

Risks of gender-based violence and harassment:

union responses in the **mining**, **garments** and **electronics** sectors

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#GBV



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Summary and Recommendations

1. Introduction

Gender-based violence and harassment (GBVH) in the world of work is a serious violation of human rights. It prevents workers from having safe, decent and dignified work. In recognition of this, IndustriALL has made a strong commitment to ending GBVH in the world of work. This research, which seeks to gain insights into women's experiences of GBVH, the risks they face and union responses to GBVH, is a contribution to this. Although employers and unions are giving increasing attention to the problems of GBVH, it remains pernicious and pervasive. ILO Violence and Harassment Convention No. 190 and accompanying Recommendation No. 206 provide unions with an important context and a blueprint for union negotiations with employers in preventing and addressing GBVH.

This report documents research carried out in the second half of 2021, involving individual and group interviews with women union leaders in the mining, garments and electronics sectors. It brings first-hand evidence of GBVH in these three sectors and points to ways forward in preventing and addressing GBVH. The interviews have given voice to many of the problems faced by women workers, identifying women's multiple experiences of and harm caused by GBVH on a continuum ranging from verbal abuse, sexist jokes and comments, to more serious forms of persistent sexual harassment, sexual assault and an expectation of sexual favours in return for jobs or promotion.

2. Risks of gender-based violence and harassment

Significant risks of GBVH exist in the mining, garments and electronics sectors. Some of these risks are common to all sectors, while others are specific to each sector. From a trade union perspective, identifying these risks is the first step for unions in preventing GBVH. This forms the basis for building trade union action, organising and negotiations to effect change at workplace, national and global levels.

Gender power inequalities and risks in female- and male-dominated sectors

- Gender power inequalities, victim blaming and a culture of impunity exists in many workplaces.
- Vertical and occupational job segregation means that women are clustered in lower-level positions, where they hold little power. However, when women have entered higher-level or professional positions, risks of GBVH also occur.
- In the mining sector, male-dominated workplaces and a masculinist culture of male entitlement puts women at extreme risks of GBVH, particularly when working underground.
- In the garment and textile, the majority of women are machinists, and women predominate in electronics workplaces involved in the assembly of small components.

Precarious contracts / employment insecurity

- In all sectors, employment insecurity increases women's vulnerability to GBVH and has the effect of silencing women who fear they will lose their jobs if they speak out or complain.
- Precarious contracts and employment insecurity are commonplace across the garments sector and their incidence has increased during the Covid-19 pandemic.
- In the electronics sector in India, Indonesia and Brazil, precarity and a culture of hire and fire has increased in recent years, whereas in Japan unions identify outsourcing as a risk, increasing vulnerability to GBVH.

Low pay and poor conditions of work

- Low pay and poor conditions of work are significant risks contributing to GBVH.
- In mining, women have few opportunities to progress to higher paid jobs, but remain in lower paid work, often with poor conditions of work. Mining is a sector with one of the highest gender-pay gaps.
- In the garment and textile, low pay and a lack of living wages mean that workers are dependent on overtime and long working hours. Coupled with employment insecurity, the risks of GBVH are heightened and women are deprived of secure livelihoods.
- In the electronics sector, women predominate in low paid assembly-line work, with few opportunities to progress into higher paid jobs. Although some companies provide opportunities for women to enter into senior and higher paid positions, in practice these remain rare.

Production pressures, leading to verbal harassment and abusive practices

- In the garment and electronics sectors, “just in time” production and global supply chain demand, often result in significant production pressures and excessive targets. They are the most cited causes of verbal and sexual harassment and a culture of incivility in the workplace, perpetrated by male supervisors and managers.

Ineffective workplace policies, complaints mechanisms and prevention programmes

- Many union leaders report on the low priority given to ensuring that workplace policies, prevention programmes and complaints are addressed in effective and gender-responsive ways.
- In all sectors, complaints systems, where they exist, are frequently viewed as being ineffective and non-responsive. In some companies, complaints systems merely protect high value senior employees, who are almost exclusively male, and perpetrators are not held accountable.
- There is a general low level of trust in complaints systems, particularly for women with the least employment security or seniority in the workplace.
- There is limited learning from complaints and how their reoccurrence can be prevented.
- It is rare that GBVH is dealt with as an occupational safety and health (OSH) risk at work, which is particularly relevant for the prevention of GBVH.
- With more women coming into leadership positions in the unions, and with the framework in C190 for gender-responsive OSH measures, it is more likely that GBVH will be tackled as a core occupational safety and health issue in the future.

Unsafe travel to and from work, especially at night

- Long hours and/or shift work, and unsafe public or shared transport, lead to further vulnerabilities for women workers travelling to and from work.
- In mining, travel to work to remote and isolated worksites or travelling alone or on crowded minibuses increases risks; these risks are particularly high when women travel at night e.g. workers on 24-hour call or who work late.
- Problems occur for workers in the garment and electronics sector when there is shift work and/or long working hours (travelling early in the morning or late at night), particularly when it is dark. Risks arise from unsafe public transport, and low wages mean that women often have to walk long distances or rely on lifts. Even where company transport has been provided for workers in large garments and electronics factories, women are still at risk when drop-off points are far from their homes.

Absence of policies, awareness or supports to address domestic violence

- Union leaders provided many examples of the significant impacts of domestic violence on workers' productivity, capacity to stay in work and their safety in the world of work.
- None of the union leaders interviewed either knew about or had information about a company policy on domestic violence.

3. Summary of trade union action and negotiations to end GBVH

The research has identified many positive and proactive ways in which unions have begun to address the problems of GBVH. The most consistent and widely reported issue is that women are entering leadership positions at factory/worksites and in national union leadership positions has been critical to opening up spaces for women to discuss and report GBVH. Examples include:

- Training workplace representatives to identify and prevent sexual harassment, for example, because of production pressures, long hours and the imposition of excessive targets, and by listening to workers' complaints of situations where risks occur.
- Collective bargaining agreements, which remain the most important tool to address violence and harassment in the world of work.
- Workplace negotiations for joint (union-employer) or independent complaints systems in order to build trust and reporting by workers. In some cases, unions have established confidential and anonymous complaints systems and complaints are then raised with management, while protecting the anonymity of workers.
- In all sectors, some success has been achieved in negotiating clauses in collective bargaining agreements (CBAs) on preventing and addressing GBVH, particularly through the introduction of complaints mechanisms.
- Training for workers' / union representatives who sit on confidential complaints committees, to ensure that they understand multiple forms of GBVH and effective ways to handle them.
- Awareness raising for workers, conversations and dialogue to break the silence surrounding GBVH and encouragement and empowerment of women to make complaints.
- Specific workplace supports for survivors of domestic violence, recognising different forms of physical, psychological, financial and coercive control, often negotiating supports with HR to keep women at work and earning an independent income.
- Negotiations with companies to provide safe transport and travel to and from work, including company buses and safe drop-off points close to where workers live, safety-checked transport providers and taxis.
- Good practices regarding active bystander training and initiatives to raise awareness with men, women's advocates and named representatives in the workplace, women's networking and women's support structures.
- IndustriALL's pledge "Unions say no to violence against women" and IndustriALL's and affiliates training programmes have increased visibility and union action to end GBVH.

- Overall, the IndustriALL’s campaign and awareness raising around C190 and R206 have contributed to a much greater awareness of the problem and solutions to GBVH, and how C190 and R206 can be used as a framework for collective bargaining, effective workplace policies and complaints systems, and gender-responsive OSH measures such as risk assessments.

4. Recommendations

Recommendations by union representatives and union leaders to contribute to national or worksite level actions

The following is a summary of recommendations made by union leaders in the interviews, which are elaborated in more detail with sector-specific recommendations in the full report.

- Training and awareness for union leaders and made available for all workers with a focus on changing behaviour and awareness amongst men in the trade union movement and awareness about risks faced by LGBTIQ workers.
- Training for companies, particularly for senior and line managers, on why GBVH is a human rights violation and business abuse and how complaints can be handled effectively through social dialogue mechanisms. Further practical guidance is needed in making complaints systems more effective and trusted by workers.
- More engagement in gender-responsive collective bargaining, sharing of model language and practical guidance in CBAs and more detailed procedures in Codes of Conduct and workplace policies, for example, on establishing effective workplace policies, complaints committees and support on domestic violence.
- Ensure that all future CBAs and GFAs include clauses on ending GBVH. Provide practical guidance for union representatives at the national and worksite level on how they can effectively use the language of C190 and R206 in their negotiations for CBAs, even if C190 is not ratified in their country.
- Improve awareness about GBVH as an OSH risk and the processes for gender-responsive risk assessment, with further training and guidance about how these risks can be addressed from an OSH perspective, including psychosocial risks. Integrate GBVH, including risk assessments, into the mandates of existing workplace or company OSH committees.
- Provide training for unions and managers on how to give support to survivors of domestic violence, including in the contents of workplace policies, paid leave, financial support, counselling and temporary reduction in working hours and/or production targets without loss of pay.

Recommendations for IndustriALL

Taking the above into account, the following five main recommendations are made for IndustriALL global union to consider:

- **Collective bargaining and workplace policies:** Continue to promote the importance of gender-responsive collective bargaining at sectoral and company levels, and to ensure union involvement in implementing comprehensive policies and procedures to prevent and address GBVH. Develop practical guidance on collective bargaining and best practices in workplace

policies, including how to establish complaints systems that workers trust; share examples of successful initiatives and draw up model clauses in preventing and addressing GBVH at work, including domestic violence supports and paid “safe” leave to ensure that workers do not have to make the impossible choice between their physical safety and their economic security.

Training on GBVH: Continue to build union capacity and dedicate resources to support the roll-out of the IndustriALL training programme, and particularly to build the capacity of union representatives to use the framework of C190 and R206 in their workplace negotiations. An essential part of this is to build and sustain women’s union leadership roles.

- **Occupational safety and health:** Develop guidance, tools, and training for unions to ensure that prevention of GBVH is integrated into occupational safety and health; ensure that GBVH is included in collective bargaining on occupational safety and health; provide health and safety representatives with tools to carry out gender-responsive risk assessments and prevention programmes, in consultation with women’s sections or officers. IndustriALL would be very well placed to start a global campaign to raise awareness about violence and harassment as an occupational safety and health issue, including advocacy on this issue in the upcoming discussions in the ILO about OSH as a fundamental right.¹
- **Ensure that all existing and future GFAs, Joint Commitments and Memorandum of Understanding (MOUs) with Multinational Enterprises (MNEs) refer to C190 and include provisions on ending violence and harassment in the world of work:** Existing and future agreements with MNEs should: 1) include specific reference to obligations to respect and fully implement C190; 2) spell out in more detail what this means in practice in terms of training, prevention, workplace policies and implementing effective complaints mechanisms, including indicators for monitoring implementation; 3) ensure implementation of these provisions through joint approaches and national sectoral and/or workplace bargaining.
- **New global change and advocacy programmes:** Consider developing an IndustriALL global programmes with leadership support and resources for training and engagement with union leaders with two components: 1) a programme to engage and support men in their roles as champions for change, taking learning from the United Steel Workers (USW) “Be More Than a Bystander - Break the Silence on Violence Against Women”; and 2) advocacy modelled on the Unifor “Women’s Advocacy” programme, to provide confidential support and information for workers experiencing sexual harassment and domestic violence, and to build union knowledge by opening up safe spaces for workers to talk about and act upon GBVH. An important aspect of this programme would be to train male trade union leaders so that they become more knowledgeable about GBVH and take an active role in creating GBVH-free unions and workplaces.

Chapter 1: Introduction

Gender-based violence and harassment (GBVH) remain pervasive in the world of work and exist at worrying levels in many of the sectors organised by IndustriALL's affiliates. GBVH, including sexual harassment, sexual assault and the effects of domestic violence at work, impact on workers' rights, safety and dignity, and is both a gender equality and an occupational safety and health issue.

In recent years IndustriALL has played an active role in supporting affiliates' work to prevent and address GBVH, for example, through the IndustriALL Pledge "Unions say no to violence against women",² and policy, training programmes and awareness raising. This research is a contribution to this work, providing evidence of risks of GBVH and learning from unions about how they have addressed the problem. The research provides on-the-ground evidence at factory and worksite level to inform practical strategies for unions, and also to inform IndustriALL's global training programme on GBVH in the world of work.³

ILO Violence and Harassment Convention No. 190 (C190) and accompanying Recommendation No. 206 (R206) provide unions with a framework and blueprint for lobbying for comprehensive and integrated national laws, and for union negotiations with employers in preventing and addressing GBVH. The adoption and ratification of C190 came about because of sustained campaigns and advocacy led by women in trade unions, including by IndustriALL's affiliates across the world (Pillinger, Runge and King 2022). By the beginning of 2022, C190 had been ratified in ten countries and many others have plans for ratification in the coming year

This report details the findings from research carried out with unions in three sectors organised by IndustriALL: mining; textiles, garments, shoes and leather; and ICT, electrical and electronics. Individual and group interviews were carried out with union leaders and representatives at factory level and at worksites in South Africa, Colombia and Canada (mining sector); in Bangladesh, Indonesia, Morocco, Lesotho and El Salvador (garments sector); and in India, Indonesia, Brazil and Japan (electronics sector). The interviews were mainly with women and some male union leaders.

All interviews were carried out by zoom, with interpretation. Participants were asked to consent to participation in the interviews and for the interviews to be recorded. A short practical guide to the research and questions to be asked in the interviews were translated into participants' languages and disseminated to participants in advance of the interviews. Support was given to participants from IndustriALL's regional staff who also helped to organise the interviews, playing an important role in briefing union leaders at worksite and factory level, and giving reassurance to them about the research and that nothing they said would be directly attributed to them by name if they did not wish. For security reasons, this report does not name union representatives and leaders at worksite and factory level, whereas national union leaders interviewed are named.

The research had the following aims:

- To hear the voices of women about the risks of GBVH in each sector;
- To gain a picture of women's experiences of GBVH and the extent and type of GBVH;
- To identify challenges faced by unions and good practices in preventing and addressing GBVH;
- To make recommendations for future union action.

Chapter 2 discusses the evidence, documents the interviews held and recommendations made in the mining sector; Chapter 3 covers the garment and textile; and Chapter 4 discusses the evidence from the electronics sector.

Chapter 2: GBVH in the mining sector

2.1 Introduction

This chapter summarises the research in the mining sector based on individual and group interviews with 21 women union leaders and two male trade union leaders in South Africa (NUM & NUMSA), Colombia (Sintracarbon), and Canada (Unifor & USW). Sexual harassment and sexual violence are pervasive in the mining sector and GBVH is sustained by unequal power relations and a masculinised culture at work and in the family. As the ILO argues in its report on women and mining: “One of the biggest challenges faced by women who work in mines is gender-based violence and harassment...above and below ground” (ILO 2021, 36). GBVH was also a prominent issue discussed in IndustriALL’s first global network meeting on women and mining, held in May 2021.⁴

2.2 Extent of GBVH in the mining sector

Evidence of GBVH in the world of work

GBVH has been widely reported as a pervasive problem in mining (ILO 2021, IndustriALL 2019, 2021, IFC 2018, Oxfam International 2017). Women across the industry regularly experience physical assault, sexual assault, verbal abuse, being asked for sexual favours in return for employment, promotion or other benefits. Many women report discriminatory barriers to promotion and career development.

South Africa has a very high level of violence against women. Problems of GBVH have been widely reported in South Africa (Minerals Council South Africa 2020, Barralho 2014, Benya 2017a, 2017b). In a baseline report by Action Aid (2018) 40% of women surveyed stated that mining jobs were only available in return for sexual favours. In the communities around mines, 85% of women reported an increase in violence resulting from the influx of men looking for employment as part of the development of a mine, and resulting in an increase in violence, sexual abuse and rape, drug abuse, alcohol abuse, and a rise in prostitution and unwanted pregnancies.

Women’s share of employment in mining in South Africa has grown in the last decade to approximately 12% of the mining labour force of 453,543.⁵ More attention is now being given to the problem of GBVH by unions and by employers, including a campaign and White Paper on GBVH by the Minerals Council South Africa (2020), with strategies to advance women in mining and to develop policies on GBVH. Although unions in South Africa welcome this greater focus on GBVH, they believe it will have limited impact without more enforceable obligations on companies. Unions have called for stronger legislation and measures to address a culture of institutional and organisational sexism. In addition, the shift from centralised bargaining to local bargaining weakens the role of the unions generally and brings additional problems for unions who must bargain at plant level. The absence of centralised bargaining adds further risks as consistent standards are no longer possible across the sector.

There is limited data on the extent of GBVH in the mining industry in **Colombia**. Mining in Colombia as in other parts of the world is a male-dominated industry, although in recent years there has been a gradual increase in women’s participation in the mining workforce in both operator, supervisory and management positions. Both the union Sintracarbon⁶ and the Ministry of Mines and Energy, the Asociación Colombiana de Minería and other partners, have identified GBVH as a problem in the industry that needs to be tackled. A gender equity policy drawn up by the Asociación Colombiana de Minería (2020) aims to increase the participation of women in the sector and promote a culture of gender equity and prevent GBVH.

In **Canada**, as with many countries women are under-represented in all mining occupations, particularly at senior levels, although more women now work in professional jobs, such as geology. There has been a trend toward importing coal, for example, under the Canada-Colombia trade agreement, and coupled with mechanisation there has been a reduction in jobs in the sector. Women represent 14.4% of the workforce in mining and exploration (well below the national average of 47.7% of women's labour market participation). Mining is one of the sectors with the widest gender pay gap (WiM 2020). Sexual harassment is widespread, with one survey showing that nearly half (47%) of women in management positions had experienced harassment (Peltier-Huntley 2019). The #MeTooMining campaign grew out of the concerns of women about a pervasive culture of GBVH. It was founded by a woman geologist who had experienced systematic sexual harassment and assault at work. This led her to establish #MeTooMining as a platform for training and awareness raising on active bystander interventions.

Across the world significant problems of GBVH exist in remote work camps and in artisanal mining, where a male dominated and transient workforce, shift work, substance abuse, addiction and economic insecurity have fuelled heightened levels of domestic violence. In Canada, for example, unions have highlighted the need for recognition of the vulnerabilities faced by women with multiple and intersecting identities. Indigenous women, in the workplace and in local communities' experience significant levels of sexual harassment, sexual violence, including rape, while sex trafficking perpetuates a culture of violence against women (Pauktuutit 2021, Bond and Quinlan 2018). The National Inquiry into Missing and Murdered Indigenous Women in Canada (2019) concluded that resource extraction projects can fuel violence against Indigenous women; repeated calls have been made for workplace policies that address gender- and Inuit-specific impacts in the workplace (Paukuutit 2021).

In artisanal and small scale mining, where the workforce is largely made up of men-knit without their families, there is an acceptance of GBVH and of the commercial sex trade (Advocates for Human Rights 2019). One study found that 74% of women in eastern Democratic Republic of the Congo have been subjected to sexual violence, in a country with a strong association between mining, sexual violence and armed conflict (GIZ 2020). Unions in DRC confirm that while there are high risks and prevalence of GBVH, there have been very few reported cases of GBVH in unionised mines.

Voices of women workers: experiences of GBVH

The interviews with women trade union leaders and members give stark evidence of the daily reality of GBVH in the lives of many women in the mining industry. Examples of incidents cited by interviewees range from inappropriate remarks and harassing comments in the queue to enter the worksite at the start of a shift, sexualised banter and verbal abuse, to regular inappropriate touching and slapping, sexual assault and rape. Some women spoke about the remoteness and relative isolation of mining sites which make women more vulnerable to such violence. Sexual harassment and sexual assault remain significant concerns for women workers, particularly when working underground and/or at night in lift shafts, poorly lit tunnels and work areas, often where there is a lack of toilet and changing facilities. Women are also overlooked for promotion, have undervalued skills and lower earnings compared to men. In addition, women and men work and live in the same communities, making it harder to make complaints against a colleague or a supervisor. A further related issue is that women work in close-knit communities where reporting someone could put their job at risk:

You probably know the man, you grew up with their wives, if I am going to report someone I put their job at risk...we know each other and families, and men when such cases come, how

do you feel, they do not understand how this makes me feel uncomfortable. (NUM Shop Steward, South Africa)

Some of the worst incidents in South Africa occurred underground and on night shifts, including rape when a woman is working alone with men in the dark. Fewer incidents of sexual harassment were reported to have taken place in open cast mines.

There is sexual harassment...when women go down in the mine, in the cages going down, they are petted, they stand next to each other, you could hear someone masturbating, when they went out of the cage...you could see it. It was bad how our female comrades are subjected to these conditions. (Ruth Ntlokotse, 2nd Deputy President, NUMSA, South Africa)

Women in operations experience some of the highest levels of GBVH, while women in administrative positions said that sexual harassment by senior men against junior women is prevalent. A culture where women are expected to give sexual favours in return for jobs continues in some mines, particularly affecting women in the lowest paid positions. Union leaders recounted some painful stories of women workers agreeing to sexual favours to gain the support of men, for example, in the allocation of tasks, when burdened with heavy tasks, or to get promoted. Many women spoke about the lack of trust in the promotions system:

Women at the lower levels [are expected to give sexual favours] because they are promised better positions, they offer them extra money, the women believe their promises, but it is always in return for something you do for him. But they don't fulfil their promises. These men have a mindset that she is a victim. (Union representative, NUM, South Africa)

Other examples were given of women being subjected to humiliating naked body searches. Following their complaints, a body scanner was introduced, but women, particularly pregnant women, were concerned about the radiation emitted from the body scanner. One woman interviewed who worked in a mine in South Africa spoke of her difficult experiences of sexual harassment by a senior manager in administration. After she made a complaint she asked to be moved to another office, instead she had to stay put and endure animosity from the manager. The company wanted to resolve the case informally and quickly, and did not involve the union.

Several union representatives from Colombia spoke about their experiences of sexual harassment. One woman trade union representative endured sexual harassment from a supervisor, she compiled evidence of inappropriate phone calls and emails asking for sexual favours, and other women also gave evidence of their own experience of similar conduct. The supervisor received a warning and the harassment ended. Looking back she can see that over time there have been fewer cases, in large part because the union has taken the issue seriously. As she says, having the union there is important "If you have a complaint, you don't go alone but accompanied by a trade union representative." Another woman trade union representative interviewed, works as a mechanic. She started working at the company in 2010. She experienced repeated sexual harassment when she joined the company. To begin with she "suffered in silence and just had to bear all the sexual innuendos and remarks". She was also worried that as she was planning to get pregnant she would lose her job. When she became pregnant the second time:

...one of the supervisors really began to make my life impossible...Because I had rejected his advances, the supervisor decided to take revenge. He would not let me go to my prenatal appointments during working hours and he changed my shifts to make things very difficult for me.

She attended a trade union training course in order to find out about her rights and with the support of her union President she made a formal complaint, but all that the human resources department did was to offer her an office-based job which she took as she feared that she could lose her job. Her experience was similar to those of other women, where it is rare that any action is taken against the perpetrator. Another woman interviewed, who works as an industrial engineer, spoke of being overlooked for promotion because she had not accepted advances from her manager.

My manager would ask me out for a drink after work and things like that. But I was not going to accept to be sexually harassed and I put a break on that quite quickly. But then I was overlooked for a promotion I should have been given.

She made a complaint to the human resources department and instead of investigating the complaint, she was relocated to the mine area, without a proper job, or job description.

They just hoped I would resign. Many people protested about my treatment and that I had not got the promotion. I had many witnesses who had been told by the manager that they did not want to give the job to a woman so I submitted complaints to all the internal procedures of the company and to the Ministry of Labour.

After three months, following many complaints to the ethics hotline, she was relocated back to the administration, but in a job with less responsibilities “so it was almost like I didn’t exist.” A culture of fear and bullying followed and colleagues who had made statements on her behalf were victimised by human resources; some either left the company or were dismissed: “I realised that anyone who opposes corrupt and discriminatory practices will be attacked.”

A further example, given in the interview with Igor Diaz, Sintracarbon’s General Secretary, exemplifies the problems faced by women who make complaints and are not taken seriously. When the union supported a young woman to make a complaint against a manager for sexual harassment, no action was taken, despite there being a policy in place, with internal procedures. The woman felt very bitter and her health was affected. However, further women then came forward to make complaints against the manager, and eventually he was dismissed: “In the end human resources decided to dismiss him for sexual harassment but the case was never made public as a warning to others. The manager left in good standing.”

2.3 Risks of GBVH in the mining sector

Risks in a male dominated and masculinised sector of employment

Some of the examples above show the risks associated with a sector where male supervisors and managers are valued and protected, while the opposite is the case for women. Women’s low representation in mining jobs makes them particularly vulnerable to sexual harassment and sexual assault. Further, a lack of policies, and/or their implementation, to address gender inequalities sustains the masculinised culture in the workplace, which is also reflected to some extent in union structures and leadership. Women face many risks and challenges at work that mirror a masculinist and patriarchal culture in society. The institutionalisation of masculine bias in the mining industry ensures that women remain marginalised. According to Asanda Benya (2013), a labour researcher who spent time working underground in mines in South Africa, gender-based violence reinforces women’s second class status in the family and in the workplace.

A Unifor representative working in a Canadian mine described the risks facing women in the mining sector. She and several other women had been the first women to be hired in production jobs over

two decades ago and says that “we learnt the hard way” working in a male-dominated environment, and women had to “man-up” to survive. She has become an advocate for women in the union, particularly for younger women starting in the job “I tell them what to watch out for and that they need to be assertive.” In the union, with so few women sitting at the collective bargaining table, it has been hard to prioritise policies that benefit women, compared to other sectors where the prevention of GBVH is more systematically integrated into occupational safety and health.

Overall, one of the biggest barriers for women in the workplace and in unions is a culture of male dominance:

Men don't think a woman can be a leader, we should have 50/50 in the union. As a woman it is easier to talk to another woman in the union if they have been sexually harassed. (Union representative, South Africa)

Risks related to gender inequalities and discrimination in mining

Deeply engrained gender inequalities sustain GBVH. As a Unifor officer pointed out, gender inequalities fuel women's economic dependence on men: “The biggest form of GBV is poor wages. If women economically can stand side by side with a man with the same money, then she doesn't need that man for a living and a healthy life; the reliance on men economically is the big problem for women; it creates real violence and they have to tolerate it to survive.” Although mining companies are putting resources into getting women into senior positions, there is scepticism about the impact for women in lower-level production positions.

Women are 30% of the workers, they drive dump trucks, they are plant attendants, but there are few women in supervisory or senior positions. Discrimination exists at work...We try to address it in the union, but it is coming from management. (Union representative, South Africa)

Pregnancy discrimination was also highlighted as being a risk associated with GBVH in the interviews. Examples were given of a woman being refused a job that was given to a man because “women get pregnant all the time”, being moved into a lower paid job to mitigate safety risks, being overlooked for promotion and being harassed for being pregnant.

Some interviewees were optimistic that the greater attention given to the problem of GBVH by unions, along with progress made in some mining companies in establishing complaints mechanisms, gender equality policies and ambitious targets for gender parity, would lead to more progressive change in the future. Overall Anglo American appears to have taken a more systematic approach through its engagement with unions in the development and implementation of workplace policies, training and awareness raising, and including gender-based violence as a priority in its MOU with IndustriALL.

Absence of serious attention by companies to prevent and address GBVH in mining companies

Despite some positive developments, many women workers have not seen real change on the ground and in the workplace. Internal policies and mechanisms to address GBVH are considered largely ineffective and there was a general lack of awareness about complaints mechanism, including that the company even had a policy.

Although mining companies, such as Anglo American and Glencore, have policies on bullying, harassment and/or sexual harassment at work, there is limited knowledge of these policies on the

ground. In South Africa, union involvement in the development and implementation of Anglo American's policy on bullying, harassment and victimisation had helped to build trust and awareness of the complaints mechanisms, as well as support provided through the company's employment assistance programme (EAP) and Mental Health First Aiders. In contrast, there has been little union involvement in or knowledge of Glencore's policy on sexual harassment in Canada, and consequently lower trust in the complaints mechanism. One woman noted: "There is a policy on sexual harassment, but it is not safe for women to report." (Union representative, South Africa)

An assessment of 38 large mining companies by the Responsible Mining Index (RMF 2020) found a significant gap in how companies protect women from gender-based violence and harassment, stating that "none of the assessed companies is able to show systematic action on this issue" (Anglo American scored only 25%, with Glencore and BHP trailing behind with scores of only 20% regarding measures to protect women from GBVH). Overall the report found that "there was virtually no evidence of companies having systems to regularly assess the impacts of their operations on women" (out of 38 companies, Anglo American was ranked first on implementation of 16 gender-related questions, while BHP was ranked 6th and Glencore ranked 8th). Most attention has been given to working towards gender-balance in management and board positions, rather than to addressing the deep structural imbalances of power and pay inequalities that lead to gender-based violence and harassment.

A hostile workplace culture and work environment for women

Working practices, including lone working and in teams with only men, leaves women vulnerable to sexual harassment and rape. These behaviours are deeply embedded in a hostile culture in the workplace where "hypermasculinity" is pervasive and is reinforced through male solidarity and an organisational tolerance of sexism (Benya 2017a). All of the younger women that Asanda Benya interviewed in South Africa said that they had experienced sexual harassment (inappropriate touching and fondling when in cages or working alone, verbal harassment, sexual jokes and suggestions, being whistled at, sexualised jokes). Reports to union officials were not always taken seriously. Sexual harassment frequently took place by someone who had power, such as a supervisor who could determine whether a woman had access to training or a better job above ground, or when working with a male colleague in heavy work. Reporting rarely took place because of intimidation, fear of recrimination or because women knew that their complaints would not be taken seriously

This is a similar experience in Colombia. A woman trade union representative who had trained as a mechanic experienced many problems. She was often given difficult assignments and many of her male colleagues simply did not think it was right for a woman to do the job telling her that she should be at home looking after her husband and children and hoping that she would quit. Another woman said that male union colleagues do not accept your right to work in the industry. "They question your dignity, attack you for lacking family values and they try and undermine your credibility and reputation." (Hidanora Pérez, Sintracarbon, Colombia)

GBVH as an occupational safety and health risk

Unions have repeatedly highlighted the risk of GBVH as an occupational safety and health issue. However, in South Africa there is still a struggle to get the issue recognised as a safety and health risk by the Mine Health and Safety Council (with a mandate under the Mine Health and Safety Act, No 29 of 1996). NUMSA has recommended that there should be training for all line managers and workers on diversity and sexual harassment, implementation of workplace policies that workers

trust, and that the Council should ensure that ILO C190 and R206 are studied by the council in order to create safe work for women. At the 2019 meeting of the mine safety and health council:

There is a track record to do with mine safety, yet they wouldn't report on what has been the record of the number of complaints, what was reported, what was resolved. The reporting is only on accidents. Why don't we treat GBV the same way? (Union Women's Officer, South Africa)

In addition, women in mining have complained about risks that come from inappropriate personal protective equipment (PPE) and the lack of separate and/or safe toilet and changing facilities. An issue of concern for many of the women interviewed is the provision of appropriate PPE. In Canada, unions campaigned successfully for appropriate fitting PPE, after many years of lobbying of companies. South African companies have been responding to these concerns and under the Mining Health and Safety Act (MHSA) and guidelines have been drawn up requiring companies to prepare mandatory Codes of Practice on the provision of PPE for women mine workers. However, unions know that without strong enforcement, there will be limited impact. As Lydia Nkopane, Chairperson of the South African National Union of Mineworkers' women structure said:

Despite the MHSA, most mines in South Africa still do not systematically provide gender-appropriate PPE...Extreme heat and dust are extremely harmful and damaging for women's bodies, but the women workers who have been asking for adequate protective underwear have been experiencing daily bullying and mockery from their male colleagues and managers. (RMC 2020)

In the interviews some women reported on problems of ill-fitting PPE, designed for men, making it difficult for women to move and work comfortably and safely, and tight PPE which led to women facing sexual harassment and abuse. It is rare that PPE for women is addressed in risk assessments and non-compliance appears to be widespread.

Companies don't comply with PPE for underground work [and] some employers go for cheaper. We have sensitive parts, our wombs and vaginas need to be protected, very tight materials are not suitable underground with the heat and friction...approved garments should be worn, they must provide better quality to keep women safe and healthy. (Lebogang Mafulatha, National Officer, NUM, South Africa)

Risks associated with ineffective complaints systems

Unions report that complaints remain consistently low across all companies and many women say that they do not complain because they know they will not be taken seriously:

Women don't make complaints, most of it is because they are not sure if they have the confidence or the emotional strength to speak out, and that management won't take us seriously. (Union Branch Secretary, South Africa).

Low levels of trust, protection of senior male employees, not believing women, lack of witnesses, complaints systems run by men, and an overwhelming fear of retaliation, were some of the reasons given for not making complaints. Some women workers spoke to their women trade union reps, saying that they didn't want to take the issue further. Others reported incidents they had experienced or witnessed as part of union-run consultations with women.

Women are afraid they may not be believed, it is difficult to make someone believe you if you don't have proof, particularly if that person is in a higher position or it is someone who is liked. We try to encourage women to speak out and report, but it's difficult. (Workplace union representative, South Africa)

In Colombia, the Labour Code recognises work-related harassment and sexual harassment. Some CBAs have a general clause on respecting individual rights, but no specific clauses on harassment or complaints. Internal procedures to address cases of harassment exist, either through the internal audit division or through the bipartite committee for well-being (comité de convivencia), which is a structure established by law. Company ethics hotlines have also been put in place. According to Sintracarbon, these procedures are merely cosmetic because cases are not investigated properly and it is rare that anyone is disciplined. In practice, the HR department prefers to move the victim of sexual harassment to a different team or department. The union argues that in order to address the root problems of deep-seated misogyny, it would be necessary to set examples and discipline the perpetrator.

According to Igor Diaz, General Secretary, Sintracarbon, women working in mining are frightened to speak out about harassment from supervisors or colleagues for fear of losing their job or non-renewal of their contract. Previously women who were employed at the mines were nearly all secretaries, while in the last 10 years there has been an increase in the number of professional and skilled women working in the production and maintenance sections. Some professional women have decided to speak out and make formal complaints about the behaviour of their supervisors in these sections, but it is rare that women in lower-level production and admin positions speak out.

Sintracarbon has conducted education courses for women union members to explain their rights, how to make a complaint and to encourage women to demand respect for their rights and for their bodies. Women workers are more aware, they know that the union will support them and they are more prepared to make a complaint. As one union representative said, progress has been hindered by a workplace culture of harassment:

The company wants to show it promotes women's participation but they never designed a plan to support women who are a minority outside the secretarial staff. The situation got out of control as many managers saw an opportunity to use the system. They employed a few women and offered them the possibility of permanent jobs in return for sexual favours. So women's professional development depended on their acceptance of these conditions. (Trade union representative, Colombia)

Risks travelling to and from work

Some of the women interviewed spoke about the risks of GBVH when they travelled to and from work, particularly at night. Most mines are some distance away from the towns where mine staff live and mostly workers travel by car or in shared minibuses. Some women spoke of problems, including sexualised comments and gestures, when they travel in a minibus full of men; others spoke of problems travelling alone and at night. The NUM had raised concerns about the safety of women safety officers who were on call and would have to drive alone at night to a worksite. In one instance the union had helped to improve women's safety through self-defence measures:

Some women are driving more than 40k / some as far as 100k per day...It is not safe to drive alone at night...We once proposed that women be given self-defence training...we had a campaign and women went to self-defence training and they brought them the spray

guns...it won't prevent it but it might help if you are attacked. (Workplace union Representative, South Africa)

2.4 The role of unions and women's leadership in the mining sector

A consistent message in the interviews is the importance of women having leadership roles in the unions. As one union leader said, having more women in the union is critical as "they must learn to respect women as equals...they [the men] are used to being alone, they are used to having their own language [and] bringing more women in will help to humanise them". Several union representatives spoke of the importance of having separate women's structures in their unions as this was one way of giving women some space to confidentially report their concerns.

Union leaders interviewed stressed the critical importance of women's roles in collective bargaining as this is where women can have influence. "Women must be part of the negotiations as the branch chair is always male, we should make sure it is women who are at the table to discuss maternity and gender-based violence, otherwise it doesn't get raised" (Mathapelo Khanye, National Secretary for Women's Structure, NUM, South Africa). One NUM leader from South Africa said her main role is to enable "women to stand up for themselves" (Lebogang Mafulatha, National Officer, Dept. Chair of Women's Structure NUM, South Africa).

2.5 Domestic violence: union roles and support

Domestic violence is a significant concern for women in mining. Domestic violence can lead to physical and psychological harm, financial abuse and other forms of coercive control, ultimately affecting women's capacity to be productive and stay in their jobs. Women trade union leaders reported that domestic violence is pervasive and women only seek support when their situation becomes very serious. The interviews in South Africa gave a specific focus to domestic violence. Women working in Anglo American mines were aware of support available from Mental Health First Aiders or the company social worker. However, none knew that Anglo American had a global policy on domestic violence which provides for a range of workplace supports, training for managers and information for workers.

Having women in leadership positions has helped to open up spaces for women to talk about domestic violence in the workplace, and practical, legal and emotional support is regularly provided by women union representatives.

If someone experiences domestic violence and they open up about it, we give them support. How do we get someone to open up about these issues, it is so awful to see them going through so much and we can't help them as they can't open up...we still have a lot to do. (Workplace union representative, South Africa)

The issue of confidentiality is critical, particularly in mining communities where people both live and work together:

A person who goes through abuse is carrying a lot of weight, they don't need everyone talking about it, it adds to the harm as there is so much shame. (Union representative and member of union women's structure, South Africa)

One woman who had experienced domestic violence nearly lost her job after she had been hospitalised as a result of the physical violence she had endured:

I'm the one who experienced domestic violence, they said they were going to fire me if I couldn't get to work, they said they would fire me as I was arriving to work late. I was harmed and I had to go to hospital, the doctor gave me a letter to have time off to recover. I'm fine now, other women suffer this, they come with these problems, and they often have to deal with it on their own. (Workplace union representative, South Africa).

Another woman spoke about the difficulties she experienced as a survivor of domestic violence:

I went through this domestic violence...it's so hard dealing with it because no one understands what you are going through, it affects you every day and it is so painful... Talking about it, you have to let people know what you are going through...As time goes on I'm healing. You don't know where to go, you don't trust the next person...but you want to know that there is a policy there from the employer. (Workplace union representative, South Africa)

Several women survivors interviewed were paving the way in helping to address the issue, using their experiences to empower survivors and break the silence and shame around domestic violence: "As a leader I took a pledge to use my experience to help women speak out – to win this battle. (Mathapelo Khanye, NUM, National Secretary for Women's Structure, South Africa).

An important role identified by unions is the need to include domestic violence in collective bargaining. As this is a new issue for many unions and there was an overwhelming message that more needs to be done to support survivors.

We want to include domestic violence in bargaining. I know of three cases where women were murdered by their ex-partners. We want the collaboration to say this woman is an employee. There are issues of harassment, GBV and domestic violence all happening in the same company. (Mathapelo Khanye, NUM, National Secretary for Women's Structure, South Africa).

2.6 Good practices in ending GBVH

Women's networks

Unions have created a range of strategies to ensure women are supported, networked and able to draw on union resources for training and awareness raising to end GBVH. Women's regional structures established by the NUM in South Africa are an example of this. Consultations with women workers include "Women have your say" organised in NUM workplaces and joint union-employer consultations with women such as the "Women in Process" initiative organised with the union in some Anglo American plants. One of the meetings invited men to participate in a "Man Talk" to address the patriarchal mindset and engage men in ending GBVH. Awareness raising is an important objective in these meetings: "We do awareness raising with women members...we have different discussion topics such as safety and what are their options if they are not safe" (Union representative, NUM). Another NUM union representative said how important the training had been, and as a result: "I know I have a right to stand my ground, he knows if he continues he will get reported."

Collective bargaining

In NUMSA, South Africa, there is an emphasis on integrating gender equality into collective bargaining, with a focus on human rights violations against women and building knowledge and

training for union reps to negotiate for gender-responsive collective bargaining. Consultations with women workers in several regions and regional training programmes address the interconnections between gender inequalities, the gender pay gap and risks of GBVH.

As NUMSA's Women's Officer said: "We want to create a woman-only space to invest in women, train them, and to enable women to speak more freely in a women-only structure." This was reinforced by NUMSA's Deputy President who said: "Putting this emphasis on gender equality and GBVH is critical in male-dominated unions when issues facing women are put on the back burner" (Ruth Ntolokotse, 2nd Deputy President, NUMSA, South Africa). The union wants to create a national women and mining forum where issues such as the gender pay gap, GBVH and occupational segregation can be addressed in an interlinked way.

GBVH: an occupational safety and health issue

In some parts of the world, violence and harassment are increasingly addressed as a core safety and health concern. In Canada, for instance, women union leaders spoke of the positive impact of OSH laws preventing GBVH at work and sustained union campaigning over many years. There is important learning from Canada, says Deb Tveit, Unifor National Officer: "for unions in other countries that are where we were 20 years ago, we now have more awareness about the harm caused because we take into account the gender perspective."

Legal change has ensured recognition of GBVH as an occupational safety and health risk and for employers to be responsible for a safe working environment. Employers' obligations and legal duties to prevent and address violence and harassment, including domestic violence, are an integral part of safety and health legislation in Canada. A good example is the Ontario Health and Safety Act, which is supported by comprehensive workplace guidance. Employers' obligations were also strengthened under the 2018 Canada Labour Code. As Sari Sairanen, Unifor's Director of Health and Safety says: "Thanks to the law, violence and harassment is recognised as a hazard in the workplace and it is well established in joint health and safety programmes with the employer in the mining sector". Despite some initial resistance from union reps to this wider framework, Unifor put a lot of effort into training and guidance for health and safety reps. Women's Advocates helped build the bridge between GBVH and safety and health, to enable them to use tools on GBVH risk assessment drawn up by the union and by the Canadian Centre for Occupational Health and Safety.

The USW Action Guide "Raising the bar on women's health and safety" has a similar objective to ensure the integration of gender equality and GBVH in health and safety. It aims to educate and give practical guidance for safety and health reps about the need for a gender-responsive approach. It was produced as a result of a union Conference resolution that called for a "new look for health and safety". The Action Guide covers guidance on addressing risks faced by women, including sexual and other forms of harassment, domestic violence and sexual violence.

Domestic violence in CBAs and union awareness campaigns: the experience from Canada

The two main unions organising workers in mining in Canada, Unifor and USW, have taken important steps to ensure CBAs include clauses on prevention of sexual harassment and domestic violence, and innovative ways to prevent GBVH have been implemented in male-dominated industries, including mining. Workplace support and guidance materials produced by Unifor and USW could be useful for unions in other countries, particularly as women union leaders have highlighted a need for union negotiators to have access to model language for CBAs and workplace policies. The materials include Unifor resources and a guidance document on workplace supports and domestic violence, including model language for CBAs and how to establish a Women's Advocates programme. USW's (2021)

bargaining guide on domestic violence provides model language for collective agreements covering workplace supports such as paid leave, confidentiality, protection from dismissal, workplace accommodations such as changing work schedules, and safety planning. Extracts of clauses on domestic violence are given from eight CBAs negotiated with USW.

Unifor's ground-breaking women's advocate programme, run by the Women's Department, has played a transformational role in raising awareness of domestic violence and sexual harassment, and in bringing confidential support for survivors to the heart of the union. It has been adopted as a model by the ITF as a tool to organise and empower women transport workers. Lisa Kelly, Director of Unifor's Women's Department, stressed the importance of the women's advocates programme in giving support to survivors of domestic violence, particularly with the increase in domestic violence in many countries during the Covid-19 pandemic. In addition, during Covid, Kelly says:

Often our Advocates are high profile in the workplace and women and men reach out to them as a safe source of information. Many of our Advocates have been active in passing on the information from the national union's hub on topics such as wage replacements and rights to personal protective equipment.

The union has been active in campaigning for domestic violence recognised in the law and has resulted in occupational health and safety laws in at least three provinces recognizing domestic violence specifically as a workplace hazard. In particular, the union argues that when domestic violence is recognised as a workplace issue, it can decrease stigma and increase the availability of risk assessment and safety planning.

The Women's Advocate programme could be replicated in other countries across the mining sector and by IndustriALL's affiliates worldwide. It would serve to address some of the issues raised by women in South Africa and Colombia about the need for better awareness of domestic violence as a trade union issue and the need for practical workplace supports and safety measures for survivors.

A further good example, that could be adapted and implemented by any union, comes from the USW training programme "Be More Than a Bystander - Break the Silence on Violence Against Women", targeted at men's roles in ending GBVH. It was first established with the Ending Violence Association of British Columbia and the British Columbia Lions Football Team, and most recently USW has run intensive train-the-trainer courses, enabling men in locals and workplaces to understand the bystander intervention model and the power of men stepping in and speaking up as a men's leadership issue. In 2021 USW partnered with the Canadian Football Players Association (CFLPA) with the aim to "break the silence" on GBVH through a spokesperson training programme for male union members in Ontario, to enable them to give a 90-minute presentation to union members on how to work as male allies to end GBVH. According to Dayna Skyes who runs the USW programme, "it has strength because it is run by and is grounded in women's experiences of GBVH." One participant in the programme, Iain Thistlethwaite, a union shop steward, spoke about his experiences:

The thing that makes me proudest is that I am a spokesperson for the "Be More Than a Bystander" program...I've had a few conversations later, where I've heard that relationships have improved because of the knowledge we shared in the class...We always tell the men that we are not asking them to stand up for women, just stand up with them. Be more! It's a very small number of men who are abusive and we're trying to get the majority of men who are decent to speak up and help change the culture that exists in some areas of our worksite.

2.7 The role of ILO Violence and Harassment Convention No 190

Many unions in the mining sector recognise the importance of C190. In South Africa, mineworkers unions were involved with other unions in a visible and effective campaign which led to the ratification of C190 in South Africa in December 2021. Ratification, unions argue, will provide a strong legal basis that will put responsibilities on employers to carry out gender-responsive risk assessments and to draw up and implement workplace policies in consultation with workers, including on domestic violence. Prior to ratification unions drew on the government's updated Code of Good Practice (Department of Employment and Labour 2020), stressing that it should not be seen as a replacement for ratifying C190 and the implementation of strong laws. The Colombian union, Sintracarbon, recognises that C190 will help to strengthen collective bargaining and enable the union to negotiate regulations that effectively address issues of sexual harassment. The union intends to refer to the framework of C190 and R206 in the next round of negotiations.

2.8 Recommendations made by unions in the mining sector

On the basis of the interviews, the following recommendations were made by trade unions in the mining sector:

- Training to raise awareness about GBVH, including how complaints systems and the handling of complaints can be made more effective, the provision of support for domestic violence survivors, and a more strategic approach to bargaining to end GBVH.
- The need for men to stand up and take greater responsibility in ending GBVH, so that they become champions for change in creating workplaces based on respect and equality. Specific recommendations were made for training programmes for male union members and for the leadership of unions about GBVH, including understanding appropriate behaviour and boundaries, in modelling respectful behaviour, and taking active bystander interventions to stop GBVH in its tracks.
- Guidance on how to ensure a more systematic approach to bargaining for GBVH, including domestic violence supports and risk assessments, guidance about consulting with women workers about what to include in bargaining claims, working with women workers to draw up model language to support bargaining, as well as learning from what has worked in other sectors and countries.
- Every worksite should aim to have a policy on domestic violence, with paid leave and other supports for survivors. Guidance from unions in Canada could be circulated to ensure a better understanding of how domestic violence can be prevented as a workplace hazard, along with learning from implementing workplace policies and union support and advocacy programmes.
- Guidance and training on recognising GBVH as a workplace hazard, the effective integration of GBVH in occupational health and safety and implementation of tools for risk assessment and safety mapping to prevent GBVH.
- Finally, many women made strong recommendations for the greater involvement of women in the unions at all levels and the importance of strategies to end GBVH that include building women's leadership roles in the workplace and in the union.

Chapter 3: GBVH in the garment and textile sector

3.1 Introduction

This chapter documents the research carried out in the garment and textile sector. Individual and group interviews were carried out with 26 women trade union leaders and union representatives from unions in four garment producing countries: El Salvador (FEASIES), Indonesia (GARTEKS and SPN), Lesotho (IDU) and in Turkey (Deriteks, DISK/TEKSTIL, Öz Iplik-Is and TEKSIF).

This chapter makes also reference to some of the findings of a parallel research conducted with the support of the DGB Bildungswerk Bund in Bangladesh and Morocco involving women union leaders in Bangladesh (SGSF, BGIW and IBC) and Morocco (SNTHC-CDT, UMT).

In the garment and textile sector, GFAs with multinational companies,⁷ the integration of GBVH into the recently agreed ILO Code of Practice on health and safety in the garment and textile sector (ILO 2021), and reporting on sexual harassment under the new International Accord for Health and Safety in the Garment and Textile Industry in Bangladesh,⁸ along with union campaigns, training and awareness raising, have all contributed to much greater awareness of GBVH in the sector.

3.2 Extent of GBVH in the garment and textile sector

Evidence of GBVH in the world of work from existing studies

The garment and textile sector is female dominated and low paid. An estimated 80% of workers in the garment and textile sector are women, who mainly work in lower paid machine and stitching jobs. It is a sector where abusive employment practices and GBVH have been widely reported (AFWA 2020, WRC 2020, Care International 2017, Action Aid 2019, Better Work 2013, FWF 2019).

High levels of harassment and violence are reported in the **Bangladesh garment and textile**. In one study 60% of garment and textile workers experienced violence, harassment or abusive behaviour in the previous 12 months (FWF 2018), and another study found that 74% had experienced or witnessed verbal abuse and harassment in the four weeks prior to the survey (BSR 2016). Women union organisers have also faced sexualised threats by factory managers and supervisors (Human Rights Watch 2015). Garment and textile workers also report that they experience high levels of domestic violence. In one study one-third (34%) of garment workers reported physical domestic violence and almost half (43%) sexual domestic violence in the past year. Interestingly, both workplace violence and domestic violence were found to be much lower in factories based in an Export Processing Zone (EPZ), where there are more stable jobs and where workers have contracts of employment (Naved et al 2018).

The Central American Observatory on Labour Violence recorded 278 complaints of sexual harassment at work in **El Salvador** in 2021, which unions argue grossly underestimates the true extent of sexual harassment. A national survey of women workers with children in the Salvadoran textile factories (conducted by the NGO Asociación Mujeres Transformando 2018) found significant levels of sexual harassment and sexual assault: 10% of women said that they had experienced constant sexual harassment from a male colleague and 8% from their supervisors; 8% of pregnant women reported that they had felt so harassed that they had resigned from the job; 1% reported cases of rape by colleagues and 2% reported cases of rape by supervisors; and 7% stated they knew women who had become pregnant because they were raped. More than half (51%) of women reported being under permanent pressure and one in ten (11%) report that their supervisors

constantly shouted at them using bad language. Recommendations were made to strengthen bipartite occupational health and safety commissions, develop workplace policies to address risks to women's sexual and reproductive health, and improve working conditions to reduce GBVH.

Surveys in **Indonesia** have similarly shown high levels of GBVH. A 2017 survey by the Indonesian women's rights organisation, Perempuan Mahardika, revealed that 56.5 % of the 773 women garment workers interviewed in a Jakarta industrial complex had been sexually harassed. Better Work (2013) found that 85% of Indonesian garment workers were concerned about sexual harassment at work. Participatory research carried out with FSB Garteks, the Federation of Independent unions (GSBI) and the National Workers' Union (SPN) revealed that 71% of the women garment workers had experienced GBVH at work including verbal, sexual and physical abuse. The research was a first step for the unions in the negotiation of agreements for "GBV free zones" (Solidarity Center 2019).

There is limited data on GBVH in the **Moroccan** garment and textile. In a survey of women between ages 18 and 65 by Morocco's High Commission for Planning in 2009, nearly two-thirds of women had experienced physical, psychological, sexual, or economic violence. Despite improvements in legislation in recent years there is a gap between laws and the reality on the ground. Some women do not get paid, laws are not implemented and pregnant women have no access to work, while family responsibilities affect women's career opportunities.

In **Lesotho** interviews with women workers at three Nien Hsing Textile factories, which produce clothing for several leading US-brands, revealed repeated sexual harassment and coercion of women workers by male managers, supervisors, and co-workers (Worker Rights Consortium 2019, IndustriALL 2019). A culture of acceptance of GBVH in the factories led to a fear of reporting among women workers. Two-thirds of the women interviewed said they had suffered repeated sexual harassment and all women interviewed stated that it was a concern for them. Some women had been sexually assaulted. An investigation into allegations of sexual harassment at the Hippo Knitting factory revealed a similar pervasive culture of sexual harassment, humiliation and verbal abuse by management (Time Magazine 10 June 2021). These allegations across Lesotho were acted upon quickly by the US-based brands and significant changes were put in place in partnership with the unions (IndustriALL 2020)

Voices of women: Interviews with women trade union leaders

All women union leaders interviewed gave accounts of pervasive sexual harassment and abuse in their factories from supervisors, managers and male machine technicians, with negative consequences for their health, wellbeing and career progression. Gender norms, traditional cultural expectations of women's roles, a culture of victim-blaming and unequal gender power relations mean that women workers are frequently scared of speaking about violence and harassment. Many are silenced because of the fear of reprisals at work, in their communities and from their families.

In addition, women leaders spoke of other forms of GBVH that are prominent in the garment and textile sector, for example, "When fire doors are locked or blocked, we see this as a form of gender-based violence". (Kalpona Akter, President BGIWF, Bangladesh)

Sexual and reproductive rights impacts are a form of gender-based violence, particularly when women face pregnancy/maternity discrimination, work long hours and in working conditions that lead to ill health and miscarriage, and where women are denied access to toilets or have no time to access the toilet because of production pressures.

There are so many problems we women have to face. For those factories that do not produce for the brands it is worse – some require a pregnancy test and they don't have time to go to the female toilet as you have to finish your target. (Union representative, Indonesia)

In Bangladesh, women union leaders cited regular incidents of inappropriate body touching, sexualised gestures, verbal abuse and sexual favours. However, most women remain silent and only report an incident when it becomes very serious.

In one factory the woman was...sexually harassed by a group of male workers to make her quit...But she did a video clip and the union approached the management...Later the male abusers said they were forced to behave in this way by management, following this she got her job back. (IBC Women's Committee member, Bangladesh)

Local factory representatives from the FEASIES union representing workers in 13 textile factories in El Salvador, regularly report that sexual harassment is a concern. One of the problems is that sexual harassment is recognised in the Penal Code as a crime but it does not figure in the Labour Code. This means that although harassment is recognised as a crime, administratively it is very complicated to resolve. Very few complaints are made.

Women often do not identify they are objects of sexual harassment and we are trying to 'denaturalise' it so women do not consider it is just part of normal life...women are also very fearful of making a complaint and the procedures are very cumbersome. (Marta Zaldaña, General Secretary, FEASIES, El Salvador)

In Indonesia, women trade union leaders spoke of a pernicious culture of sexual harassment, verbal harassment, scolding, sexist jokes and sexual favours on the factory production line.

Many times if you want to get your contract extended the supervisor will ask sexual favours, it is difficult for women to say no as they want to keep their job...When the machine has a breakdown and the technician comes and touches them, they can't say no as they want the machine repaired as they have to get their work done and they accept this. (Union representative, Indonesia)

In Lesotho, women union representatives also spoke about the culture inside their factories of sexual harassment, sexual favours and inappropriate behaviour designed to humiliate and belittle the women workers. One woman recounted her experience of being told to crawl on the floor when she arrived late to work in an act of abuse designed to "belittle and humiliate" her. The lack of job opportunities and living wages meant that sexual favours were expected at recruitment and in granting overtime. Refusal led to threats, loss of employment and less favourable treatment at work.

In the factory they used to say that if you would like to sleep with me you can come Saturday for overtime. If you are not able to come on Saturday overtime, you end up getting harassed. (Union representative, Lesotho)

In Morocco, several women interviewees spoke of their experiences of sexual harassment and sexual assault at work. One woman spoke of having a haemorrhage at work and when she asked for a chair the supervisor humiliated her and "made fun of me". In many cases women were expected to tolerate sexual harassment, knowing that if they complained they would be fired.

I was subject to [sexual assault] in the lift at work, when I made a complaint I was laid off by the head of division, when I complained to the administration they did nothing. I then

complained to court and I am waiting for this to be resolved...I have physical problems muscle and leg pain, and psychological problems. (Union representative, Morocco)

Women union leaders in Turkey similarly reported a high level of violence against women, a general lack of acceptance that women should be working and a culture of victim blaming. Many women believe “I must have done something wrong”. Some women have to endure regular questions from their superiors such as “when are you going to get pregnant now you are married”, which are psychological forms of violence.

3.3 Risks of GBVH in the garment and textile sector

In the garment and textile risks of GBVH identified in the interviews are listed under five interlinked headings.

Risks related to employment insecurity, low wages and lack of enforcement of labour standards

There is a strong link between heightened risks of GBVH when workers face employment insecurity because of short-term contracts, poor working conditions, a lack of living wages, lack of social protection and being unable to exercise their right to organise and bargain collectively. Poor enforcement of labour laws and labour inspection add to the risks of GBVH faced by women at the bottom of the garment supply chain.

The bosses are all men. Workers are treated as cheap labour and...they have to work longer hours to have enough money to live. When you need money, it makes people servile and the boss knows this. When they give an extra incentive they are demanding sex or other favours. (Nazma Akter, President, SGSF)

In Lesotho, 40% of women garment workers are on precarious contracts. Along with low pay this makes them extremely vulnerable to GBVH. Simply put, one factory union representative said “They don’t have the power to refuse the sexual harassment” particularly when getting a contract:

Some people were given contracts, they were fixed term, the supervisor there he has the power and when the contract ends, he asks the woman to sleep with him so that she can renew the contract. (Union representative, Lesotho)

A lack of effective systems for reporting violence and harassment, along with a culture of silence and victim-blaming, contribute to low levels of complaints. The interviews showed the importance of confidential complaints systems that women trust and trade union representatives who can report an incident anonymously on behalf of a worker.

In addition, aggression towards independent unions is commonplace in some garment producing countries. Lack of union recognition and social dialogue, including the right to collective bargaining, and the fact that GBVH is not included as an occupational safety and health risk, adds to these problems. As later sections of this report show unionised factories and women’s representation in leadership in the unions are critical to preventing and addressing GBVH.

Risks related to gender inequalities and discrimination

Women garment workers face multiple forms of discrimination and abuse, many are young migrant women, with limited voice and agency. Women are often fired when they become pregnant or if they report sexual harassment. Fear of retaliation and a culture of impunity mean that women rarely

report discriminatory treatment or sexual harassment. Women are poorly represented in supervisory and managerial positions, they endure gender pay inequalities and the systematic undervaluing of their work and skills. Pregnancy and maternity discrimination are commonplace in the garment and textile. In one interview in Bangladesh an example was given of a pregnant woman who was refused maternity leave and was forced to work until 10.30 at night. These are forms of GBVH. One woman was forced to resign after her employer refused to give her leave and expected her to work overtime.

They were so inhuman they didn't even give her a chair to sit down. She was forced to resign. The union tried to get benefits as provided for in the legislation, and argued that pregnant women should not be working after 5pm. Work pressures for pregnant women should not be heavy. The law is ignored. (IBC Women's Committee member, Bangladesh)

Furthermore, many workers are not aware that GBVH can take different forms. and that work pressure and shouting are also abuse. Many workers believe that sexual harassment is synonymous with rape. Ending GBVH has been challenging in countries where gender inequalities are deeply embedded in a societal culture of silence, stigma, victim-blaming and impunity, and which extends to their family relationships, as is the case in Morocco.

I was psychologically abused by the head of division and I went to the union...But when I told my husband, he became abusive towards me. This made it worse. The union gave me some support. (Union representative, Morocco)

A woman in Bangladesh faced consequences from her family after she reported to her union that had been raped inside the factory:

A young woman was a victim of rape in the factory, when this case came to our notice, we lodged a police report and we asked for a medical report – her family said that this was not possible as she was single and if she reported it she would never get married because of the stigma...We later heard that her family was threatened [and bribed] to keep their mouth shut. The management said they couldn't do anything against the perpetrator. (IBC Women's Committee member, Bangladesh)

Trade unions have helped to break this silence around GBVH. One trade union leader in Bangladesh said that it was only after several meetings and the sharing of her own experience of sexual harassment that women began to feel safe to speak out:

The next week 20 women from 20 factories came to the meeting and after that they started to speak out. One woman said that she knew her co-worker had been raped multiple times by the supervisor and he told her "I will save your job, if you don't do this, I will fire you". Then workers started speaking. It has been a huge positive thing that women are now talking about the problem. (Trade union leader, Bangladesh)

Risks related to production pressures in the supply chain

Unattainable productivity bonuses and unfair piece work systems add to women's vulnerability to violence and harassment (Better Work 2016 and 2018, ILO 2017). Studies show that sexual harassment is found to be more of a concern amongst workers who were paid "by the piece" (Borino 2018). The structuring of power relations means that supervisors are in a position to demand sexual favours in exchange for a positive assessment of a worker's performance.

Sexual harassment and verbal abuse are deeply engrained in the production process, where threats and bribes for sexual favours are common. Interviews with women union leaders at factory level revealed numerous examples of supply chain related risks and factory practices that result in stress, pressure and GBVH. Supervisors and managers regularly use verbal harassment to coerce workers to increase production targets in order to meet orders. This culture was also reported in factories producing for major brands with whom IndustriALL has signed GFAs.

Piece work systems and excessive production targets can result in long working hours and workers having to stay in the factory until targets are met. As one woman said: “Bullying and harassment happens because of production pressure due to unrealistic expectations from the employer.” (Union representative, Turkey). Some unions have negotiated ways to address factory targets and poorly planned production cycles, including the downward pressure factories face on costs. Interviewees were clear that these risks are preventable and that coercing workers to reach unattainable production targets was against labour laws and ILO Convention 190.

Low pay forces women into financial insecurity, unacceptably long working hours and involuntary and excessive overtime. These are risks associated with a disrespectful working environment and GBVH.

They know that people are desperate for overtime as they are so low paid, then they demand sex to get you the overtime...What the women are experiencing is more or less connected to overtime and if you don't agree with the supervisor he will just remove you and replace you with another worker. (Union representative, Lesotho)

Moreover, long and unpredictable working hours, including involuntary overtime, have negative consequences for the health of pregnant women and it impacts on family life making it difficult for women workers to balance work with childcare responsibilities. Being forced to work overtime is regarded as a form of GBVH.

If there are orders to be completed in a special period of time, it might mean more shifts, more pressure. There is a certain number of hours that a worker is expected to work, but if there is a work to be completed as dictated by brands, the worker is forced to complete on time, and this means longer hours. [This] impacts on their family and it may mean that the neglect of the home environment leads to domestic violence. (Union representative, Turkey)

Risks in public places and travelling to and from work

In some countries extreme risks of GBVH are faced by women when travelling to and from work. Some women spoke of regular harassment, inappropriate touching and fondling on the bus, being called a prostitute after travelling on the bus at night, and sexual assault. One union representative from Bangladesh highlighted the dangers of robbery and assault for women travelling home at night. For some poverty wages and insufficient money to pay for transport adds further risks

Travel is a real issue with the women, they often want to save some money, poverty makes this...trying to get a free ride from workplace, hail a truck or car, if you go by the toll road, many women line the side of the road to get a free ride. I let as many women as I can in my car. It's hard to tackle, they need the money, but it is not safe for them. They have been trying to negotiate with the company to provide transport, but they only do this for the night shift. (Union representative, Indonesia)

In winter when days are very short, women have to leave home in the dark and walk a long distance on foot and they are harassed, raped, beaten, groped...in the evening the same thing happens...Some women have to walk 20 kilometres, the wages are not sufficient for them to pay for transport.... the company should provide safe transport, it would be really helpful as it would enable women to get to work on time, when they don't get to work on time, it affects their pay. (Union representative, Lesotho)

The problem was less acute for women working in factories that provided transport for workers. Even so, women were also at risk of GBVH at the pick-up and drop-off points.

During the pandemic as there are many different shifts imposed on them, they have to worry about getting robbed or harassed. The shuttle doesn't take them home, it goes to a central place and they have to find other transport home. (Union representative, Indonesia)

Some unions in Indonesia and Turkey had negotiated drop-off points closer to where women live so that they had no more than five minutes to walk to their homes. Even so, women still report safety concerns and often carry tear gas spray.

Risks related to the Covid-19 pandemic

Many of the problems mentioned above worsened during the Covid-19 pandemic. Trade unions reported challenging and increasingly desperate circumstances facing workers. Many workers had to endure work in situations of high risk of infection and ill-health at work and lack of PPE, others experienced layoffs and a loss of income. Economic harm increased significantly during this time. As defined by C190, economic harm is a form of GBVH.⁹ Women workers have been disproportionately affected by wage theft and irresponsible purchasing practices committed by brands during the pandemic (AFWA 2022). Unions report that this led to suppliers hiring or retaining women workers on low or lower wage rates during lockdowns, costs were reduced by the imposition of discriminatory employment practices and much greater work pressure. Work intensified during the pandemic leading to added risks of GBVH. Increased production targets, more pressure and stress on production lines and the imposition of long hours and involuntary overtime, negatively impacted on workers' physical and mental health, and their economic security. Violence and harassment increased during the pandemic, but economic insecurity and worsening conditions meant that it was even more difficult for women to report violence and harassment. Huge risks were faced by women returning to work from rural areas on crowded buses and trucks despite infection rates remaining high (Guardian 2021). During the lockdown workers in Bangladesh who demanded their wages were physically assaulted by the police with batons and teargas (Daily Star 2020).

The added pressures of the Covid-19 pandemic and fear of loss of livelihoods for garment workers in Bangladesh meant that women not only returned to work early and at risk, but they put up with increasing levels of sexual harassment. In Indonesia, women continued working with Covid, as no system was in place to pay wages to quarantine, and many worked long hours without PPE. Women spoke of needing to feed their families, while also having to put up with an increasingly hostile and unsafe working environment. Work has become more precarious and insecure:

In the factory...when we talk about the contract, the company tells us things are very uncertain and you can get no contract, the supervisor makes use of this situation and they know that employees fear losing their jobs, the supervisor says if you want to go with me, they have to. Now there are no bonuses or overtime, you make very little money and many times you really don't have choice...you probably have a family and maybe your husband lost his job you will have to do this to pay the rent. (Union representative, Indonesia)

We have had many more cases of sexual harassment and there have been frustrations and problems with Covid leading to a lot of psychological and physical violence. Union members have been targeted and mistreated and many of us have seen our rights go away because of the pandemic. (Union representative, Morocco)

Unions in all of the countries surveyed reported that domestic violence increased dramatically (see below). In Bangladesh child marriage and the dowry system became more widespread as young women garment workers lost their jobs. For example, in Turkey when the factories closed for three months and women were confined at home with their husbands and children, domestic violence increased. Illegal practices were also put in place, such as asking women to sign their names on a blank piece of paper:

When the lockdown was announced women were given white paper, forced to sign – some women who had taken the training tried to argue with the management why, they were told they would be dismissed if they did not sign on the white paper [while men were not asked for this]. They use it as proof that she has resigned voluntarily, rather than being forced to resign. (IBC Women's Committee member, Bangladesh)

3.4 The role of unions and women's leadership in textile and garment unions

The presence of women in trade union leadership positions has a defining impact. Many women interviewed spoke about the positive impact of the union, some women saw significant changes after the union was formed in the factory. Many unions have made training and awareness raising on GBVH a central union priority, along with workplace negotiations and agreements on the issue. Inspirational women leaders in the garment and textile have helped to bring international attention to GBVH faced by garment workers, faced with low pay, poor conditions, long hours and production pressures, all of which are fertile ground for GBVH.

Being a member of the union has always been a source of strength. (Union representative, Morocco)

In Bangladesh, union leaders such as Kalpona Akter, President BGIWF, Bangladesh, and founder of the Bangladesh Centre for Worker Solidarity, and Nazma Akter, President of SGSF and founder of the AWAJ Foundation, have brought international attention to the plight of women garment workers. Both unions have been instrumental in organising women workers and ensuring that at least 60% of women factory union leaders are women. Awareness raising, campaigns training and regular meetings with women workers have helped to end the silence around GBVH.

Having women in leadership is an important starting point and it has been a real breakthrough to get women leaders at factory level. We have a training programme for our members, we give a special focus on our women leaders, particularly for the young women coming from rural areas for a job. (Kalpona Akter, President BGIWF, Bangladesh)

Women trade union leaders in Morocco have participated in training and awareness raising and have been an important part of the coalition of unions involved in the campaign for ILO C190. The impact of this work is very visible, with a good level of awareness raising and a strong commitment to transformational change. Union organising has meant that around 85% of women in some factories are union members and women are in union leadership in the factory. Bringing GBVH to the centre of union strategies has been critical to union organising, advocacy and awareness, contributing to reduced levels of sexual harassment.

We have worked hard to fight this issue and we have built a union to fight all types of GBV. At the beginning when we didn't have a union...we needed to do something about the problems women face...The role of the union has really helped to reduce gender-based violence. We went from a situation of a lot of verbal sexual harassment to very few cases today. The men were involved as well and it has made a real difference. (Union representative, Morocco)

In Indonesia, union training, advocacy and participatory research have resulted in the greater participation of women unionists, along with a strong commitment to prevent GBVH and support women affected by it. Several women workers interviewed spoke of their experiences of GBVH and how their union had supported them. In one factory with a workforce of 12,000, 85% of whom are women:

My supervisor in the company harassed me and pulled my hair, it was a time when I didn't wear the hijab, he said terrible things and harassed me; I reported to the union and they went to HR, we were interviewed by HR and he was reprimanded. (Union representative, Indonesia)

In Lesotho, where 90% of the 50,000 workers employed in the garment and textile are women, the role of the union has focussed on helping women to stand up for their rights:

The union had to stand up and fight for their rights to work in a harassment free environment...We are building confidence for women to be leaders, that she is leading herself and others at work and in the community...we are changing history. (Malekena Ntsiki, union organiser IDUL, Lesotho)

The IDUL has provided important support for workers affected by humiliating forms of violence and harassment:

On one occasion when I came late to work, the HR manager just told me to work on my knees. I went to the shop steward and reported this; it was the union that really helped and took up the issue. It was inflicted as a punishment; I was treated like a baby to humiliate me. Everyone was looking at me, it was really awful, I was seriously harassed and humiliated and belittled. I am really pleased to have a union in the company because the rules and regulations of the factory will be respected. (Union representative, Lesotho)

Campaigning for ratification of C190 has helped to strengthen union advocacy for stronger laws to protect workers. Central to this has been to reach out to women garment workers, many of whom are young women, through training, meetings, seminars, café events and cultural shows and build their individual and collective power, voice and agency.

3.5 Domestic violence: union roles and support

Domestic violence is the most pervasive form of GBVH faced by garment workers. Unions reported on the stigma, victim blaming and secrecy surrounding the issue, and that the workplace impacts can be significant. In Bangladesh, domestic violence is common, particularly where there is an early age/child marriage. Support from governments is generally quite limited as for example in one EPZ in Indonesia where a women's crisis desk was set up by the government, but it did not function for very long. Women union representatives regularly provide support, legal advice, psychological support, counselling and financial assistance to survivors.

The biggest impacts [of GBVH] on women come from domestic violence, in some cases we can help a woman get a restraining order, and if he is working in the same workplace, we make sure he can't have contact with her. When the court order is issued, the employer takes actions to give her protection in the workplace; when the spouse comes to the gate of the factory, the factory takes precautions. (Union branch chair, Turkey)

Domestic violence became worse during the Covid-19 pandemic and many women have had to face additional pressure from family members when they work night shifts.

They face prejudice from the family when they have to work at night and the family is not pleased with them, and then they face domestic violence, this was even greater during the pandemic. (Union representative, Indonesia)

Although none of the factories where women trade union leaders were interviewed had workplace policies or formal HR supports for survivors of domestic violence, many unions provide support for survivors and often negotiate with management on their behalf so that they can keep their jobs. Women trade union leaders have learnt to spot the signs of domestic violence and talk to women that they see are suffering.

Some union leaders have been successful in raising the issue with HR, for example, in negotiating paid leave or the continued payment of productivity or attendance bonuses.

In one example the victim had bruises all over her body, face and hands. She was in the process of divorce and we approached the management to get leave for the victim until the case was resolved. We accompanied her to the police to make a report. She got all the paid leave she needed. Otherwise she would have lost her job. We had to convince the company that if you force her to work it will be very hard for her to be productive and this affects the whole production line. (Union representative, Indonesia)

In another case trade union leaders advocated on behalf of the survivor and were able to get HR to agree to some paid leave.

We told HR that she was facing domestic violence and if she didn't meet her production target she would suffer even more. We explained the situation [and the risks she faced of further abuse] and HR [paid her production bonus] and give her some paid leave with the attendance bonus so that she could stay in her job. (Union representative, Bangladesh)

Other union leaders were able to negotiate 5 or 6 days paid leave for victims who needed to recover from injuries from physical violence:

When they have this type of harassment and torture, they find it too difficult to come and work in the factory, so we negotiate with the management to give them some time off to recover from their injuries, otherwise they won't come back to work. Thanks to the union, this issue has come to the surface and HR recognises the problem now. (Union representative, Bangladesh)

In cases where women have court decisions such as protection orders, the women often come to the union first for legal and other support. In Turkey unions have been trained about a Vodafone app available for victims, which has geo-location services, and they give information to women about a new government funded help line. Many union representatives help to empower women "and give them courage".

When we empower them it will be easier for them to leave a violent situation and reach out for security protection, information, and services. We refer them to legal services and domestic violence shelters. (Union representative, Turkey)

Union representatives in Morocco regularly support women who have suffered domestic violence which is still considered to be a taboo. They have learnt through experience that domestic violence leads to low productivity, high absenteeism and psychological and physical difficulties.

In the union we have helped women to be strong and for women to speak out and to send a strong message to women that violence is not something that has to be accepted. (Union representative, Morocco)

During the pandemic, the UMT set up an online platform and worked with other NGOs to help survivors access legal and other support. An important part of the campaign for the ratification of C190 is that unions want workplace protections introduced on domestic violence in the law.

We try to break the chain of violence and to address domestic violence effects in the workplace. We are putting more pressure on the government to ratify C190 so that it includes protections against domestic violence in the law. We have a rep who is a woman, a parliamentarian who is helping to put more pressure on the government. We need this in the legislation and we have to work with inspectors to let them know that they have to intervene in all forms of violence in the workplace. (Naima Ambarki, UMT Women's Officer, Morocco)

Financial abuse is a regular form of domestic violence and some unions have given financial support to women affected by financial abuse. In one case the woman's husband took all of her salary and she had to take extra work to have money to feed her three children.

She would come to the workplace with blue marks and scars on the face...some women had to lend her money. We organised a meeting on GBV at work, we invited her and her husband and we talked about how it could be psychologically difficult for her. He changed some of his behaviour, but it still continued. (Union representative, Morocco)

Union representatives in Bangladesh cited examples of ways that they ensured that women did not lose their production bonuses, as this can lead to further victimisation and abuse.

When the woman worker got a lower salary her husband beat her badly... We took the victim to the hospital, then we took her back to her house to talk with her husband. We asked him why are you beating this woman? We said do not touch that girl, if you beat her, she will be weak and she will not be able to be productive (Union representative, Bangladesh)

This union holds regular monthly meetings and has negotiated for a female doctor to come to the factory once a week to give health advice to women, including on domestic violence. Some unions have provided emergency financial help and housing for survivors. For example, women representatives from the Teksif union in Turkey helped a woman draw up a plan that included the union renting and fitting out temporary housing for her, enabling her to stay in her job.

Raising awareness of domestic violence with employers is a further important part of union work. This helps to expose the myth that women are making excuses for poor productivity. This awareness raising is crucial to building trust for women and to make it safe for them to disclose their situation.

Through the factory women's committee, we talk woman to woman, we are trying to get them to open up about what they are experiencing at home...We have seen a great change in awareness. (Union representative, Lesotho)

In Bangladesh some unions have organised meetings with family members of women union representatives. The meetings aim to show family members the importance of women's roles in the union and in improving the lives of women.

3.6 Good practices in ending GBVH

Ending abusive practices linked to production targets and overtime

Several unions have put in place practical ways to monitor and resolve cases of excessive production targets. In Indonesia women trade union reps were trained to identify cases of sexual harassment and verbal abuse on the production line as part of a programme to create GBV free zones:

Workers reps on the production line and the management created a team tasked to monitor and evaluate situations of GBV. They work together regularly to report on these things and the purpose is to reduce GBV. We then work with the company. (Union representative, Indonesia)

In Bangladesh unions have monitored production targets and discussed how to reduce pressure and aggressive behaviour and reduce levels of sexual harassment. In one unionised factory, the union has addressed production pressures with management and this has reduced the levels of verbal abuse and led to better productivity and wellbeing:

If they try to pressurize the women to produce more than the target the women now go to the union and the union takes this up with management to stop this abuse. On each floor they have a welfare officer, when they see this problem they go to the welfare officer and they sort it out with management. (Union representative, Bangladesh)

In another unionised factory training was provided to union representatives on each floor of the factory to monitor excessive production targets and spot the signs of harassment:

So that if there is a problem such as a supervisor shouting...they talk to the supervisor. The union checks and they then count how many pieces she can produce and what she is really producing, to make sure that targets are not too high or above what is agreed. (Union representative, Bangladesh)

In a unionised factory in Turkey the union noted that when they addressed GBVH on the production line, sexual harassment went down and productivity went up:

In one unionised factory, supplying to a major international brand, sexual harassment had led to productivity levels being very low. But after the training sexual harassment went down and productivity went up, and the level of the buying went up as well. We found it was an important part of due-diligence. (Union representative, Turkey)

Negotiation of clauses on GBVH in CBAs

Negotiation of CBAs include clauses on GBVH, clauses on the establishment of complaints committees (Bangladesh), policies on zero tolerance to GBVH (Indonesia) and complaints procedures (Turkey). Unions in Bangladesh have worked strategically to ensure that every affiliated union at factory level with a CBA includes a clause on the establishment of an anti-harassment committee (AHC). For example, the BGIWF union has negotiated seven CBAs containing these clauses, while a further two factories are in the process of establishing an AHC under the CBA. Similarly, the SGSF has organised workers in 68 factories, thirteen of which have CBAs and a further two are pending. All CBAs include reference to GBVH and to the formation of an AHC. Even though many activities were halted in 2020 during the pandemic, the union still managed to sign three agreements. The unions have provided training on both setting up the committees and their functioning, ensuring that workers on the committee are clear about their duties and roles, and how complaints can be handled.

Now we have had the training, it enables us to handle the issues effectively through the AHC. We have learnt how to deal with complaints properly...We want every factory to have a union so that we can end GBV. (Union Secretary, Bangladesh)

In Turkey, unions have started to bring GBVH into collective bargaining. Some existing CBAs contain clauses on provision of psychological and financial support for women experiencing GBVH, and some contain provisions for garment factories to hire women excluded from the labour market because of domestic violence. Training has helped women union reps to be proactive in bringing GBVH into their CBAs:

We are currently working on the new CBA (for 2022) and we are bringing gender-based violence into the new draft. We want to try to integrate some of the articles from C190 into the agreement. And we are consulting with workers about what they want in the new CBA. (Union representative, Turkey).

For some unions, despite having clauses in CBAs on GBVH, the issue is not always clearly defined. In Indonesia, although GBVH is frequently included in CBAs, one union argued that:

The CBA doesn't go into detailed language about someone touching or touching breasts, we need something in more detail. Not many union officers are aware of different definitions or what is sexual harassment. IndustriALL's programme is very important as it pushes the union to learn about this. (Union representative, Indonesia)

Several unions had plans to ensure that GBVH was included in future CBAs. However, the Covid-19 pandemic had caused delays in negotiations in many factories and some employers were resistant to including clauses on GBVH. In Lesotho, union action to end GBVH in the Lesotho Hippo Knitting factory led the IDUL to sign a recognition agreement with the company in June 2021 to ensure that provisions on ending GBVH are included in collective bargaining.

Coalition building

Unions in Turkey, Morocco, Indonesia and El Salvador are involved in coalitions and alliances with other trade unions, civil society and women's organisations to end GBVH and in campaigning for the ratification of C190. For example, in El Salvador, FEASIES, is part of the Coalition for Decent Work for Women (formerly the Coalition for Decent Work in Textile Factories).¹⁰ The coalition has helped to bring a new dynamic to the union's work in addressing GBVH. When the union was seen to be addressing this issue it helped to make the union more attractive to women, leading to the

recruitment of new women members. Women have also formed a network of Salvadorian trade union women (CMSES), which has drawn up 'Trade union guidelines to assist and eradicate all gender violence in workplaces' (2015) in the fight against GBVH.

The role of training and awareness raising

One of the biggest priorities of unions has been training and awareness raising about GBVH. As women repeatedly stated in the interviews, every woman and man should know about GBVH and they should know about their rights. In El Salvador the union's awareness raising, training and advocacy helped to change perceptions on sexual harassment, resulting in much higher levels of reporting of cases.

Women now have a different understanding of what it is and are able to put it into perspective. Before they would probably think it is best to keep silent or try and request a transfer or resign. Now women are more confident and the union has also changed bit by bit. (Marta Zaldaña, General Secretary, FEASIES, El Salvador)

Prior to this, as Marta Zaldaña explained, many union leaders did not think these cases were important because they were not 'political' and the union just provided advice about what a victim should do. Today the union is much more proactive: "Our position is that we must accompany and support the victim through all the procedures so that she feels safe." The union is also trying to ensure that some men and women leaders become more specialised in the issue so they know how to be sensitive and how to treat a victim. Currently this is being developed through the annual women's training school, although in the future the union believes that the courses should be for both women and men. The courses focus on 'demystifying' sexual harassment and participants are given information about the legal definition and how complaints procedures work.

Training has been critically important in helping to end the denial and silence around GBVH, breaking the myths around victim blaming, and helping women to gradually open up about the problem and take action to address it.

So what we do right now is to raise awareness about gender...People don't feel it is GBV, that is why we are doing a campaign on this now. In our company we have different buildings, in each building we have union reps/stewards, we train them and we call them the 'liaisons', and we communicate with members through the stewards, about GBV, we put up banners. (Union representative, Indonesia)

Some of this awareness raising is focussed on women taking roles in trade unions and shifting traditional views that unions are for men only:

It is not seen as a role for women to be in a trade union, some say it is only for men. We have a project working with women as leaders, we are trying to have women in leadership roles. We have shown that women can be good leaders, it gives value to women. If women are happy in their roles at work and in the family and society, they will be better spouses and mothers, and have more productive work-life. (Union representative, Turkey)

Training programmes have helped workers to understand GBVH and their rights to report it. Some training had a big impact on workplace culture in areas such as anger management and stress management, and behavioural change amongst men.

When we did gender equality training, the men were able to understand how gender norms affect society...The men said they wished they had had this training before so that they can raise their children properly. Before the training with Inditex we did interviews and focus groups with women and men. The women see it as normal behaviour, we teach them what is sexual harassment, and psychological forms of violence so that they are aware of the situation...the men thought it was a normal thing...the men then realised it wasn't and now they have stopped it. (Union representative, Turkey)

An objective of several unions is to have greater involvement of men in ending GBVH. One approach taken in Turkey was that unions involved in a separate project on work-life balance were able to show the intersection with men's family roles and prevention of GBVH. The unions found that when men in the union play positive parenting roles they pass on positive messages to their children, including on the prevention of GBVH. This is also having an impact in the workplace as more men get involved in campaigns to end GBVH. Involving men in training has also been an important part of the joint training with employers and brands such as Inditex, H&M, ASOS and Esprit. In Morocco, as in other countries, the unions have also been involved in successfully getting male leaders to stand in solidarity with women including a quota for women in union leadership.

Creation of complaints systems that women workers trust

Confidential procedure for complaints in Morocco

In Morocco, the UMT has a confidential procedure for addressing sexual harassment, with union involvement and support at all stages of complaints handling, helping to "break the wall of silence". Unions are also working with civil society to establish an independent complaints mechanism.

In the union we work with civil society to help reduce this fear and to end the need for proof. We try to address this and break this wall by organising and we work in complete confidentiality. We have one-to-one sessions to listen to women and we have a committee of experts of psychologists, lawyers and we work in complete confidentiality. This confidentiality really helps women to speak out. (Union representative, Morocco)

Independent complaints mechanism in Lesotho

In Lesotho, following the allegations of systematic sexual harassment and abuse in factories in Lesotho (referred to in section 1), a landmark set of agreements were signed by three Lesotho trade unions, two women's rights organisations and four companies.¹¹ This led to an anti-GBVH programme, including the establishment of the independent mechanism, known as the Workers' Rights Watch, with the responsibility to investigate and resolve complaints. A Code of Conduct sets out the roles and responsibilities of managers and workers. A confidential information line for workers was also established and is run by FIDA, enabling workers to call about concerns they may have. Union representatives interviewed from the Nien Hsing factories noted that there has been a real change in the behaviour of supervisors, who know they will lose their jobs if they continue to "inflict abuse on workers." As one woman union representative said: "top management says to the workers, if something happens you must report it." The measures introduced have helped with confidentiality:

Since the inception of the agreement things have been different. The women are no longer experiencing sexual harassment, things have really improved...Now they know what to do if they experience any form of harassment or sexual harassment. It gives them confidentiality, it helps them a lot, the harassment has declined. (Union representative, Lesotho)

One woman union representative interviewed said that “Having an external body to report to is a good model, and the confidential external line is important”. Another said, “being able to talk to the woman lawyers confidentially really helps”.

Following the success of this model, allowing for both an independent telephone help-line and an independent complaints mechanism, unions are also seeking to replicate it at the Hippo Knitting factory, where there have been similar revelations of harassment and abuse. This started with training-the-trainers for women shop stewards through the women’s committee, and the training is now being given to all union members. The women workers interviewed said that it had helped them to realise what sexual harassment is and that they have the right to complain. As one garment worker interviewed said, “Talking with the women, trust builds up and women speak out”. Other women interviewed were clear about the need for workers to “feel free to complain confidentially”.

We want to ensure that workers feel confident in reporting the issue. There must be confidentiality so that workers can feel comfortable, when the perpetrators are not around. This mechanism will allow workers to report freely without intimidation and harassment. Mostly when the workers report a supervisor, they know there will be retaliation against the worker, so we need a clear approach. (May Rathakane, IDUL Deputy General Secretary, Lesotho)

Anti-Harassment Committees in Bangladesh

In Bangladesh, as a result of a High Court judgement, factories are required to establish anti-harassment committees (AHC). Interviews with women leaders from three factory unions in Bangladesh showed the potential that the AHCs have when they are properly constituted (with worker, trade union and external representatives), with women as the majority of committee members, and when committee members are trained to handle complaints sensitively and confidentially. It is also important that the AHCs can play a role in the prevention of GVBH and provide information and awareness to workers. Although an estimated 150 AHCs have been set up in the garment and textile in Bangladesh, many are not functioning effectively because of a lack of training and understanding of GBVH amongst committee members, lack of trade union representatives, and low awareness, which is sustained by power inequalities and a culture of impunity.

In unionised factories, committee members are selected with union participation, with the aim of 60% worker representation and for the head of the committee to be a worker. Good approaches adopted by unions include encouraging complainants to get support from the union, provision of counselling, maintaining confidentiality, suspending the alleged abuser while an investigation is ongoing and the effective use of grievance and disciplinary procedures. Some AHCs addressed domestic violence in the workplace and examples were given of provision of financial support when financial abuse had occurred.

Complaints cited by union leaders that resulted in the sanction or dismissal of supervisors for repeated verbal sexual harassment, sexual harassment and stalking by text messages by a manager demanding sexual favours, sending of pornography to a woman via text, inappropriate touching of a woman’s body and breasts by a machine technician, and the withholding of a salary increase due to a woman worker. Unions referred to good outcomes for victims when the union also provided support through the formal AHC complaints process. Training has been critical to this, as highlighted by a factory-level union that had established an AHC:

At first we didn’t know what the AHC was, but because of the training from the union and IndustriALL we have learnt a lot about their responsibilities and what is the function of the

AHC, and [committee members] pass on their knowledge and responsibilities to others.
(Union representative, Bangladesh)

Unions have faced challenges in this work when the management side has a low level of awareness about GBVH and low commitment to addressing the problem. This has often resulted in them not always believing the woman, a culture of victim blaming, and insisting on the need for witnesses and corroborative evidence. Some managers are just complying with requirements from the brands and the AHC have become “tick-box” exercises. However, when there is a joint approach and training for all committee members, they are more likely to function well. In these cases, workers on each floor know their AHC representatives and how to contact them. Union representatives at another factory believe that this approach has helped build trust. And the AHC functions well because committee members have received training and guidance on their roles and they understand their responsibilities. Holding regular monthly meetings enables the AHC to look at wider issues of prevention.

The AHC was established as a result of a demand of the union. Everyone cooperated in its establishment. If there is any incident workers go to the union secretary or president of the committee and explain their case – they go to the line where it has happened and they ask which male technicians have done these things. (Union Secretary, Bangladesh)

Developing internal procedures for complaints in El Salvador

In El Salvador, FEASIES a general union that includes the garment sector, has had some successes. The union worked with the garment factories to develop policies on zero tolerance for sexual harassment and violence. However, there are problems in processing complaints.

At the moment, even when a woman has the courage to make a complaint to the prosecutor’s office, the procedures are so slow...they often decide to drop the case. We lack proper procedures to address cases of harassment. Some managers even argue that they cannot dismiss someone on grounds of sexual harassment because the labour laws do not recognise it and the person in question could take a case against the company for illegal dismissal. (Marta Zaldaña, General Secretary, FEASIES, El Salvador)

To try and resolve this, the union held discussions with the former Ministry of Labour about drawing up a model internal procedure for cases of sexual harassment. Working with other women’s organisations, the union managed to ensure that Labour Inspectors would include the issue in their inspections when they carry out on-site visits, and if they identify a case, they send the information to the prosecutor’s office. The union has also used other mechanisms such as sustainability certification, which some international clothing brands use. An example of this is the Fair Labour Association (FLA) mechanism on Third Party Complaints. A union can submit a complaint and the FLA investigates with their experts and this results in recommendations, including that the factory concerned establishes a policy and an internal procedure. As a result of this two factories have adopted internal procedures. In addition, the union has discussed with the factories about the need to provide additional support for women who make a complaint, such as paid leave for visits to the prosecutor’s office and transport costs.

Other approaches include unions pro-actively encouraging workers to make complaints directly to union representatives since many do not want to use the formal complaints process. In Turkey, for example, women trade union representatives have been an important factor in giving women a place to talk about their concerns. Unions in Turkey also note that training on complaints handling is necessary to ensure that women are safe to report, but also recognise the importance of awareness

raising amongst managers in handling complaints. Having a union presence in the factory has been important to building trust and to ensuring successful outcomes for workers.

When women want to make complaints they go first to their union representatives who are women and they can be supported by the union to make a formal complaint. The company encourages complaints and these can be received in writing, by email or in person. A dedicated email address has been set up for complaints. (Union representative, Turkey).

One of the problems is that sexual harassment rarely occurs in the presences of witnesses or in view of security cameras. With the burden of proof resting on the woman complainant, cases are not taken forward. Similarly, where an internal or independent investigation is carried out, women are either not believed and/or men in more senior positions are protected. Confidential and independent complaints systems have been established in Morocco and Lesotho as one way to address this problem.

Internal trade union policies and statutes

The Statutes of some trade unions contain articles that state that if a member is a harasser or perpetrator of violence, that person is expelled from the organisation, as is the case of a Turkish union:

We have an article in our CBA and in our union statute that if someone has a violence background they are not able to have any position in the union...they can't be a shop steward or any other decision making bodies. (Pinar Özcan, International Relations Secretary and President of Women's Committee, Textile, Garment and Leather Trade Union, Öz İplik-İş Turkey).

Some unions highlighted the importance of "getting our own house in order" and ensuring there are internal policies on GBVH. As one trade union leader said: "we also need to consider developing internal procedures for the unions as well – that is a pending task!" (Marta Zaldaña, General Secretary, FEASIES, El Salvador)

3.7 The role of ILO Violence and Harassment Convention No.190

The vast majority of women union representatives interviewed saw ILO C190 as a hugely progressive development for workers' rights. A small number of interviewees in Indonesia, Lesotho and Turkey were not aware of either C190 or the campaign for ratification in their countries and expressed a strong interest in knowing more about it. All unions interviewed saw the vitally important role that C190 will play in ensuring that employers implement effective workplace procedures, prevention, risk assessment and support for victims. In some countries, unions were beginning to use C190 and R206 in their negotiations for CBAs, knowing that their governments were unlikely to ratify the Convention in the immediate future. As one trade union leader said:

We can't wait for the government to introduce law or for C190 to be ratified, we are being proactive in CBA clauses and AHC committees. Our federation already has it in our strategic plan to ensure this is part of the next round of collective bargaining. (Kalpona Akter, President BGIWF, Bangladesh)

Many unions are planning to include reference to ILO Convention 190 in their CBAs, and suggest that updating GFAs and gaining backing from brands will also help to give leverage to this.

In our new CBA, which is not yet signed, we have proposed to include C190 into the CBA. With Inditex we are getting used to formulating agreements and we are using this language more and more. (Union representative, Morocco)

We have recently spoken to a brand (H&M) about making C190 a reality...We have worked closely with NGOs and have held discussions with governments...for the first time. (China Rahman, President, Federation of Garment Workers, Bangladesh)

To date there are many examples of successful campaigns for and engagement around C190, which have been held by unions and regional offices of IndustriALL, often as part of annual events such as International Women's Day or the 16 Days of Activism. In addition, in the interviews union representatives spoke about their involvement in campaigns:

- Garment sector unions in Morocco are part of a coalition of unions formed in 2019 with the UMT, CDT, and civil society organisations to raise awareness, campaign and lobby for the ratification of C190. It has led to a movement mobilising around the demand for the ratification of the convention.
- Garment unions in Indonesia have been active in the campaign for ILO Convention 190 and its ratification: a collaboration between the two trade union confederations in Indonesia – KSBSI and KSPSI – led to the formation of the 'END GBV in the world of work' alliance with over 50 unions and organisations across Indonesia.
- Unions in El Salvador are raising awareness about C190, as part of the advocacy campaign for the government to ratify C190.
- In Turkey, a project has brought unions in the garment and textile into a dialogue about C190 via a social partner platform organised with the ILO, government ministries, NGOs, women's associations, amongst others. Women in unions have also been part of a feminist movement in Turkey against the withdrawal of Turkey from the Council of Europe's Istanbul Convention on violence against women.

Unions argue that information campaigns, study circles, training and awareness are all necessary for workers to understand C190 and how it will help empower women workers.

3.8 Role of brands and GFAs

Many brands are driving change, for example, by requiring factories to implement grievance procedures and codes of conduct on sexual harassment. At a meeting of trade union leaders from the garment and textile in Turkey, Bangladesh, Cambodia, India, Indonesia, Mauritius and Morocco, held on 3 October 2019, emphasis was given to promoting ILO Convention 190 and Recommendation 206 in the garment and textile and including it in GFAs. Calls were also made for factory-level unions to play a greater role in the monitoring of GFAs. In this light, some unions interviewed noted the importance of the brands:

Buyers...have already introduced the Code of Conduct to the company. We are now free of this kind of violence, and there is no situation where we are forced to work long hours...Brands want to make sure that companies that receive orders comply. (Union representative, Indonesia)

GFAs have been an important lever for workplace policies and awareness about GBVH. For example, unions reported that the GFAs have been extremely useful, giving legitimacy to union roles at factory level. Specific obligations on GBVH have proven very helpful. Regular monitoring meetings were singled out as being important to addressing GBVH, while GFAs can help secure commitments to collective bargaining on workplace policies and CBAs to end GBVH. GFAs generally have had a positive impact on the quality of work.

[The H&M GFA] has been very good example for our trade union as well as the factory...we have made a lot of use of it...if there is something that is not in line with the agreement, we refer to the GFA. It gives strength to our work. (Union representative, Turkey)

Similarly, brands' policies are important in driving change amongst suppliers, although there is a general view held by the unions that brands need to be more focussed on addressing GBVH in their supply chains, particularly around contracting and pricing. Unions suggested that factory owners and governments could take a more pro-active role, including on the ratification of ILO C190 in garment producing countries. In addition, unions are aware that women very rarely speak to auditors about GBVH. The Turkish union, Teksif, is looking at ways to make the issue more visible to auditors, and unions in Indonesia are exploring how to raise GBVH in brands' factory audits.

3.9 Recommendations made by unions in the garment and textile sector

Union leaders and union representatives at factory level made a range of recommendations, aimed at building awareness, visibility and union action on ending GBVH.

- Training and awareness raising for all workers so that they are empowered to discuss, report and act on incidents of GBVH. Resources are needed for this and unions expressed a strong need for the IndustriALL global training programme to reach all affiliates in the garment and textile.
- Training for senior trade union leaders on GBVH, to build their understanding and advocacy around GBVH, and to equip them to become champions, including in implementing internal and external union actions to end GBVH.
- Training for senior and line managers on why GBVH is an issue linked to human rights and business abuse, and how to ensure that complaints mechanisms are effective, transparent and trusted by workers.
- More training and guidance are also recommended on gender-responsive collective bargaining, including model language on establishing comprehensive workplace policies, ensuring effective and trusted complaints committees with union representation, and providing support for survivors of domestic violence. Unions recommended more training and support to help them to use the language of C190 and R206 in their CBAs in a meaningful way.
- As there is a relatively low level of awareness about GBVH as an occupational safety and health risk, including processes for gender-responsive risk assessment in the garment and textile, unions would like to see more practical training and guidance about how these risks can be addressed from an OSH perspective, including psychosocial risks. The recently agreed ILO Code of Practice on OSH in the garment and textile gives a good foothold for this work.
- All current and future GFAs should refer at a minimum to obligations on suppliers to prevent and address GBVH, including the full implementation of C190.

- Specific guidelines are needed for the garment and textile on how to effectively include and monitor GBVH in GFA national monitoring committees, enhance processes for raising awareness of and reporting GBVH under the new International Accord for Health and Safety in the Garment and Textile Industry, and ensuring better recognition of GBVH as an issue for supply chain human rights due-diligence.
- Awareness raising and training for union leaders, union representatives and managers on domestic violence, including how to give support to survivors of domestic violence, what can be included in workplace policies, including paid leave, financial support, counselling and temporary reduction in work targets without loss of pay, if needed.
- Living wages, decent work and ending precarious work are of critical importance in to ending GBVH in the garment and textile sector. In addition, strategies to relieve production pressures and ensure women are not forced to work overtime, are essential in ending GBVH.
- GBVH can affect anyone, and LGBTQI+ workers are particularly vulnerable. Specific initiatives and training are recommended on addressing GBVH in all its forms, and to increase awareness of and strategies on the inclusion and recognition of the rights LGBTQI+ workers.

Chapter 4: GBVH in the ICT, Electrical and Electronics Sector

4.1 Introduction

This chapter documents the findings from the individual and group interviews held with 22 union leaders and representatives in the electronics sector, in Indonesia (FSPMI factory-based unions: PT. Yamaha, PT. Omron & PT. Epson, and LOMENIK factory union: PT. Kemet Electronics); India (SMEFI, SEM Pune, Ever Electrics Pune union, Siemens Kalwa Unit union, Siemens Goa Unit union); Japan (JEIU, JC Metal, Hitachi Workers Union, Murata Manufacturing Workers Union); and Brazil (Confederação Nacional dos Metalúrgicos da CUT and two affiliated factory-based unions).

4.2 Extent of GBVH in the ICT, electrical and electronics sector

Evidence of GBVH in the world of work

There is limited data on GBVH in the Information, Communications and Technology (ICT), electrical and electronics sector. IndustriALL's gender equality survey, carried out in October 2021, in the ICT, electrical and electronics sector¹² revealed that 48% of worksites had reported cases of GBVH; 41% had a CBA or a workplace policy that included clauses on GBV, and 63% had carried out measures in their unions to address GBVH such as workplace negotiations (44%), campaigns (26%) and supporting and representing women (15%). Only 30% of unions had an internal union policy on GBVH. Overall the survey noted significant gender inequalities, occupational segregation, precarious work, and women's lower representation in decision-making and leadership positions in the workplace and in unions.

Women workers represent a large share of the labour force in global electronics supply chains, particularly in the assembly of small components. These jobs are often in large factories in special economic zones; many women workers are young and migrant workers in precarious and insecure work. An estimated two-thirds of female workers are in temporary, contractual or indirect wage employment (ILO 2015). Young women are often hired for assembly line jobs because they are less likely to make complaints and stand up for their rights (Good Electronics 2017). The electronics sector is characterised by fluctuating orders, "just in time" production and short product cycles. This results in a high level of temporary and agency work, and high levels of overtime. Poor working conditions, involuntary overtime, insufficient rest/time off and exposure to toxic chemicals, put women at risk of GBVH. Risks from toxic chemicals leading to birth defects and miscarriage - a form of GBVH - have been reported across the electronics industry (van der Velden, M. 2019, Electronics Watch/LIPS 2018). In the monitoring of Samsung factories in Indonesia, the NGO Sedane Labour Resource Center (LIPS 2017) identified problems faced by assembly line workers resulting from excessive production targets, precarious work and exposure to toxins.

Voices of women workers: experiences of GBVH

Interviews with union representatives revealed frequent verbal and non-verbal harassment, and inappropriate touching of women's bodies. Some women are disproportionately affected, particularly young women, migrant women, women single parents and women on precarious contracts. One woman interviewed in Indonesia spoke of a male worker exposing himself in the workplace. Another woman from a unionised factory in India said that GBVH was not a problem in her factory, but it had been in her former non-unionised factory:

The boss used to pressure the women and he used abusive language and there was no representative to report to – if they report they would be harassed further. (Women union leader, India).

A further problem, cited by women union leaders in India, is that many workers are not aware they are experiencing sexual harassment:

Many workers are not aware; they think that physical abuse [sexual assault] is sexual harassment. It has been important to help them understand that it can be psychological and we have programmes in the union on awareness. (Sanjyot Vadhavkar, National Secretary, SMEFI, India)

A factory union leader from the Confederação Nacional dos Metalúrgicos da CUT (CNM-CUT) explained the disrespectful way that women are treated:

[The male supervisors] are always making so-called jokes about women's clothes and bodies and laughing at our expense. They make women feel uncomfortable and some of the younger women are reduced to tears...There are few women in supervisory positions and promotions are often dependent on women going along with the men and accepting this kind of sexual banter.

In Japan, where women represent around 30% of workers in the electronics sector, power harassment (workplace bullying) is the most frequently reported form of harassment at work. Women leaders speak about inappropriate verbal comments and touching being commonplace. Often women are not aware that this behaviour is sexual harassment, and as one woman union leader said, "it happens all the time at an everyday level" (Union leader, Japan). Several union leaders reported in the interviews that "minor forms" of sexual harassment at work and when commuting on public transport are common in Japan. Part of the problem is that men still see women as inferior and gender inequalities and social norms are closely connected to women's care roles. This also impacts on fathers who may want to take care leave:

We get some complaints such as sexual harassment, or harassment related to maternity leave or related to childbirth/childrearing. There are problems at many levels such as when they have to go home early to care for children, or take maternity leave – when men want to take paternity leave there is verbal abuse preventing men from taking the leave. (Union leader, Japan)

In one large electronics company, women and men work on assembly lines to manufacture electronics components. The factory operates on a 24/7 basis and both women and men work shifts. Women represent nearly 30% of employees, largely in assembly line positions, with only around 2% in senior or managerial positions. Generally, it is assumed that women will carry out lighter work than men, especially during pregnancy. The union wants to ensure that women have the same opportunities as men, and discussions are being held about how to strengthen measures to enable men to take care leave and to end the culture that views men as the primary wage earner who "brings home the bacon". As one union leader said:

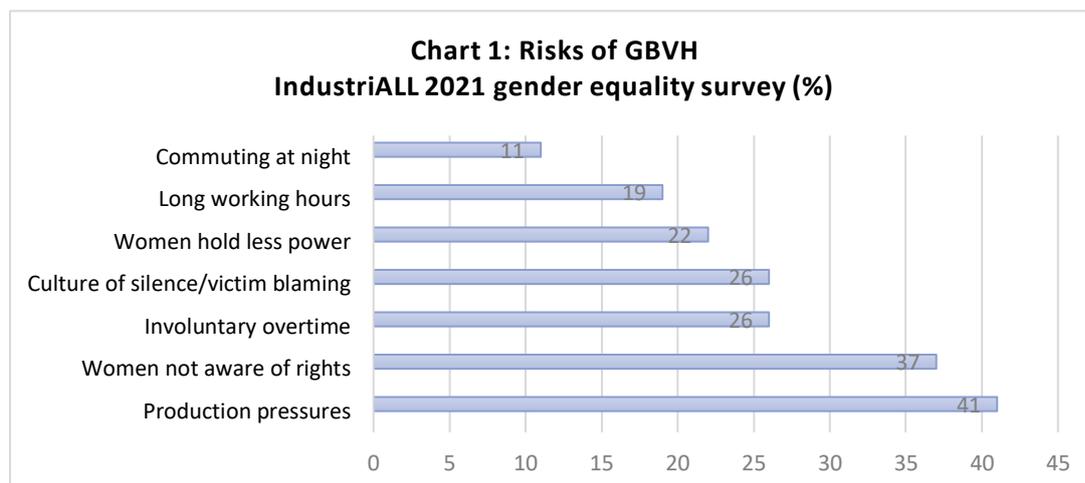
This culture devalues women's roles and work and underpins a culture of sexual harassment. Some changes are evident amongst younger men who want to play a greater role in the family.

Japanese companies operate under a pro-active legal framework on ending violence and harassment at work¹³, while company programmes put value on diversity and inclusion. As one union leader explained, sexual harassment is still not addressed as a serious issue:

GBVH is an important issue, we have legislation in place that means it is an employer's responsibility to address the problem. However, gender bias and a culture of male dominance in Japan mean that in reality sexual harassment is often not addressed as a problem in the workplace... Despite this reality, younger workers are demanding change, and along with the #MeToo movement and some high-profile cases in Japan, there is much better awareness of the problem

4.3 Risks of GBVH in the ICT, electrical and electronics sector

Multiple risks of GBVH are evident in the sector, and these have all increased with the Covid-19 pandemic. IndustriALL's 2021 gender equality survey in the ICT, electrical and electronics sector reported on a variety of risks leading to GBVH. As Chart 1 shows, the most frequently reported risk is production pressures, reported by 41% of unions, followed by women not being aware of their rights (37%), involuntary overtime (26%) and a culture of silence and victim blaming (26%). Other risks were reported of women holding less power, long working hours and commuting at night.



Risks associated with excessive production targets in the supply chain

Excessive production targets not only lead to a culture of verbal abuse, but they lead to women being denied access to toilet facilities, which in turn affects women's urinary and reproductive health.¹⁴ In the interviews, women argued that risks of GBVH were heightened when production targets were too high, confirming the findings from the IndustriALL's 2021 survey. This creates a work environment where verbal abuse and sexual harassment are used to increase productivity, as explained by one union leader:

...in the electronics assembly work, risks of verbal abuse can occur when there is stress at work. Workers are prepared to work hard to reach production targets and work closely with management to reach these targets. Production targets have increased during the COVID-19 pandemic, and these higher targets can result in much greater stress and work pressure, which can lead to verbal abuse.

At factory level, a trade union leader from the FSPMI in Indonesia spoke of the problems of production pressures in her factory, resulting in increased levels of verbal harassment and not allowing women to access toilets:

It is mainly verbal harassment in the factory...when there are production pressures...in one hour when they have to produce 2400 pieces, this is where the pressure happens [and the] discrimination starts such as not allowing women to go to the toilet, this is harming women. (Union representative, Indonesia)

Similarly, in India, similar problems arise when there are tight production targets:

When it comes to discipline they are strict [in meeting production targets]. Sometimes in the guise of discipline they are harassed, such as not being able to go to the toilet. (Union representative, India)

While production pressures are routine and women are harassed to complete orders and work longer hours, unionised factories in India have attempted to mitigate these impacts, for example, by ensuring overtime is voluntary: "It is our choice and we can say no to the request to do overtime". (Union representative, India).

Risks from employment insecurity and low wages

Many of the union leaders and representatives interviewed were from factories where women carry out repetitive assembly work, in low paid and insecure jobs. Where the workforce is predominantly female and contracts are precarious, risks of GBVH are high.

In Manaus, Brazil, the electronics sector is female-dominated and women generally work in assembling circuit boards. The majority are on temporary contracts and employed indirectly through agencies. In India, labour law reforms and a culture of hire and fire have impacted most workers who are contract workers assembling small parts, often working long hours, and facing significant risks of sexual harassment. The situation has become worse with the Covid-19 pandemic, when employment insecurity increased:

Women workers are mostly those affected by reduced wages and allowances...and with Covid there are new challenges in securing employment for workers. The jobs that go first are women's jobs. There are layers of impact that make them more vulnerable – less security, less rights – who will complain about sexual harassment? The employer can at any time fire them without any recourse (Sanjyot Vadhavkar, National Secretary, SMEFI, India)

In some factories women have experienced sexual harassment and assault because facilities available to them have been reduced, such as no longer having separate toilets from men. In one factory in India only 126 of the 1500 workers were on a permanent contract. Contracts usually last for 6 months and there is constant workforce turnover. "Most permanent workers are with the union and have all of the protections of the job and the union. They are in a better situation." (Union representative and Women's Committee member, India)

In Japan, these risks mainly occur where jobs are outsourced and there is no protection from the union:

Many operations done by women in the past have been outsourced. Some of these women are still organised through the company, such as outsourced dispatched engineers, but many are not organised. (Union leader, Japan)

Risk of unsafe travel to and from work

Long hours, involuntary overtime and unpredictable shift work mean women often have to travel home in the dark. Women spoke of risks they faced travelling to and from work on both public transport and sometimes in company transport. Women frequently put in place their own safety strategies, such as travelling with a colleague or carrying pepper spray. In Japan, commuting at busy times brings risks of sexual harassment:

Many women have spoken about the everyday reality of travel commuting on public transport that includes inappropriate touching, sexualised verbal abuse, jokes and sexual innuendo, and men reading pornography on public transport. (Union leader, Japan)

According to one union leader in India, some unions have taught women how to be strong and stand up to harassers. Another safety measure is the provision of shuttle buses for workers, introduced in some factories in India and Indonesia. In the IT sector in India, women engineers were provided with a car service by their employer following several reports of rape committed against women taking taxis at night:

So they discussed it with the union and said you can't expect women to work at night if they can't be safe. The employer started taking precautions about checks on taxi drivers. (Sanjyot Vadhavkar, National Secretary, SMEFI, India)

Indian women workers report some of the biggest risks to their safety, where sexual harassment and inappropriate touching on public transport occurs during busy commuting times. Many remain silent about this daily reality.

They don't want it to come out on social media, they don't talk about it as their husbands will be cross. There are compartments for women on trains, so that helps. (Union representative, India).

Travelling to one factory in India takes women up to two hours on public transport. Early and late shift work brings added risks of sexual harassment and assault for women workers.

There are problems particularly for women with the early morning shift, who have to leave the house for some of them at 3.30am. There is insecurity on the buses... you won't find anyone around, the bus stop is very far from their place, even in the bus there is sexist taunting and touching... The women on the evening shift [ends at 23.15h] face daily risks of sexual harassment and sexual assault on the bus. If they can't get to work safely they can't work safely/productively. (Union representative, India).

As a result, some factories in India do not allow women to work the night shift because of safety issues, but as one trade union leader said this just evades the problem: "Instead of making it safe for everyone [we should ask] what protection and safety will the employer give to women before we start." (Sanjyot Vadhavkar, National Secretary, SMEFI, India)

Absence of complaints procedures and/or lack of trust in complaints mechanisms

Significant additional risks arise because of the absence of workplace policies and procedures, and/or a lack of trust in complaints procedures. Fears of reporting are closely linked to employment insecurity and many women know that they will not be taken seriously. Most interviewees said that women do not want to report GBVH, as one union leader in Indonesia said women find it embarrassing and they put up with it. Furthermore, a culture of victim blaming stops women from reporting. In Brazil, complaints procedures are not included in company policies, making it difficult for workers to make complaints. One woman union leader in an electronics factory in São Carlos in São Paulo State, Brazil made it clear that “Women do not make complaints because they fear they will lose their jobs”. The absence of an enabling legal framework is a further barrier:

At the moment it is very difficult to present a complaint for moral or sexual harassment because under the existing legislation you have to provide evidence that everything you claim took place. So you need people who are willing to give evidence and act as a witness. So it is very difficult even if the harassment is taking place openly in the workplace. Women fear they will lose their job even though they recognise it might help to stop the abuse of other women in the future. (Marli Melo, National Secretary for Women, CNM-CUT, Brazil)

A problem exists because women who have been victimised rarely have proof. In India, where independent complaints committees are required under the law, there is still a lack of trust. With the burden of proof resting on the complainant, security cameras are seen as one way to protect workers. However, unions say that the cameras are used inappropriately for the surveillance of workers and union reps:

They have to have the proof. There are some places where they can't be caught on camera. Security cameras don't always work. If they find woman alone this is where it can happen. They use cameras as a means of revenge to target the union members and union leaders and to monitor their performance – it is not for the security of the workers but surveillance of workers/union. (Union representative, India)

Risks related to gender inequalities and discrimination

Gender inequalities, male dominance and privilege, and a low level of awareness of GBVH, are reasons cited for additional risks in the electronics sector. In Brazil, deeply engrained gender stereotypes impact on women's work in the electronics sector, where work is very repetitive and involves painstaking precision and working at a very fast pace, so women suffer from repetitive strain injuries and many other work-related problems. As it is a female-dominated sector:

It is said that women are naturally gifted with these skills but it is a way of discrediting the quality of women's work in order to pay women less. (Marli Melo, National Secretary for Women, CNM-CUT, Brazil).

However, in some workplaces women are in the minority and it has been harder to get sexual harassment taken seriously, as is the case in a male-dominated workplace in India:

It is a male-dominated environment, initially there were many problems as we were small in numbers. Slowly they have changed and they – the men and the union - gradually responded to our problems and they are more respectful now. (Union representative, India)

4.4 The role of unions and women's leadership

There is no doubt that the presence and role of women in unions in the ICT, electrical and electronics sector has made a huge difference to women workers' perception of the role of unions and in speaking out about GBVH. Consultations with women workers, listening to their experiences and encouraging them to make complaints, have all proven to be very important. Organising women and youth has helped to transform unions, and there are now more women leaders who give priority to GBVH in their work, building trust and opening up spaces for women to confidentially talk about GBVH. Some unions spoke of the positive impact of the IndustriALL Pledge in helping them to progress this work.

Women leaders have carried out training and awareness-raising programmes, discussion groups and have found creative ways to engage with women workers in building trust and breaking the silence on GBVH. However, participating in the union is not always easy, particularly when women have family responsibilities. The vital importance of women's leadership to eliminating GBVH is summed up by two women leaders at factory level in Indonesia and India.

Women's union participation is important, we encourage women members to attend the meetings with management, we want to make sure women speak up...Having women in the union, they can listen, they can be more open if they have union reps that are women. But it can be very difficult for women to participate in the union. (Union leader, Indonesia)

Having the union has helped our working conditions, in the absence of the union our life would have not been so rosy. The union has been very important. (Union leader, India).

Women's trade union networks have helped to provide information, training and support for women workers. For example, CNM, Brazil:

...has created women's networks in different States to promote exchange, communications and mutual support for women workers. There are also WhatsApp groups and telephone support lines so women feel a bit more protected and safe as a result of the support of the trade union. We have held meetings about gender issues including the question of combating violence [and] the union also offers training courses for women to learn how to negotiate. (Marli Melo, National Secretary for Women, CNM-CUT, Brazil)

Internal union policies

Several women union leaders spoke about the importance of internal union policies to address GBVH. As a woman leader from Japan argued:

Although #MeToo gave a lot of public attention to the problem of sexual harassment, it didn't really have a concrete impact in companies, workplaces and trade unions. It needs to be taken up inside of trade unions as well.

A women trade union leader from CNM Brazil spoke of the resistance she had faced from male union colleagues. She spoke about how women assembly line workers were often blocked from promotion and sexual harassment was a frequent occurrence. Although she has seen some change in attitudes there are still big challenges in the trade union movement:

We still need some very big changes in the trade union movement. Women still face harassment, both sexually and morally, within the union from male colleagues who can

behave in a gross manner. Often women are invited to participate in a meeting in the union but when they arrive they find the treatment is quite different. We need some radical changes in our structures so that they are open for both men and women and we need to create unions that are more humane and respectful. (Marli Melo, National Secretary for Women, CNM-CUT, Brazil)

4.5 Domestic violence: union roles and support

Union representatives spoke about their roles in giving support to survivors of domestic violence, albeit a new issue for many unions who had traditionally viewed domestic violence as a private family matter. None of the unions interviewed had negotiated policies or clauses on domestic violence in their CBAs and most support was ad hoc. Women union leaders spoke about their roles in spotting the signs of domestic violence, such as stress, showing signs of injuries, arriving to work late, or taking leave. In some cases, union representatives negotiated time off or reduction in work tasks for survivors when productivity was affected. Several unions provided legal support via union lawyers. All unions highlighted an increase in domestic violence during the Covid-19 pandemic and several unions were involved in raising awareness about domestic violence and femicide.

Examples of support were given by all unions interviewed. Two examples are given below from Indonesia and India:

If someone comes to us for help, we will definitely help them. The union communicates with HR and they discuss what can be done to address any problems, particularly that might exist in performance. (Union representative, Indonesia)

[If someone discloses to the union] we tell the manager/supervisor about her problems, and HR can play a role. The union council member is also called to provide counselling and medical support from the doctor if necessary. Women have to be supported and her experience kept confidential. (Union leader, India).

Some unions were beginning to consider what they could do, recognising the importance of union policies, negotiations, and support:

We tend to give attention to workplace issues, we don't intervene in the household in a concrete way...I would like to learn from colleagues from other unions. It is important to share this issue and experiences across the world. (Union leader, Japan)

4.6 Good practices in ending GBVH

Despite many of the problems identified above, there are some good practices in the ICT, electrical and electronics sector that show marked progress in preventing and addressing GBVH.

Company complaints mechanisms

Several good practices exist of company complaints mechanisms that have been negotiated and established with unions and a joint approach exists in handling confidential complaints. In one FSPMI-organised factory this had been a positive experience for the union:

We have an agreement with HR department so that when [there is an incident] we will deal with it confidentially, so that it doesn't expose the victim or the perpetrator. The perpetrator

may be a man and his wife may be working in the factory as well. (Union representative, Indonesia)

Unions in the electronics sector have successfully negotiated several ways for workers to make complaints, either directly through the company procedure, directly to the union or via a third party complaints system. One union had negotiated a policy, which includes a contact person in every workplace from HR/admin. A further union had negotiated a policy on sexual harassment with the company and guidelines have been drawn up as part of its HR policy. A procedure for dealing with sexual harassment under the compliance committee and reference to the guidelines are included in the current CBA.

In India, the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, requires factories to establish workplace Internal Complaints Committees (ICC) on sexual harassment. This has been an important basis for unions to negotiate clauses on ICCs in CBAs. Not all factories have ICCs and where they do exist, they are not always functioning effectively. The interviews with union leaders in India show that where unions exist it is more likely there is an ICC in place, that is effective in preventing sexual harassment, and it covers all workers regardless of their contractual status. In large factories, particularly where there are many women workers, unions are actively involved in the establishment and running of the committees; many organise awareness and training programmes in the factories resulting in workers' better awareness of sexual harassment.

For example, an ICC was established following negotiations with the Union in a factory, and the union takes a proactive role on the committee, in training ICC members and raising awareness amongst workers about the role of the ICC. Workers who are victims or witnesses of sexual harassment can confidentially make written or verbal complaints directly to the committee, and complaints can be made anonymously. Since the establishment of the ICC several complaints have been successfully addressed.

Not all factories have managed to achieve union representation in the ICC. Unions have argued that the ICC should be transparent about how it functions and should include workers from the shop floor, not just management. In one case a union leader noted that workers had little trust in the committee and most women workers do not contact the ICC because it has put pressure on women to produce witnesses. In another case, management put pressure on the worker to withdraw her complaint, in an effort to protect a "high-value" employee. In a further case reported to the ICC, a worker made a complaint about being humiliated by her supervisor in front of her colleagues after she asked to go to the toilet; in this case there was a lack of understanding of what constitutes sexual harassment by committee members and how the committee should function:

The problem is that [the ICC] is dominated by the management. There should be sensitisation and everyone should know what is sexual harassment, they should know they can approach the Committee. If more workers are involved in the Committee, workers will have better trust in it. Workers should know what is appropriate and inappropriate behaviour. The workforce will have trust – they feel that it is my committee – they can then approach the committee. (Union representative, India)

Confidential external or union reporting mechanisms

In some countries, systems have also been established for reporting complaints directly to the union. This has helped unions to identify where there are risks of sexual harassment and make recommendations to management about ways to mitigate them. In Japan, some companies in the electronics sector participate in a third-party complaints system, known as the E-partner. Established

in 2020, the system enables workers to make confidential complaints, which can be investigated impartially. Any sanctions or other outcomes are published by the company in order to deter future harassment and build trust with workers. Workers can call free of charge to report sexual harassment. The E-partner has no financial or other interest in the companies.

Workers don't always want to report directly to the company...this has worked well...Workers are issued with pocket-sized cards with information on how to contact the third-party to make a complaint, who in turn report back to the company anonymously about complaints that have been made. A possibility also exists for workers to report directly to the trade union, who will then follow-up with the company. (Union leader, Japan)

Some unions have established their own systems for handling complaints, either informally by encouraging workers to talk to their union reps, or through a more formal complaints system. One union in the electronics sector in Japan has a contact place where workers can make their complaints directly to the union. Another example is from a unionised factory in Indonesia:

The union handles complaints, and there is a very good relationship between union and company. If there is shouting, the company will deal with it. A procedure exists. If a worker experiences this she can approach anyone from the union, and they can approach HR. We have a WhatsApp group to discuss this. (Union representative, Indonesia)

The electronics union in Manaus, Brazil, has a radio programme called "The Voice of the Worker" (*A Voz do Trabalhador*) which is broadcast throughout the State of Amazonas every day between 5am - 7am. Workers can phone in and make complaints about working conditions and the union leaders will follow up the issue with the employers. This is one way that women can raise the issue of sexual harassment. Information has been given on the radio about domestic violence during the pandemic.

Collective bargaining

IndustriALL's 2021 gender equality survey in the ICT, electrical and electronics sector found that 41% of unions responding to the survey had a CBA and a workplace policy with measures to prevent and address GBVH; 11% of unions responding to the survey had only a CBA or only a workplace policy on GBVH. Overall, 22% had neither a CBA nor workplace policy. The most common measures negotiated on GBVH concern complaints and investigation procedures (reported by 41% of unions), training and awareness raising for managers and workers (33%) and prevention measures through risk assessment (30%). Just over one-third (37%) of unions responding to the survey said that the agreement or policy was genuinely implemented.

The interviews with union leaders show that many unions have either negotiated clauses on GBVH in CBAs or are planning to do so. Unions cite several reasons for this increased attention, including increased awareness of the problem, larger numbers of women in union leadership and negotiating positions, greater visibility internationally because of ILO C190 and R206, and the priority given to this by IndustriALL.

Unions in Japan, India and Indonesia have negotiated company and/or factory level agreements that include procedures for addressing and preventing sexual harassment. Most of these CBAs refer to provisions for making and handling complaints and rarely go further, and cover prevention or risk assessment on sexual harassment, or measures to address domestic violence. For example, women leaders from the LOMENIK union in Indonesia cite good union-management cooperation, including in negotiating CBAs, which union representatives say has helped to build trust and has reduced levels of sexual harassment. The CBA in one unionised Indonesian factory has a clause on violence

and harassment that sets out a procedure for handling complaints and specifies the role played by the union. This has helped to build trust and reporting on sexual harassment. In another factory the union representative noted that the rules are not very specific and definitions of what constitutes sexual harassment are not clear:

We have rules in place under the CBA, no one should be allowed to breach the rules in the CBA and if they do there will be sanctions. But they are not specific, but we know that this means that no one can tease, approach or make advances during the work. (Trade union representative, Indonesia)

In Japan, CBAs in the electronics sector have included clauses on GBVH, which cover power harassment and sexual harassment. In one example, a clear procedure has been established which includes the role of the union:

We asked the company to come up with the declaration and policy at the highest level, covering the role of supervisor and sanctions for perpetrators. This is highlighted in the CBA. We have training for managers and workers, and recently, we had e-learning for these matters. We start by doing an investigation of the complaint, the company has to cooperate with this. We have this system clearly identified in the CBA. (Union leader, Japan)

The current CBA in one electronics manufacturing union covers procedures on complaints and sanctions for perpetrators; in the future the union would like to see the CBA going further in addressing sex-based discrimination, the rights of transgender people, and measures to address harassment of LGBTIQ+ workers.

Unions in India have made demands to address women's issues in CBAs, such as non-discrimination and the provision of separate toilets for women. Separate toilets have been an important demand, reflecting the need for women to have privacy and because there have been complaints of sexual harassment and assault occurring there:

We have started including demands on women's issues in CBAs, and we negotiate with the management and in a few industries we have been able to get separate toilets for women ...In the State of Maharashtra, almost 60% of factories are unionised and have CBAs. Where there are larger numbers of women, we include those demands about GBVH, non-discrimination in wages for contract workers, separate toilets for women (as men are the majority in the company and employers don't want the separate expenses), and demand for training. (Sanjyot Vadhavkar, National Secretary, SMEFI, India)

Despite union efforts it has been hard to get sexual harassment included in CBAs in Brazil:

In the collective agreements we do not have clauses on moral or sexual harassment. Sometimes they are presented as part of the union proposals but up until now the employers have not accepted that they be included. (Marli Melo, National Secretary for Women, CNM-CUT, Brazil)

The role of occupational safety and health committees in preventing GBVH

Unions have a critical role to play in preventing GBVH and ensuring that it is a central part of occupational safety and health programmes, including risk assessments. Over half (59%) of the respondents to IndustriALL's 2021 gender equality survey said that they had occupational safety and health (OSH) committees with trade union representation, and 52% of the workplaces had women

representatives participating in the committees. In Japan, the JEIU has compiled best practice guidelines, including OSH guidelines. One union leader in the electronics sector spoke of their involvement in the formulation of guidelines.

As a trade union we are trying to promote gender equal participation and in OSH to prevent GBV. But by raising awareness in every workplace, including unorganised ones, we can improve this awareness as a whole society, leading to better enactment of laws. (Union leader, Japan)

In Brazil, company level bipartite commissions on safety and health, known as the Comissão Interna de Prevenção de Acidentes (CIPA) have been established by law to monitor risks and identify mitigation measures, and investigate any work-related accidents to prevent their reoccurrence. The unions recognise that the CIPA have the potential to play an important role in the prevention of GBVH. The employer is required to give the CIPA members the necessary time off work and resources to carry out their duties. Because of the increase in domestic violence due to the COVID-19 pandemic, during the annual CIPA week in 2020, the union asked for discussions to be held about prevention of gender-based violence.

It is not easy to get employers to agree to have these discussions but some companies did so. These discussions can have an impact because many women lack information and feel embarrassed to ask. (Marli Melo, National Secretary for Women, CNM-CUT, Brazil)

At company level, the union is promoting better coordination between the Secretary on occupational safety and health and the Secretary for Women to ensure that the CIPAs strengthen their role in addressing GBVH. Generally, there have been positive changes, as highlighted by a woman leader of a factory union in São Paulo:

Compared to 10 years ago I think the situation is better. I think behaviour has improved and it is a bit less of a macho environment. There is more information available and we discuss the issue more, both at home and in the workplace. There are also more women in the trade union and in the CIPAs. (Union leader, Brazil)

Training of union representatives to prevent violence and harassment

One innovative way to prevent GBVH is to train union representatives to address problems on the factory floor. In Indonesia the FSPMI union has trained “field coordinators” to spot the signs of abuse that may occur because of excessive production pressures and targets. They watch what is happening on the factory floor and they prevent harassment from occurring.

We were able to educate the field coordinators and there are no such production pressures on women, workers can go to the toilet at any time – leaders and field coordinators are union representatives so that works very well. (Union representative, Indonesia)

4.7 The role of ILO Violence and Harassment Convention No 190

Several unions spoke about the greater visibility given to the issue by IndustriALL, in its campaign for the adoption and ratification of C190. Several unions also referred to the importance of the IndustriALL pledge in raising awareness and sensitising unions to GBVH, particularly amongst men in union leadership positions.

Unions have used the framework provided by C190 and R206 in a proactive manner. For example, IndustriALL affiliates in Indonesia have been very active disseminating information to workers about C190, including posters, leaflets, and T-shirts. Although some union representatives interviewed did not know about C190, several others spoke of the ways they hope to use the framework of C190 in their negotiations. Several unions have engaged in training on the issue and others are planning to do so.

The union runs training and awareness programmes, and we are also sensitising men on issues about gender equality and gender-based violence. In 2019 we started holding training programmes at plant and state levels on C190 and how to prevent sexual harassment. Men knew what are their limits and what they should not cross over, and women knew they had the right to come to the union to address their complaints. (Sanjyot Vadhavkar, National Secretary, SMEFI, India)

In Japan, unions consider that C190 would be important in reinforcing union roles in areas of occupational safety and health and in enabling survivors of domestic violence to have workplace supports.

We have labour unions in each company, we suggest that the company make efforts for this purpose. We will be involved in implementation in the workplace and hope to raise better awareness of workers, especially on the OSH approach. (Union leader, Japan)

4.8 Recommendations made by unions in the ICT, electrical and electronics sector

Union leaders made a wide range of recommendations concerning how to create greater visibility and awareness about GBVH in the sector, and how unions can take a more strategic approach to ending GBVH.

- More attention needs to be given by unions to create safe spaces for women to talk about and make complaints about sexual harassment, for example, by undertaking consultations with workers, creating GBV-free zones, and ensuring the effective implementation of company policies and CBAs.
- As the workforce in many electronics factories include both men and women, company policies and CBAs should include clauses on all forms of violence and harassment, particularly sexual harassment and LGBTIQ+ harassment, with the aim to create more dignified and less hostile workplaces for all workers.
- Unions stressed the importance of strengthening existing complaints mechanisms and in ensuring that all workplaces have joint union-employer effective and trusted complaints mechanisms.
- More visibility needs to be given to domestic violence as a workplace issue in company policies and CBAs, in ensuring provision of company supports such as paid leave and readjustments in working time and work location, and in facilitating support by union representatives.
- Training and awareness are needed about what constitutes GBVH, its linkages to gender inequalities, and how unions can negotiate clauses in CBAs and Codes of Conduct on preventing and addressing GBVH, including domestic violence. Consultations with workers and the development of model clauses and policies would be helpful for unions in this respect.

- In particular, GBVH should be recognised as a workplace hazard, and more systematically integrated into existing and new OSH policies and provisions.
- Several unions recommended, in addition to joint union-employer programmes to end GBVH, the provision of self-defence training for women, to enable women to be safe at work and when travelling on public transport.
- Many unions recommended that it is essential that women gain leadership positions in their unions, including as negotiators for CBAs, and that they are trained and supported in these roles. Women's leadership will ensure that anti-GBVH internal and external policies will be given prominence in union strategies and action.
- Compared to the other two sectors (mining and garments and textiles) covered in this report, there has been little or no systematic data collection on the prevalence and types of GBVH in the electronics sector. It is recommended that a new research study, possibly in partnership with Electronics Watch, be carried out to document the extent and types of GBVH in the electronics sector, as a basis for formulating a new set of actions to end GBVH.
- All current and future GFAs in the electronics sector¹⁵ should at a minimum include a commitment to ending all forms of violence and harassment, including GBVH, and to implementing C190 in full. All suppliers should be expected to implement a Code of Conduct to prevent and address GBVH, subject to regular monitoring.
- Finally, many union leaders spoke of the strategic importance of union campaigns and advocacy for the ratification of C190 and for a comprehensive national legal framework for preventing and addressing violence and harassment, including domestic violence.

Endnotes

¹ <https://www.industrial-union.org/recognize-occupational-health-and-safety-as-a-fundamental-right-at-work>

² The IndustriALL Pledge commits IndustriALL and affiliated unions to make it a priority end all forms of violence and harassment against women, both within their unions and in the workplace: https://www.industrial-union.org/sites/default/files/uploads/documents/Women/VAW/industrial_pledge_violence_against_women.pdf

³ The IndustriALL global training programme consists of three modules and is supported by a training pack with training activities, briefing documents and guidance on delivering the training: [\[add link\]](#)

⁴ <https://www.industrial-union.org/women-miners-confronting-gender-inequality-together>

⁵ A target was set in 2020 under the Broad-Based Socio-Economic Empowerment Charter for the South African Mining Industry to achieve 10% participation of women in mining. An updated charter was introduced in 2020 and includes higher thresholds for management positions.

⁶ Sintracarbon is the recognised trade union at El Cerrejón, the country's largest open-cast coal mine, which is jointly owned by Anglo American and Glencore. In 2020 the company employed 4,753 direct workers as well as 2,992 contract workers. Women make up 9% of the direct workforce and 10% of the subcontracted workforce. Sintracarbon members include women who operate and maintain coal trucks and trains. The union actively engages with the company on equality issues.

⁷ See for example GFAs in garment and textiles with ASOS, Esprit, Inditex, H&M and Tchibo. <https://www.industrial-union.org/global-framework-agreements>

⁸ On 25 August 2021, representatives from international garment retailers and the global trade unions (IndustriALL and UNI) signed an agreement for a new and expanded Accord on Health and Safety, with the inclusion of sexual harassment. The Accord is currently operating in Bangladesh and it is anticipated that it will be extended to other countries in the future. By early 2022, the Accord had been signed by 164 companies. <https://internationalaccord.org>

⁹ C190, Article 1: "The term "violence and harassment" in the world of work refers to a range of unacceptable behaviours and practices, or threats thereof, whether a single occurrence or repeated, that aim at, result in, or are likely to result in physical, psychological, sexual or economic harm, and includes gender-based violence and harassment".

¹⁰ The coalition includes the Organisation of Salvadorean Women for Peace (Organización de Mujeres Salvadoreñas por la Paz -ORMUSA), Mérida Anaya Montes Women's Movement Association (Asociación Movimiento de Mujeres Mérida Anaya Montes), and Women for Change (Mujeres Transformando) y FEASIES.

¹¹ Independent Democratic Union of Lesotho (IDUL), United Textile Employees (UNITE), the National Clothing Textile and Allied Workers Union, the Federation of Women Lawyers in Lesotho (FIDA) and Women and Law in Southern African Research and Education Trust-Lesotho (WLSA) and Levi Strauss & Co., The Children's Place, and Kontoor Brands (Wangler and Lee jeans), and Nien Hsing

¹² The survey covered 27 worksites in Argentina, Brazil, France, Indonesia, Japan, Malaysia, Philippines, Singapore, South Korea, Spain, Thailand, USA, Turkey and Vietnam.

¹³ Under the Comprehensive Labor Policy Promotion Act (CLPPA) (No. 24 of 2019 (Reiwa)) employers are required to have a policy to prevent harassment in the workplace. On 1 June 2020 new rules against sexual harassment and harassment related to pregnancy, childbirth, and childcare leave entered into force.

¹⁴ Interview with Dina Septi, Good Electronics.

¹⁵ See, for example, GFAs with Electrolux and Siemens, <https://www.industrial-union.org/global-framework-agreements>

References

- ActionAid. 2018. Mining in South Africa 2018: Whose Benefit and Whose Burden? Action Aid. https://www.osf.org.za/wp-content/uploads/2019/02/sar-5.3_online.pdf
- ActionAid. 2019. ActionAid Briefing paper: Sexual harassment and violence against garment workers in Bangladesh. <https://actionaid.org/publications/2019/sexual-harassment-and-violence-against-garment-workers-bangladesh>
- Asia Floor Wage Alliance (AFWA). 2020. Brands' Responsibility in COVID-19 Humanitarian Crisis: Contribute to Garment Workers' Relief: <https://asia.floorwage.org/wp-content/uploads/2020/04/Brand-SRC-forGarment-Workers-Impacted-by-COVID-19.pdf>
- Asia Floor Wage Alliance (AFWA) 2022. A Stitch in Time Saved None. How Fashion Brands Fueled Violence in the Factory and Beyond. <https://asia.floorwage.org/covid-19/>
- Asociación Colombiana de Minería (Colombia) (2020) Plan integral de la Política de Género, 4 March 2020. <https://acmineria.com.co/plan-integral-de-la-politica-de-genero/>
- Benya, A. 2013. Gendered Labour: A Challenge to Labour as a Democratizing Force. *Rethinking Development and Inequality*, Volume 2, Special Issue, pp 47-63.
- Benya, A. 2012. "Unions Short-Changing Women." *South African Labour Bulletin* 36 (3).
- Benya, A. 2017a. "Going Underground in South African Platinum Mines to Explore Women Miners' Experiences". *Gender & Development*, 25 (3): 509–22.
- Benya, A. 2017b. "Women of the Mines: Apartheid and Post-Apartheid Lived Realities of South African Women." *Storia Delle Donne* 13: 79–101.
- Better Work. 2013. *Better Work Indonesia Strives to End Workplace Harassment'*. Geneva, ILO.
- Better Work. 2019. *Sexual harassment at work: Insights from the global garment industry. Thematic Brief.* <https://betterwork.org/wp-content/uploads/2020/01/SHP-Thematic-Brief.pdf>
- Bond, A, and Quinlan. L., 2018. *Indigenous Gender-Based Analysis for Informing the Canadian Minerals and Metals Plan.* Native Women's Association of Canada (NWAC).
- Borino F. 2018. Piece rate pay and working conditions in the export garment and textile, ILO/IFC Better Work, December 2018. Available at <https://betterwork.org/blog/portfolio/discussion-paper-28-piece-rate-pay-and-working-conditions-in-the-export-garment-sector/>
- Borralho, C. 2014. Study shows that several challenges remain for women in mining', 17 January - http://www.miningweekly.com/article/study-shows-that-several-challenges-remain-for-women-in-mining-2014-01-17/rep_id:3650
- Botha, D. 2016. "Women in Mining Still Exploited and Sexually Harassed." *SA Journal of Human Resource Management/SA Tydskrif Vir Menslikehulpbronbestuur*, 14 (1).
- Brown, D. et al. 2014. *Sexual Harassment in Garment Factories: Firm Structure, Organizational Culture and Incentive Systems.* Better Work. <https://betterwork.org/global/wp-content/uploads/DP-14-final.pdf>.
- BSR (2016) *HERrespect: How Business Can Make A Difference on Violence Against Women and Girls, Program Summary.*
- Canadian Centre for Occupational Health and Safety *Violence in the workplace.* 2020. http://ccinforeweb2.ccohs.ca/legislation/documents/notes/oshleg/leg_viol.htm

Department of Employment and Labour (South Africa). 2020. Draft Code of Good Practice on the prevention and elimination of violence and harassment in the world of work for public comment. Durban, Department of Employment and Labour.

Electronics Watch / LIPS. 2018. Regional Risk Assessment: Electronics Industry, Indonesia. Contributing organisation: LIPS, Indonesia: https://electronicswatch.org/regional-risk-assessment-electronics-industry-indonesia-december-2018_2554862.pdf

Fair Wear Foundation. 2018. Breaking the silence: Fair Wear Foundation violence and harassment prevention programme Amsterdam: Fair Wear Foundation.

FWF: <https://www.fairwear.org/wp-content/uploads/2018/03/FWF-ILO-submission-final.pdf>

GIZ (Deutsche Gesellschaft für Internationale Zusammenarbeit). 2020. Sexual and Gender-Based Violence in the Mining Sector in Africa: Evidence and Reflections from the DRC, South Africa, Tanzania & Uganda.

Global Labor Justice. 2020. Advancing gender justice on Asian Fast Fashion Supply Chains Post Covid-19. <https://globallaborjustice.org/wp-content/uploads/2020/06/Advancing-Gender-Justice-on-Asian-Fast-Fashion-Supply-Chains-Post-COVID-19-Guidance-from-ILO's-Convention-190-on-its-First-Anniversary-single-page.pdf>

Guardian 2021. <https://www.theguardian.com/global-development/2021/aug/04/workers-return-to-bangladesh-garment-factories-despite-record-covid-deaths>

Human Rights Watch, "Whoever Raises their Head Suffers the Most: Workers' Rights in Bangladesh's Garment Factories," April 2015, http://features.hrw.org/features/HRW_2015_reports/Bangladesh_Garment_Factories/

ILO 2021. Women in mining Towards gender equality. Geneva, ILO. https://www.ilo.org/wcmsp5/groups/public/---ed_dialogue/---sector/documents/publication/wcms_821061.pdf

ILO. 2015. World Employment and Social Outlook – The changing nature of jobs. Available at: http://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms_368626.pdf

IndustriALL Global Union. 2019. Our Future, Our Union: IndustriALL Women Conference Report http://www.industrialunion.org/sites/default/files/uploads/documents/2020/women_conference_report_eng.pdf

IndustriALL. 2021. Middle East and North Africa unions campaign for ratification of ILO C190. <http://www.industrialunion.org/middle-east-and-north-africa-unions-campaign-for-ratification-of-ilo-c190>

Lin, X, L. and Brown, D. 2014. Sexual harassment in the workplace: How does it affect firm performance and profits? Better Work Discussion Paper Series: No. 16. Geneva, Better Work.

