



## *Exploring elements of effective remedy: focus on women's rights*

*Parallel session*

*28 November*

*15:00-18:00*

***Part 1: Business-related impacts on women's rights – challenges and strategies for addressing them***

*15:00-16:00*

*Organized by Ashoka University's Genpact Centre for Women's Leadership, UN Global Compact, UN Women, and Women @ the Table*

***Part 2: Women's rights and land intensive investment: what does meaningful access to remedy look like?***

*16:00-17:00*

*Organized by Womankind Worldwide, CORE Coalition, UK Gender and Development Network, Action Aid UK, AWID, Latin American Mining Monitoring Programme, National Association of Professional Environmentalists Uganda, Women and Land in Zimbabwe, Landesa, Women@theTable, Genpact Centre for Women's Leadership, Ashoka University & Institute of Human Rights & Business*

***Part 3: Women workers in global supply chains: operational-level grievance mechanisms and access to remedy***

*17:00-18:00*

*Organized by Business and Human Rights Catalyst, University of Manchester; Ethical Trading Initiative; Women Working Worldwide*

### **Part 1: Business-related impacts on women's rights – challenges and strategies for addressing them**

**Background:** Around the world, women continue to face gender-based discrimination and economic, social and legal barriers to equality. While more and more business leaders recognize the corporate responsibility to respect human rights, including the rights of women and girls, greater efforts are needed to ensure that all companies apply a gender-lens to their human rights strategies and corporate sustainability efforts.

Business-as-usual policies, practices and cultures that fail to consider the specific needs of, and impacts on, women and girls perpetuate gender inequality. Among other things, women are underrepresented on corporate boards and in leadership positions, and often found in most precarious work environments, at the bottom of supply chains. Further, development projects tend to affect women more adversely than men, given they are disproportionately represented among the

poor, may not own land and are less likely to be consulted on projects affecting their livelihoods. In addition, inadequate operational level, as well as judicial grievance mechanisms make it difficult for women to access remedy when gender-based human rights violations occur. For instance, in the absence of policies to protect against gender-based violence, including bullying and sexual harassment women may feel inhibited from raising incidents of harassment with their employer<sup>1</sup>. This session will highlight key business related impacts on women's rights, consider the specific steps that business should take to ensure respect for the rights of women and girls and explore how all stakeholders (including government, civil society and business) can better enable access to effective remedy.

### **Objectives:**

- Unpack how the intersection of business with human rights impacts women and their rights.
- Raise awareness of the unique needs of women and girls' in accessing remedy mechanisms as they relate to business-related infringements of their rights, including gender-based violence and discrimination, etc.
- Identify the relationship between gender leadership gap and access to remedy at workplaces, particularly for women.
- Highlight the opportunities and challenges for governments, business and civil society to improve women and girls' access to effective remedy, including current good practices from judicial, non-judicial and operational grievance mechanisms.

### **Key discussion questions:**

- How do business activities around the world continue to negatively impact and limit opportunities for women and girls? What are the legal, operational (policies, gender leadership gap, gender pay gap etc.) and socio-economic obstacles that must be addressed?
- What specific barriers do women and girls continue to face in terms of access to effective remedy? What solutions and approaches have been employed to address these obstacles? What is the role and responsibility of various stakeholders (government, business and civil society) and how can they work together to enable access to remedy?
- Why is it critical for business to apply a gender lens in a cross-cutting manner, from making a policy commitment to carry out all four stages of human rights due diligence and provide remediation?
- Where gender equality obstacles are identified, but the responsibility for action does not fall directly to business, how can and why should business seek to support the empowerment of women and girls?
- Why do we need women beyond the board – could gender diversity at all levels of leadership have a tangible impact (on women workers) in accessing remedy to rights abuses and violations?
- Why is gender-disaggregated data important and how can it be used in order to monitor the effectiveness of policies and practices, including grievance mechanisms? (*mention the new UNGC/UN Women/IDB Gender Gap Analysis Tool*)

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<sup>1</sup> For example, 70% women did not report sexual harassment by superiors because they feared the repercussions, according to a [survey conducted by the Indian Bar Association](#) in 2017 of 6,047 respondents.

**Format:** The session will take the form of a panel discussion with participants drawn from business, international organizations and civil society. This will be followed by an interactive Q&A. Speakers will contribute as “discussion starters” to encourage interactivity and dialogue throughout the session.

**Speakers:**

- Moderator: Surya Deva, UN Working Group on Business and Human Rights
- Harpreet Kaur, Genpact Centre for Women’s Leadership, Ashoka University
- Julienne Lusenge, Women@theTable
- A company representative – UN Global Compact and Women’s Empowerment Principles signatory

## **Part 2: Exploring effective remedy for women affected by land investments – Women’s rights and land intensive investment: What does meaningful access to remedy look like?**

**Background:** Business activities impact a range of human rights, all of which have gender-specific risks and impacts. When businesses violate human rights, women frequently bear a higher cost than men, but the gender-specific dimensions of these violations remain largely invisible. This is because many violations of women’s rights are caused and exacerbated by entrenched gender discrimination which is ‘normalised’ in everyday life. As a consequence, there is a high risk that gender-specific human rights impacts will not be identified or remedied, unless explicitly included in government and corporate policies and corporate human rights due diligence (HRDD) processes.

Women make up 70-80% of the world’s small scale farmers and are primarily responsible for providing care, food and water for their families. However, their work is often undervalued and unrecognised. In addition, given women’s reduced access to formal land titling, they are routinely excluded from consultation and decision making processes around the use of land. As such, they bear a disproportionate share of the social, economic, and environmental risks and costs associated with land intensive industries, when they are displaced or the land they farm is polluted by land intensive industries. Despite this, there is little guidance for stakeholders on how gendered human rights impacts can be prevented and remedied.

**Objectives:** The objective of this session is to explore the gendered dimension of land intensive corporate activity, such as the extractives sector or large-scale commercial agriculture, expose and understand its impact on women’s rights and discuss the steps that should be taken by states and businesses to improve access to remedies for women

**Key discussion questions:** The event will explore the following key questions supported by case studies and testimonies from affected women:

- What are the gendered impacts of land intensive corporate activity?
- How can gender-specific concerns be effectively integrated into due diligence processes and what specific challenges / issues do women face with respect to access to remedy?

- What should be done differently to identify and remedy women's vulnerabilities when land intensive investment takes place?

**Format: Opening:** Showing the video, *Weaving Resistance through action- strategies of Women's Human Rights Defenders Confronting Extractive Industries* (AWID, followed by speakers interventions up to 10 minutes each followed by moderated Q&A

**Speakers:**

- **Chiara Capraro, Policy and Advocacy Manager, Womankind Worldwide**, discussing the international law framework relevant to women's rights and large scale investment in land.
- **Sauya Mbuubi Nyakake, National Steering Committee, Ugandan eco-feminist movement**, discussing the practical challenges women face in accessing remedy and the role of women's collective action.
- **Chris Jochnick, CEO, Landesa**, discussing the GROW Africa Company-Based Grievance Mechanism Guidance developed by Landesa and its practical application.

### **Part 3: Women workers in global supply chains: operational-level grievance mechanisms and access to remedy**

**Background:** The proposed session will present a successful operational-level grievance mechanism, created in response to systemic sexual harassment and other rights abuses perpetuated against women workers. The case study presented will be the Kenyan floriculture one, a good practice story of a multi-stakeholder governance towards the protection of women workers' rights, and their access to grievance and remedy. The Kenyan floriculture sector, which has an estimated 75% of women workers, underwent a gendered process of economic and social upgrading during the 2000s. Crucially, social audits weren't able to detect key human rights abuses among women workers, including a spread sexual harassment perpetuated by male supervisors. Such abuses were revealed thanks to the creation of gender committees, an effective forum for raising grievance. At the same time, an innovative supervisors' training programme took place in collaboration with the Ethical Trading Initiative, specifically aimed at tackling gender discrimination in the workplace. Thanks to the grievance programmes, as well as to a decisive product upgrading, the industry underwent a crucial switch from temporary to permanent contracts, which meant that workers were now members of the union, thus giving them access to another main channel to grievance and remedy.

The proposed session will also demonstrate why human rights and the UNGPs implementation must be the foundation of the Sustainable Development Goals, in particular Goals 5 and 8. The UNGPs bring a critical lens in ensuring that operational-level grievance mechanism actually served the purposes of the SDGs, with the promotion of women's economic empowerment.

Global value chains (GVCs) now account for 60-80% of international trade and account for hundreds of millions of jobs largely in developing countries. Researchers have long examined the implications for suppliers and workers in GVCs. How they can move to higher value activities and incomes or whether commercial pressures drive them into more precarious forms of supply and work. The gender dimension is often overlooked.

Women play an increasing role in commercial production and distribution as retail expands with economic growth in emerging economies. Supermarkets and international companies are

commercialising many activities long undertaken by women in the home. This facilitates women's participation in paid work, reconfiguring the mix between commercial production and unpaid social reproduction. Gender researchers have long argued that women's contribution is insufficiently recognised, and their 'socialised' skills undervalued. Yet these skills are critical to quality and productivity in global retail value chains, and enhancing women's incomes promotes household well-being. The need to promote gender equality is being recognised by leading companies concerned about the social and environmental resilience of their supply chains. These processes are challenging traditional gender norms, providing new openings for promoting women's economic empowerment and human rights.

**Objectives:**

- Understand how the adoption of the UNGPs started to radically change the circumstances for women's vulnerability to discrimination, exploitation and abuse all along Global Supply Chains
- Explain why gender must be factored in to corporate due diligence processes
- Discuss how to enable access to remedy based on a collaborative and progressive approach, recognising the value of engaging with civil society organisations and trade unions, and to listening to the needs of women workers themselves

**Key discussion questions:**

- Which are the main learnings from the Kenyan Floriculture case?
- What role did this OLGGM play in the implementation of the UNGPs?
- How was this OLGGM able to identify systemic HRs issues that weren't picked up by social audits?
- How can OLGGM help companies to put in place universal solutions while remediating single cases?
- What key contribution are the UNGPs making towards SDGs?
- Which recommendations from this case are transferrable and scalable to other industries and geographical areas?
- How gender committees can be used specifically as a powerful operational-level grievance mechanisms?
- How can big corporations guarantee non-retaliation for operational grievance mechanisms among suppliers?

**Speakers:**

- *Moderator:* Ken McPhail, Professor, BHR Catalyst University of Manchester
- Stephanie Barrientos, Professor, BHR Catalyst University of Manchester
- Cindy Berman, Head of Modern Slavery Strategy, ETI
- Flavia Amoding, Women Working Worldwide
- Brenda Beryl Achieng, Legal & HR Director, Flamingo Horticulture Kenya Limited

**Format:** The session will narrate the case study and its key learnings. During the session, each speaker will play a part in recounting the case from a different perspective. The moderator will then emphasise the learnings, and engage the audience for discussion.