

OECD FORUM ON DUE DILIGENCE IN THE GARMENT AND FOOTWEAR SECTOR

Q&A: A GENDER PERSPECTIVE ON HUMAN RIGHTS DUE DILIGENCE - TOOLS AND EXPERIENCES IN GARMENT SUPPLY CHAINS

What are the potential and limits of HRIAs as a regulatory and organisational tool for identifying and managing business impacts on women?

- Rekha (Cividep): There has been a proliferation of terminologies such as human rights assessment, human rights impact assessment, human rights gap analysis etc. There is no clear way to differentiate between these terms. And now we are talking about human rights due diligence. If we consider HRIA as part of HRDD or as one of the ways to do HRDD, then it is just the first step by a company to identify HRs risks. The UNGPs requires HRDD to be more than mere assessment. As such I am not aware of HRIAs that have followed the UNGPs model i.e. an ongoing system that assesses risks, acts upon them, monitors responses, and communicates how impacts are addressed. Limitations have been around issues of information, transparency, participation and representation by all relevant stakeholders. Methodology is also another big concern in terms of how HRIAs are conducted. And so is confirmation bias.

How have presenters who have conducted empirical research on the multiple dimensions of gender-based violence solved the difficulties in collecting data especially on emotional stress and their consequences for women? (e.g. how are interplays and connections recorded, beyond in-depth-case studies? how can you show that stress in the factory leads to health issues like depressions etc.)

- Rekha (Cividep): Through our work on building a longitudinal data bank of workplace grievances, we followed workers' grievances from the onset of the grievance to its final outcome. As a result of doing this, we were able to understand the complex nature of grievances. For example, we found a strong correlation between production targets and harassment. In fact, workers in Bangalore use the term "production torture." The term torture is very telling. When speaking of production targets, workers shared how 'stressful' and 'emotionally draining' their work and the overall working environment is. Through these interactions, we now understand that health at the workplace has to be problematised. Health is not simply an absence of disease. More research is required to understand linkages between stress and health outcomes for workers.

Does any of the panellists work with trade unions to pressure brands and suppliers to hold garment suppliers accountable? Would like to hear more or any findings available online. Because this is a problem in Sri Lanka where union-busting happens quite a lot.

- Marijn (Mondiaal FNV): Yes, we work for example with brands in the Dutch Agreement on Sustainable Garments, both to address grievances re FoA and to promote FoA in their supply chains, amongst others in the AMPLIFY project. There have also been formal complaints to the AGT including amongst other FoA, see here. In STITCH, our organisations (Cividep, FairWear and Mondiaal FNV) work together to promote FoA at supplier level. There is the report I referred to by the business and human rights resource centre on union busting and unfair dismissals of garment workers during Covid-19. It is a tough struggle indeed.

What I hear from brands (and investors) is that there is a lot out there. Many are overwhelmed by all the information and don't know where to start. If you had to choose 1 or 2 "must-do's", what would they be?

- Marijn (Mondiaal FNV): Speak to workers and their representatives and 2) focus on purchasing practices.
- Mousumi (FairWear): Agree to the abovementioned. We need true representation of workers at negotiating tables – meaning freedom to collectively bargain, and also ensuring unions represent the workforce (not just women, but women from different caste/ethnicity etc., migrant workers, home-based workers, etc.) There is an urgent need to integrate gender within our existing tools as opposed to a separate standalone product. This is where we need greater collaboration with the organisations working on these issues to partner together.
- Per (FOKUS): Also agree with the first mentioned, speak with workers/their representatives to gather information and also challenge trade unions on their gender policies. Secondly, work to make buyers understand the gendered impact of their purchasing practices.

The proliferation of tools has led to some confusion on the 'best' way to measure progress. Do you think harmonisation of these gender data / KPIs would help? If so, what needs to happen to drive such harmonisation?

- Mousumi (FairWear): First, tools are generally used or due diligence processes are generally conducted prior to a business relationship finalised. Rather than used as part of business improvement (continuously) mechanism. Second, who is using these tools/information generated out of the due diligence processes. There have been relatively few gender equality integration checks undertaken. They require a detailed understanding of the gender impact of existing processes and alternatives. In some areas, the knowledge required to determine gender impact and make practical recommendations is very specialised. This depth of knowledge may not be available. This calls for collaboration with local organisations who know the issues and experts to advise and input.
- Per (FOKUS): Integrate gender data/lense in the overall HRDD and company strategies. Share data and information with other buyers, NGOs, TUs, suppliers and Business Associations. Join and support joint initiatives for grievance mechanisms, awareness raising etc. And most important; support and encourage FoA and social dialogue.
- Marian (OECD Watch): I don't think harmonisation of tools is necessary; that would waste time/be a distraction from companies just getting started implementing the extensive guidance already given. Furthermore, the point is not measuring progress, it is implementing structural changes to address gendered impacts. The tools are driving at the same goals, often targeting different actors, but offering guidance on the same issues of stakeholder consultation, to identify risks and impacts, and enable bottom up and top down change of business practices to address the impacts. Companies should not claim a need to wait for a consolidated tool to get started with "measuring" - they should instead get going actually investing in talking to stakeholders to identify risks and impacts and then address them through implementing structural changes (think changed purchasing practices, new contractual requirements on wage payments and gender quotas in management, disclosure of supply chain partners, etc.) to change how their businesses and supply chains operate.

Question directed to Rekha (Cividep) - ***Do you track grievances in a gender-/sex-disaggregated way? Also, any thoughts on the under-reporting of grievances by women in particular (particularly violence and harassment)?***

- No, we did not track grievances in gender/sex-disaggregated manner. The main objective of the research work was to build a longitudinal data bank of workplaces grievances with an aim to monitor the progression of grievances through grievance resolution mechanisms available within and outside of factories. Another objective was to assess to what extent access to remedy is available to workers, and to identify recurring practices and themes at the workplace. We found that workers usually reported their grievances to the HR or their immediate supervisor, including intimidation and harassment, In fact, intimidation/harassment/torture were the highest reported grievances. However, sexual harassment is underreported.

Question directed to Shirajum (Lindex) - ***It would be interesting to hear more about the KPIs that were mentioned. What would a buyer be tracking in relation to gender? Is a gender pay gap a part of this? Adding to the question on KPIs, we conducted a brand survey a few years ago in which not a single brand surveyed provided evidence or public information on overall gender pay gaps in its supply chain. We wanted to present that data through our Fashion Checker but it seems to not be of concern to brands, or, brands do not want to disclose it.***

- At Lindex we have started the wage gap analysis in supply chain factories. Though all factories ensure the minimum wages, we have started reviewing wages if there is any gap observed in the same grade against male/female, while recruitment, overtime rate, and overtime hours payment. Factories submit quarterly data and also follow the process of verification through audits. We have the following KPIs:
 - Measure % of reduced sickness, turnover,
 - Measure % grievance
 - Measure % of increased productivity
 - Measure % representing leadership
- All progress is appreciated by our suppliers. Now small gaps are even identified, but I am not sure about their consent to share their data. Regarding presenting the data, I can say that there are multiple brands working in the same factory where we are sourcing. The process of review might be different, my understanding is to be ethical on this part.

Question directed to Shirajum (Lindex) - ***Your gender commitments/activities as a brand are very rare. Could you please speak to how costly/labour-intensive your efforts have been? I've found that few brands are willing (or able given limited internal budgets for this sort of initiative) to commit the necessary budget/time/effort to do this work.***

Lindex values women as their strength. The cost for "We Women" progress is different country-wise. We are not doing time-bound projects anymore, as progress always stagnates once the project is done. It is in our program to develop all women in our supply chain every day through awareness, educating, training, and creating a management system. The factories which started this program recently, are enrolled already, or go beyond the good, practices vary in cost. We prepare the trainers and core committee members to run the program and develop a management system. Investing in women is like investing in sustainability. Once that develops the other costs decrease. However, we always welcome good collaboration.