

# Countering gender-based violence and harassment (GBVH) is a worker's movement:

Lessons from worker-led initiatives



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# Introduction

Discussions around GBVH are not new, the #MeToo movement that was popularised in 2017 by survivors around the world, was first coined in 2006 to support survivors of sexual violence in particular young women of colour. [1]

Likewise, #TimesUp, a cause célèbre on the curtails of the Me Too movement caught momentum in early 2018 in response to Harvey Weinstein's sexual abuse cases.

The cost of GBVH however extends beyond well-publicised media campaigns in the Global North. It has been estimated that the global economic cost of violence against women is around 2 percent of GDP or a loss of US\$1.6 trillion.[2] More than one in three women has experienced either harassment and/or sexual violence in their lifetime.[3]

The metrics from the outset present a bleak picture of the loss of economic opportunities due to GBVH, which is why it must be understood through the framework that many women encounter this violence; which is through their place of employment.

Gender based violence and harassment (GBVH) is a broad term covering violations of a physical, sexual, psychological or economic nature that are inflicted either publicly or privately on the basis of an individual's sex or gender.[4]

GBVH can be perpetuated towards men, women and gender non-conforming individuals alike – however, it disproportionately affects women and girls, as it is tied to gender inequality and unequal power. It is important to acknowledge that in discussing case studies and highlighting best practices that are worker driven, there is still a lack of holistic approach in policy design and implementation and most supply chains have GBVH as an endemic issue to their production lines and it is critical for more dialogue to take place to address systemic issues.

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# Lessons learnt from the Dindigul Agreement



In a 2017 report produced by the ILO,[5] workplaces were examined across numerous geographies with case studies and recommendations made in relation to reducing the incidence of gender-based violence and harassment at work. It found that due to the rise of new forms of work organisation (such as the high representation of women in the informal economy), new patterns of employment and non-standard work, women are at high risk of harassment and violence in their place of work.

Moreover, women who experience compounded forms of marginalisation – for example based on social, religious, nationality lines – are most affected by violence and harassment at work. **The Dindigul Agreement (2022)** comes into view as particularly ground-breaking in this respect, as it has been a driver for action against GBVH from female worker communities within global supply chains.

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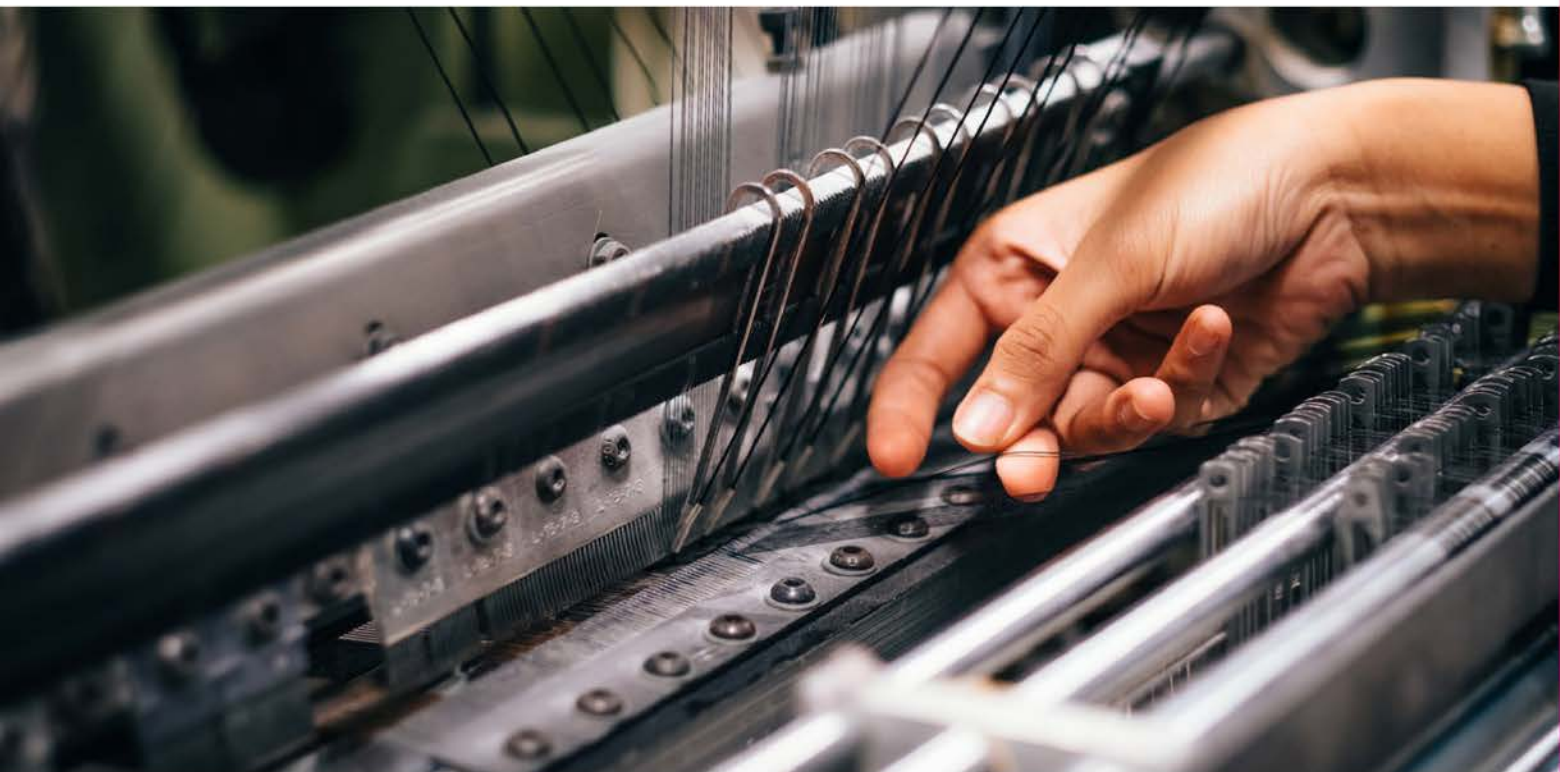
The catalyst for the Dindigul Agreement was the murder of Jeyasre Kathiravel, a Dalit woman who was killed by her supervisor at Natchi Apparel in January 2021. Through the efforts of a female and Dalit worker-led union – Tamil Nadu Textile and Common Labour Union (TTCU) – an agreement was signed in April 2022 with textile manufacturer Eastman Exports to end gender-based violence and harassment in their Dindigul factories in the southern Indian state of Tamil Nadu.[6]

The union along with Global Labor Justice - International Labor Rights Forum (GLJ-ILRF) and Asia Floor Wage Alliance (AFWA) also signed a legally binding agreement with the Swedish multinational clothing company

H&M to support and enforce the agreement.

This separate agreement is subject to arbitration and if Eastman Exports violates their commitments, H&M is required to impose business consequences until the manufacturing entity comes into compliance with their obligations.

The Dindigul Agreement is what is called an “enforceable brand agreement” (EBA) wherein conglomerates are required to legally commit to use their supply chain relationships to create better working environments for workers and support a worker or union-led program in their manufacturing sites.



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The impact of the Dindigul Agreement cannot be understated, it covers all workers at Natchi Apparel and Eastman Spinning Mills which encompasses a workforce of 5,000 people. Garment manufacturing has a high proportion of female workers, and many are Dalit, meaning they not only encounter gender but caste oppression.

Of the four principal castes (divided into many sub-categories) under Hindu beliefs, Dalits are one category of people who fall outside the caste system. As members of the lowest rank of Indian society, they face discrimination at almost every level, even when they become part of garment supply chains: from facing greater risks of forced labour, facing discrimination in employment practices, discrimination in the services and utilities offered by an employer.[7]

Casteism has been long documented as a systemic form of discrimination but women from the Dalit community are “victims of double discrimination, [...] they have always been the primary targets of discrimination from patriarchy, which exists within their own community, and from those outside their community”.[8]

These practices affect millions of Dalit workers employed in garment supply chains across South Asia – as noted by AFWA, the Dindigul Agreement is the first EBA that systematically tries to address all aspects of caste based discrimination in workplaces in the context of garment supply chains.

Another important aspect of the Dindigul Agreement was the TTCU-appointed workers participating in the Internal Complaints Committee (established under India’s POSH Act) ensuring union-appointed worker representatives have more involvement in grievance channels.

The addition of protections around migration status and caste discrimination in the Agreement is as a direct result of Dindigul being worker and Dalit-led, recognising that no meaningful action can be taken locally on GBVH without also acknowledging the intersecting marginalisation at the root of GBVH in the region – power asymmetries based on both gender and caste.

A woman in a red patterned shirt is working with yellow flowers on a table. She is holding a single yellow flower in her hands. There are many other yellow flowers and some purple flowers on the table. In the background, another person is visible, wearing a white and blue striped shirt, working at a table with some food items.

# Why worker-led initiatives matter

## CASE STUDIES

Gender-based violence and harassment is a priority for companies to resolve within their supply chains – but it is often not reflected in implementation or practice. In a 2021 finding by the World Benchmarking Alliance, 83% of companies require suppliers to prohibit violence and harassment among workers – with a further 31% of this number requiring violence and harassment policies be made available in more than one local language.[9]

However, social audits do not often pick up upon GBVH issues in the supply chain due to challenges identifying discrimination and sexual harassment, with a BSR report stating that among a survey of 235,000 non-compliances identified within 87,000 audit reports (between 2014-2017), only 0.4% of these cases looked at non-compliance on the basis of gender related issues.[10] Moreover, the focus of the gender-specific audits were primarily on lack of gender-segregated washrooms (46%), absence of policies on discrimination (19%) and sexual harassment (13%) that was observable from a singular site visit.[11]

The incidence of GBVH clearly persists – the mismatch between a company's expectations within a supply chain and the limits of reporting on GBVH pertinent factors in social auditing highlight the limitations of top-down approaches to tackling the issue.

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It is important for companies to recognise the importance of 'bottom-up' action against GBVH, as it has a correlation with overall productivity within supply chains. BSR found that women are more likely to be productive in environments where they are healthy and given an opportunity to advance within their work environment, leading to fewer production and quality control issues.[12] International organisations such as ILO and UN Women also recommend greater consultation with workers and action in line with women workers' experiences, ideas and suggestions (UN Women-ILO 2019) and their inputs are critical to developing the mechanisms to resolve longstanding GBVH issues.

### **Asia Floor Wage Alliance (AFWA)**

– one of the stakeholders in the Dindigul Agreement – developed a Safe Circle Approach after consultation with worker organisations in garment manufacturing facilities.[13] The Safe Circle Approach draws upon prior success of Quality Circles (QC) in manufacturing environments[14] and gathers potential 'victims', 'bystanders' and 'perpetrators' to engage in regular face-to-face discussions and engagement exercises.

Safe Circles are a grassroots approach co-created by worker organisations and employing

psychosocial techniques and capacity building workshops along with the dialogue and survivor-centric remediation processes.

Efforts to address sexual harassment and violence in the workplace must involve the whole of the organisation[15] and moreover freedom of association (FOA) is key to the Safe Circle approach to ensure Safe Circles can meaningfully be implemented on the factory floor.

***"I believe Natchi Apparels is one of the safest garment factories for women in Tamil Nadu after the Dindigul Agreement. Before the agreement came into being, the grievances of workers would not be addressed by management. Sometimes, workers would even face verbal abuse if they reported a grievance. Now, we are not scared to report our grievances. Also, the union through the dialogue process with the management, ensures that all grievances of workers are addressed in a 14-28 days frame."***

***- Clara, worker at Natchi Apparels (via AFWA)***

The AFWA Safe Circle approach maintains the following principles[16]:



It is important to note that in order for a Safe Circle to be successful, members of the circle should actually be employed in common work, as although people in the space may have different levels of authority, their employment must be part of the same production line. In addition, Safe Circles should not be treated as issue or project specific – they are designed as a forum with internal governance that requires stakeholders to meet regularly and not just to resolve specific problems.



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Similar to the operation and set up of Quality Circles, most workplace Safe Circles to combat GBVH require between 6-12 months to set up, train and operationalise the Safe Circle. In order for the SC to have a long-term impact within the organisation in which it seeks to address GBVH issues, it is necessary for workplaces to be aware of what GBVH could manifest itself as on the factory floor to build consensus and support to change it. AFWA recommends that factory level gender-based violence lists ("GBV lists") be created so that worker spokespeople and unions can outline real experiences of GBV behaviours which have been experienced by female workers on the production lines. Safe Circle Worker Spokespersons from each production line, together with local unions in their supplier factories create these lists which include real experiences of GBVH experienced by women on each production line and highlight the everyday discrimination that needs to be addressed with each local context.[17]

Even among Asian factories surveyed, the typologies of what workers in one Southeast Asian country differ to others so any Safe Circle implementation in other industries would need to consider measuring and mapping behavioural practices in their region. As a comparison, AFWA

GBV lists for Cambodian and Indonesian garment factories overlapped in terms of yelling, naming and shaming female workers and forcing them to perform sexual favours – but it was more common for male supervisors to excommunicate and socially isolate women workers in Indonesia and likewise more common in Cambodia for supervisors to threaten to terminate contracts as coercion and throw materials at workers.

***"After the Dindigul Agreement came into existence, TTCU representatives meet with management at least once every week, to dialogue and remediate grievances of workers. More than 60 grievances of workers have been resolved since the signing of the agreement. We feel happy that the agreement has provided women workers a voice in the factory, and that all grievances - not just related to GBVH, but also issues on healthy & safety, wages, social security etc are getting negotiated during this weekly dialogue process between the union & local factory management."***

***- Nadiya, worker at Natchi Apparels (via AFWA)***

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To ensure successful Safe Circle implementation, all members who participate in the circle must undergo training on a GBVH module which is co-designed by AFWA, garment companies and local unions. This is not necessarily a new approach and is in line with ILO's existing Better Work Programme and Toolkit. The Safe Circle mechanism is indeed an exhaustive three step approach that has been effective at countering GBVH specifically in the context of garment and textile manufacturing and could indeed be explored in different geographies and contexts where female workers experience GBVH in production lines.

Not all approaches put forward by workers necessarily use the Safe Circle approach and have employed a variety of grassroots approaches, to some success.

A union in Lesotho – **Independent Democratic Union of Lesotho** – has developed several capacity building women's workshops to identify issues that women face at work.[18] Issues raised by the women include insufficient toilet time, blocked or locked exits, excessive fatigue leading to fainting, excessive targets, sexual harassment, low pay which makes some women resort to prostitution, insufficient sleep, inadequate maternity leave provisions, and the

risk of HIV. The workshops used body mapping, workplace mapping, life mapping, as well as visualisation of dreams.

Similarly, within the **Ethiopian Industrial Federation of Textile, Leather and Garment Workers (IFTLGWTU)** rolled out a training and empowerment program targeting female garment workers to build women's self-esteem and to inform women about the importance of trade unions.[19] As the local garment industry has a high incidence of sexual harassment, it was important for workers to have freedom of association and collective bargaining through a union to improve organising efforts and support for women experiencing harassment.

Similar to the Lesotho workers' union, IFTLGWTU also used more innovative ways to reach women and speak about GBVH; through body mapping, workplace mapping and life mapping. It is worth noting that some of the success of these activities may also be due to the GBVH focus of the activity held in conjunction with freedom of association – but in many contexts these issues are viewed in silos, with GBVH policies being seen separately from the social dialogue and the latter being non-inclusive to female workers.

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Depending on geography, industry and stakeholders, approaches to countering GBVH differ greatly from formalised methodologies to more experimental psychosocial and peer counselling outlets that are organised by workers, for workers. The commonality across these approaches is the ability for women to freely associate and organise through union membership.

This underscores the importance for all female workers to be aware of unions to further their interests and self-actualise a support framework for survivors of GBVH – and for unions to be able to work with women across different sectors including the informal economy.



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# Importance of social dialogue in countering GBVH

Social dialogue has long been used as a vehicle for promoting gender equality,[20] with the ILO stating in 2009 that it is “an essential tool for advancing gender equality in the world of work.”[21] It involves the equal participation of both men and women at international, regional and national levels and in both informal and institutional settings. [22]

In the context of unions, social dialogue primarily refers to freedom of association and collective bargaining and are codified by ILO Conventions nos. 87 and 98 to establish fair wages, working conditions, consultation and managing conflicts.[23]

Additionally, tripartite social dialogue can be used to engage governments and national organisations of employers and workers seeking resolution of issues that overlap or are of “common concern”. [24]

The International Labour Organization (ILO) Convention no.190 (“C190”) is the first international labour instrument to address GBVH in the workplace

and highlights the importance of social dialogue. This is because unlike other international treaties, C190 applies to all workers irrespective of their employment status and signatories are required to adopt gender-responsive measures to assist workers while consulting representative employers and workers organisations.[25] There is more focus in this Convention than before for ILO members to work with unions to identify sectors and employment arrangements which are more exposed to violence and harassment.[26]

In terms of responses from worker-led organisations, female union representatives interviewed since the implementation of C190 in 2019 have found it to be a positive development in implementing effective workplace procedures, prevention and risk assessment for victims.[27] Some worker unions have also started to use C190 and Recommendation 206 (R206) in their negotiations for collective bargaining agreements to include clauses on complaint committees, zero tolerance policies to GBVH and general complaints procedures, understanding that it will be some time before their local governments ratify the Convention.[28]

As UN bodies are setting the guidelines and standards that companies are expected to follow

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– the codification of social dialogue in the context of GBVH in the workplace shows that national governments and companies need to meet a higher standard of compliance within their supply chains than before. The Global Deal in their 2022 Flagship Report noted that in researching good practices and union bargaining on employers' GBVH policies, a direct correlation was made between the reduction of instances of sexual harassment and the presence of trade unions at the factory level as well as female leadership in unions.[29]

The active participation of women in unions is considered by the ILO to be an important precondition for the pursuit of women's interests in the world of work.[30]

It is however important to note that there are certain industries which historically have little to no union representation on GBVH issues such as the palm oil industry in Southeast Asia, where women – often in precarious employment – do not speak up for fear of retribution or losing work which may be seasonal and without employee benefits.[31]

Certain industries have indeed been successful at leveraging freedom of association and collective bargaining to address longstanding issues but there is still considerable work that needs

to be undertaken across supply chains to address GBVH impacting female workers. The case studies which demonstrate coordination of effective, locally considered GBV policy and tools of social dialogue on issues of GBVH remain the exception rather than the norm.

This is indicative of structural barriers to gender equality that continue to persist in a work environment. Social dialogue needs to be strengthened to end GBVH in the workplace through jointly agreed policies, prevention programs, grievance mechanisms and awareness raising campaigns.

All these factors need to work in tandem to increase the likelihood of women reporting GBVH incidents and having an escalation process in which these complaints can be taken seriously.



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## Conclusion

Women make up at least 39% of the supply chain workforce,[32] yet unequal opportunities for women continue to persist around the world. Even with the global labour law standards to address GBVH in an evolving workplace, that alone cannot address the underlying issues without there also being a triage between company accountability and representation of female workers through social dialogue.

Case studies in the field illustrate the urgency of combatting GBVH in supply chains and show that it is possible for historically marginalised groups to effectively organise to hold conglomerates accountable to end violence against women. The fight to end gender-based violence is a worker's movement, because FOA, female leadership and continued participation in unions is key to addressing GBVH at the root[33] – it is only through visibility of women in these organisations that priority can be given to the issue.

What the Dindigul Agreement specifically represents is not merely the first EBA in India but a landmark decision for worker-led movements everywhere. The Agreement covers both the clothing and textile manufacturing industries in a country where clothing manufacture represents one of the largest employers of female workers.

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It underscores the importance of FOA, with AFWA recognising that a Dalit led trade union like TTCU plays a tremendous role in addressing caste based violence, as GBVH cannot really be eradicated without FOA in the factory floor.

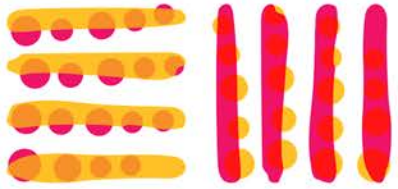
It still however represents an example which is an outlier – where even in an industry with a large percentage of female workers, GBVH is pervasive due to women seldom occupying supervisory roles or positions of power in these industrial contexts. It should still be used as a precedent for how the language of an agreement can be shaped by workers to encompass the local narrative around GBVH – which is an example that can be employed by other female worker unions around the world to adapt to their own context, especially if these workers face multiple types of marginalisation.

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