

Violence Against Women and Men in the World of Work

Executive Summary of New Research on Asian Garment Supply Chains and Recommendations for an ILO Convention, May 2018



In the lead up to the 107th Session of the International Labour Conference, a global coalition of trade unions, worker rights and human rights organizations, which includes Asia Floor Wage Alliance (AFWA), CENTRAL Cambodia, Global Labor Justice, Sedane Labour Resource Centre (LIPS) Indonesia, and Society for Labour and Development (SLD) just released new factory level research detailing gender based violence in Walmart, Gap, and H&M Asian garment supply chains.

These reports aim to make sure that the experiences and recommendations of low wage women workers—employed in sectors and supply chains that rely on their labor—are lifted up in order to create a strong ILO Convention that will guide employers, multi-national enterprises, and governments in working with trade unions to eliminate gender based violence in garment supply chains and other workplaces.

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RECOMMENDATIONS TO ILO

1. Adopt an expansive definition of “worker” and “workplace” to ensure that all workers, workplaces, and forms of work are included in standards addressing workplace violence and harassment.

1.1. 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.”

1.2. The proposed definition of worker should explicitly include all migrant workers, regardless of their legal status in the place of employment.

1.3. As presented in the Proposed Conclusions of Report V(2), standards on 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.”

1.4. The proposed situations should be expanded to include the following situations:

- 1.4.1.** employer-provided housing;
- 1.4.2.** recruitment sites, including day-labor recruitment sites;
- 1.4.3.** home-based work; and

1.4.4. export processing zones linked to global supply chains, including those characterized by exemptions from labour laws, taxes, and restrictions on union activities and collective bargaining.

1.5. 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.”

1.6. The proposed definition of “victims and perpetrators” should be expanded to include the following roles:

1.6.1. Multi-national corporations and brands, suppliers, and labor contractors in production, agricultural, food processing, and other relevant contexts.

1.6.2. 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.

2. Address risk factors for violence, including risk factors associated with the nature and setting of work and the structure of the labour market.

2.1. 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).

2.2. 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.

2.3. Acknowledge particular risk factors for violence in global production networks and take the followings measures to control these risks:

2.3.1. Address cultures of impunity for violence in the workplace by prohibiting workplace retaliation and safeguarding fundamental rights to freedom of association and collective bargaining.

2.3.2. Extend labour protections to workers employed in situations that are not protected by labour law and other social protection frameworks.

2.3.3. Prohibit unrealistic production demands and piece-rate targets that accelerate production rates, extend working hours, create high-stress working environments, and foster abuse.

2.3.4. Address concentration of women and migrant workers in low-wage, contingent work, especially in the lower tiers of the supply chain.

2.3.5. Increase numbers of women in supervisory and managerial positions

2.3.6. Call for and implement living wage standards.

2.3.7. Protect the rights of home-based workers.

2.3.8. 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:

2.3.8.1. complaint and investigation mechanisms at the workplace level;

2.3.8.2. dispute resolution mechanisms external to the workplace;

2.3.8.3. access to courts or tribunals;

2.3.8.4. protection against victimization of complainants, witnesses and whistle-blowers; and

2.3.8.5. legal, social, and administrative support measures for complainants.

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

2.4. 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.

3. Draw upon and strengthen definitions and prohibitions addressing violence against women by the Committee on the Elimination of Discrimination against Women (CEDAW) by applying these standards to gender based violence in the world of work.

3.1. 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.

3.2. Consistent with General Recommendation No. 19 on violence against women, adopted by the Committee on the Elimination of Discrimination against Women (CEDAW), 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). For instance, as documented in this study, women workers at the base of garment global production networks are disproportionately impacted by gendered patterns of employment that concentrate women in low-wage, contingent employment.

3.3. Consistent with General Recommendation No. 19, 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).

4. Ensure a duty among MNCs and their suppliers to obey national laws and respect international standards pertaining to realization of ILO fundamental principles and rights at work.

4.1. Noting the limits to jurisdiction under national legal regimes, the ILO should move towards a binding legal convention regulating global supply chains.

4.1.1. Standards under this convention must be at least as effective and comprehensive as the UN Guiding Principle on Business and Human Rights and existing OECD mechanisms, including the 2011 OECD Guidelines for Multinational Enterprises.

4.1.2. The Convention should include the following components, among others:

4.1.2.1. Impose liability, sustainable contracting, capitalization and/or other requirements on lead firms.

4.1.2.2. Establish regional and supply chain specific inspection mechanisms with monitoring and enforcement powers, including individual complaint mechanisms and field investigation authority.

4.1.2.3. Require transparent and traceable product and production information.

4.1.2.4. Address the special vulnerability of women and migrant workers on GVCs.

4.1.2.5. Limit the use of temporary, outsourced, self-employed, or other forms of contract labor that sidestep employer liability for worker protection.

5. Pursue a Recommendation on human rights due diligence that takes into account and builds upon existing due diligence provisions that are evolving under the United Nations Guiding Principles on Business and Human Rights and the 2011 OECD Guidelines for Multinational Enterprises.

5.1. Take the following complementary measures to protect workers employed in global value chains:

5.1.1. Recognize the right to living wage as a human right and establish living wage criteria and mechanisms.

5.1.2. Promote sector-based and transnational collective bargaining and urge countries to remove national legal barriers to these forms of collective action.

5.1.3. Expand work towards the elimination of forced labour, including promoting ratification and implementation of the Forced Labour Convention, 1930 (No. 29), Protocol to the Forced Labour Convention

1930 and accompanying Recommendation, 2014.

5.1.4. Continue programs to ensure social protection, fair wages, and health and safety at every level of GVCs.

6. Consistent with the Roadmap of the ILO programme of action 2017-21 arising out of the work of the 105th Session (2016) of the ILO on decent work in global supply chains, knowledge generation and dissemination of research to inform ILO global supply chain programming should include gender based violence and risk factors for gender based violence.

6.1. Research the spectrum of gender based violence impacting women workers in garment and other supply chains:

6.1.1. Since women represent the greatest majority of garment workers, the situation of women should be urgently included in monitoring programmes to assess the spectrum of their clinical, social, and personal risks.

6.1.2. Research should include physical harm, mental harm, sexual harm or suffering, threats of any of these acts, coercion, and deprivations of liberty.

6.1.3. Research should document (1) violence which is directed against a woman because she is a woman; and (2) violence that affects women disproportionately due to gendered patterns of employment that concentrate women in low-wage, contingent employment.

6.1.4. Research should consider not only the workplace, but also related situations including training, recruitment and placement, commutes to and from work, and housing contexts where employers exhibit significant control over the daily lives of workers.

6.1.5. Require an urgent, epidemiological study into deaths and disabilities resulting from conditions of work and life of garment workers. This information should be made available publicly and to international agencies.

6.1.6. Research design and planning should be sensitive to the barriers women face in discussing and reporting violence, including workplace retaliation, social stigma, and trauma associated with recounting situations of violence. Due to these factors, quantitative approaches to documenting gender based violence risk underreporting and may not produce insight into the range of violence women face, associated risk factors, and barriers to reporting.

6.2. Research adverse impacts of purchasing practices upon:

6.2.1. Core labour standards for all categories of workers across value chains.

6.2.2. Wages and benefits for all categories of value chain workers. This research should aim to satisfy basic needs of workers and their families.

6.2.3. Access to fundamental rights to food, housing, and education for all categories of value chain workers and their families.

6.3. Research the range of global actors that may have leverage over GVCs including investors, hedge funds, pension funds and GVC networks that define industry standards such as Free on Board (FOB) prices.

6.3.1. This line of research should include investigation of the mechanisms deployed by authoritative actors within GVCs that contribute to violations of fundamental principles and rights at work, including but not limited to attacks on freedom of association, collective bargaining, forced overtime, wage theft and forced labour.

6.4. Research into the types of technical advice needed by OECD government participants taking a multi-stakeholder approach to address risks of adverse impacts associated with products.

7. Organize a Tripartite Conference on the adverse impact of contracting and purchasing practices upon migrant workers' rights. This conference should focus on:

7.1. The intersection of migrant rights and ILO initiatives to address violence against men and women in the world of work and Decent Work in Global Supply Chains.

7.2. Protection of migrant rights as conferred under the UN International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families.

According to the Committee of Experts convened by the ILO in October 2016, "violence and harassment" in the world of work includes a continuum of unacceptable behaviors and practices that are likely to result in physical, psychological or sexual harm or suffering. Under existing international legal standards, gender based violence includes:

1. Violence which is directed against a woman because she is a woman; and
2. Violence that affects women disproportionately.

Recognized forms of gender based violence under international law include acts that inflict physical harm, mental harm, sexual harm or suffering, threats of the any of these acts, coercion, and deprivations of liberty (CEDAW, General recommendation 19, article 1).

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. Violence and harassment may be a one-off occurrence or repeated (GB.328/INS/17/5, Appendix I, para. 7-8).

Note: Table 1 reflects documentation of violence from Gap, H&M, and Walmart garment supply chains

KEY FINDINGS

Spectrum of gender based violence in garment global supply chains in Asia

Our new reports on gender based violence in Gap, H&M, and Walmart garment supply chains provide an empirical account of the spectrum of gender based violence and risk factors for violence women workers face in garment supply chains. The reports present new research on gender based violence in Gap, H&M, and Walmart garment supplier factories in Bangladesh, Cambodia, India, Indonesia, and Sri Lanka collected through interviews and focus group discussions with workers and trade union leaders between February and May 2018.

Table 1: Spectrum of gender based violence in Asian garment supply chains

	<p>Gendered aspects of violence, including:</p> <ol style="list-style-type: none"> 1. Violence against a woman because she is a woman 2. 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	<ul style="list-style-type: none"> • 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 and clothes, 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 lead to chronic health issues, 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	<ul style="list-style-type: none"> • 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)	<ul style="list-style-type: none"> • 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	<ul style="list-style-type: none"> • 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	<ul style="list-style-type: none"> • 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)

Risk factors for gender based violence in Asian garment supply chains

The experiences of gender based violence documented in our new reports on gender based violence in Gap, H&M, and Walmart garment supply chains are not isolated incidents. Rather, they reflect a convergence of risk factors for gender based violence in supplier factories that leave women garment workers systematically exposed to violence.

Risk factors in garment supply chains are a by-product of how multi-national corporations do business. These risk factors stem from the structure of garment supply chains, including:

- asymmetrical relationships of power between brands and suppliers in garment supply chains;
- brand purchasing practices driven by fast fashion trends and pressure to reduce costs; and
- proliferation of contract labour and subcontracting practices among supplier firms.

These routine industry practices have a profound impact on the Bangladeshi, Cambodian, Indian, Indonesian and Sri Lankan women workers.

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, calls for 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).

The experience of Asia Floor Wage Alliance

partners 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 2).

Table 2: Risk factors for violence in Asian garment supply chains

Enumerated risk factors from Committee of Experts Conclusions, October 2016, para. 9

- Working in situations that are not properly covered or protected by labour law and social protection.
- Working in resource-constrained settings (inadequately equipped facilities or insufficient staffing).
- Unsocial working hours (for instance, evening and night work)

Additional risk factors Committee of Experts Conclusions, October 2016, para. 10

- 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.
- 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.
- Intersecting grounds of discrimination, such as gender and race or disability

- Culture of impunity.

Additional risk factors Committee of Experts Conclusions, October 2016, para. 13

- 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.

Additional risk factors Committee of Experts Conclusions, October 2016, para. 14

- Concentration of women workers in low-wage jobs, especially in the lower tiers of the supply chains.
- Work in the home where workers are isolated and labour inspectors cannot enter non-traditional workplaces.

Additional risk factors Committee of Experts Conclusions, October 2016, para. 15z

- Weak enforcement mechanisms, including understaffed and poorly equipped and insufficiently trained labour inspectorates.
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Our new research on gender based violence in Gap, H&M, and Walmart garment supply chains highlights a series of risk factors and barriers to accountability.

Table 3: Risk factors for violence and barriers to accountability documented by AFWA

Risk factors for violence	Barriers to accountability
1. Short term contracts	1. Unauthorized subcontracting
2. Production targets	2. Denial of freedom of association
3. Failure to pay a living wage	3. Lack of independent monitoring
4. Excessive hours of work	
5. Unsafe workplaces	

Concentration of women workers in low wage, subordinate, machine operator roles

Women are disproportionately impacted by patterns of violence in garment supply chains because they make up the vast majority of garment workers in Bangladesh, Cambodia, India, Indonesia, and Sri Lanka:

- Bangladesh: Women comprise 80% of the garment workforce (World Bank 2018).
- Cambodia: Women between the ages of 18 and 35 dominate the Cambodian garment production sector, comprising an estimated 90-95% of the industry's estimated 700,000 workers (Barria 2014; Kashyap 2015).
- India: 60-75% of garment workers in India are women (Kane 2015; Mohan 2017).
- Indonesia: An estimated 80% of workers in garment and textile production are women (Oktaviani 2017).
- Sri Lanka: 85% of garment workers are

Table 4: Gendered production roles in garment supply chains in Bangladesh, Cambodia, and India

Gendered hiring by department, range across factories					
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 20-100% male 0-80% female	Quality Control Male - Female
	Supervisor male			Line In-Charge 70-100% male 0-30% female	
				Group leaders (lower level managers in Cambodia) 0-30% male 70-100% female	
Specialized roles	Store Keeper male	Sticker Master 0%-100% male 0-100% female	Fusing machine Operator 20-100% male 0-80% female	Record Keeper 20-100% male 0-80% female	
		Cutting Machine male			
		Layer Man male - female			
Checkers		Checker 0%-100% male 0-100% female		Checker 0%-100% male 0-100% female	
Machine operators		Button Machine 0%-100% male 0-100% female		Line Tailor 0%-40% male 0-100% female	
Helpers		Male and female workers in varied proportions, including all male and all female departments	Helper 20-70% male 30%-80% female	Helper 0-30% male 70-100% female	Male and female workers in varied proportions, including all male and all female departments

women, compared to a share of 35% in the overall national labour force as of 2015 (Madurawala 2017).

Despite their numerical majority within the garment sector, women workers remain within low skill level employment and rarely reach leadership positions in their factories and unions. Detailed factory profiles reveal that at the factory level, women workers are concentrated in the production department, in subordinate roles as machine operator, checkers, and helpers in production departments.

METHODOLOGY

Including three phases of research, these recommendations are based upon the experiences and perspectives of 898 workers employed in 142 garment supplier factories across Asia.

This includes findings from a new investigation of gender based violence in Gap, H&M, and Walmart garment supply chains, conducted between January 2018 and May 2018 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.

Research phase I: Analysis of gender based violence and risk factors

In phase one, researchers conducted focus group discussions with women workers employed in Gap, H&M, and Walmart garment supply chains.

Phase one research includes the perspectives of 150 women workers engaged in Gap, H&M, and Walmart supply chains in Bangladesh, Cambodia, India, Indonesia, and Sri Lanka. This sample includes workers from 37 different supplier factories.

The goals of this research phase were both to identify forms of gender based violence and associated risk factors; and to address gender based violence by training women workers to identify and respond to workplace violence.

Focus group discussions sought to identify forms of gender based violence in the workplace and risk factors for violence.

- **Forms of violence:** In identifying forms of gender based violence, researchers used the definition of gender based violence set out in General recommendation 19 adopted by the Committee on the Elimination of Discrimination against Women (CEDAW).
- **Risk factors:** Researchers used risk factors identified in the October 2016 Conclusions by the Meeting of Experts on 'Violence against Women and Men in the World of Work' as a benchmark for understanding risk factors for violence in garment supply chains.

Phase one focus group discussions

All focus group discussions were conducted in person with full consent from workers. In order to protect the identity of workers who participated in this study, all individual names have been changed.

Research phase II:

Case and context studies of gender based violence

In phase two, researchers conducted case and context studies to develop in depth accounts of the forms of gender based violence in the workplace and risk factors for violence identified in research phase one. Research phase two case studies documented incidents of gender based violence in garment supply chains experienced and recounted by individual women workers, including case studies of sexual harassment, persistent and ongoing verbal harassment, retaliation for reporting sexual violence, and barriers to seeking relief, including management and state inaction in response to complaints. It also includes in depth documentation of a 2018 case of violent retaliation against women garment workers in Bangalore, India who formed a union to call for safe drinking water in the factory, reliable transportation, and living wages.

Research phase two context studies sought to document working conditions that place women garment workers at routine risk of gender based violence. For instance, researchers documented extreme pressure to complete production targets where women face routine physical violence including slapping and throwing large bundles of clothes and smaller sharp projectiles, such as scissors; and verbal abuse. Researchers also documented barriers to reporting workplace violence, including high levels of job insecurity and threats of firing among temporary workers. Finally, by completing detailed “day in the life” accounts, researchers documented deprivations of liberty including being forced to work through legally mandated breaks, forced overtime, and relocation of workers between factories and buildings without prior consent.

Research phase III:

Factory profiles and risk factor survey data

In phase three, AFWA partners completed in-depth factory profiles of 13 garment supplier factories, including 5 factories from Bangladesh, 5 factories from Cambodia, and 3 factories from India.

These factory profiles provide a demographic snapshot of the garment supply chain workforce that demonstrates the concentration of women workers in temporary, low-wage production jobs within the garment supply chain. Factory profiles also sought to understand working conditions, presence of trade unions and dispute resolution mechanisms.

In our new reports, these factory profiles are contextualized by survey-based and case study research on violations of international labour standards in Gap, H&M, and Walmart garment production factories conducted between August and October 2015 in Bangladesh, Cambodia, India, and Indonesia.

This sample includes structured interviews with 745 workers employed in 105 factories in Bangladesh, Cambodia, and India.

Access the full reports here:

Gender Based Violence in the Walmart Garment Supply Chain

WORKERS VOICES FROM THE GLOBAL SUPPLY CHAIN : A Report to the ILO 2018



<https://www.globallaborjustice.org/walmart/>

Gender Based Violence in the GAP Garment Supply Chain

WORKERS VOICES FROM THE GLOBAL SUPPLY CHAIN : A Report to the ILO 2018



<https://www.globallaborjustice.org/gap/>

Gender Based Violence in the H&M Garment Supply Chain

WORKERS VOICES FROM THE GLOBAL SUPPLY CHAIN : A Report to the ILO 2018



<https://www.globallaborjustice.org/handm/>

