

# Ending gender-based violence and harassment: The case of the battery supply chain

**#NO EXCUSE**

MINING



REFINERY



BATTERY CELL



Anode • Cathode  
Separator • Electrolyte  
Electrode foils

BATTERY PACK



END USE



RECYCLING

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## SECTION 1: INTRODUCTION

This Toolkit has been developed by IndustriALL to provide practice guidance to trade unions on the prevention of gender-based violence and harassment (GBVH) in global supply chains, with a specific focus on the battery supply chain. It introduces a gender perspective into human rights due diligence (HRDD), which trade unions can use to hold companies accountable for their actions to address and prevent GBVH across the supply chain.

HRDD was first established in the UN Guiding Principles on Business and Human Rights (UNGPs), and has since been further reinforced through the ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy (MNE Declaration) and the OECD Guidelines for Multinational Enterprises (see Appendix 2).

HRDD is a process to help companies identify, prevent, mitigate and account for potential and actual adverse human rights impacts. For HRDD to be effective, it must be informed by meaningful engagement with workers and their trade unions. This also means that trade unions have a critical role to play in helping to expose human rights abuses that arise in the world of work, provide information to workers about workers' rights, including GBVH, and negotiate CBAs with companies and with trade union involvement in their monitoring and implementation.

Human rights violations are often gender related. For this reason, it is important to bring a gender perspective into HRDD to ensure that gender equality and the prevention of GBVH come to the centre of HRDD. It is crucial that we address the root/structural causes of these inequalities and apply an intersectional approach to identify multiple and intersecting forms of discrimination.

**We refer to this as a gender-transformative approach to due diligence.<sup>1</sup> This is aligned with IndustriALL Women's Committee's commitment to work towards gender-transformative approaches by addressing the root/structural causes of gender inequalities and working towards gender equality by transforming gender roles, norms and relations through an intersectional approach.**

With millions of women across the world employed in global supply chain-related jobs, it is essential that companies adopt gender-transformative policies and collect gender-disaggregated data that reflect the realities of women's lives. This is assisted by key international developments, including the ILO Convention on Violence and Harassment in the World of Work (No. 190) (C190) and a greater focus on the gender dimensions of the UNGPs.<sup>2</sup>

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<sup>1</sup> This aims to incorporate a gender-responsive approach, which includes specific actions to reduce gender inequalities within organizations/ industries/communities and move towards a gender-transformative approach that addresses the root/structural causes of gender inequality within society and transforms gender norms, roles and relations.

<sup>2</sup> For example, the UN Working Group on the Gender Dimensions of the Guiding Principles on Business and Human Rights makes it clear that brands have the responsibility to require and encourage their suppliers to respect the human rights of women in their operations: <https://www.ohchr.org/sites/default/files/Documents/Issues/Business/BookletGenderDimensionsGuidingPrinciples.pdf>

## OBJECTIVES OF THE TOOLKIT

- Raise awareness about how to prevent and address GBVH.
- Use the framework of ILO C190 to inform strategies to end GBVH in the supply chain.
- Ensure the voice of women workers and of trade unions in addressing GBVH in HRDD.
- Provide practical guidance for trade unions to address GBVH as part of gender-transformative due diligence in the battery supply chain.

## WHY THE FOCUS ON ENDING GENDER-BASED VIOLENCE IN GLOBAL SUPPLY CHAINS?

The practical strategies suggested in this Toolkit aim to help trade unions forge new approaches to addressing GBVH in the context of global supply chains. We use the case of the battery supply chain to highlight the challenges and opportunities for trade unions.

Evidence on GBVH in global supply chains reveals that GBVH is more serious and pervasive when there is an absence of decent work and human resources policies addressing GBVH, limited awareness about the causes and adverse conditions such as production pressures and long working hours that contribute to GBVH, coupled with problems associated with low levels of unionisation (ILO 2016, Pillinger & Morris 2017, Barrientos 2019, BSR 2020). Furthermore, many companies outsource production, and sub-contracted workers face added vulnerabilities and lack of protection from GBVH. Preventing GBVH across global supply chains requires multi-faceted strategies, networking and negotiations.

“In many sectors, women represent a large share of the workforce in global supply chains. 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.” (ILO, 2016, para. 4)

GBVH is a human rights issue defined in ILO C190 (see Section 3). It occurs because of gender power inequalities, a hostile work environment and a lack of accountability. C190 provides an internationally agreed framework that trade unions can use for integrating GBVH into HRDD, for example, by addressing obligations on employers to introduce a workplace policy, carry out risk assessment on GBVH, and consult with and provide information for workers. Trade unions are also well-placed to recognise risks faced by workers most vulnerable to GBVH.

## THE ROLE OF SOCIAL DIALOGUE IN ADDRESSING GBVH IN THE GLOBAL SUPPLY CHAINS

Social dialogue, which involves workplace consultation, information, and collective bargaining, can make an important contribution to the effectiveness of HRDD in addressing GBVH in companies and across supply chains. Social dialogue and human rights due diligence mechanisms should be complementary in preventing human rights violations (Global Deal, 2022).

At the global level, Global Framework Agreements (GFA), between global trade union federations and multi-national companies (MNEs), increasingly refer to human rights due diligence processes in their business operations and in global supply chains. The consultation process involved in developing, tracking and monitoring GFAs can make a significant contribution to the ongoing dialogue and monitoring of HRDD processes (Global Deal, 2022), in the following areas:

- Identifying, preventing and assessing risks and impacts.
- Monitoring supply chains, particularly in the tiers where workers’ rights to organise are not respected.

- Implementing grievance mechanisms and enabling access to remedies.
- Building human rights risk management and trade union capacity and development locally and across the supply chain.
- Ensuring trade unions are involved in ongoing processes and continuous improvement focussed on prevention and HRDD.

## **HRDD: A PRIORITY FOR INDUSTRIALL IN THE BATTERY SUPPLY CHAIN**

IndustriALL is prioritising HRDD as a tool to address human rights abuses and protect workers’ rights in global supply chains. IndustriALL has affiliated unions across the entire battery supply chain and is now addressing human rights abuses through human rights due diligence (HRDD). This learning will be relevant for global supply chains in other sectors where IndustriALL has affiliates. According to IndustriALL’s General Secretary IndustriALL general secretary Atle Høie:

“We need to hold companies accountable for violations, but we also need to put measures in place to make sure that there are no violations. The time when companies could make profit out of the exploitation of the environment and on the back of their and their suppliers’ workers’ fundamental rights all over the world, has to come to an end.”<sup>3</sup>

Unions need access to information and data about what is happening across the supply chain. Although mapping the supply chain is complex and expensive, IndustriALL can help to create better linkages with unions across the supply chain:

- at country levels through the IndustriALL national committees;
- across company and sectoral networks;
- by connecting affiliates in different tiers and sectors across the supply chain;
- by integrating commitments to address and prevent GBVH in Global Framework Agreements, and monitoring their implementation.

IndustriALL can also help ensure that there is gender-balanced representation in the unions and to that women are supported to take decision-making and leadership roles. Both women and men have to play a much greater leadership role in raising awareness about GBVH and sharing model policies and CBA clauses that can help prevent GBVH.

Organising workers along the battery supply chain is crucial in mining, processing of raw materials, battery cell production, the chemical industry, the assembly of battery packs, their end use, e.g. in electric vehicles (EVs) and, the recycling of used batteries. IndustriALL promotes cooperation among its affiliates through company sectoral networks across the supply chain, which aim to strengthen the interconnections between affiliated unions across the supply chain. The intention is to help make HRDD relevant to workers and ensure that workers’ voices are heard across the supply chain.

IndustriALL has signed several GFAs in the automobile and cobalt mining sector, including HRDD provisions. Examples include the agreements with Daimler Truck, Mercedes-Benz on “Principles of

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<sup>3</sup> IndustriALL, Human rights due diligence is key to protecting workers: <https://www.industrial-union.org/human-rights-due-diligence-is-key-to-protecting-workers>

Social Responsibility and Human Rights”, 2022, and the Umicore-IndustriALL GFA on Sustainable Development between IndustriALL and Umicore 2019.

### **Collaboration with auto manufacturers**

An example of union-industry collaboration is a pilot project between IndustriALL and Drive Sustainability, a consortium representing some of the largest automotive manufacturers aimed at securing decent jobs and working conditions along the entire battery supply chain in Indonesia.

With the aim to enhance the due diligence processes of Original Equipment Manufacturers (OEMs), the pilot program will not only incorporate input of workers into risk analysis but also ensure that labour standards are fully integrated into the Environmental, Social, and Governance (ESG) policies of the OEM.

GBVH will be incorporated into the risk analysis

IndustriALL’s commitment to ending GBVH in the world of work, including its global training programme on GBVH and its campaign for the ratification of ILO C190, is closely connected to trade union strategies in the battery supply chain. Key priorities include bringing the prevention of GBVH into collective bargaining and GFAs, conducting training on gender equality and collective bargaining, and providing practical tools to help unions implement measures on GBVH as part of HRDD. One way that IndustriALL has started to do this is to train and equip IndustriALL’s affiliates so that they can work in partnership with companies at all tiers of the battery supply chain to prevent GBVH.

Trade unions can use the information in this Toolkit to raise awareness about GBVH and to take practical steps in implementing due diligence processes on GBVH covering issues such as the following:

- Advocate for the company to include GBVH in developing and implementing a policy on human rights and responsible business conduct.
- Include GBVH in negotiations with employers for zero-tolerance policies, gender-responsive risk assessment, information and awareness raising.
- Highlight any discrimination or abuse faced by women union representatives and leaders.

## **SECTION 2: INTRODUCTION TO GBVH IN THE WORLD OF WORK AND ITS RELEVANCE IN HRDD**

### **DEFINITIONS OF GENDER-BASED VIOLENCE AND HARASSMENT (GBVH)**

GBVH is the most common form of violence and harassment in the world of work and is a major barrier to decent work and the dignity, safety and security of workers. It exists because of unequal power relations between women and men and contributes to inequalities at work, in the family and across society.

- The most commonly experienced form of GBVH at work is **sexual harassment**. Sexual harassment can be verbal, non-verbal and physical. Although sexual harassment is commonplace, workers rarely report sexual harassment for fear of retaliation or because there is a lack of trust in complaints mechanisms.

- **Domestic violence** can also impact the workplace, particularly if workers experiencing domestic violence face injury or health problems, or if their productivity and attendance and safety at work are affected.
- **Economic/financial abuse** is a further form of GBVH. GBVH sustains the gender pay gap since workers who experience domestic violence and/or sexual harassment are less likely to take up training, progress in their careers and move into higher-paid jobs.
- GBVH is a violation of **maternity rights** which arises because of discrimination against women because of pregnancy or maternity. Pregnancy-related discrimination can lead to women losing their jobs or being denied jobs if they are pregnant.
- GBVH is a safety and health issue which includes inappropriate or ill-fitting PPE designed for men, which can cause urinary/menstrual health problems and pain, and there are health impacts if there is poor or unsafe access to toilets or changing areas.

Examples of GBVH in the world of work include:

- Unwelcome touching, leaning over or cornering a worker
- Stalking inside and outside of the workplace
- Verbal abuse, shouting and making sexually lewd comments, threats or insults
- Unwelcome communications of a sexual nature e.g. displaying or sharing pornography
- Cyber sexual harassment and abuse by email, text or social media
- Sexual violence and assault in the workplace, in the car park or travel to and from work
- Sextortion: sexual favours are extorted in return for employment, promotion or accommodation

**For further information about definitions of GBVH, see Module 1: IndustriALL training resources on addressing preventing GBVH in the world of work (see Resources section).**

Sex defines different biological characteristics of females and males, while gender refers to the socially constructed roles. Gender affects all aspects of an individual's life experience, including legal, economic, environmental, social and cultural aspects.

## **WHAT IS A GENDER-TRANSFORMATIVE HUMAN RIGHTS DUE DILIGENCE (HRDD)?**

**Gender-transformative due diligence recognises that there are adverse impacts across businesses that disproportionately affect women. These adverse impacts result from structural gender inequalities and harm caused by gender roles, norms and relations that lead to a culture of sexism, misogyny and impunity. Addressing GBVH from a gender transformative approach is crucial to tackling the silence surrounding GBVH, and the culture of victim-blaming and impunity.**

**As mentioned in the previous section, IndustriALL's commitment to gender-transformative approaches means that trade union actions must address the root/structural causes of gender inequalities by transforming gender roles, norms and relations through an intersectional approach.**

HRDD aims to provide companies with tools to prevent human rights and environmental abuses, focusing on prevention and identifying and addressing risks across the supply chain.

**For an overview of global policy guidance on HRDD from the UN and OECD, see Appendix 2.**

A gender-transformative approach is crucial to HRDD. Gender transformative due diligence integrates a gender perspective into each step of the due diligence process in order to prevent adverse business

impacts and address root causes of gender equality, with actions that can make a positive impact on the achievement of gender equality.

This builds on the already well-established gender-responsive HRDD in identifying, preventing, mitigating and accounting the impact(s) on men, women and gender non-conforming people (Bourke Martignon and Umlas, 2018).

Trade unions can play an important role in identifying and highlighting risks faced by women and other vulnerable groups and pressing for action from companies across the supply chain.

### **What can trade unions do to push for gender-transformative due diligence?**

- Ensure that a gender perspective is integrated in HRDD in all tiers of the supply chain, from the individual company extracting raw materials such as nickel, in its interactions across the whole supply chain through to the sale of an EV.
- Address gender inequality as a structural form of inequality by addressing the root causes of gender inequalities and GBVH, particularly relation to unequal power relations and occupational segregation.
- Mainstream gender by integrating a gender perspective into processes for identifying and mitigating risks for human rights and trade union rights in the supply chain, using ILO C190 as both leverage for and a framework that can be applied to address and prevent GBVH.
- Make the case for companies to play a role in addressing gender norms, gender power relations and cultural bias in the world of work.
- Be familiar with and use the framework of ILO C190 and R206 in drawing up and implementing HRDD.

## **INTRODUCTION TO ILO VIOLENCE AND HARASSMENT CONVENTION (C190) AND RECOMMENDATION (R206)**

ILO C190 is a ground-breaking global treaty agreed by the ILO's tri-partite conference in 2019. The ILO is the UN's agency that establishes and monitors international labour standards and fundamental rights at work<sup>4</sup>, including freedom of association and non-discrimination. To date [December 2023] ILO C190 has been ratified by 36 countries and many more are due to follow suit. C190 and the accompanying Recommendation (R206) have been used extensively to inform collective bargaining and trade union strategies to end GBVH (ITUC, 2022 & 2023; Pillinger et al., 2022).

While acknowledging that women are disproportionately affected by violence and harassment in the world of work, C190 recognises the need to address multiple and intersecting forms of discrimination<sup>5</sup> when developing workplace policies, risk assessments and prevention programmes.

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<sup>4</sup> The ILO Declaration on Fundamental Principles and Rights at Work covers: (a) freedom of association and the effective recognition of the right to collective bargaining; (b) the elimination of all forms of forced or compulsory labour; (c) the effective abolition of child labour; (d) the elimination of discrimination in respect of employment and occupation; and (e) a safe and healthy working environment.

<sup>5</sup> Gender-based discrimination may intersect across with other forms of discrimination, for example, disability and age, ethnic origin, religion, gender identity, sexual orientation, economic vulnerability



ILO C190 provides an important framework that trade unions can use as a benchmark when assessing company policies. In summary, C190 calls for an inclusive, integrated and gender-responsive approach to the prevention and elimination of violence and harassment in the world of work, covering:

- The right to work free from violence and harassment, including GBVH
- Laws to and obligations on employers prevent and address violence and harassment, including GBVH
- A wide scope of the world of work, including travel to and from work
- Inclusion of all workers regardless of their contractual status
- Gender-responsive and intersectional approaches
- Measures to mitigate the effects of domestic violence in the world of work

“Acknowledging that gender-based violence and harassment disproportionately affects women and girls, and recognizing that an inclusive, integrated and gender-responsive approach, which tackles underlying causes and risk factors, including gender stereotypes, multiple and intersecting forms of discrimination, and unequal gender-based power relations, is essential to ending violence and harassment in the world of work.” (C190, Preamble)

Employers, in consultation with workers, are expected to implement provisions that should be considered relevant both for collective bargaining and for measures that trade unions can recommend to identify and mitigate GBVH. These are provided for in Article 9 of C190 relating to:

- workplace policies on violence and harassment;
- preventing violence and harassment in the management of occupational safety and health;
- identifying hazards and assessing the risks of violence and harassment;
- providing workers with information and training.

Recommendation (R206) states that account should be taken of risk factors that increase the likelihood of violence and harassment through a gender-transformative approach. These arise from working conditions and work organization, risks from third parties such as clients and customers, and that arise from discrimination, abuse of power relations, and gender, cultural and social norms.

**For further information, see IndustriALL’s training resources, which include a briefing for trade unions on how they can use C190 and R206 as a framework for bargaining (see Resources section).**

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and social class. For example, a disabled woman, a migrant woman worker or an LGBTI+ worker will experience much greater risks of GBVH. In reality, workers facing intersecting discrimination experience the highest levels of violence and harassment at work.

## SECTION 3: RISKS OF GBVH IN THE BATTERY SUPPLY CHAIN

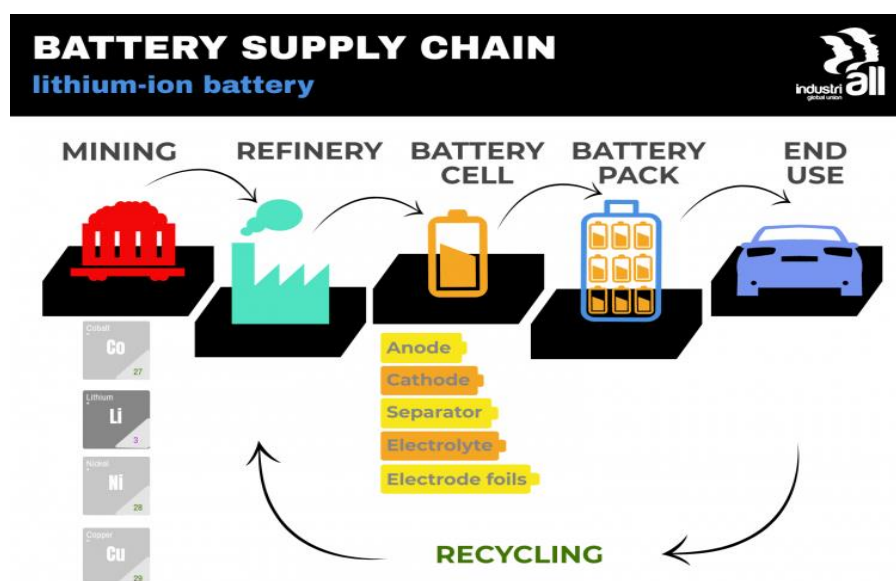
### WHAT IS THE BATTERY SUPPLY CHAIN?

The global objective to achieve a just transition to renewable energy has led to the exponential growth of lithium-ion battery production, involving global supply networks spanning different continents, and dominated by East Asian countries, particularly China. The main driver behind this significant growth is the automobile industry and the rising volumes of electric vehicles (EVs). Promoted through incentives introduced by the United States (US), European Union (EU) and China, the battery market is predicted to increase from US\$17 billion to more than US\$95 billion between 2019 and 2028.<sup>6</sup>

The growth of the battery supply chain has partly been boosted by investments in and government regulation for the establishment of Export Processing Zones or Special Economic Zones offering a favourable business environment, including tax exemptions and free provision of infrastructure, often at the expense of workers' rights and health and safety protections in the workplace. In Indonesia, for example, nickel extraction and processing largely takes place in designated industrial zones established with investment from China and the Indonesian government.

The different parts of the battery supply chain are illustrated in Chart 1.

Chart 1: The battery supply chain for EVs



Source: IndustriALL

### SUMMARY OF RISKS OF GBVH IN THE BATTERY SUPPLY CHAIN

- The lower ends of the battery supply chain in mineral mining/extraction and processing are typified by problems of low union organisation, low pay, and poor work conditions.

<sup>6</sup> In the EV battery market Chinese, South Korean, and Japanese companies dominate global battery manufacturing, which together accounted for nearly 70% of the battery market in 2021. The United States and European Union have plans to strengthen EV production, and Indonesia and Thailand aim to become regional market leaders in vehicle manufacturing, with access to mineral and metal supplies.

- Risks of GBVH are especially high in male-dominated workplaces, where there is precarious and low-paid work arising from sub-contracting, unsafe working conditions, long hours and night work, and where gender norms perpetuate gender inequalities at work. Added vulnerabilities are faced by workers who have migrated to work in the battery supply chain.
- Workers often face unsafe, cramped and hazardous conditions at work, which can lead to health problems, including risks to women’s reproductive and sexual health.
- Verbal, non-verbal and physical forms of sexual harassment become more pronounced when women have few rights and bargaining power, and when there are unreasonable pressures to meet production targets and deadlines.
- Furthermore, workers face difficulties exercising the right to freedom of association because of hostility to trade unions and where workers do not join unions because they fear recrimination and dismissal.

Protecting the rights of workers is not just the responsibility of the companies that employ workers in the supply chain, it includes vehicle and battery manufacturers at the upper tiers of the supply chain who also have a responsibility to respect human rights. Needless to say, there are significant challenges and opportunities in ensuring sustainable and GBVH-free supply chains for EV batteries.

#### **GBVH in mineral mining/extraction industries**

**As the case study of the nickel mining/extraction sector in Indonesia (Appendix 1) shows, it is important to conduct training, build trade union awareness of GBVH, engage in organising and recruitment around GBVH, and identify the risks of GBVH and how to mitigate them through effective engagement with women workers.**

GBVH is an important issue in the nickel mining sector, where severe labour abuses are found (Business and Human Rights Resource Center, 2023; SOMOS, 2023). Of particular concern are abuses occurring in mineral mining/extraction in high-risk and conflict areas (OECD, 2019).

Women speak of a hostile working environment leading to physical assault, sexual assault, verbal abuse, and being asked for sexual favours in return for employment, promotion or other benefits. Many women report discriminatory barriers to promotion and career development. The remoteness and isolation of mining sites add to women’s vulnerability. These same risks of GBVH in the mining sector have been documented as being common across the mining sector by IndustriALL (Pillinger, 2022), where there are high levels of unwelcome physical, verbal and non-verbal sexual harassment. Some of the greatest risks of GBVH occur in unregulated artisanal mining areas are at high risk of sexual and gender-based violence (ITUC / ICEM, 2011).

Women’s low representation in mining jobs makes them particularly vulnerable to sexual harassment and sexual assault. Furthermore, a lack of policies and/or their implementation to address gender inequalities sustains the masculinised culture in the workplace.

A crucial part of a gender-transformative HRDD framework is that trade unions hold companies to account in ensuring a better understanding of GBVH in the supply chain. Trade unions can do this by reporting GBVH and related abuses and ensuring that companies across the supply chain use their leverage to seriously engage with mineral mining/extraction companies to ensure their respect for human rights and the prevention of GBVH.

OECD’s (2017) due diligence guidance for stakeholder engagement in the extractive sector recognises the need for specific attention to be given to those who are most likely to be adversely impacted such

as workers with family responsibilities who may be impacted because of long shifts or inflexible working hours and “women may be adversely impacted by discriminatory practices related to specific jobs or due to cultural factors.” Furthermore, the guidance stresses the importance of social dialogue and meaningful consultations of workers and trade unions.

Article 8 of ILO C190 is particularly relevant to the mining sector. It includes reference to “(b) identifying, in consultation with the employers’ and workers’ organizations concerned and through other means, the sectors or occupations and work arrangements in which workers and other persons concerned are more exposed to violence and harassment.” Also, paragraph 9 of ILO R.206 is relevant to mining “Members should adopt appropriate measures for sectors or occupations and work arrangements in which exposure to violence and harassment may be more likely, such as night work, work in isolation, health, hospitality, social services, emergency services, domestic work, transport, education or entertainment.”

## **SECTION 4: USING HRDD TO PREVENT GBVH: THE CASE OF THE BATTERY SUPPLY CHAIN**

### **INTRODUCTION**

This section introduces practical tools to help trade unions integrate provisions on the prevention of GBVH into HRDD and argue for a gender-transformational approach. Although we focus specifically on the battery supply chain, these practical tools are relevant to any global supply chain, such as those covering garments, textiles and footwear, horticulture, and electronics, amongst others.

Through HRDD, trade unions can play an active role in understanding how to implement gender-transformative due diligence processes. An important element of this is ensuring that there are policies on responsible business conduct across the supply chain that include GBVH, freedom of association, and collective bargaining.

### **SUPPORTING TRADE UNION ROLES IN GENDER-TRANSFORMATIVE HRDD**

The following is a checklist of practical issues for trade unions to consider at the outset:

- Has the company made a commitment to social dialogue, including the right to freedom of association and collective bargaining, as part of its HRDD processes?
- Is there a good understanding of GBVH, for example, as provided for in gender awareness training to help trade unions and employers at the local level fully understand how they can identify and prevent GBVH?
- Are trade unions familiar with HRDD processes and how to embed social dialogue into each of the HRDD six steps (see below) to ensure that workers' voices are heard and that consultations occur before key decisions are made?
- Have trade unions representing workers in the lower ends of the supply chain, for example, in mining/extraction and refinery, received training and guidance on how to identify and report GBVH as a human rights abuse?
- Have trade unions representing workers at the end-user tier of the battery supply chain, for example, in EV production and sales, used this information to hold their companies to account across the supply chain and to apply leverage through contracting and purchasing arrangements across the supply chain?
- Are systems in place to help trade unions identify and collect information from workers about gender-related impacts that arise from irresponsible business conduct and GBVH as a human rights abuse?

Trade unions at the lower tiers of the supply chain, for example, in mining/extraction and refineries, should find ways to inform trade unions in the end user company if there is an absence of HRDD or effective policy or management systems to address HRDD in their companies.

Consider how these connections can be facilitated through IndustriALL's projects, sectoral and company networks via IndustriALL's national coordination mechanisms (IndustriALL Council and Women's Committee) and IndustriALL's global Women's Committee.

## INTEGRATING GBVH INTO THE SIX STEPS OF THE HRDD PROCESS

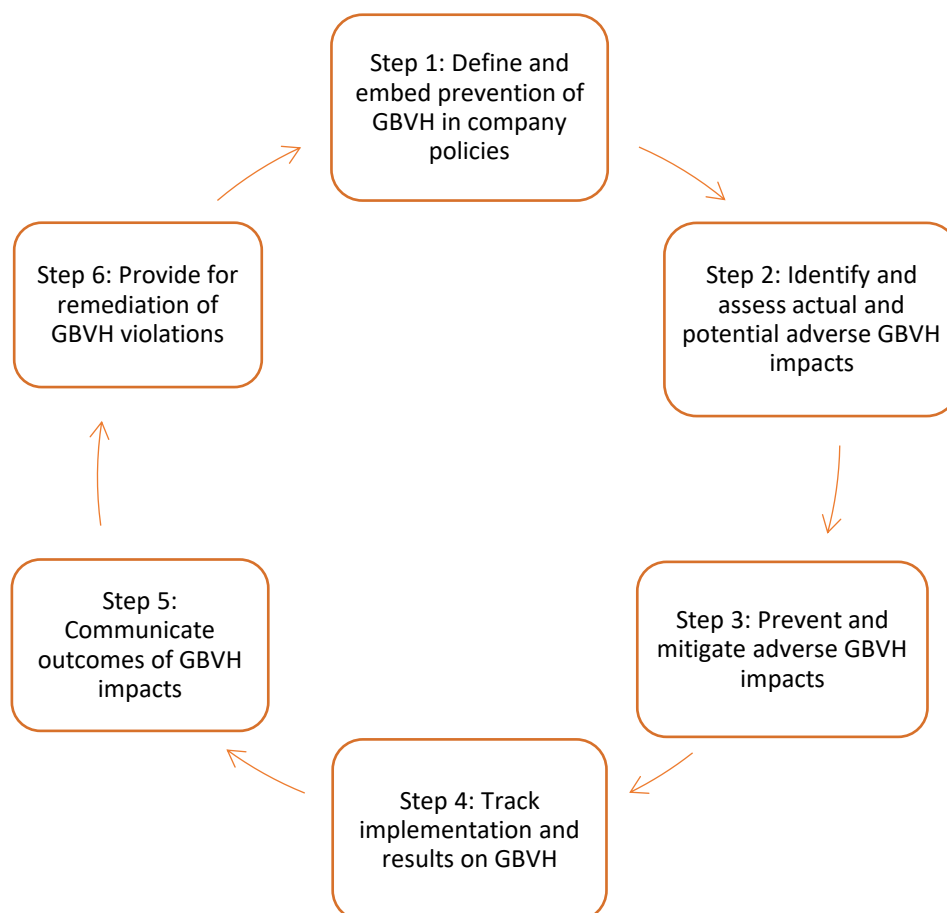
This section introduces trade unions to gender-transformative HRDD, specifically regarding GBVH. For this purpose, GBVH is integrated into and adapted from the OECD's six steps in the HRDD process, are illustrated in Chart 2.

At each step of the HRDD process, checklists provide ways that trade unions can implement actions in and across their respective companies as follows:

- a) Trade unions in **supplier factories**, at different tiers of the supply chain in mining, refineries, battery cell and battery packaging), with a specific focus on the lower tiers of the supply chain where union representation is low and where risks of GBVH are highest.
- b) Trade unions in **multinational companies (MNCs)** representing the end company, in the context of the battery supply chain these will be unions representing workers in automobile companies.

An important goal for IndustriALL's work with affiliates is for unions to communicate and share information about supply chain risks and remedies and propose strategies to prevent GBVH with the involvement of unions.

**Chart 2: GBVH in the HRDD process**



## STEP 1: DEFINE AND EMBED PREVENTION OF GBVH INTO COMPANY POLICIES AND MANAGEMENT SYSTEMS

### What does this mean?

Companies across the supply chain are expected to have policies and management systems to prevent GBVH. There is a commitment to addressing gender-related adverse human rights impacts resulting from or connected to supply chain activities in company policies and management systems, including policies related to responsible business conduct.

### What can trade unions do?

At this first step trade unions should concentrate on collecting information about the company's policies, programmes or management systems (such as grievance mechanisms and occupational safety and health programmes) and whether they cover prevention of GBVH.

#### *Checklist on actions for trade unions in supplier factories*

- Has the company implemented policies on the prevention of GBVH, for example, in:
  - the company's grievance system
  - in the development of HR policies and CBAs?
  - in risk assessment as part of occupational safety and health.
- Have workers been given information about the policies, and is this information available in formats and languages that are accessible to all workers?
- Is GBVH included in collective bargaining? Are women involved in negotiations with employers and in collective bargaining? Are there clauses in CBAs that address and prevent GBVH?
- Are there systems for remedy? Are grievance mechanisms and complaints processes for reporting GBVH in place and trusted by workers?
- What jobs do women typically carry out? Do women have access to career advancement / are women represented in senior and decision-making roles? What barriers do women workers face?
- If policies have been drawn up, how effectively have they been implemented? Has there been an impact in reducing GBVH and/or changing the culture of the organisation?
- Is there any evidence, including consultations held with women workers, evidence from research or media reports, that gives an indication of the scale and problem of GBVH?
- Are there any policy gaps, such as the absence of an effective HR policy, complaints policy or grievance system to address and prevent GBVH in the workplace?

#### *Checklist on actions for trade unions representing workers in MNCs*

- Does the company have policies in line with the MNC's Code of Conduct on effective handling of complaints of GBVH, and preventing and addressing GBVH for its workers? How effective are these policies?
- What systems are in place for worker consultation and collective bargaining? Do they cover the prevention of GBVH?

- Is HRDD already being conducted by their company? If so, what is covered, what methods are used and how did workers and trade unions participate? Does the HRDD process include cover due diligence on GBVH?
- Does the company have a policy on Responsible Business Conduct? If so, does this include a reference to the role of social dialogue and measures to prevent and address GBVH in the company's supply chain?
- Do companies' Codes of Conduct,<sup>7</sup> which set of rules, norms and values, responsibilities, and principles of a company, address GBVH as part of its provisions on decent work and labour rights?

## **STEP 2: IDENTIFY AND ASSESS ACTUAL AND POTENTIAL ADVERSE IMPACTS ARISING FROM GBVH**

### **What does this mean?**

Companies are expected to carry out gender-responsive risk assessment to identify and assess adverse impacts. Risks are assessed for their differential impact on women and men.

### **What can trade unions do?**

This second step focuses on the role that trade unions can play in finding out if there are potential or actual risks of GBVH and whether there are any gaps. It is imperative that trade unions play a role at this stage because companies may overlook the risks of GBVH and deny there is a problem, particularly if there have been low levels of complaints.

Trade unions need to be aware that actual and potential risks may be invisible because of the culture of silence surrounding GBVH and the fact that women are often not willing to report GBVH because of fear, shame and concerns about retaliation at work, and from their wider family and community networks.

#### *Checklist on actions for trade unions in supplier factories*

- Has the company identified risks of GBVH from consultations with women workers? If so, what were the results of these consultations and were they carried out in ways that enabled women workers and witnesses to speak openly and safely about their experiences?
- Is data collected on complaints of sexual harassment? Do these complaints give an indication of the types of risks in the workplace?
- Have unions consulted with women workers to identify actual or potential risks faced by women workers? Have consultations considered the higher risks faced by women workers in the lower tiers of the supply chain, and particularly the disproportionate effects of GBVH on women workers in precarious and non-standard work?

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<sup>7</sup> Codes of Conduct are usually grounded in international standards as outlined by the OECD Guidelines for Multinational Enterprises, ILO Conventions and fundamental rights at work, UN Guiding Principles for Business and Human Rights (UNGPs), the UN Sustainable Development Goals. Most company Codes of Conduct are publicly available and can be found online.



- Consultations with women workers should be confidential, anonymous and, if possible, carried out off-site in order to protect the anonymity of participants. See the information below on ways to consult with women workers (e.g., focus group discussion).
- Has an assessment been made to prioritise adverse impacts, through an exercise to assess both the severity and likelihood of these risks occurring. For example:
  - Is sexual harassment a regular occurrence?
  - Are there high-risk areas in the workplace?
  - Are there risks that are common to all women workers?
  - Are there specific risks from some groups of workers e.g. working at night, working alongside men in mining operations, operating a crane or other equipment, in admin work etc.
  - Are pregnant and breastfeeding women's needs accommodated in the workplace, for example, to enable pregnant women to have access to seating in jobs that stand for long periods of time? Can breastfeeding women access a private and safe room for expressing milk?
  - Are there specific parts of the workplace that are unsafe? Have women identified these, for example, in a safety walk with the union?
  - Do women workers have access to toilets and are toilets safe?
  - Is there safe access to on-site transport?
  - Is the company car park safe, particularly for women working or travelling at night?
- Have unions put in place strategies to organise workers in the lower tiers of the supply chain where union membership is low? In unionised workplaces, it becomes much easier to map companies' policies, the critical working conditions and culture of the workplace that lead to GBVH, and how companies do or do not prevent GBVH.
- What strategies have been put in place to organise some of the most vulnerable women workers, for example, on precarious contracts or in low skilled, low valued jobs.
- Have connections been made with local communities to reach vulnerable women workers?
- Have women and men in the unions helped identify what is common across all workplaces and the specific issues faced by different groups of workers, such as in admin jobs, in manual jobs at the mine shaft or in operating a crane?
- Have risks of GBVH been communicated to unions in the end company/MNC?

*Checklist on actions for trade unions representing workers in MNCs*

- Has the company collected information on actual or potential risks of GBVH across the supply chain? Is there evidence from research and consultations with workers or audits (see box about audits below), complaints of GBVH, media reports etc.
- From the information collected, have unions identified actual and potential adverse impacts on workers across the supply chain? Has this highlighted where risks of GBVH are greatest in the supply chain.

- Has an assessment been made of the origin of the adverse impacts as this will help trade unions to identify where action needs to be targeted. Find out if adverse the impacts are:
  - Caused directly by the company e.g. absence of prevention policies or complaints systems to address GBVH, poor safety record on on-site transport or in toilet areas, or a culture of impunity in the workplace.
  - Contributed by the company as part of its supply chain operations, showing how the company's absence of policies, procedures or processes contributed to GBVH.
  - Directly linked to the company's operations across the supply chain, in which case the company can use its leverage to address the adverse impact. For example, an automobile company in Europe can use its leverage to ensure responsible business practices on GBVH when purchasing batteries from a supplier in China sourcing raw materials in Indonesia.

#### **Alternatives to audits – consulting with women workers to find out about risks of GBVH**

Many MNEs conduct audits in order to monitor their Codes of Conduct and the implementation of human rights, international labour standards and environmental standards. However, it is widely recognised that audits have their limitations, particularly in identifying discrimination and sexual harassment.<sup>1</sup> Such highly sensitive topics are difficult to pick up in audits, particularly as workers fear their responses may give the company a bad name and result in job losses. Workers have sometimes been threatened with retaliation if they reveal abuses.

Furthermore, there is frequently a lack of transparency and some companies fail to include GBVH in their audits. Worse still, the audits fail to detect the structural root causes of GBVH, such as purchasing or contracting practices, vested power inequalities in the workplace, or the culture of the company.

- Trade unions should find alternatives to audits in detecting GVBH, including safe ways to consult with women workers.
- Where audits are used, ensure transparency, for example, by publishing the outcomes of audit and the implementation of corrective actions.
- Suggest to employers that auditors carry out a separate consultation with women workers, in collaboration with women trade union representatives.
- Draw on a range of confidential and anonymous consultation methods, for example, through off-site facilitated focus groups discussions and women's safety walks.
- Talk to women workers about what would be the most effective way to enable workers to report their concerns about GBVH safely.
- Participation of workers will not only help to identify and analyse risk factors, but it will open up possibilities to engage in social dialogue with employers to find solutions to GBVH.

**For further information about consultation methods, see IndustriALL's training resources on GBVH (listed in the references). Examples of participatory methods of consultation that can be held with women, including focus group discussions, participatory research, body mapping and safety walks, amongst other methods, are also described in the ILO-ITC's Resource Kit on gender-based violence in global supply chains (Pillinger & Morris, 2017).**

### **STEP 3: PREVENT AND MITIGATE ADVERSE GBVH IMPACTS**

#### **What does this mean?**

The outcomes of the risk assessment result in plans to **cease, prevent or mitigate** the identified risks. Companies identify actions that are relevant to and effective for all genders.

#### **What can trade unions do?**

In the third step, trade unions have a role to check and ensure that effective measures have been implemented to prevent and mitigate adverse GBVH impacts. Ideally, in unionised workplaces, companies should consult with unions and implement a joint approach to identify effective prevention and mitigation measures.

#### *Checklist on actions for trade unions in supplier factories*

- Have trade unions participated in consultations to inform how the company can prevent and mitigate GBVH?
- Are prevention and mitigation measures aligned with ILO C190 to cover the full range of measures needed to address and prevent GBVH (refer back to Section 2 for further information on C190)?
- Has this information been communicated to unions representing workers in MNCs?

#### *Checklist on actions for trade unions representing workers in MNCs*

- How has the end company influenced companies and business entities across the supply chain to prevent and mitigate GBVH impacts?
- Have trade unions been invited to participate in the development of an action plan of the NMC to prevent and mitigate adverse impacts across the supply chain? Is this aligned with ILO C190?
- Has the action plan differentiated between adverse impacts that are directly caused by the company, impacts that have been contributed by the company or impacts that are directly linked to the company's operations, products or services?
- Ensure that the end company puts pressure on companies and business entities across the supply chain to prevent and mitigate GBVH, including ethical purchasing practices and contractual obligations on responsible business conduct that include prevention of GBVH and helping to build awareness about the prevention of GBVH across the supply chain.

### **STEP 4: TRACK IMPLEMENTATION AND RESULTS**

#### **What does this mean?**

Mitigation measures and plans for implementation are tracked and gender-disaggregated data is collected.

#### **What can trade unions do?**

In this fourth step, trade unions have a role in checking that mitigation measures have been implemented so that the plan agreed in Step 3 is not just a paper exercise but a real attempt to prevent GBVH. As in each step, communication between unions in supplier companies and NMCs is crucial tracking implementation and results.

### *Checklist on actions for trade unions in supplier factories*

- Have company policies been drawn up or amended to include specific obligations on preventing GBVH?
- Are the new or amended policies made available to workers?
- Have specific risks of GBVH, and measures to mitigate them, been tracked?
- What gender-disaggregated data is collected and does the data cover all relevant issues.
- What impact have the policies had? Are there increases in reports of sexual harassment (which will be a good indication that workers are aware of and have better trust in complaint mechanisms)?
- Has the company sought women workers' perspectives on implementing policies or mitigation measures? Did workers notice a difference in company culture or openness of the company to prevent GBVH more effectively?

### *Checklist on actions for trade unions representing workers in MNCs*

- Has the company monitored and tracked the implementation and results of HRDD and made these available to trade unions?
- Have robust criteria been introduced to track implementation and results? Are there any gaps or issues that have not been fully implemented, ensure these are addressed.
- Given the sensitive nature of GBVH, have alternatives to tracking implementation and results in company audits been introduced?
- Have the implementation of actions and their results been publicly available via company reports and the company's website?
- Are there effective mechanisms for tracking implementation and results, and including consultations with workers to find out their views about the actual effects of the measures introduced?
- Has a joint union-employer monitoring mechanism been established, or is in the process of being developed, for each company?

## **STEP 5: COMMUNICATE HOW IMPACTS ARE IMPLEMENTED**

### **What does this mean?**

Companies' due diligence outcomes and progress made to mitigate adverse impacts are communicated to all relevant stakeholders, including workers and trade unions. There is learning from the process and this contributes to better awareness of how to prevent GBVH in the battery supply chain.

### **What can trade unions do?**

Trade unions can play a very important role in holding companies to account so that there is transparency about impacts and to ensure that results are communicated in clear and accessible ways for workers.

### *Checklist on actions for trade unions in supplier factories and in MNCs*

- Has the company communicated its due diligence impacts, actions and results publicly, including to workers and trade unions?
- What processes are in place to ensure that trade unions engage in dialogue with companies and other supply chain entities to communicate the due diligence processes and outcomes?

### **STEP 6: PROVIDE FOR/OR COOPERATE IN REMEDIATION**

#### **What does this mean?**

Where actual risks of GBVH are identified through the HRDD process, there must be effective systems for remediation. Actual risks of GBVH may include complaints and/or reports of GBVH made to the supplier company, the MNC or independent entities such as NGOs. Remediation describes the measures put in place to respond to actual adverse impacts and where there has been harm to workers. Gender-responsive remediation means implementing grievance and complaints mechanisms that are accessible, effective, safe and fair to women.

#### **What can trade unions do?**

Trade unions can ensure that in cases where **actual risks** are identified in the HRDD process that the company has an effective system in place for remediation.

### *Checklist on actions for trade unions in supplier factories*

- Does the company's grievance and remediation process include investigating cases and effective remedies for workers? Is there a process of learning from the cases to prevent their reoccurrence?
- In the context of GBVH, a starting point is to check that there is a grievance mechanism and that it is fit for purpose in tackling GBVH.
- Is there an internal complaints mechanism specifically for complaints of GBVH that is effective, safe and accessible for workers?
- Is there a system for tracking complaints and their outcomes?
- Is data collected on the number of women and men making complaints of GBVH, the outcomes of complaints and how they were resolved, the satisfaction of workers about the outcomes, etc.?
- Has the trade union considered how it can receive complaints and, on behalf of workers, represent workers' concerns about GBVH with management?
- Are remedies linked to learning for the prevention of GBVH?

### *Checklist on actions for trade unions representing workers in MNCs*

- How does the MNC communicate with companies across the supply chain and seek remediation of cases GBVH identified through the HRDD process?
- What data is collected about the complaints made by workers?
- How are unions involved in the monitoring of the effectiveness of remediation measures? Are there communications with unions in supplier companies for this purpose?

## SECTION 5: TRADE UNION STRATEGIES GOING FORWARD

In conclusion, there are some important ways that trade unions can prevent and address GBVH in the battery supply chain.

### **For trade unions representing workers in supplier factories:**

- Carry out negotiations with employers to establish CBAs and workplace policies on zero-tolerance of GBVH. Find out if there are existing policies from other sectors that can be adapted, and use existing templates for zero tolerance policies and adapt these to the national/sectoral context.
- Ensure that policies/clauses on CBAs refer to:
  - The international standards as set out in ILO C190, even if not ratified.
  - Prevention of GBVH, including integrating GBVH in risk assessment and prevention measures in occupational safety health.
  - Establishment of effective and survivor-centred complaints procedures that workers trust.
  - A union complaints mechanism to bring cases directly to the company on behalf of workers on an anonymous basis.
  - A joint union-employer anti-GBVH committee for complaints handling, including processes to provide for independent and fair investigations.
- Establish sexual harassment contact points in the union so that workers know that they can contact someone in the union for confidential advice, information and help in making complaints.
- Raise awareness on and conduct training about HRDD and GBVH, making it clear that GBVH and particularly sexual harassment at work is a human rights violation and that workers should be given protection, remedy and support.
- Training should provide the tools for trade unions to:
  - respond to workers' concerns about GBVH and address complaints in effective ways;
  - prevent GBVH by assessing risks and ways to mitigate risks, and how to build GBVH into trade union negotiating strategies and campaigns;
  - build strategies for training of local management to understand GBVH and what can be done. Joint training could also be organised to build common strategies and a joint approach.
- Prevention of GBVH should be viewed as a strategic tool around which unions can organise women workers. Regular communication is crucial to this.

### **For trade unions representing workers in NMEs at the end user tier of the supply chain:**

- Trade unions in end-user companies in the automobile sector should ensure transparency in their supply chain operations and address any abuses across the supply chain.
- Ensure that measures to prevent GBVH address the root causes, for example, related to gender power inequalities, and contracting and purchasing practices that drive down costs and lead to poor safety at work and long working hours.
- Training for union affiliates across the supply chain to better understand GBVH in the context of occupational safety and health, and how they can use and adapt the GBVH HRDD tool set out in the Toolkit with companies.

- Support projects and awareness-raising campaigns to prevent GBVH across the supply chain. Conduct training to build the capacity of union representatives at all tiers of the supply chain on effective trade union involvement in establishing and monitoring complaints and grievance processes, support and remedies for victims, and the ongoing training for workers, supervisors and managers on GBVH.
- Working through IndustriALL Global Union develop links amongst affiliates and/or bilateral links between unions in the supply chain to collect and share information on risks of GBVH in the supply chain and policies/CBAs in place to tackle GBVH.

### **Global Framework Agreements (GFAs)**

GFAs are another strategic social dialogue instrument to ensure that workers' rights, including GBVH, are addressed across the supply chain.<sup>8</sup> For example, IndustriALL's most recent GFAs have included provisions on HRDD, which is an important step forward. Future GFAs and their monitoring can address GBVH in more concrete ways.

Promote and reinforce the role of GFAs with lead companies in the automobile sector to include provisions on GBVH:

- Name GBVH as a key human rights abuse that should be addressed through a gender-transformative approach to HRDD.
- Ensure the effective implementation of national and international labour standards on GBVH as set out in ILO C190, and ensure their application and joint monitoring at all levels of the supply chain.
- Spell out provisions on GBVH and the need to address the problem through workplace policies, risk assessment, information for workers, and measures to address gender power relations.
- Support initiatives to ratify and implement fundamental rights at work, including non-discrimination, the integration of GBVH in occupational safety and health, as set out in ILO C190
- Establish effective systems for monitoring progress and outcomes, including training for trade unions involved in GFA monitoring mechanisms.
- Ensure the grievance systems can facilitate workers to make anonymous and confidential complaints and seek resolution of them in non-retaliatory and gender-transformative ways.
- Address wider social and cultural norms, including the role of sexism and misogyny in reinforcing and perpetuating a culture that tolerates GBVH.

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<sup>8</sup> In the auto sector IndustriALL has signed GFAs with the BMW, Daimler, Ford, PSA Peugeot Citroën, Renault and Volkswagen. For more information see: <https://www.industrialunion.org/global-framework-agreements>

## **APPENDIX 1: CASE STUDY: ENDING GBVH IN THE BATTERY SUPPLY CHAIN: NICKEL MINING IN INDONESIA<sup>9</sup>**

### **Introduction**

This case study focuses on the battery supply chain in Indonesia, and specifically nickel extraction, which produces key components for electric vehicle (EV) batteries. Trade unions and human rights organisations have identified significant concerns about human rights and environmental abuses, highlighting the need for urgent attention to be given to human rights due diligence by mining companies, EV and car manufacturing companies, investors and governments.

Indonesia is one of the fastest-growing countries for nickel extraction, which has grown significantly in recent years due to a strategic government priority for developing green energy and the EV battery sector. According to the International Energy Agency, between 2021 and 2025 Indonesia will make up around half of the world's growth in nickel production. A large number of international companies operate in Indonesia in the newly formed industrial parks, where the vast majority of companies are Chinese-owned, producing essential components for EV batteries, two of the largest of which are Zhejiang Huayou Cobalt (ZHC) and CNGR Advanced Materials (CNGR). China produces an estimated 75% of all electric vehicle battery cells and carries out more refining of the major raw inputs than every other country globally. These companies have entered into contracts with EV companies across the world, including US-based Tesla and Ford, while other companies such as Volkswagen, BMW and Hyundai source battery-related nickel products from Indonesia (BHRRC, 2023).

Nickel ore is mined and processed in two main industrial parks in Indonesia: the Indonesia Morowali Industrial Park (PT IMIP) in Central Sulawesi province, employing more than 80,000 workers in 47 companies in nickel extraction and the Indonesia Weda Bay Industrial Park (IWIP) on Halmahera Island in North Maluku province employing 49,000 workers mainly in mineral smelting for components for EV batteries. In addition, 17,700 workers are employed in the PT Vale Mining Company. Many of the workers are sub-contractors on precarious contracts. For example, only 2,644 of the 17,700 workers at PT Vale are directly employed, the remainder are sub-contractors on precarious contracts.

In Nickel extraction and smelting, around 10% of the workforce are female. Women mainly work as firefighters, occupational health/paramedic staff, hoist crane operators/drivers, admin workers, general affairs (cleaning and canteen workers), and lab technicians.

Unions operate in these sites with varying levels of impact. For PT Vale, a CBA has already been negotiated, whereas in 2023 unions were at the first stage of negotiations with companies in IMIP, where there are seven unions.

Employers use various tactics to avoid collective bargaining through measures to avoid reaching the 10% threshold of union membership required for collective bargaining by transferring workers between companies. This has led unions to prioritise organising and recruitment of workers.

### **Tackling the problem of gender-based violence and harassment**

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<sup>9</sup> The case study is based on interviews with trade union leaders from SPN, FPE, CEMWU, FSPKEP, PT Vale, leaders from IndustriALL Indonesia Council and IndustriALL Indonesia Women's Committee, and IndustriALL Indonesia coordinator.



From consultations with unions representing workers in nickel mines, there is a pervasive culture of silence around GBVH. Women rarely report the problem of sexual harassment. However, unions believe it is a widespread and endemic problem in the sector.

Male-dominated workplaces, workers who have migrated from other countries or rural areas, 24/7 shift work, crowded on-site transport and unsafe toilet areas, are among the risks factors that lead to GBVH. Supervisors and managers regularly perpetrate physical and verbal harassment. According to one trade union representative, "Sometimes it is for a quid quo pro, for women to get promoted if they give a sexual favour...".

Verbal and physical forms of sexual harassment are common, but company complaints processes, where they exist, are either inadequate or poorly implemented. Furthermore, many workers are unaware that complaints mechanisms exist. Action is only taken in cases where the union plays an active role in supporting workers and reporting cases to management.

One of the big problems in the workplace is that women are frequently harassed by men using pornography. As one woman union member said, "Everyone uses porn at the workplace, the men discuss porn all the time, and they share porn videos and magazines." Another said, "there is so much porn being swapped between supervisors and managers and workers... it is so common. What they discuss is the porn...this is how they view us as women".

Significant problems of GBVH exist in these 24/7 workplaces, where the workplace is on widely dispersed sites that offer limited protection for workers. Some of the biggest problems exist in toilet areas which are both unsafe and of such poor quality that workers lack privacy, access a significant health risks for workers. On-site transport is cramped and unsafe for women workers.

"GBVH is a human rights issue and is about respect and dignity. People think that the mining job is well paid, and they never realise the job is not the one they dreamed of and that there is a risk of violence."

*Ira Laila, Chair of IndustriALL Indonesia Women's Committee and IndustriALL Indonesia Council.*

### **Examples of gender-based violence and harassment**

In one case of verbal and non-verbal harassment of a woman worker, the union took the case to management. It concerned the harassment of a woman crane driver working alone at night; her work meant that she was isolated in the cabin, which was operated at height. According to the trade union that took the case: "... it's a small room, and he came up to the cabin and harassed the woman with porn...the union took the case to management saying that this was a widespread concern of women workers". The company conducted an investigation, and they transferred the alleged harasser to another work location. The union wanted to find a longer-term solution and end his employment. The union believes that he would continue using porn at work in another part of the company: "That's the problem, we wanted him to be repatriated [to his home country, China]. We wanted to stop a situation where he would just harass women in another area."

In the medical centre in one industrial park, the union took up the case of a male nurse who physically harassed and sexually assaulted a female nurse during the night shift. It occurred when a female nurse took a break in the rest area. She was followed by the male nurse, who had been watching porn. He assaulted her, and she fought back and got away. She approached the union and the union took the case to management. Unfortunately, she resigned and the case was never investigated. However, the women nurses knew he was a problem and spoke to the union about their concerns. The union implemented a plan with management to ensure that staffing during the night shift was either an all-female or an all-male team, thereby preventing the situation from happening again. When the

management questioned the harasser, he said that for a long time, he didn't get a chance to return home to his wife, reflecting a common problem at the industrial park where most workers are working away from home. It also reflected the significant risks in the mining sector where there is a persistent culture of impunity resulting from a sense of entitlement, particularly when men work in isolated workplaces where they are working away from their families.

Significant problems arise in IMIP in on-site transport, which unions have consistently argued to companies need improvement for the 80,000 workers. With only 45 buses operating in the zone to transport workers, the situation had worsened because some companies did not operate buses and “they squeeze workers into other company buses, creating an intolerable situation, particularly for women”. There are a lot of problems with inappropriate touching, pushing of body parts and fondling. The unions have tried to address this problem, but companies have resisted tackling it. In PT Vale, significant safety issues arise from inadequate onsite traffic for women. For example, site transport, including using modified dump trucks to transport workers, has proved a significant problem for women. According to a trade union representative "It's not safe; the transport – it is very complex very diverse, it's a real problem for women's safety". In IWIP, problems also exist, but there have been some improvements as a result of union demands, to lighting, and some of the problems in transport have been addressed, for example, by separating where women and men can go.

A further problem is the toilet areas. As one union representative stated: "Some toilet areas are not private, and women get harassed; they are beside the men's toilets in isolated areas". Toilets are inadequate for the volume of workers, and the conditions of the toilets are appalling, representing significant health and sanitary hazards. Many workers use outside spaces as alternatives, adding further dangers for women in poorly lit or isolated areas. One of the problems is that toilets are far away from where workers are working - emergency toilets have been set up but, "...you can see what the other side is doing – men's and women's toilets are separated by a wall with openings at top and bottom." Women brought these issues to the union "toilets are a big issue, there is one toilet for 2000 workers – they are dangerous places – they are often in isolated areas – there are no doors".

### **Union strategies going forward**

Unions have introduced a range of strategies to reduce risks, for example, by calling for a ban on pornography in the workplace, installing CCTV, and ensuring privacy for breastfeeding women in a separate room without CCTV where they can express milk in privacy. Addressing safety issues in toilet areas is an example of how trade unions are beginning to address GBVH as occupational safety and health (OSH) risks.

Unions in the sector recognise that CBAs are crucial in ensuring that the union seriously addresses the problem in collective bargaining: "Without a CBA, it is very difficult to hold an employer to account." As a result, strategies are focussed on, first, the need to organise workers and gain trade union recognition for bargaining purposes, and second, negotiating CBAs.

A two-day training programme on GBVH in the battery supply chain was held in Makassar, South Sulawesi Island, in August 2023, with the representation of unions from IWIP, IMIP and PT Vale. Using the framework of C190 and R206, and drawing on gender-responsive due-diligence frameworks, participants were introduced to tools for preventing and addressing GBVH.

Unions drew up strategies to prevent GBVH by integrating the issue into risk assessment and OSH and to negotiate provisions on zero-tolerance on sexual harassment in negotiations of CBAs either through the revision of existing CBAs (as is the case in PT Vale) or to get it integrated into negotiations for first-time CBAs.

*GBVH: An occupational safety and health issue*

"Workers' main problems are related to OSH, and it is very relevant when we talk about GBVH. We have to optimise the OSH committees in this sector. We can make real change across the mining sector's supply chain and bring GBVH into this framework."

*Iwan Kusmawan, Chair, IndustriALL Indonesia Council*

Strategies suggested by unions on the prevention of GBVH in OSH include:

- Building alliances and coalitions with other unions and holding joint events, for example, during OSH month.
- Implementing training to build union capacity on OSH risk management processes.
- Enhancing capacity to ensure that OSH committee members, where they exist, are trained to address the prevention of GBVH and to develop tools to do this through risk assessment.
- Implementing practical methods to consult with women workers, for example, through a worker-led workplace safety audit/factory walk.

"It is so important to tackle GBV in the supply chain, and because OSH is such a prominent issue, we need to ensure that the unions can now take the lead in collecting data on OSH violations and build training on OSH and risks of GBVH in the nickel extraction sector."

*IndustriALL Indonesia*

*Implement the Indonesia IndustriALL Zero tolerance policy on sexual harassment.*

To date, forty-seven companies from sectors such as pharmacy, chemical, rubber, materials, and garments and textiles have signed policies zero-tolerance of sexual harassment. They are based on a model zero-tolerance policy drawn up by the IndustriALL Indonesia Women's Committee in 2021.

IndustriALL believes that the zero-tolerance policy is highly relevant for adoption in the battery supply chain in Indonesia as it will give leverage to companies seeking to achieve a green and sustainable future that also addresses the risks of GBVH. To date one zero-tolerance policy has been signed in the mining sector.

In addition to the zero-tolerance policy, the Women's Committee of IndustriALL Indonesia been involved in a joint activity with the Ministry of Women Empowerment and Child Protection to create "safe houses" in large workplace to ensure that victims of sexual harassment have a safe space to report and discuss cases of sexual harassment. To date eight companies have agreed to implement "safe houses". This is viewed as a very important model for mining workplaces, where safe spaces for women are badly needed.

The zero-tolerance policy defines the wide-ranging behaviours that constitute violence and sexual harassment. It sets out the objective to create a safe and healthy work environment free from violence, intimidation and sexual harassment. It commits employers and trade unions to:

- Jointly carry out awareness raising and training to prevent and address the problem;
- Establish joint Team for Combating Sexual Violence and Harassment;
- Publicise and provide information about the zero-tolerance policy in strategic places such as entrances, workplaces, rest areas, toilets, changing rooms and canteens;
- Establish complaints procedures to make reporting of complaints accessible and safe for workers and to ensure effective handling of complaints;

- Everyone who reports violence and sexual harassment, either as a witness or a victim, is given full protection;
- Sanctions and disciplinary action are implemented to hold perpetrators accountable, in accordance with the provisions of the applicable laws and regulations.

Unions represented in the training made a commitment to put the zero-tolerance policy onto the agenda of their companies, and where CBAs exist or are being negotiated to bring the zero-tolerance into the CBA provisions.

In September 2023, unions and employers signed a collective bargaining agreement for Indonesia Morowali Park (IMIP). The CBA covers seven companies located in IMIP. As this is the first CBA, the articles mainly focus on basic regulations such as wages, working hours, and basic occupational safety and health (OSH) standards.

The CBA includes a zero-tolerance policy regarding violence and sexual harassment. It provides that employers must ensure there is no tolerance for sexual harassment and violence in the workplace. Sexual harassment in the workplace is grounds for dismissal.

IndustriALL will focus on training its affiliates to ensure the implementation of these provisions.

In the Vale company, the Vale union succeeded to continue the campaign of no violence and harassment at the workplace.

#### *Build prevention of GBVH into organising and recruitment of workers*

As union representation is low and because companies have engaged in unethical union busting strategies, union organising is a key priority for trade unions. Raising awareness about GBVH and representing workers affected by sexual harassment can really help to show that the union is doing something practical and important for women workers. A challenge is to ensure that workers on the ground understand that they have a right to a workplace free from GBVH and that this is connected to international human rights.

Trade union federations agreed that a key priority is to use GBVH as an organising tool in the future, for example, in targeting women workers through union-organising events and union-led workshops, information sessions, publicity and a union presence on social media.

#### **Lessons learnt from Indonesia**

1. Training and raising awareness are critically important in building safe spaces for women to speak out about GBVH; it is particularly relevant as this is a male-dominated sector where GBVH is rarely discussed publicly, and women often suffer in silence.
2. Building strategies to prevent GBVH is best achieved when aligned with existing union priorities and actions. This can help to ensure that GBVH is not side-lined. For example, it can be done by integrating GBVH into existing negotiations for CBAs and by ensuring it is included as a risk in OSH and risk assessment programmes.
3. The model zero-tolerance policy has proved very effective, giving unions the definitions and language to use in workplace negotiations. It can either be included in the text of the CBA, as an

appendix to a CBA, or as a stand-alone policy where no existing CBA provisions have been negotiated. The zero-tolerance policy can also act as an entry point for the union, helping to build joint approaches that can lead to the negotiation of future CBAs.

## APPENDIX 2: HOW IS HRDD DEFINED IN GLOBAL AND NATIONAL POLICY?

**United Nations Guiding Principles on Business and Human Rights (UNGPs) (2011)** established the principle of human rights due diligence for business as an ongoing process to “identify, prevent, mitigate and account for” adverse human rights impacts.

The UNGPs contain three main principles: the state duty to protect against human rights abuses, including by businesses; the corporate responsibility to respect human rights through proactive due diligence; and greater access to remedy for victims of human rights abuses involving companies. In tracking the effectiveness of implementation, the guidance recommends “using gender-disaggregated data where relevant”. Principles 3, 12 and 20 refer to women’s human rights as requiring particular attention where there is a “risk of vulnerability and/or marginalization”. However, the Guiding Principles provide limited information on how companies can develop gender-responsive, least of all gender-transformative approaches.

**The Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy (MNE Declaration), adopted in 1977** and most recently revised in 2022, aims to inspire effective, socially responsible labour relations policies and practices in the world of work. Guidance is provided for governments, workers and employers’ organizations and companies on maximising economic and social progress and decent work in the context of global supply chain operations. The guidance is based on the principles of international labour standards and fundamental rights at work (ILO conventions and recommendations, listed in Annex I of the instrument). The declaration is aligned with the UNGP’s protection, respect and remedy framework and due diligence processes.

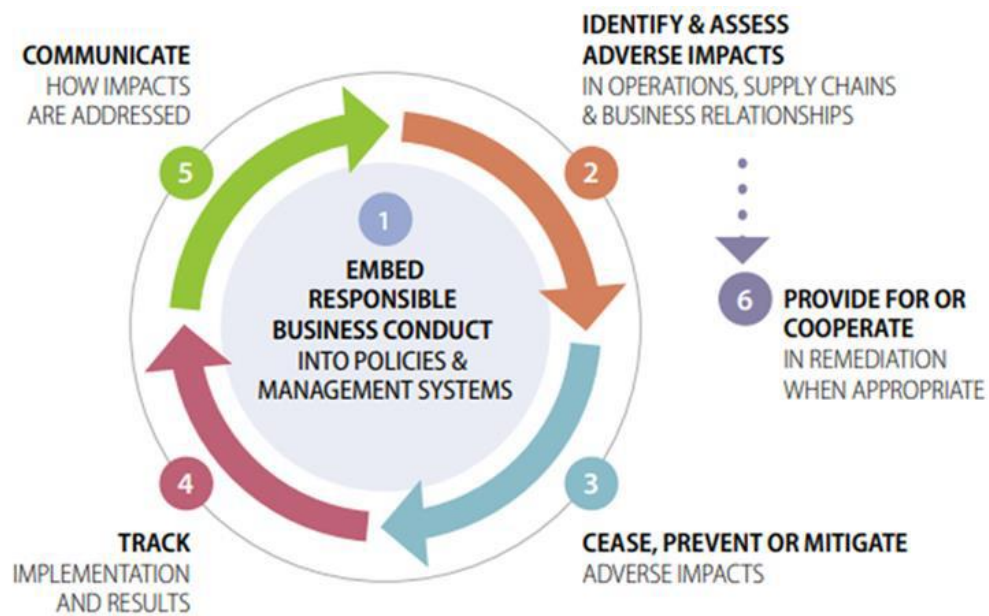
The declaration reinforces the importance of companies engaging in meaningful consultation with potentially affected groups and workers’ organizations, and the importance of social dialogue, including the central role of freedom of association, the right to organise and collective bargaining. Specific reference is made to violence and harassment as an occupational safety and health issue, to non-discrimination and the promotion of equality of opportunity and treatment across business operations.

The **OECD Guidelines for Multinational Enterprises and the OECD’s Due Diligence Guidance for Responsible Business Conduct** align to the UNGPs and provide comprehensive guidance to support companies through the HRDD process. Under the OECD Guidelines, due diligence has the role in addressing “actual adverse impacts or potential adverse impacts (risks) [relating to] human rights, including workers and industrial relations, environment, bribery and corruption, disclosure, and consumer interests.”

The Guidance addresses some aspects of an emerging gender-transformative approach, taking account of multiple and intersecting forms of discrimination. The Guidance notes that due diligence is risk-based and refers to how risks “affect different groups, such as applying a gender perspective” (OECD 2018: 17). The Guidance also calls for companies to identify and remove potential barriers to stakeholder engagement, such as “gender and power imbalances” (OECD, 2018:51).

The OECD’s six steps are designed for human rights and environmental due diligence, all of which have gender relevance. The guidance in this Toolkit in the next section applies these six steps to the prevention of GBVH. Chart 2 sets out the OECD’s six steps of the HRDD process.

Chart 2: The OECD's six steps of the HRDD process



Source: OECD Guidance, 2018: 21

In addition, mandatory HRDD obligations are included in the laws of several European countries (France, Germany, Netherlands, Norway), along with planned laws in several other countries (Austria, Belgium, Finland, Luxembourg and Spain) and a forthcoming European Union Directive.

## FURTHER READING AND RESOURCES

### IndustriALL training resources on ending GBVH

IndustriALL has developed a comprehensive training programme covering three modules. Module 1 gives an introduction to GBVH; Module 2 looks at how to address and prevent risks of GBVH; and Module 3 explores how unions can develop and implement practical strategies in the workplace to end GBVH. Each module contains guidance on running training, interactive training activities, briefings on specific topics, and a set of power point slides for each module to use and adapt in training programmes.

IndustriALL Training Resources on addressing and preventing GBVH: [https://www.industrialunion.org/sites/default/files/uploads/documents/final\\_clean\\_industrial\\_gbvh\\_training\\_modules\\_1\\_2\\_3\\_09.12.2022100\\_0.pdf](https://www.industrialunion.org/sites/default/files/uploads/documents/final_clean_industrial_gbvh_training_modules_1_2_3_09.12.2022100_0.pdf)

IndustriALL training PowerPoint slides for each module can be found at: [https://www.industrialunion.org/sites/default/files/uploads/documents/final\\_industrial\\_training\\_modules\\_1\\_2\\_3\\_slides\\_09.12.2022100\\_8.pdf](https://www.industrialunion.org/sites/default/files/uploads/documents/final_industrial_training_modules_1_2_3_slides_09.12.2022100_8.pdf)

Barrientos, S (2019) Gender and work in global value chains: Capturing the gains. Cambridge University Press

Bourke Martignoni J and Umlas E (2018) Gender-responsive due diligence for business actors. Geneva Academy: <https://www.geneva-academy.ch/joomlatools-files/docman-files/Academy%20Briefing%2012-interactif-V3.pdf>

Gender-Responsive Due Diligence Platform:

[https://www.genderduediligence.org/#:~:text=The%20Gender%2DResponsive%20Due%20Diligence%20\(GRDD\)%20Platform%20describes%20the,Implementing%20GRDD](https://www.genderduediligence.org/#:~:text=The%20Gender%2DResponsive%20Due%20Diligence%20(GRDD)%20Platform%20describes%20the,Implementing%20GRDD)

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