

MONDIAAL FNV

Gender and intersectionality: An HREDD guidance note for trade unions



Foto: Roderick Polak

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Section 1: Introduction

This Guidance Note provides practical tools and advice for trade unions and labour rights organisations to integrate a gender and intersectional perspective in Human Rights and Environmental Due Diligence (HREDD). HREDD is a process for companies to identify, prevent, mitigate and account for human rights and environmental abuses. Mondiaal FNV has crafted this Guidance Note, with the support of Dr. Jane Pillinger, expert on gender equality and Gender Based Violence and Harassment (GBVH) in the world of work.

With a focus on workers facing vulnerabilities at work, the Guidance Note highlights ways in which some groups of women and men (i.e. migrant workers, Indigenous workers and workers in precarious employment) face additional and overlapping forms of discrimination because of their race, ethnicity, sexual orientation, gender identity, and disability.

An important part of HREDD is Meaningful Stakeholder Engagement (MSE), which should ensure the involvement of all workers, including women and other groups of workers facing the greatest vulnerabilities, abuses and inequalities at work.

Objectives of the Guidance Note

- Build an understanding of the concepts of gender, intersectionality and power relations in the world of work.
- Provide a starting point for trade unions to deepen their understanding of multiple and intersecting forms of discrimination and how they affect different groups in the world of work.
- Give clarity about why gender and intersectionality are central to inclusive trade unions.
- Provide practical tools for trade unions and labour rights organisations to integrate a gender and intersectional perspective into each step of the HREDD process.

Structure of the Guidance Note

- Section 2 covers definitions of gender and intersectionality and examples of their relevance to trade union actions and advocacy.
- Section 3 discusses how trade unions can approach HREDD and contribute to the meaningful stakeholder engagement promoted in the process.
- Section 4 integrates gender and intersectionality perspectives into the six steps of the HREDD process.
- Section 5 concludes with suggestions for building worker and trade union power to bring gender and intersectionality to the centre of HREDD.
- The guidance note includes a glossary of concepts used, further resources, and reading.

Towards a transformative approach in HREDD

Human rights and environmental violations are often gender-related. Addressing these abuses requires a gender-transformative approach (see Figure 1 below). A transformational approach addresses the structural causes of women’s inequality in global value chain-related jobs. As a result, this Guidance Note shows how gender equality and an intersectional approach are central to inclusive trade unions.

Examples of human rights abuses at work include exposure to gender-based violence and harassment, absence of measures to identify occupational safety and health risks faced by women and other vulnerable groups that may affect a worker’s reproductive or sexual health or unfair pay and undervaluing of work and skills carried out by women.

A gender transformational approach that addresses the root/structural causes of gender and intersectional discrimination is the ultimate goal for trade unions. See Figure 1.



Figure 1: Where are you now? Moving towards a gender-transformative approach in HREDD.

Carrying out a Gender-Responsive HRDD (GR-HRDD) Maturity Assessment

The GR-HRDD Maturity Assessment (MA) developed by Plan International is useful for trade unions interested in suggesting an initial assessment for companies. It is designed to guide companies through a systematic process of identifying the level at which they and their suppliers address women’s human rights issues, which can then be used to develop a plan. It is recommended that trade unions and workers be involved in preparing the maturity assessment. Trade unions can also use the tool to assess their progress in addressing gender and human rights issues.¹

1. For further information, see Plan International, A Gender-Responsive Human Rights Due Diligence Tool: https://www.planinternational.nl/uploaded/2021/03/GAA-Report-GRDD-Part-1-ONLINE_DEF.pdf.

Section 2: Understanding gender and intersectionality

A gender and intersectional perspective is essential to showing the risks faced by women workers and workers who experience multiple and intersecting forms of discrimination.

This approach focuses on workers’ lived experiences and highlights the complexity of their disadvantages. It can include women’s disproportionate care roles, women workers in the informal economy and precarious work, and women with overlapping social identities, such as women with disabilities, women migrant workers, racialised and minoritised women, younger women/older women, women with disabilities and LGBTQI+ workers/workers with diverse social identities.

Gender	The socially constructed roles, behaviours, activities and attributes generally considered acceptable, appropriate or desirable for a person based on the sex they were assigned at birth.
Gender identity/gender expression	The way persons see and express themselves - the internal and personalized perception of their own gender. This may differ from the sex assigned at birth or how society might label persons.
Sexual orientation	An inherent or immutable enduring emotional, romantic or sexual attraction to other people. Note: an individual’s sexual orientation is independent of their gender identity.
Race or ethnicity	Race is a social construct that artificially divides people into distinct groups based on characteristics such as physical appearance (particularly colour), ancestral heritage, cultural affiliation, cultural history, ethnic classification, and the social, economic and political needs of a society at a given period of time. Ethnicity is social construct that divides people into smaller social groups based on characteristics such as shared sense of group membership, values, behavioural patterns, language, political and economic interests, history and ancestral geographical base.
Religion, belief or caste	Religion is a personal set or institutionalized system of religious attitudes, beliefs, and practices. Belief is a state or habit of mind in which trust or confidence is placed in some person or thing. Caste is a division of society based on differences of wealth, inherited rank or privilege, profession, occupation, or race.
Disability	Persons with disabilities at work as “individuals whose prospects of securing, returning to, retaining and advancing in suitable employment are substantially reduced as a result of a duly recognized physical, sensory, intellectual or mental impairment”. (ILO) In combination with these disabilities, issues such as gender, age and economic status, all impact upon their status in and access to the labour market.
Age	An individual’s development measured in terms of the years requisite for like development of an average individual.
Migration status	Migration refers to the movement of a person, often used in reference to a nearing or crossing of human-made borders. Migration simply means a movement of a person, be it temporary or permanent.
Climate justice	Gives recognition to the disproportionate impacts of climate change on marginalised people and on the people and places least responsible for the problem.
Disability	Persons with disabilities at work as “individuals whose prospects of securing, returning to, retaining and advancing in suitable employment are substantially reduced as a result of a duly recognized physical, sensory, intellectual or mental impairment”. In combination with these disabilities, issues such as gender, age and economic status, all impact upon their status in and access to the labour market.

Discrimination	In ILO Convention No. 111 discrimination refers to “any distinction, exclusion or preference made on the basis of race, colour, sex, religion, political opinion, national extraction or social origin, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation.” Article 1 (1) (a). Since then other ILO instruments have added additional groups facing discrimination e.g. people with HIV/AIDs, domestic workers, LGBTQI+ workers, parents/carers.
Gender-based violence and harassment	Gender-based violence and harassment is violence and harassment “directed at persons because of their sex or gender or affecting persons of a particular sex or gender disproportionately, and includes sexual harassment” (Art. 1(b) ILO C.190). Women are disproportionately affected by GBVH, particularly women in the most vulnerable jobs. It is important also to recognise that LGBTQI+ workers may be targets of GBVH, including discrimination, homophobia and transphobia.
Gender-responsive	Addresses gender-based differences to advance gender equality and remove gender gaps and discrimination.
Institutional sexism	Policies and practices in organisations that reproduce the same biases, prejudices and patriarchal gender norms that shape society.
Intersectionality	Multiple and intersecting forms of discrimination that interact on multiple levels, creating a system of oppression. Some workers experience more than one form of discrimination, leading to ‘intersectional’ or ‘multiple discrimination.’ An intersectional perspective is important to showing risks faced by the groups experiencing multiple and intersecting forms of discrimination e.g. migrant women workers, racialised women workers or women with disability or differently-abled women.
Just transition	This means that no one is left behind in the transition to low-carbon and environmentally sustainable economies and societies.
LGBTQI+	LGBTQI+ workers: Lesbian, gay, bisexual, transgender, queer and intersex (see definitions in Global Unions toolkit).
Misogyny	A hostile form of sexism and prejudice against women, involving men’s discriminatory attitudes, fear and hatred of women and/or the feminine. It is a form of sexism in the workplace that assumes male power and control and women’s subservient positions, resulting in discrimination, and women’s lower positions and pay in the workplace.
Sexism	Actions or attitudes involving prejudice, stereotyping or discrimination against women, based on their sex. Sexism results from stereotypes and discriminatory actions or attitudes towards women. Sexism occurs because of underlying attitudes that consider women to have less value than men, and is discrimination against people who are seen as female or feminine.
Sexual harassment	Sexual harassment is the most common form of GBVH in the world of work, involving unwelcome verbal, non-verbal and physical conduct. It forms an important part of the ILO C190 and is a form of sex discrimination under ILO Convention No. 111 on discrimination in employment and includes: “quid-pro-quo” (a condition for a job) and “hostile work” (intimidating, hostile or offensive working environment). Convention No. 111 is a fundamental right at work.
Social dialogue	Negotiation, consultation, cooperation or exchange of information between governments, employers and workers related to economic and social policy. Workplace cooperation, collective bargaining at company, sector or cross-industry levels, and tripartite consultation processes are common forms of social dialogue.
Transformational approach	Addresses gender inequality by transforming harmful gender norms, roles and relations, while working towards redistributing power, resources, and services such as childcare, health care and legal and other support when discrimination and abuse has occurred, more equally.
Socio economic status (class)	Status relating to, or involving a combination of social and economic factors.

Workers affected by gender and intersecting forms of discrimination face some of the worst abuses in the world of work. The voices and agency of workers affected by these inequalities are essential if HREDD is to be carried out in inclusive ways.

Tools to identify gender and intersectional discrimination in value chains

A starting point for trade unions is to conduct a gender analysis, which involves collecting evidence of gender inequalities and assessing the root/structural causes of those inequalities.

A gender analysis acknowledges the unequal distribution of resources, opportunities, constraints, and power between women and men. Figure 2 provides an overview of four dimensions of gender inequality and intersectionality that can help trade unions frame their analysis. These dimensions cover some of the root/structural causes of gender inequalities: the division of labour, access to control over resources, access to power and decision-making, and gender norms, roles, and relations.

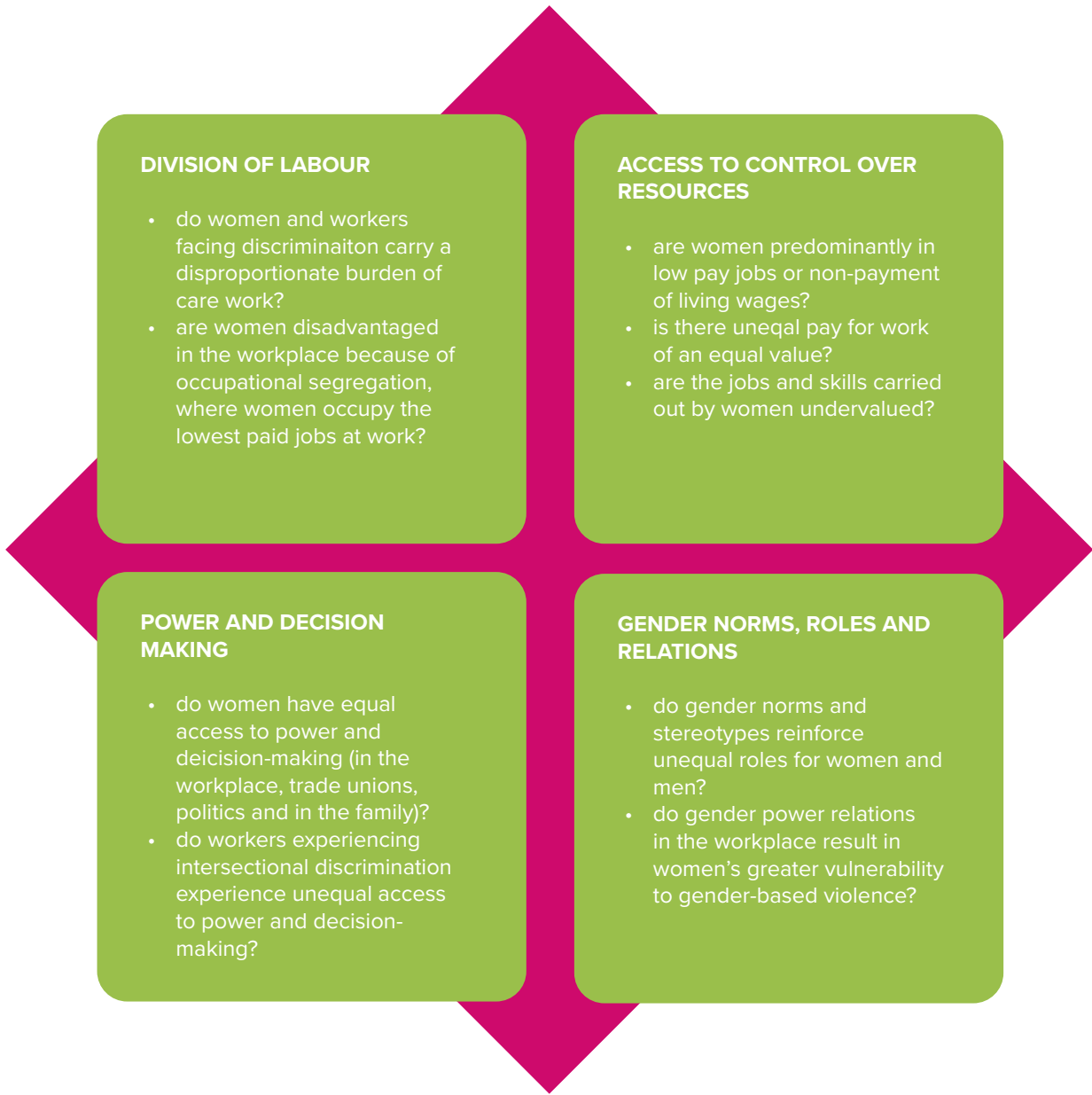


Figure 2: Four dimensions of gender and intersectionality.

Undertaking a gender analysis

A gender analysis identifies the differences between women and men regarding their relative position in society and the distribution of resources, opportunities, constraints and power in a given context. It can focus on the four dimensions in Figure 2, and further dimensions can be added if they are relevant to a particular workplace or sector.

These four dimensions are interconnected. For example, gender norms and roles often put a low value on women's work and skills, while gender roles and relations may reflect a culture of victim blaming and impunity that justifies and normalises GBVH. In the context of HREDD, specific issues may arise from the organisation of work and production. In the garment sector, unrealistic pressures on workers may occur because purchasing practices drive down costs, which in turn increases levels of stress, violence and harassment in the working environment.

Carrying out a gender analysis involves planning for and developing actions that address gender and intersectional inequalities. Several steps are involved in carrying out a gender analysis (sometimes referred to as gender mainstreaming or gender impact assessment), and trade unions are encouraged to seek further information on the steps involved.²

Defining gender and intersectionality

Gender refers to the social and cultural roles of women, men and people who define themselves as non-binary or non-conforming. Gender impacts a person's life experiences; for example, women and men may have different legal, economic, environmental, social and cultural experiences. Gender is distinct from sex. Sex defines biological characteristics, while gender refers to the socially constructed roles that result in women and men holding different roles, rights, responsibilities and privileges. For example, society perpetuates gender stereotypes that women are primarily mothers and carers. Gender norms and stereotypes, as well as victim blaming, make it difficult for women and men to speak out about workplace abuses such as sexual harassment.

Strategies to end gender and intersectional inequalities need to address the root/structural causes of inequality by taking into account the vulnerabilities faced by workers experiencing multiple and intersecting forms of discrimination. This is central to the transformational approach to gender equality. Reducing the gender pay gap, promoting decent work in the care economy, gender-responsive occupational safety and health at work and ending gender-based violence and harassment (GBVH) in the world of work are some of the issues that unions addressed in negotiations with employers to achieve gender equality. For example, GBVH is a significant barrier to decent work and workers' dignity, safety and security. It exists because of unequal power relations between women and men, contributing to inequalities at work, in the family, and across society. Closely connected to this is ending a workplace culture that supports sexism (attitudes, prejudice, stereotyping and discrimination against women) and a culture of misogyny (discriminatory attitudes, fear and hatred of women and a culture of impunity). Another essential element is women's leadership and increasing the representation of women in decision-making positions, which is something trade unions actively work on.

Intersectionality (multiple and overlapping forms of discrimination) recognises the complex ways social identities intersect, resulting in overlapping forms of discrimination.

2. See EIGE resources on Gender Analysis <https://eige.europa.eu/gender-mainstreaming/tools-methods/gender-analysis>; FES Transformative Strategies towards gender equality in trade unions: A Handbook: <https://asia.fes.de/news/trade-union-gender-handbook.html>; Plan International, A Gender Responsive Human Rights Due Diligence Tool. Summary: https://www.planinternational.nl/uploaded/2021/01/GAA-Report-GRDD_Summary-ONLINE.pdf?x86757

“Intersectionality is a lens through which you can see where power comes and collides, where it interlocks and intersects. It’s not simply that there’s a race problem here, a gender problem here, and a class or LGBTQI+ problem there. Many times that framework erases what happens to people who are subject to all of these things.”

– Kimberlé Crenshaw

Intersectionality originated in the analysis of the intersection of gender and race inequalities. Since then, the concept has been used more widely to refer to ways in which gender intersects with other forms of discrimination and oppression, such as class, race, caste, sexual orientation, and gender identity (UN Women and UNPRPD 2022, UN Women 2023, Handl. et al. 2022).

Gender and intersectionality are recognised in ILO Violence and Harassment Convention No. C190

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

Furthermore, the organisation of work is designed with men’s work in mind, where workplace policies and safety standards are traditionally drawn up for male workers that do not always include the work that women predominantly carry out. This is particularly relevant for racialised and minoritised women, parents, workers with care responsibilities and workers with disabilities. Generally, women with care responsibilities face significant barriers to employment and decent work (ILO 2014a). At the same time, migrant care workers face discrimination and problems in securing decent work and progression in their careers (ILO 2014b).

Examples of intersectionality

A woman worker living with a physical disability experiences discrimination because of her gender and her disability.

A migrant women worker has limited access to training because of her gender and her migrant status. She also experiences another layer of discrimination and harassment because of her religion and because she wears a headscarf.

A male LGBTQI+ worker experiences gender-based violence and harassment because of discrimination and because he is seen as not fitting into his ‘socially ascribed’ role.

A woman from an Indigenous background experiences negative stereotypes based on her gender and her Indigenous identity.

A black, disabled lesbian experiences discrimination, lesbophobia, racism and ableism, all of which overlap into multiple forms of discrimination.

What can trade unions do?

- Trade unions have a role to play, along with other stakeholders, in adopting a gender and intersectional perspective by showing how discrimination and oppression have common and specific effects for different groups of marginalised workers.
- For example, minoritised women and racialised women’s lower access to employment and decent work, income, finance and productive resources, along with women’s disproportionate care burden, are factors that have to be taken into account in a transformational approach to HREDD.
- Trade unions can identify where and how workers face differential levels of vulnerability at work. Workers with intersectional identities, for example, face heightened risks of discrimination, exploitation, exclusion, insecurity, violence, and harassment. After identifying the issues, we need to tackle gender-based power relations, stereotypes, and intersectional inequalities such as race, disability, class, and sexual orientation in the workplace. It is essential that trade unions also take their role in acting on them.
- The framework of ILO Convention No. 190 can be used to argue for a gender- and intersectional approach and for collective bargaining that addresses gender-based violence and harassment. A transformational approach could ensure these issues are integrated into risk assessment procedures and prevention plans.



Foto: Jan Banning

Examples of trade union actions on gender and intersectionality in the world of work

Unequal pay: gender and intersectional pay gaps

Pay discrimination and the low value given to women’s work and skills are reasons women earn less than men (IUF 2023, IndustriALL 2023). Globally, the average gender pay gap is 20% (ILO 2019a). Wider pay gaps exist when an intersectional perspective is applied, for example, when highlighting pay gaps experienced by racialised and minoritised women and/or women with disabilities. For example, when gender, ethnicity, and parenthood intersect, there are significantly more significant gender pay gaps, as shown in research in the UK for racialised and minoritised mothers (Fawcett Society 2024).

Motherhood is another factor; mothers experience a wage penalty as high as 30% (ILO 2019b). Low-paid workers in female-dominated industries also experience higher wage gaps than other workers, and the greater the presence of women in a sector or occupation, the wider the pay gap (ILO 2019b). Furthermore, gender pay gaps exist in access to living wages, with one study finding that fewer than 10% of women working in the garments and agriculture sectors earned a living wage (Anker Foundation 2024).

Trade union actions on unequal pay:

- Companies should be requested to implement policies on pay transparency to detect pay discrimination and to identify the gender pay gap.
- An alternative is to request that companies collect data to determine if there is a gender gap in women’s access to living wages across the value chain.
- Trade unions should be consulted about pay transparency measures and gender pay gap reporting, including company plans to reduce pay inequalities.
- Find out further information and resources for trade unions on pay transparency.³

Gender and intersectional experiences of violence and harassment

A gender and intersectional perspective is crucial to understanding worker vulnerabilities concerning gender-based violence and harassment, for example, as faced by women, racialised workers, disabled workers and LGBTQI+ workers, who are disproportionately affected by violence and harassment (ITUC 2024)—in a survey carried out in 2024 by the UK public service union, UNISON, women, Black Asian and ethnic minority workers (BAME) workers, workers with disabilities disabled workers, and LGBTQI+ workers experienced the highest levels of violence and harassment at work (cited in ITUC 2024). Similarly, a survey by the Canadian Labour Congress (CLC) in 2022 found that women, trans, nonbinary, gender-diverse, Indigenous and workers with disabilities experienced the highest rates of sexual harassment at work (cited in ITUC 2024).

Many trade unions have formed alliances with feminist and women’s organisations to engage in collective action, advocacy and campaigns to end gender-based violence and harassment for the ratification and implementation of ILO C190 (ITUC 2024). These campaigns have often been led by the intersectional voices of women in trade unions (Pillinger et al., 2022).

Trade union actions on ending GBVH:

- Provide information and train workers and trade union representatives to raise awareness about GBVH.
- Use the framework of ILO’s Violence and Harassment Convention (C190) to inform negotiations with employers.

- Ensure that women and other disadvantaged groups are at the forefront of campaigns and alliances with other unions, local and national women’s organisations, human rights NGOs and advocacy groups.
- Refer to resources developed by and for trade unions to build capacity/advocacy in ending GBVH.⁴

Just transition: gender and intersectionality

ILO’s Guidelines for a Just Transition Towards Environmentally Sustainable Economies and Societies for All and the Paris Climate Agreement in 2015 emphasise the importance of a Just Transition and the creation of decent work as critical components of Climate Change. A just transition recognises that the transition to de-carbonisation must be managed fairly and equitably for all. This means that workers who may lose their jobs must have adequate social protection, upskilling and reskilling of workers for the new low-emitting industries and sectors. In addition, social dialogue and collective bargaining agreements with employers are crucial to just transition.

How employers respond to and implement climate change goals is a further issue relevant to a gender and intersectional perspective in HREDD, particularly because climate change has adverse economic and social impacts on the poorest women. This means taking into account women’s vulnerabilities to climate disasters, their lower access to information due to lower levels of literacy or access to technology, and their more significant risks of GBVH that occur during a crisis (UN WOMEN 2023).

Trade unions can raise awareness about just transition and make demands on companies to:

- Identify gender-specific risks and vulnerabilities and ensure that women’s collective voice, leadership and agency are included in HREDD plans and meaningful stakeholder engagement.
- Request information from companies about their policies on just transition and whether they have included a gender and intersectional perspective.
- Negotiate with employers to upskill and reskill workers during the transition.

A good resource is the ITUC’s Just Transition Centre website, which advocates for social dialogue and stakeholder engagement between workers and their unions, businesses and governments in with communities and civil society. A key demand is to ensure that labour has a seat at the table when planning for a Just Transition to a low-carbon world.⁵

Further examples relevant to unions in the Global South can be found in ILO Actrav’s (2024) report, Trade Unions Actions Towards Climate Change and a Just Transition.⁶

3. Examples include IndustriALL/Pillinger Pay Equity Toolkit: <https://www.industriall-union.org/5-steps-for-trade-unions-to-close-the-gender-pay-gap/>; IUF/Pillinger Pay Equity Toolkit <https://www.iuf.org/wp-content/uploads/2023/06/2023-Pay-Equity-Toolkit.pdf> ; Irish Congress of Trade Unions/Pillinger, Gender Pay Gap Reporting: <https://www.ictu.ie/publications/guide-gender-pay-gap-audits>; EPIC website: <https://www.equalpayinternationalcoalition.org/>; ILO (2022) Pay transparency legislation: Implications for employers’ and workers’ organizations: <https://www.ilo.org/publications/pay-transparency-legislation-implications-employers-and-workers>

4. ILO C190 in action website: <https://www.c190inaction.org> which has been developed by trade unions and their allies to share good practices. Each year the ITUC carries out a survey of union actions, see report for 2024: https://www.ituc-csi.org/IMG/pdf/en__c190_unions_in_action_to_end_violence_and_harassment_at_work_v3.pdf; Further good practices and examples of CBAs can be found in Pillinger/ILO Actrav (2024) Violence and harassment in the world of work-Trade union initiatives, strategies and negotiations since the adoption of the Convention on Violence and Harassment (No. 190) and its Recommendation (No. 206): <https://www.ilo.org/publications/violence-and-harassment-world-work-trade-union-initiatives-strategies-and>

5. ITUC Just Transition Centre: <https://www.ituc-csi.org/just-transition-centre>

6. <https://www.ilo.org/publications/trade-unions-actions-towards-climate-change-and-just-transition-0>

Section 3: Integrating gender and intersectionality into HREDD

Human rights and environmental due diligence (HREDD) is a continuous process that supports companies in identifying, preventing, mitigating, and accounting for potential and actual adverse human rights and environmental impacts. Emphasis is given to avoiding and mitigating abuses by assessing and acting upon potential risks in the world of work.

It is a process grounded in international standards that ensures responsible business practices throughout the value chain. Its primary focus is preventing and mitigating actual or potential risks related to human rights violations. This process involves meaningful engagement, emphasising shared responsibility, and engaging workers and trade unions.

Companies should develop a policy, conduct a risk assessment, develop mitigating measures, track progress, communicate their efforts, and remediate violations. This must address discrimination, for example, faced by women, racialised women workers, and women workers with disabilities, and challenge gendered, racialised, and ableist assumptions, stereotypes, and biases.

HREDD was first established in the UN Guiding Principles on Business and Human Rights (UNGPs) and has since been further reinforced through the ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy (MNE Declaration), the OECD Guidelines for Multinational Enterprises, and EU on Corporate Sustainability Due Diligence Directive (CSDDD).⁷

Appendix 1 briefly outlines the HREDD standards established by the United Nations, OECD, ILO, European Union, and national governments.

Why should trade unions play a role in HREDD?

Trade unions need to be informed about HREDD and ensure that companies meaningfully engage with workers and their trade unions. Because trade unions are close to workers, they can help identify and expose human rights abuses in the world of work and monitor progress in mitigating them, for example, by advocating for better policies and negotiations for CBAs.

Trade unions can also play a role in identifying and exposing direct and indirect impacts of gender inequalities at work, for example, by showing that women’s disproportionate burden of care responsibilities impacts their economic participation.

Trade unions can expose gendered and intersectional human rights abuses by consulting with and documenting workers’ rights from a gender and intersectional perspective.

Trade unions and labour rights organisations should play an important role in advocating for a gender and intersectionality analysis in HREDD and show the relevance of the diversity of workers’ social identities and unequal power relations underpin many violations of fundamental rights in the value chain. In addition, including gender and intersectionality in HREDD can help to enrich the critical HREDD principle of meaningful stakeholder engagement.

⁷ For information on a gender perspective in CSDD: Action Aid (2024) Towards a gender-responsive transposition of the Corporate Sustainability Directive. <https://actionaid.org/publications/2024/towards-gender-responsive-transposition-corporate-sustainability-due-diligence>. For information on trade union roles in HREDD see: CNVI (2024) How trade unions can engage in Human Rights Due Diligence to safeguard worker’s rights. https://www.cnvinternationaal.nl/_Resources/Persistent/c/f/0/7/cf07e7072bd81be243d5145482a918f6a375bd82/CNVI-0400%20Role%20of%20Trade%20Unions%20in%20Human%20Rights%20Due%20Diligence%20HREDD.pdf; and CNVI (2024) Training Toolkit <https://www.cnvinternationaal.nl/en/topical/news/-training-toolkit>

Trade unions should play a vital role in raising awareness about human rights violations that affect women and other vulnerable groups, particularly from a gender and intersectional perspective. This is crucial because the working lives of women and other groups who face intersecting discrimination are often overlooked or invisible.

- Provide training and guidance for workers and trade union representatives on gender inequalities, intersectionality, HREDD, and the importance of a transformational approach.
- Hold a trade union meeting in the workplace to explain to workers what this approach means and their role as rights holders.
- Encourage workers to assert their power by participating in discussions and consultations and sharing insights into gender and intersectional risks at work.
- Commit (time and resources) to integrating a gender and intersectional perspective in all trade union work.

European legislation making HREDD mandatory

The EU CSDDD emphasises human rights and environmental due diligence, along with a worker-centred approach, worker’s rights and a **gender and intersectional approach**. The Directive states that companies may need to take into account factors such as “gender, age, race, ethnicity, class, caste, education, migration status, disability, as well as social and economic status, as part of a gender- and culturally responsive approach to due diligence. It goes on to say that:

“..., companies should pay special attention to any particular adverse impacts on individuals who may be at heightened risk due to marginalisation, vulnerability or other circumstances, individually or as members of certain groupings or communities, including Indigenous peoples...”

A transformational approach to HREDD (as described in Section 1) means that companies go beyond a tick-box exercise to address the root/structural causes of gender inequalities systematically. For example, a gender-transformation response to ending sexual harassment in a garment factory would ensure that the company understands and identifies risk factors of GBVH, including unequal gender power relations in the factory. Furthermore, the company will also better understand what the factory needs to do to prevent sexual harassment.

What are gender and intersectional-related human rights risks?

This approach to HREDD can help to make visible violations of human rights related to gender and intersectional inequalities on issues in the world of work so that they frame recommendations on how to mitigate their impacts and effective ways to review progress made. This may concern a wide range of issues, such as living wages, equal pay for work of equal value, occupational safety and health, reproductive and sexual health, LGBTQI+ rights and discrimination, women’s disproportionate care roles, occupational segregation, gender-based violence and harassment, and women’s representation in decision-making, amongst others.

Data collection

Data that reflects the reality of workers’ lives is crucial to identifying violations of workers’ rights and ensuring a systematic approach to monitoring and reporting progress. However, gender and intersectional disaggregated data are not always collected or available.

Trade unions must first advocate for disaggregated data collection in the workplace and across the value chain.

Example questions that could be asked:

- Is data available to identify power and privilege that affect workers’ access to claiming their rights and opportunities? What data gaps exist?
- Are some groups absent from leadership or decision-making positions in the labour market?
- Is pay transparent, and is pay data available to identify the gender pay gap and structural causes of pay inequalities between women and men?
- Is data available on cases of GBVH, including from anonymous reports or reports collected by trade unions or labour rights organisations?
- Have you consulted with all women workers, particularly women most marginalised, in confidential and sensitive ways?

Suggestions for trade unions

- Request data on recruitment, job/occupations, pay and working hours by gender.
- Request that the company identify the gender pay gap (based on average hourly pay) each year, covering all workers regardless of their contractual status or hours worked.
- Train workers and trade union representatives to understand and interpret gender-disaggregated data, including how to identify gender gaps and inequalities and calculate the gender pay gap.
- Consult with workers, promote women workers’ voices and agency, and ensure that sensitive consultations are conducted to capture the experiences of the most marginalised workers. For further information on conducting consultations with women workers, see Step 2 of the HREDD process in the next section.

Meaningful stakeholder engagement

A central part of HREDD is ensuring that trade unions and labour rights organisations have a role in the meaningful stakeholder engagement of workers affected by gender inequalities and intersecting discrimination. Trade unions can develop strategies that inform, mobilise, organise, and involve workers facing multiple and intersecting discrimination.

OECD Guidelines on RBC

OECD Guidelines for Multinational Enterprises on Responsible Business Conduct (2023) highlight the need for enterprises to undertake meaningful stakeholder engagement, taking into account the needs of vulnerable or marginalised groups:

“To ensure stakeholder engagement is meaningful and effective, it is important to ensure that it is timely, accessible, appropriate and safe for stakeholders, and to identify and remove potential barriers to engaging with stakeholders in positions of vulnerability or marginalisation.” (para. 28)

“Conducting human rights due diligence may involve considering distinct and intersecting risks, including those related to individual characteristics or vulnerable or marginalised groups. Meaningful stakeholder engagement is important in this regard, and considering ways to maximise sustainable development outcomes for such groups may also be relevant.” (para.50)

Figure 3 shows the three elements of meaningful stakeholder engagement, which integrate a gender and intersectional perspective. Trade unions should check that each of the three elements of meaningful stakeholder engagement are included in company HREDD processes. If they are not, draw up a plan to engage with the company and build alliances with human rights and gender equality organisations to advocate for meaningful stakeholder engagement.⁸



Figure 3: Meaningful stakeholder engagement: a gender and intersectional approach for trade unions.

1. Engagement and alliances with multiple stakeholders:

- Contact and strengthen existing links with labour, human rights, and gender equality groups, organisations, NGOs, migrant worker organisations, gender experts, business associations, and other stakeholders committed to gender equality.
- Build awareness about and make a strong case for the centrality of gender and intersectionality in meaningful stakeholder engagement.
- Ensure women’s involvement and active participation, especially women experiencing multiple discrimination.

8. For more information, see OECD Guidelines (2023) https://www.oecd.org/content/dam/oecd/en/publications/reports/2023/06/oecd-guidelines-for-multinational-enterprises-on-responsible-business-conduct_a0b49990/81f92357-en.pdf

2. Respect for freedom of association and integrating a gender and intersectional perspective into collective bargaining.

- Ensure that all HREDD processes and steps respect fundamental rights and principles at work, including freedom of association and collective bargaining.
- Identify the priority issues for women workers and consult with workers about ways to end gender and intersectional discrimination.
- Build support for these issues with stakeholders (above).
- Negotiating with employers, ensuring women’s participation in collective bargaining teams.

3. Gender and intersectionality inform trade union recruitment and organising strategies and consultations with workers

- Agree on a strategy for organising and representing women workers, particularly those in precarious work and those experiencing intersectional discrimination.
- Build women’s leadership skills and women’s participation in union decision-making.
- Make gender equality a union priority (internally & externally) and commit to changing culture, mindsets and stereotypes.

Consult with women and other groups experiencing marginalisation (Section 3 provides further information on consulting women workers on human rights abuses).

Trade union networks and information sharing across the value chain

In addition, trade unions may be involved in mapping how they organise and represent workers across the value chain. Find ways to contact unions across the value chain.

- Some global unions have established trade union sectoral networks and committees to facilitate contact between unions across the value chain. You can check with your union to find ways to contact workers/ unions across the value chain.
- Where Global Framework Agreements have been signed with companies and global unions, national monitoring committees are usually established to monitor the agreement’s implementation across the value chain. Find out if your company has signed an agreement and if you can liaise with national monitoring committees on how the company is implementing HREDD in other countries.
- If there are opportunities to contact unions across the value chain, commit to sharing learning, good practices, and examples of what works with unions across the value chain. This can include how trade unions have addressed barriers or challenges regarding meaningful worker representation, access to information and whether there is a gender and intersectional perspective included in trade union actions, policies and practices.
- Information sharing can also be instrumental in learning about effective ways to ensure the representation of women and other under-represented groups in trade union leadership and decision-making structures.

Section 4: Gender and intersectionality in the six steps of HREDD

Trade unions can proactively engage with companies, stakeholders, and suppliers across the value chain.⁹ This section provides some practical guidance on how a gender and intersectional perspective can be integrated into each of the six steps of the HREDD process, which are set out in figure 4. This approach is crucial in identifying and assessing risks, preventing adverse business impacts, and addressing the root/structural causes of gender and intersectional discrimination.



Figure 4: Gender and intersectionality in the six steps in HREDD.

9. For more detailed information and guidance on how companies can implement the six steps through gender-responsive HREDD (GR HREDD), see Plan International: https://www.planinternational.nl/uploaded/2021/03/GAA-Report-GRDD-Part-1-ONLINE_DEF.pdf

Step 1: Applying a gender-responsive and intersectional approach to the prevention of human rights abuses in company policies

In brief, this means that:

Companies must ensure that their policies and management systems uphold workers’ human rights while integrating gender and intersectional considerations. Trade unions can actively contribute insights, information, and evidence about workers’ experiences of workplace abuses. Ongoing social dialogue between trade unions and employers is crucial in helping to shape policies and management systems.

What can trade unions do?	Issues for trade unions to raise with companies about their policies and management systems
An important starting point is for trade unions to check that the company has relevant policies and management systems, including Codes of Conduct and policies on Responsible Business Conduct, to address human rights abuses from a gender and intersectional perspective across the value chain.	<ul style="list-style-type: none">• Are gender and intersectionality addressed across all tiers of the value chain, including all suppliers? Does this include raw materials and subcontractors?• Do company policies, including Codes of Conduct and policies on Responsible Business Conduct, refer to gender inequality and discrimination across the value chain?• Have all workers, such as migrant workers or workers on temporary or precarious contracts, been included in policies and management systems?• Do the policies state that workers have the right of workers to freedom of association and collective bargaining? Is this taking place in reality? Is there a gender-balanced representation of women and other groups facing discrimination in trade unions?• Does the company make an explicit commitment to redress and act on risks of inequality, discrimination and oppression that are detected in the workplace on issues such as insecurity, unequal pay for work of equal value and gender-based violence and harassment?• Do policies provide alignment with existing international treaties and labour standards (see Appendix 1)?<ul style="list-style-type: none">– If these issues are not addressed by companies, make recommendations about how companies can integrate gender and intersectionality.– If you are unsure what should be included in gender equality and intersectionality policies, refer to good practices guidance and model policies from IFC, ILO/UN Women, Plan International and IndustriALL Global Union.¹⁰

10. IFC: <https://www.ifc.org/content/dam/ifc/doc/mgrt/gpn-addressinggbvh-july2020.pdf>; ILO/UN Women: https://www.ilo.org/sites/default/files/wcmsp5/groups/public/%40europe/%40ro-geneva/%40ilo-ankara/documents/publication/wcms_731370.pdf; Plan International: https://www.planinternational.nl/uploaded/2021/01/GAA-Report-GRDD_Summary-ONLINE.pdf?x86757; IndustriALL Global Union: <https://www.industriall-union.org/noexcuse>

Is there a gender breakdown of workers’ employment and contractual status, work roles and pay?	<ul style="list-style-type: none">• Does the company collect disaggregated data by gender and/or other groups facing discrimination?• Have any gender pay gaps been identified? Do they reflect an intersectional perspective e.g. concerning the wages of migrant workers?<ul style="list-style-type: none">– If not, make suggestions for tools that the company can use for the collection of disaggregated data and pay transparency.
Have specific human rights violations been identified and recognised, specifically for groups facing gender inequality, discrimination and intersectional discrimination?	<ul style="list-style-type: none">• Has the company existing evidence that it has assessed gender and intersectional-specific risks across the value chain and directly with suppliers?<ul style="list-style-type: none">– If so, check that this cover the full range of actual and potential risks, in areas such as low pay, long working hours, unsafe and unhealthy working practices, access to maternity leave, gender-based violence and harassment, and no access to remedy in cases of violation of rights.– If not, make a strong case for a detailed risk assessment that considers gender and intersectionality, including consultations with women workers.
Do CBAs and workplace policies address gender equality and intersectionality?	<ul style="list-style-type: none">• Carry out an analysis of existing CBAs to check if clauses in CBAs address gender and intersectionality across the value chain.• If there are no existing CBAs, negotiate a policy on zero-tolerance for discrimination and GBVH, covering all workplaces and suppliers.• Ensure that CBAs and workplace polices include:<ul style="list-style-type: none">– Principles and Statement of Commitment to gender equality and non-discrimination;– A zero-tolerance approach to inequality, discrimination and GBVH at work;– Trusted systems to address grievances related to gender or intersectional human rights violations, e.g. unequal pay, gender-based violence and harassment and workers’ reproductive and sexual health;– Integration of gender and intersectionality in OSH risk assessment and prevention programmes;– Information, training and awareness raising for managers and workers;– Remedy and support for victims/survivors.

Step 2: Identify and assess actual and potential risks and adverse impacts from a gender and intersectional perspective

In brief, this means that:

Companies have identified and assessed the actual and potential risks and their negative impact on workers who face inequality and discrimination in their operations and value supply chains.

What can trade unions do?	Practical actions to be carried out by trade unions
Identify actual and potential risks and adverse effects workers face across all value chain tiers from a gender and intersectional perspective.	<ul style="list-style-type: none"> Collective relevant data and carry out consultations with women/workers facing discrimination to share their concerns and identify gender and intersectional risks. Identify gender and intersectional psychosocial risks at work that lead to stress e.g. relating to the organisation of work, power inequalities in the workplace, long working hours, stress and work pressure, harassment and sexual harassment, poor workplace design, absence of or lack of trust in HR policies, or lack of training for managers and workers. Make a list of the risks that workers are exposed to in the world of work (grouping them by theme) and assess their frequency and severity. For those that are serious, ensure that they receive immediate attention and remediation. Where risks are external e.g. because of unequal roles in the family, or an absence of services for victims/survivors of domestic violence, try and find ways to address their impacts at work. For example, if there is an impact of domestic violence at work, negotiate a policy to provide safety planning, support and paid leave for women victims of domestic violence. Provide training and awareness raising for trade union safety and health representatives on gender-transformative approaches to identifying and assessing risks.
Ensure the company has effective systems for identifying risks and assessing their frequency and severity across the value chain.	<ul style="list-style-type: none"> If there is no functioning risk assessment process in place, make a plan to advocate and campaign for a gender-transformative approach to risk assessment. Emphasise the need for employers to prioritise risks that arise from the absence of policies on fundamental rights at work and international standards on freedom of association, non-discrimination, occupational safety and health, gender-based violence and harassment, living wages and unequal pay, and maternity and other leave policies, among others identified from consultations with workers.

Steps involved in preparing for risk assessment

There are several important points for trade union representatives involved in risk assessment. For risk assessment to be carried out systematically, consultations should be carried out with union-led occupational safety and health and gender equality specialists. In summary, unions should be guided by the steps in Figure 5.

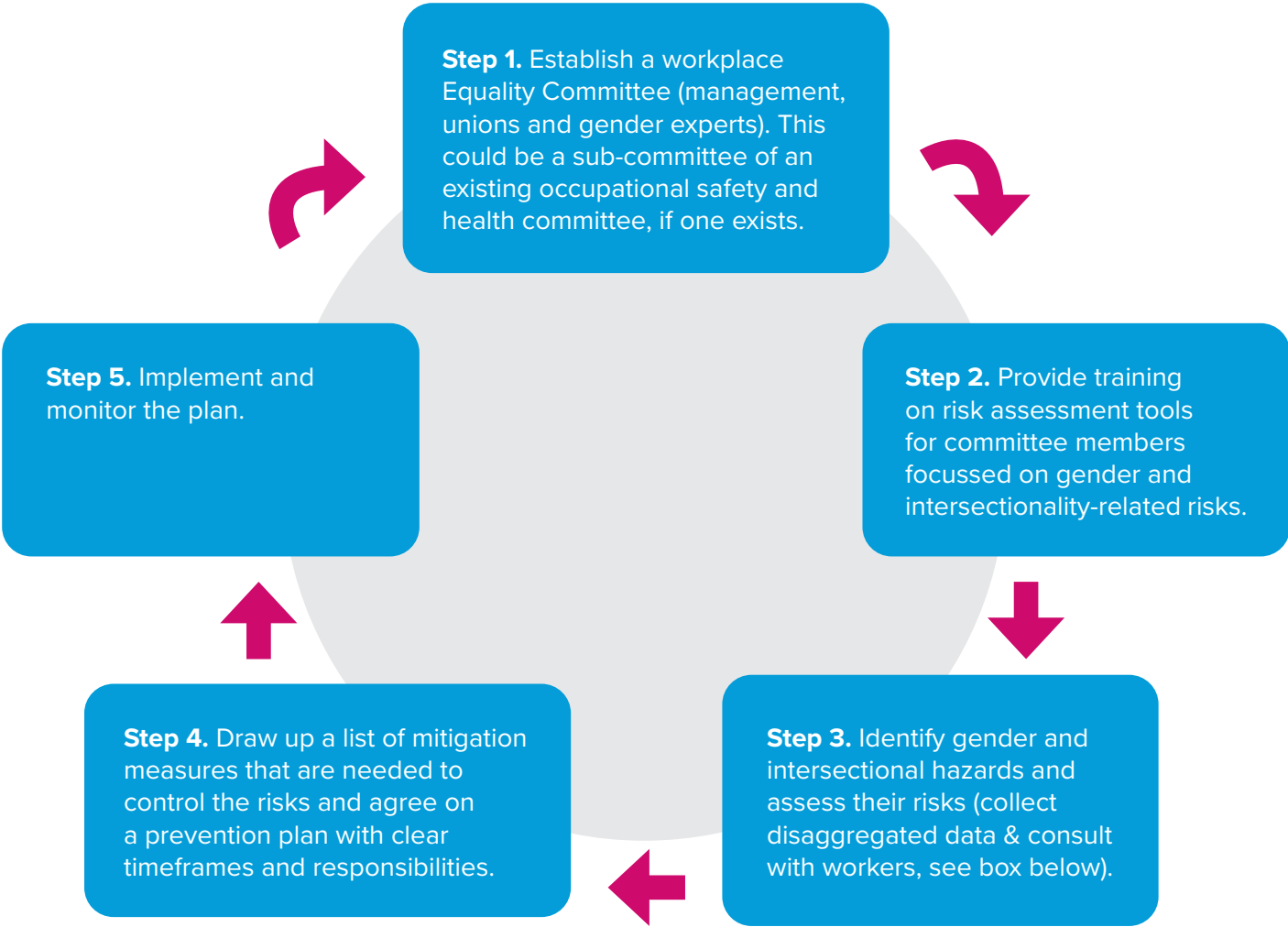


Figure 5: Overview of steps in risk assessment.

Consulting with workers about their experiences

An important part of the risk assessment process is to learn more about workers’ experiences of human rights abuses. Some of the worst abuses occur at the bottom of the value chain in factories, workplaces, mines, and farms that supply the products or raw materials for MNEs.

Although many companies conduct regular factory audits, audits may not pick up all risks, particularly on sensitive issues. As a result, trade unions must consider alternative ways to capture rights abuses. Consultations with workers should have clear objectives, be transparent, and ensure the involvement of most excluded workers. In some cases, it may be preferable for women trade unionists or workers with intersectional identities to lead and hold the consultations off-site.

There are many different ways to consult with workers, such as anonymous surveys, focus group discussions, interviews, and safety walks around a factory, farm, mine or workplace. However, finding alternatives to company audits to identify these issues is essential.

It is crucial to find sensitive and confidential ways to consult with workers facing vulnerabilities at work – existing systems, such as company audits, often fail to capture these issues. Help workers to feel uncomfortable responding to sensitive questions. Generate a discussion that enables workers to say if they have experienced, witnessed or heard about the range of behaviours related to violence and harassment.

Create safe spaces for workers to discuss the risks they face, particularly on sensitive issues where there is a culture of silence, stigma and victim blaming.

Carrying out a safety audit or a women’s safety walk to find out where risks occur

One practical option that works well in a factory setting is to carry out a safety walk with a group of women and ask them to discuss areas where they are concerned about health, wellbeing, GBVH or other occupational safety and health risks. While walking around the factory, stops are made at different points, and a discussion takes place with participants to identify potential or perceived risk factors. These risks are then marked on the workplace map.

A second option is to draw a map of the workplace and ask women to mark with an X where they perceive safety. This could be done on-site or off-site, as part of a training programme or focus group discussion.

Running focus group discussions

A focus group discussion (FGD) is a group discussion of approximately 6 - 12 people guided by a facilitator. Members talk freely and spontaneously during the focus group about a pre-defined topic. The focus group can last between one and one and a half hours. It is more than a question-and-answer interaction. The idea is that group members discuss the topic among themselves, with guidance from the facilitator.

- Establish the focus of the discussion and inform participants that all discussions are confidential
- Identify the main questions you want to ask (no more than 4 or 5 questions)
- Keep questions simple and easy to understand, and avoid asking personal questions
- Focus on questions that aim to find solutions to identified risks and their prevention
- Ensure a safe space, ideally off-site and a comfortable physical arrangement (chairs in a circle)
- Facilitators should take time at the end of the meeting to summarise and check for agreement
- Draw up a report of the focus group

Examples of gender and intersectional human rights risks at work and how they can be mitigated

Actions for lead companies

Gender and intersectional human rights risks for workers across the value chain	Actions that can be taken in consultation with trade unions to mitigate the risks
The company’s Code of Conduct or policy on Responsible Business Conduct does not refer to gender or intersectional inequalities.	Advocate for a social dialogue meeting with the company to discuss and implement inclusive ways to revise policies.
The Code of Conduct or policy on Responsible Business Conduct has not been communicated to suppliers and workers across the value chain.	Suggest that the company draws up a communications strategy to communicate the policies, in consultation with the trade union(s).
No effective systems are in place to consult with workers to monitor human rights violations across the value chain (and company audits do not effectively to monitor these violations).	Effective systems are put in place to consult with workers, including regular social dialogue between management and unions.
No systems are in place to check gender gaps in access to living wages, equal pay for work of equal value, maternity rights, and safety and health at work.	Tools are in place to identify, address and monitor gender and intersectional gaps, publicise the results and include workers/trade unions in monitoring their implementation.
There is no requirement that contracts with suppliers include policies, procedures and provisions on gender equality and non-discrimination, and the representation of trade unions.	Pressure companies to draw up contractual obligations with suppliers to collect disaggregated data from a gender and intersectional perspective. Ensure that global framework agreements and joint commitments between the company and global unions include explicit commitments to promoting equality and non-discrimination across the supply chain.

Actions for suppliers across the value chain

Gender and intersectional human rights risks for workers across the value chain	Actions that can be taken in consultation with trade unions to mitigate the risks
Suppliers lack a policy that addresses a gender and intersectional perspective.	Local unions are supported to negotiate policies with suppliers, including training and guidance on best practices in policies or templates for zero tolerance policies.
TSupplier do not address human rights related risks in occupational safety and health policies, from a gender and intersectional perspective, including risks of gender based-violence and harassment.	Risk assessment guidelines are drawn up and training is provided for trade unions representatives.
Suppliers have not implemented grievance mechanisms or existing grievance mechanism are inadequate and not trusted by all workers.	Consultations with trade unions are carried out to ensure that grievance systems provide for confidential complaints mechanisms, and effective complaints handling. Where there is no trust in the grievance system, trade unions should consider establishing confidential and anonymous systems to enable workers to reporting on abuses, which are discussed with management.

Actions for internal trade union policies

Gender and intersectional human rights risks for workers across the value chain	Actions that can be taken in consultation with trade unions to mitigate the risks
Women and workers facing intersectional discrimination are not represented in trade union leadership roles and decision-making structures, workplace consultations and collective bargaining.	Trade unions draw up a gender and intersectional strategy to: a) introduce policies, including targets, to improve the representation of women and other groups facing discrimination in union decision-making structures; b) ensure their active participation in collective bargaining teams; c) provide leadership training for women and other groups facing discrimination.

Step 3: Prevent and mitigate gendered and intersectional risks and adverse impacts

In brief, this means that companies have... Identified and implemented measures in their policies, operations, and budgets to cease, prevent and mitigate gender and intersectional-related risks. The main focus is on prevention. This has taken place in consultation with workers and trade unions.

Actions for trade unions	Practical actions to be carried out by trade unions
Find out the source of the abuse e.g. lead company/MNE, the supplier, or other business services.	<ul style="list-style-type: none">Once the source of the abuse is identified, trade unions can suggest practical ways to mitigate the risks and adverse effects.For example, if the abuse is related to a gender-related occupational safety and health risk in the supplier's factory, suggest strategies and refer to relevant policies and checklists.¹¹
Develop a prevention plan or action plan to cease, prevent, or mitigate the identified risks and adverse effects.	<ul style="list-style-type: none">Consult with workers about their views on what can be included in a prevention plan.Check that the prevention plan drawn up by the company has realistic timeframes and includes monitoring, with trade union involvement.
Negotiate with employers for CBAs and workplace policies on gender equality, non-discrimination and GBVH.	<ul style="list-style-type: none">Provide training for workers in negotiating skills for collective bargaining, prioritising women and other workers affected by intersectional discrimination.Provide guidance and support for workers at all stages of the collective bargaining process.Make use of training and other resources from labour rights organisations, global unions and national unions.¹²
Build social dialogue with the company to ensure regular information, consultation and negotiations for collective agreements and workplace policies.	<ul style="list-style-type: none">Make a strong case to implement and/or strengthen social dialogue with employers.Implement campaigns amongst workers and gain wider support from business associations, trade union confederations and community organisations for social dialogue and collective bargaining.Set out collective bargaining claims that address gender and intersectional risks, e.g. access to work-life balance and support for parents and carers; actions to reduce gender pay inequalities and maternity discrimination; policies to prevent and address all forms of gender-based violence and harassment, and non-discrimination policies on recruitment, training and career development for women, younger and older workers, LGBTQI+ workers, workers with disabilities and workers experiencing intersectional discrimination.

11. For further information see: ILO (2020) Safe and healthy working environments free from violence and harassment (2020). https://www.ilo.org/wcmsp5/groups/public/-/ed_protect/-/protrav/-/safework/documents/publication/wcms_751832.pdf; IUF (2019) Making Women Visible in Occupational Safety and Health. <https://pre2020.iuf.org/w/sites/default/files/MakingwomenvisibleinOHSENGGLISH.pdf>; TUC. Gender in occupational safety and health report and checklist <https://www.tuc.org.uk/resource/gender-occupational-safety-and-health>
12. Examples include IndustriALL Global Union training materials on ending gender-based violence and harassment https://www.industriall-union.org/sites/default/files/uploads/documents/final_clean_industrial_gbvh_training_modules_1_2_3_09.12.2022100_0.pdf; Global Unions toolkit on LGBTQI+ workers: https://uniglobalunion.org/wp-content/uploads/lgbtqi_facilitator_guide_en_web.pdf; Global Unions Toolkit on C190: <https://www.ituc-csi.org/c190-r206-toolkit>

Examples of actions carried out by companies and trade unions

The company investigated to find out more about the risks related to unequal pay in the workplace. This led to a programme to implement pay transparency and identify the gender pay gap in each supplier. Consultations with workers, an information campaign on equal pay for work of equal value, and training for workers and managers were implemented in consultation with trade unions. A plan was drawn up to reduce gender pay gaps by addressing pay transparency, occupational segregation, and the undervaluation of the work predominantly carried out by women.¹³

Consultations carried out by trade unions with workers in the mining, electronics, garment, and textile sectors highlighted the significant and frequent risks of gender-based violence and harassment they face. This led trade unions representing workers in these sectors to draw up a model policy of zero tolerance for gender-based violence and harassment at work. This policy led to the negotiation of clauses in the CBAs and improved representation of women in collective bargaining teams (IndustriALL 2023). The zero-tolerance policy sets out the objective to create a safe and healthy work environment free from violence, intimidation and sexual harassment. It commits employers and trade unions to:

- Jointly carry out awareness raising and training to prevent and address the problem;
- Establish a joint Committee for Combating Sexual Violence and Harassment;
- Publicise and provide information about the zero-tolerance policy in strategic places such as entrances, workplaces, rest areas, toilets, changing rooms and canteens;
- Establish complaints procedures to make reporting of complaints accessible and safe for workers and to ensure effective handling of complaints;
- Everyone who reports violence and sexual harassment, either as a witness or a victim, is given full protection;
- Sanctions and disciplinary action are implemented to hold perpetrators accountable, in accordance with the provisions of the applicable laws and regulations.

Step 4: Track implementation and results from a gender and intersectionality perspective

In brief, this means that:

Companies have systems to monitor, evaluate, track, and learn from progress and results regarding gender and intersectional-related human rights risks and adverse effects, as well as policies, practices, and instruments to include them in the future.

13. See Anker Foundation (2024) Gender Pay Gaps in Global Supply Chains: Findings from Workplaces in Bangladesh, Colombia, Morocco, Thailand, and Turkey. <https://www.ankerresearchinstitute.org/working-papers/gender-pay-gaps-feb24>

What can trade unions do?

Actions to carry out	Practical measures for trade unions to take in implementing actions
Put pressure on the company to track progress in implementing the prevention/action plan.	Request a meeting with management to: a) establish a joint committee in the workplace with a timeframe for regular meetings; b) discuss the prevention plan, including timeframes for monitoring and reporting on progress, ensuring transparency; c) review and learn from reported cases of human rights violations from a gender and intersectional perspective, and suggest ways to prevent these abuses in the future.
Ensure access to disaggregated data tracking progress from a gender and intersectional perspective.	Make a strong case to management about the importance of disaggregated data, for example, to ensure: a) pay transparency / non-discriminatory pay systems; b) systems for career advancement of women workers; c) workers' access to work-life balance policies/ company support parents and carers.
Negotiate with employers on how to best gain workers' insights and voices, as workers' experiences on the ground are critical to understanding and if policies have been implemented.	Make it your business to find out about the various tools such as confidential and anonymous surveys, off-site interviews and focus group discussions with workers affected by inequality and discrimination. For example, carry out regular anonymous online surveys that use language that is accessible to workers, in order to monitor workers' rights from a gender and intersectional perspective.

Step 5: Communicate outcomes of impacts

In brief, this means that...

Companies communicate their plans, activities, results and challenges in moving towards gender equality and non-discrimination.

Practical actions to be carried out by trade unions

- Organise and facilitate meetings with workers, in all their diversity, to communicate company policies, progress, and plans to mitigate adverse human rights impacts.
- Reach out to and communicate in accessible ways with all workers, including those facing gender inequalities and intersecting discrimination. One way to do this is to conduct a gender impact assessment when planning meetings and ensure that they include all workers.
- Provide regular input and communications to workers on HREDD reporting requirements and what is reported.
- Stress the importance of transparency and accessibility of information so that it is readily available to all workers.
- Build information and communication about gender and intersectionality into HREDD’s union recruitment and organising strategies, campaigns, and union training/learning programmes.
- Share information amongst trade unions across all tiers of the value chain about negotiations with companies and share good practices in negotiating clauses in CBA from a gender and intersectional perspective.

Step 6: Provide remediation of violations from a gender and intersectional perspective

In brief, this means that...

Companies have implemented effective remediation mechanisms to address evidence of harm in their business activities from a gender and intersectional perspective. They make immediate plans to remediate harm and negative impacts.

Practical actions to be carried out by trade unions

- Ensure the company’s grievance system has a fair and trusted complaints mechanism accessible to all workers. Recognise that some groups of workers may experience barriers because of gender inequalities and intersectional discrimination.
- Trade unions could establish systems (online or in person) to monitor human rights abuses and complaints reported by workers to the company and the outcomes of these complaints.
- Ensure each factory/workplace has an internal complaints/anti-sexual harassment committee, with representation from workers, trade unions and gender experts, which can be an effective way to handle and investigate complaints. Committee members must be trained and be aware of situations where gender and intersectional discrimination occurs.
- Negotiate and agree on the right of all workers to be represented by a trade union, lawyer, or work colleague or friend.
- Ensure that protections are in place to prevent workers from being retaliated against if they complain and that all complaints are handled sensitively and within reasonable timeframes.
- Find out if workers were satisfied with how complaints have been handled and if the system is fit for purpose.
- Find out if a gender-responsive and intersectional approach is included in international grievance systems, such as those provided directly by a brand or a company, a multistakeholder initiative, the International Accord for the Garment and Textile Sector (currently in Bangladesh and Pakistan), or via a Global Union (e.g., through a monitoring committee established under a GFA monitoring committee).

Examples of global programmes that can inspire action by unions at local levels

H&M launched its Fair Living Wage Strategy in 2023.¹⁴ It is a social dialogue initiative facilitating consultation and negotiation on wage increases and other working conditions. Living wages take into account the undervaluing of women workers by rewarding their skills, education, and responsibility levels. H&M and IndustriALL Global Union renewed their Global Framework Agreement in 2024 with new provisions concerning non-discrimination and aligned with ILO C190 on gender-based violence and harassment.¹⁵ The GFA refers to the new GBVH Guideline drawn up jointly to prevent and address GBVH across the H&M supply chain. The GBVH Guideline sets expectations for risk assessment, effective complaints procedures, consultations with and support for workers, and taking a survivor-led approach. As part of developing the guideline, H&M managers and country teams, trade unions from supplier countries, and the GFA monitoring committees participated in GBVH awareness training, including establishing risk assessment procedures.

In November 2023, IndustriALL Global Union adopted an internal global policy, **# NoExcuse, against GBVH, misogyny, and sexism**.¹⁶ The policy includes recommendations on how unions should enhance workplace safety, improve reporting mechanisms, and support victims. It also consists of a complaints mechanism for handling complaints, including in cases where staff working in affiliates have no resources to remedy them. A poster¹⁷ of these recommendations is available, providing a visual summary that can be used in unions and workplaces. All staff and leadership of IndustriALL have been trained about the policy and how it will be implemented.

In 2023, **IUF Global Union and LIPTON Tea and Infusions** agreed on a Joint Commitment to end sexual harassment in the tea sector. The commitment¹⁸ sets out a framework and detailed guidelines for negotiations between LIPTON workplaces and local unions. The Commitment recognises the importance of including sexual harassment and its associated psychosocial risks in the management of safety and health at work and that risk assessment is necessary to prevent and control risks. LIPTON also recognises its due diligence obligations to ensure that sexual harassment does not occur in its supply chain.

14. <https://flagship-report.theglobaldeal.com/case-study/promoting-living-wages-in-hm-group>
15. https://www.industriall-union.org/sites/default/files/uploads/documents/2024/SWEDEN/gfa_final_signed_240826.pdf
16. <https://www.industriall-union.org/driving-change-to-end-workplace-violence-against-women>
17. <https://www.industriall-union.org/noexcuse>
18. <https://www.iuf.org/wp-content/uploads/2024/10/2024-IUF-LIPTON-Teas-and-Infusions-Joint-Commitment-on-Preventing-Sexual-Harassment-signed-e.pdf>

Section 5. Conclusion

In conclusion, trade unions have a crucial role in HRRED and in helping expose abuses faced by all workers. An essential pre-condition for this is that unions examine their internal structures and policies to ensure they are inclusive and gender-transformational.

What can trade unions do to promote inclusive union policies and structures:

- Promote inclusive unions by committing to promote awareness of gender equality and intersectionality and making a gender transformational approach a priority in union policies and actions.
- Encourage, empower, and train women in union decision-making and leadership positions. Dedicated training programmes and union policies can promote the development of women's leadership skills and knowledge of how unions function.
- If necessary, consider changing union rules to set quotas or targets for women in decision-making positions.
- Develop union strategies and resources to organise and represent women workers, particularly in workplaces and sectors where unions do not represent women and where women face discrimination.
- Change culture, mindsets and stereotypes that reinforce sexism, misogyny, gender bias, discrimination or unfair treatment of workers.

The following summarises some key points for trade unions:

- Negotiate with companies to adopt policies on gender and intersectionality across the supply chain, including equality, non-discrimination, occupational safety and health, responsible business conduct, and human rights.
- Document adverse effects on women and workers facing multiple and intersecting discrimination, such as migrant women in precarious jobs or a racialised LGBTIQ+ worker.
- Provide evidence of risks to hold companies accountable for their value chain operations, which heighten risks from the absence of policies, purchasing practices, contractual requirements on suppliers, etc.
- Raise awareness among all workers and ensure gender and intersectionality are central to company and trade union leadership strategies.
- Find sensitive and effective ways to collect evidence from consultations with women workers and workers facing discrimination. Collect and document evidence of discrimination and abuse, and press companies to provide gender—and intersectional-disaggregated data.
- Ensure that all processes are survivor-centred and that the survivor's interests, support needs and right to confidentiality are upheld.
- Highlight and advocate for the importance of international labour standards and fundamental rights at work, such as freedom of association, collective bargaining, gender equality and non-discrimination, gender-based violence and harassment, and occupational safety and health.
- Build strategies to represent and organise workers facing inequality and intersecting discrimination, and provide workers with information and training about HREDD, gender, and intersectionality.
- Develop and negotiate joint initiatives with employers to carry out HREDD and follow the six steps.
- Partner with other stakeholders, such as women's organisations, NGOs, human rights groups, multi-stakeholder initiatives, business associations, etc., and connect with workers in trade unions and labour rights organisations across the value chain.



Foto: Compass Media



Foto: Ruben Korevaar

Appendix 1: Sample CBA clauses

Low wages and equal pay for work of equal value

Parties to the agreement will:

- Promote the principle of equal pay for work of equal value, for example, through methods to evaluate the value of jobs predominantly carried out by women compared to jobs predominantly carried out by men.
- Ensure that job evaluation free from gender bias will be carried out using objective criteria that address skills held by women that are often overlooked.
- Ensure that, in accordance with the definition of pay in ILO Convention No. 100, pay includes the basic or minimum wage or salary and any additional benefits or bonuses paid directly or indirectly by the employer, whether in cash or kind.
- End discrimination in the pay and grading/job classification system.
- Promote pay transparency and give trade unions access to wage data in a factory to calculate the gender pay gap and address discrimination in pay setting.
- Negotiate for higher minimum wages to increase the low pay of women workers, including informal workers.

Gender-based violence and harassment

Parties to the agreement will:

- Carry out prevention measures that address gender-based violence, including gender-responsive risk assessments (see occupational safety and health below).
- Address the underlying factors that lead to sexual harassment, such as long working hours, production pressures, unreasonable deadlines, and the work culture of the factory.
- Introduce a workplace sexual harassment committee, a system in place for formal and informal procedures to resolve complaints.
- Provide safe transport for women workers, particularly during night shifts.
- Ensure that separate toilets and safe toilet and rest areas are provided for women workers.
- Carry out information for workers about workplace policies and how they can complain about GBVH, and provide training and awareness raising about GBVH and how it can be prevented for all workers, and train managers and supervisors.
- Provide support for victims of sexual harassment.
- A joint union-employer committee will carry out a regular review of the implementation of the agreement.

Gender-responsive occupational safety and health

Parties to the agreement will:

- Provide training on a gender-responsive approach to occupational safety and health, and ensure that the issues that impact on women’s physical safety, psychological safety and economic safety are address in risk assessments and in the work of joint committees on occupational safety and health.
- Include in risk assessments risks related to women’s reproductive and sexual health, including pregnant and breastfeeding women.
- Recognise that sexual harassment is a workplace hazard and can be prevented through risk assessment, taking into account risks arising from work organisation, travel to and from work, working time, overtime, and night work, amongst others.
- Draw up prevention measures to address gender-related risks and monitor their implementation.

Support for parents: maternity protection, working time, parental leave and childcare

Parties to the agreement agree to the provision of:

- Maternity protection and leave in line with ILO Recommendation No. 191 of at least 18 weeks paid leave, giving a woman worker the right to a period of rest from work during pregnancy, childbirth and the postnatal period;
- Compulsory leave of six weeks after the birth of the child, during which the mother must not be allowed to work and forced to return to work early;
- Cash and medical benefits, including the provision of maternity pay to ensure that the woman can maintain herself and her child in proper conditions of health and with a suitable standard of living – this shall be not less than two-thirds of the woman’s earnings during her absence for maternity and health care related to pregnancy, childbirth and postnatal care;
- Health protection at the workplace for the mother and unborn child during pregnancy, as well as during breastfeeding;
- Employment protection and non-discrimination, guaranteeing a woman’s employment security and the right to return after her maternity leave to the same job or an equivalent one with the same pay after leave;
- Breastfeeding arrangements to help women workers breastfeed or express milk at the workplace.
- Workers who are parents can choose to work standard working hours and not be forced to work overtime if orders are to be completed.
- Overtime will not be compulsory, but it will be freely chosen with sufficient notice.
- Standard working hours are rewarded with adequate wages so that workers are not forced to work long hours to sustain themselves and their families.

Source: Adapted from CNVI (forthcoming) Manual on Gender Equality and Collective Bargaining by Jane Pillinger.

Appendix 2: Legal and policy framework for HREDD

HREDD is included in the voluntary UN Guiding Principles and the OECD Guidelines for Multinational Enterprises. National laws in several countries and the new EU Directive provide a legal framework. The mandatory approach (EU Directive and national laws) allows trade unions and labour rights organisations to play a proactive role in strengthening the implementation of a gender-responsive and intersectional approach and holding multinational enterprises (MNEs) accountable.

Voluntary approach

- UN Guiding Principles on Business and Human Rights (UNGPs) (2011)
https://www.ohchr.org/sites/default/files/documents/publications/guidingprinciplesbusinessshr_en.pdf
- Tripartite Declaration of Principles Concerning Multinational Enterprises and Social Policy (1977)
<https://www.google.com/search?client=safari&rls=en&q=%E2%80%A2+Tripartite+Declaration+of+Principles+Concerning+Multinational+Enterprises+and+Social+Policy%2C+1977&ie=UTF-8&oe=UTF-8>
- OECD (2023) OECD Guidelines for Multinational Enterprises on Responsible Business Conduct.
https://www.oecd.org/content/dam/oecd/en/publications/reports/2023/06/oecd-guidelines-for-multinational-enterprises-on-responsible-business-conduct_a0b49990/81f92357-en.pdf
- OECD (2018) Due Diligence Guidance for Responsible Business Conduct.
<https://mneguidelines.oecd.org/OECD-Due-Diligence-Guidance-for-Responsible-Business-Conduct.pdf>

Mandatory approach

- The EU Directive on Corporate Sustainability Due Diligence Directive (CSDDD) (2024)
https://www.europarl.europa.eu/doceo/document/TA-9-2023-0209_EN.html
- It covers EU companies/parent companies (over 1000 employees & worldwide turnover higher than €450 million).
- Under the related Corporate Sustainability Reporting Directive (2024), companies must conduct annual human rights and environmental due diligence.
- National HREDD laws include the French Duty of Vigilance Law, the German Act on Corporate Due Diligence in Supply Chains, the Norwegian Transparency Act, and the UK Modern Slavery Act.

International Conventions and Human Rights Instruments relevant to HREDD:

- ILO Fundamental Principles and Rights at Work (freedom of association/ effective recognition of the right to collective bargaining; elimination of forced or compulsory labour; abolition of child labour; non-discrimination in employment; and a safe and healthy working environment)
- ILO Equal Remuneration Convention, 1951 (No. 100)
- ILO Discrimination (Employment and Occupation) Convention, 1958 (No. 111)
- ILO Workers with Family Responsibilities Convention, 1975 (No. 156)
- ILO Maternity Protection Convention, 2000 (No. 183)
- United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW, UN)
- ILO Violence and Harassment in the World of Work, 2019 (C 190 and R 206)



Foto: Roderick Polak

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Colophon

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Year of publication: 2025

Design: campaign bureau Meute

