human rights expertise;
- Involve meaningful consultation with potentially affected groups and other relevant stakeholders, as appropriate to the size of the business enterprise and the nature and context of the operation.

Expansion of Opportunities for Women in Leadership Programs

Prevention programs are important but not sufficient. A 2018 analysis in the Stanford Law Review analyzed the limit of training programs in actual behavior change and advocated for the importance of promoting more women (Bison Rap 2018). The Harvard Business Review also published a recent article promoting this position at all levels of managerial ranks (Dobbin and Kalev 2017) and the New York Times highlights the importance of promoting women in all level of managerial ranks (Cain Miller 2017).

Article 13 of the UNGPBHR calls upon business enterprises to (a) avoid causing or contributing to adverse human rights impacts and address such impacts when they occur; and (b) seek to prevent or mitigate adverse human rights impacts linked to their business relationships, explicitly including supply chains.

The UNGPBHR commentary to article 19 on integration of human rights impacts across internal functions and processes, provides guidance on relevant action steps for business enterprises that cause or may cause adverse human rights impacts. Business enterprises are called upon to take necessary steps to cease or prevent the human rights impact; and to exercise leverage to prevent or mitigate the adverse impact, including by offering capacity-building or other incentives to the related entity, or collaborating with other actors.

June 2018, AFWA and GLJ called upon Gap, H&M, and Walmart to address gender based violence documented in their supply chains by proactively working with the AFWA Women's Leadership Committee (WLC) to pilot agreements in supplier factories with trade unions aimed at eliminating gender based violence and discrimination, and expanding broader indicia of women's collective empowerment. Such initiatives, led by women garment workers' collectives not only have the potential to identify context-specific risk factors for violence, but also to address gendered imbalances of power within supplier factories.

3.3 Ensure incentive programs are consistent with a prevention approach

Employer-created incentives programs have the potential to support or undermine initiatives to address GBVH. In the health and safety context, many employers and compliance leads for global supply chains have acknowledged the problems with incentivizing "zero instances" of reporting (Morrison 2011). In some cases internal audits have shown they lead to under-reporting or non-reporting and they create peer pressure against reporting so units remain eligible for even modest rewards. In the context of reporting health and safety concerns and workplace injuries, the U.S. Occupational Safety and Health Administration has warned employers about the consequences of "zero instance" incentive programs which are in tension with a prevention approach (US DOL OSHA 2012).

The diagram that follows highlights incentive techniques that promote reporting, and those that repress reporting.

In sum, programs that align the interests of workers and supervisors in understanding, identifying, monitoring, and correcting violations or pre-violation activity are particularly encouraged. Rewards are encouraged for positive behaviors versus program structures where employees lose rewards upon reporting. And programs that reward remediation are the best for encouraging both reporting and remediation.

3.4 Uphold Accountability for GBVH

Whereas the UN Guiding Principles on Business and Human Rights view of accountability focuses on transparent communication by business enterprises, AFWA and GLJ make a case for accountability rooted in global legal standards, national labor departments, and agreements negotiated between brands, suppliers, and trade unions.

Publicly support ratification of a binding ILO convention and recommendation on violence and harassment in the world of work

In response to AFWA and GLJ research exposing a spectrum of GBVH in Asian garment supply chains, on June 5, 2018, H&M and Gap publicly declared support for a binding ILO Convention on workplace violence, including gender based violence in garment supply chains and Gap later engaged in good faith dialogue with the AFWA Women's Leadership Committee (WLC).

Like H&M and Gap, fast fashion brands committed to ending GBVH in their supplier factories should publicly support an ILO Convention. If the ILO adopts a Convention, brands should publicly support ratification of the convention by national governments of countries where their supply chain is located .

Facilitate enforcement of labor standards addressing GBVH by national labor departments and courts across their supply chains

Due to diminished government accountability, working conditions in garment factories lack oversight and consistently fall below decent work standards (Kashyap

Figure 1: Incentive techniques that promote and repress reporting

Promote Reporting

- Incentives that promote participation in relevant trainings.
- Incentives for identifying and correcting pre- violation activity- conditions that may lead to gender based violence or harassment before it occurs.
- • Incentives for fast and complete remediation of violations or pre-violation activity.
- • Incentives for suggestions for ways to strengthen workplaces practices
- in relevant areas from employees or groups of employees.
- • Incentives for Managers when Reporting increases recognizing the increase in

- Incentives for groups units, lines, or teams who achieve "zero instances" of violations in a given time period resulting in a prize or bonus.
- Taking disciplinary action against employees who report based on an allegation that the employee violated the time or manner for reporting the violation.
- Taking disciplinary action against an employee who reports a violation on the grounds that the employee violated a workplace rule in the course of the alleged gender based violence or harassment.

Repress Reporting

2015). Poor government capacity, limited resources, infrastructural needs and, in some cases, adverse disposition towards protective labor standards has weakened national labor standards in producing countries. This decline in labor standards is linked to dominant global policy frameworks that prescribe labor deregulation as a prerequisite to attracting investment capital (Ghosh 2015). Further eroding accountability for working conditions, brands typically make distinctions between their liability for authorized and unauthorized subcontracts. Unauthorized subcontractors may be unregistered and therefore outside the purview of any remaining government labor regulations.

Fast fashion brands committed to ending GBVH in their supplier factories should publicly support and cooperate with national labor departments across their supply chains to bolster investigations into GBVH. Brands can support national legal systems by creating funds to support legal counsel for women who seek relief and redress from GBVH.

Maintain transparency concerning supply chains and initiatives to address GBVH

As many labor and human rights activists have recognized, supplier disclosure is an important first step in transparency and accountability for labor rights abuses. In advocacy advanced by the International Corporate Accountability Round Table (ICAR), the Clean Clothes Campaign (CCC), and allied groups, opaque supply chains leave workers vulnerable to a range of abuses, including violence and harassment.
While trying to identify shipments to multinational brands who engaged in public disclosure, their volume, and corresponding supplier factories in Bangladesh, India, Indonesia, and Sri Lanka, AFWA researchers identified shipments that could not be traced to disclosed supplier factories. Shipments also included third party shipping companies and factories that receive contracts from Tier 1 supplier factories (2018a-c). Such sourcing from undisclosed suppliers undermines

Article 21 of the UNGPBHR guides business enterprises to account for how they address their human rights impacts, externally and when concerns are raised by or on behalf of affected stakeholders. Business enterprises are instructed to communicate (a) in a form and frequency that reflects an enterprise's human rights impacts and that are accessible to its intended audiences; (b) with information sufficient to evaluate the adequacy of an enterprise's response to the human rights impact involved; and (c) while taking care not to pose risks to affected stakeholders, personnel, and requirements of legitimate commercial confidentiality.

UN Guiding Principles on Business and Human Rights, Article 21

In order to account for how they address their human rights impacts, business enterprises should be prepared to communicate this externally, particularly when concerns are raised by or on behalf of affected stakeholders. Business enterprises whose operations or operating contexts pose risks of severe human rights impacts should report formally on how they address them. In all instances, communications should:
(a) Be of a form and frequency that reflect an enterprise's human rights impacts and that are accessible to its intended audiences;
(b) Provide information that is sufficient to evaluate the adequacy of an enterprise's response to the particular human rights impact involved;
(c) In turn not pose risks to affected stakeholders, personnel or to legitimate requirements of commercial confidentiality.

supply chain transparency, obscures critical information, and creates obstacles to external monitoring and review.

Accordingly, Tier 1 disclosure is only the first step toward transparent and accountable supply chains. Brands should take active steps to investigate and disclose suppliers beyond Tier 1 suppliers, since garments and apparel continue to be manufactured by third-party subcontractors that are not included in supplier lists.

The roadmap for corporate accountability to end GBVH detailed above provides a framework of complimentary building blocks, designed for integrated, locally specific implementation. These components must be applied to local contexts in collaboration with women workers and their organizations under a negotiated agreement with ongoing engagement, monitoring, and evaluation. The following section of this report details the innovative program GLJ and AFWA recommend. The "Safe Circles Approach" was designed by the AFWA Women's Leadership Committee, drawing upon and integrating the building blocks described above in partnership with women workers on production lines and their trade unions, supplier factories, and brands.

Part 4: Transformative solutions from the base— AFWA's Safe Circle Approach

Overview of the AFWA Safe Circle Approach

The section concludes with an in-depth account of the AFWA *Step-by-Step Approach to Prevent GBV at Production Lines in Garment Supplier Factories in Asia*. This approach to eliminating GBVH, rooted in the rich experience of the AFWA's Women's Leadership Committee, combines new perspectives in responding to gender based violence in garment factories, with well-established circle approach as implemented through quality circles (QCs) from other industrial contexts. The AFWA Safe Circle (SC) Approach aims to develop and sustain a positive organizational culture on garment production lines, co-produced by workers and management who mutually engaged in advancing the shared goal of preventing GBVH.

Consistent with UN Women and ILO recommendations (2019), the AFWA Safe Circle (AFWA SC) Approach combines new perspectives in responding to gender based violence in garment factories, with well-established circle approaches as implemented through quality circles (QCs) from other industrial contexts. Workplace safety has already been an important and successful focus for QCs (Saheldin and Zain 2007), suggesting that these strategies can be well adapted to addressing workplace safety issues associated with GBV.

The AFWA SC Approach aims to develop and sustain a positive organizational culture on garment production lines, co-produced by workers and management who mutually engaged in advancing the shared goal of preventing GBV. Potential "victims," "bystanders," and

Asia Floor Wage Alliance's

Step-by-Step Approach to Prevent Gender Based Violence at Production Lines in Garment Supplier Factories in Asia

"perpetrators" of GBVH are engaged in face-to-face, regular, small group processes designed to address behavioral violence on production lines in garment factories. Members of a circle should be employed in the same workspace or engaged in a similar type of work. Designations of members need not be equal, but they should be engaged in common work. Circles meet regularly, and are not just assembled to solve specific problems

Improved communication and collaboration between workers and supervisors has the potential to change supervisory relationships and practices at the level of the production line; identify and address more covert forms of gendered bullying before they escalate and manifest in more aggressive forms of violence; and increase reporting among targets of violence by promoting a "feedback rich" environment where middle managers are trained to respond to complaints and issues in an emotionally intelligent way, and where people feel comfortable speaking up and listening (Schulte 2018).

The following concepts lie at the core of the AFWA Safe Circle Approach:

- **GBV is multi-level and complex in its manifestations**. Facilitating effective problem solving to eliminate GBV from production lines requires an in-depth understanding of interlinked levels of GBV and their complexities.
- **Ending GBV requires not only training, but also processes designed to catalyze organizational transformation.** The Safe Circles Approach introduces organizational transformation processes to supplement training.
- **Organizational transformation processes (1) require a graded approach to addressing GBV, grounded in an understanding of the GBV Escalation Ladder; and (2) must engage workers and supervisors on production lines—the frontlines of GBV Escalation.**
- **Transformation processes should take place in small groups of workers and supervisors.** These

The Quality Circle Approach

The Quality Circle (QC) approach has been beneficial to workers and firms across the globe—including in India, Japan, the UK, and the United States by manufacturing companies such as Ford Motor Company, Lockheed, Rolls Royce, Bharat Heavy Electronics Limited; among railway employees; and in educational institutions.

- Benefits to workers attributed to QCs "people building approach" include increased productivity, quality, performance, job satisfaction, and psychological well-being.
- Positive effects on communication between supervisors and subordinates, and among peers.
- Benefits to firms include increased financial value due to enhanced productivity that outweigh costs associated with dedicating time to this management process.

Source: AFWA 2019

5 key principles underlying AFWA Safe Circle Approach:

- Support proactive engagement in preventing GBVH among front-line (production line) workers who are targets of violence
- Empower women workers to have a constructive voice at work
- Facilitate on-going interaction and consensus-building among workers and supervisors who work together at the frontlines (production lines). Workers and supervisors should be selected from each production line to ensure that positive outcomes are distributed across production floors.
- Design and achieve measureable and observable goals and outcomes
- Increase communication/behavioural competence among supervisors and others in hierarchical positions of authority

Source: AFWA 2019

processes should be structured, face-to-face, regular, and ongoing.

Operationalizing the AFWA Safe Circle Approach

The approach detailed below—including set-up, training, and operationalizing Safe Circles—can take 6 to 12 months. This timeline is consistent with accepted practices for establishing Quality Control Circles in industrial contexts (DBJ and JERI 2003). For a more detailed guide to operationalizing the AFWA SC Approach, see *Asia Floor Wage Alliance's Step-by-Step Approach to Prevent GBV at Production Lines in Garment Supplier Factories in Asia.*

Step 1: Establish Safe Circles (SCs)

- Establish SCs on each production line in a factory, including both workers and supervisor(s) who work together regularly (3-8 members).
- Each SC should appoint (1) an SC Worker Spokesperson; and (2) an SC Leader. The SC Leader can be either a worker or supervisor.

Step 2: Develop Shared Goals to End GBV

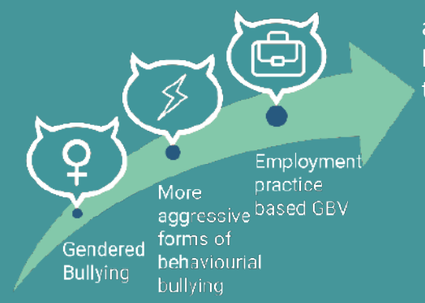
GBV Lists created at the production line and factory level will provide a measurable index of behaviors to eliminate GBV, and a mechanism of measuring progressive change. Local development of GBV Lists is important to understand and make visible cultural differences that belie GBV in particular countries and contexts. Although there are commonalities among garment producing countries in Asia, the SC Approach must also accommodate local differences in language, dress code, and behavioral norms.

- SC Worker Spokespersons from each production line, together with the local union in their supplier factory, should make a GBV List, including concrete experiences of behavioral GBV experienced by women on each production line. SC Worker Spokespersons should collect concrete experiences of GBV, including gendered bullying, from women workers on their production line prior to contributing to Factory-Level GBV List.
  - GBV Lists created at the production line and factory level will provide a measurable index of behaviors to eliminate GBV, and a mechanism of measuring progressive change. Local development of GBV Lists is important to understand and make visible cultural differences that belie GBV in particular countries and contexts. Although there are commonalities among garment producing countries in Asia, the SC Approach must also accommodate local differences in language, dress code, and behavioral norms.
  - GBV lists will likely have regional commonalities across Asia, and display country-level trends. This process aims to develop a shared articulation or "common language" for discussing behavioural GBV at the production line and factory levels that is based upon lived experiences and factual information.
  - Conduct meeting between higher management and all supervisors and mechanics, indicating zero tolerance for conduct on the GBV List.
  - Identify alternate channels outside the SC for addressing workplace issues that do not fall within the parameters of the GBV list.

Step 3: Train and Develop Safe Circles for GBV-Free Production Lines

- SC members undergo training on GBV module that is co-developed by multinational brands and AFWA-Women's Leadership Committees (WLCs) and adapted as required by local union in the supplier factory.
- SC members undergo training on facilitation to facilitate effective SC meetings.
- SC members share information on training schedules, facilitators, and participants publicly within the factory. Make all materials available

The concept of a GBV Escalation Ladder introduced by AFWA (2019) draws from and extends scholarship on escalation developed in literature on workplace bullying. AFWA identifies gendered bullying as a precursor to more aggressive behavioral GBV. Behavioural GBV, in turn, leads to employment-practice based GBV. The experiences of AFWA member unions in documenting and addressing GBV confirm the value of understanding GBV using a graded approach that accommodates a complex spectrum of behaviors and manifestation levels.



The levels on the GBV Escalation Ladder—gendered bullying, more aggressive forms of behavioural GBV, and employment-practice based GBV (Figure 2)— correspond with the types of violence on the spectrum of GBV identified in supplier factories (Table 7).

Table 7: Levels of GBV manifestation

GBV as a tacitly approved gendered industrial relations practice
Supervisory behavioural GBV practices, perpetrated at the production line level by male workers in hierarchical positions—including supervisors, line managers, and mechanics—accounts for the majority of (a) physical and sexual violence and discrimination; and (b) verbal and mental violence.
Employment-practice based GBV practices, perpetrated at the factory level and rooted in control over job placement and security by male supervisors and managers in hierarchical positions, manifests as: (c) coercion, threats, and retaliation, including: 1. retaliation when women workers refuse sexual advances, 2. coercion and retaliation by senior management when workers challenge factory-level practices, and; (d) deprivation of liberty, including: 1. restrictions on freedom of mobility, 2. being forced to sign documents, 3. being forced to work in unsafe workplaces, 4. being forced to work overtime hours, and 5. being forced to submit to repeated abuse at work, an experience referred to by Asian women workers as "torture." being forced to submit to repeated abuse at work, an experience referred to by Asian women workers as "torture."
GBV as a feature of purchasing practices in global supply chains
Both behavioural GBV (production line level) and employment-practice based GBV (factory level) are related to purchasing practices in global supply chains. Purchasing practices create conditions that reinforce GBV practices by tolerating and privileging commercial priorities over social responsibility.

The escalation ladder described above—(1) from gendered bullying; to (2) more severe forms of behavioral GBV; to (3) employment-practice based GBV—provides significant insight into processes that catalyse patterns of workplace violence.

Furthermore, the GBV Escalation Ladder provides valuable locational information to inform targeted interventions to eliminate GBV. Experience among AFWA member unions has shown that the first forms of GBV on the GBV Escalation Ladder that workers confront take place on the production line between supervisors and workers. Accordingly, the AFWA approach to preventing GBV seeks to address behavioural GBV on the production line prior to escalation. This requires catalyzing behavioural change among supervisors, line managers, and mechanics.
Source: AFWA 2019

to workers and supervisors who are not direct participants in the SC processes.

Step 4: Conduct regular SC meetings

- Regular SC meetings will focus on (1) addressing incidents and persistent GBV practices on the production line; (2) problem solving to eliminate GBV practices; and monitoring progress towards eliminating all forms of GBV included on the GBV List.
- Post a public schedule of SC meetings as an active reminder to all workers and supervisors that SCs are meeting regularly with the aim of eliminating GBV on all production lines.
- Share challenges and successes from the SC process with non-member workers and supervisors.
- Hold bi-annual SC-wide meetings including all SC Spokespersons and Leaders to review progress across all production lines and share good practices.

Step 5: Monitoring and Reviewing SC Processes

- SC monitoring and review processes should include self-evaluation and national-level external review processes conducted by national committees including (1) union members representatives from AFWA-Women's Leadership Committees (WLCs); (2) supplier factories; and (3) brands.
- The role of the National Committee is to strengthen and support SCs by providing a forum for both external guidance and cross-learning between SCs across factories.

Acknowledgments

This report was researched and written by Shikha Silliman Bhattacharjee, Research Fellow for Global Labor Justice and edited by Jennifer (JJ) Rosenbaum. This report was reviewed by Anannya Bhattacharjee and Ashim Roy.

This report was made possible with generous support from the Ford Foundation and the Open Society Foundation.

Global Labor Justice and the Asia Floor Wage Alliance recognize and honor Lisa McGowan in memoriam, previously Director of the Equity and Inclusion Department at the Solidarity Center, for her visionary and tireless efforts combatting inequality, advancing social justice, and elevating the leadership and collective power of women workers.

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