

## Input to the Working Group on Business and Human Rights' Report on the Gender Lens to the UN Guiding Principles on Business and Human Rights

Thank you very much for providing us the opportunity to make some inputs to the Report on the Gender Lens to the UN Guiding Principles on Business and Human Rights. We have decided to focus our inputs on the following three questions:

### Specific Questions/Issues

*1. In what ways do women experience the impact of business-related human rights abuses differently and disproportionately? Please provide concrete examples in the context of both generic and sector- or region-specific experiences of women.*

Women are, in general, more vulnerable to adverse human rights impacts by businesses than men due to traditional gender roles and cultural perceptions, which view women as caretakers in the home and men as breadwinners in the labour market. This is particularly true in countries that are highly patriarchal, highly religious and that value traditional family patterns, often in the Global South. This results in women being disproportionately impacted by business in some of the following ways:

- Women constitute half of the world's working-age population, but generate only 37% of GDP. This is partly due to the global female labour force participation rate, which is 50% against men's 76%. In other words, there is a global gender gap of 26 percentage points. In many developing regions, this gap is much wider, as in South Asia and MENA, where the gap is around 50 percentage points. For women, the gender gap results in fewer job opportunities and less economic security and empowerment. As a result, women have less freedom than men to purchase necessary goods, such as food and clothing, access services, such as medical care and education, and invest in or access financing to productive assets, such as land. In this way, companies with a preference for hiring men exacerbate the socioeconomic marginalisation of women.
- Women's disproportionate contribution to GDP is also a result of the pay gap between men and women: on average, women only earn 77% of what men do. This contributes to, and exacerbates, the economic marginalisation of women, and is a result of a few factors: First, women often occupy less high-paying positions, a clear example being that less than 5% of CEOs in the world's largest companies are women. Moreover, women more often work in positions with a lower average pay. As an example, women in the US more often than men work as nurses, who have a median annual pay of between \$50,000 and \$65,000 with 20-25 years of experience. Compare this to a male-dominated position in the US such as a software developer with a median

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**Danish Family  
Planning Association**  
Lergravsvej 63, 2. sal  
2300 København S  
Telefon 3393 1010  
[info@sexogsamfund.dk](mailto:info@sexogsamfund.dk)  
[www.sexogsamfund.dk](http://www.sexogsamfund.dk)

annual pay between \$57,000 and \$93,000<sup>1</sup>. Within some industries, especially in the agriculture and garment industries, women generally occupy lower-level positions, and men higher-level, managerial positions. Second, men's pay growth outpaces women's due to women's family responsibilities. In other words, women are by businesses punished financially for establishing a family, and men are not. For example, for college-educated women in the US, this occurs around age 30, when they typically start having children. In the US, on average, college-educated women's pay stops growing at age 39 at a typical level of \$60,000/year, and college-educated men's pay stops growing at age 48 at a typical level of \$95,000/year<sup>2</sup>.

- Relatedly, women's disproportionate contribution to GDP is a result of the fact that women undertake on average 250% more unpaid care and household work than men, which decreases the time they have available to work a paid job. As businesses are not always aware of this issue or how to address it, it often results in women dropping out of the workforce after giving birth. For example, India sees 48% of new mothers drop out of work within four months of returning from maternity leave and 50% drop out before the age of 30 due to childcare responsibilities<sup>3</sup>. In the US, between 19% and 30% of women (depending on level of education) drop out of the workforce shortly after giving birth<sup>4</sup>.
- Women's gender-specific health issues are not prioritised, or understood, in the same way as men's, especially with respect to sexual and reproductive health and rights and issues related to e.g. menstruation and pregnancy. 225 million women worldwide do not have access to family planning, and 33 women die every hour due to pregnancy-related complications. On top of that, almost 60% of all female employees do not have a statutory right to maternity leave. The increased vulnerability resulting from these health issues are disproportionately experienced by women, as they are biologically specific to this gender. Moreover, these gender-specific health issues are exacerbated by businesses that are not aware of or do not address their root causes by e.g. allowing women to seek health care during work hours or by providing health and family planning services and parental leave.
- 1/3 women have experienced physical or sexual violence in their lives, including in the workplace. This issue is especially predominant in patriarchal countries and in industries with many women workers, such as agriculture and garment, where the power balance between men and women is highly uneven. Companies that do not address the cultural issues underlying sexual harassment and gender-based violence in the workplace contribute to having

<sup>1</sup> Source: <https://www.payscale.com/gender-lifetime-earnings-gap#methodology>

<sup>2</sup> Source: <https://www.payscale.com/gender-lifetime-earnings-gap#methodology>

<sup>3</sup> Source: <http://bwpeople.businessworld.in/article/Predicament-of-Returning-Mothers-A-study-on-women-in-corporate-/29-04-2018-147734/>

<sup>4</sup> Source: <https://slate.com/human-interest/2016/09/the-number-of-women-opting-out-of-the-workforce-hasnt-changed-over-the-past-30-years.html>



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Lergravsvej 63, 2. sal  
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Telefon 3393 1010  
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[www.sexogsamfund.dk](http://www.sexogsamfund.dk)

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a disproportionate impact on women's health and safety, as a result of their business operations.

*3. How to address sexual harassment and sexual or physical violence suffered by women in the business-related context, including at the workplace, in supply chains and in surrounding communities? Please share any good practices which have proved to be effective in dealing with sexual harassment and violence against women.*

Sexual harassment and gender-based violence in the workplace often occur as a consequence of unequal power structures and a persistent workplace culture that does not effectively emphasise zero-tolerance. Effective ways to deal with sexual harassment and gender-based violence therefore must incorporate awareness of the effects of gender bias and perceived gender roles in the business. Some effective ways to address sexual harassment and gender-based violence are:

- Awareness raising via e.g. information campaigns and talks between employers and employees at all levels of the business and both men and women. Issues to discuss are e.g. culture and gender perceptions and how they are expressed through sexual harassment and violence in or outside of the workplace; the negative consequences for women of sexual harassment and violence and the positive impact for all employees of stopping this practice. Such awareness raising can also benefit the local community if employees bring home their knowledge and increasingly non-violent behaviour.
- A zero-tolerance policy and practices with respect to all forms of harassment and violence. This should be developed and implemented with inputs from vulnerable groups like women who have experienced sexual harassment and gender-based violence.
- A grievance mechanism and committee that conducts independent enquiries and submits findings to management must be put in place. This enables companies to take appropriate action against sexual harassment and gender-based violence. The grievance mechanism should be designed in a way so that it is accessible to all women. This entails taking into account the fact that women are more often socioeconomically marginalised, i.e. have less resources available to file grievances and partake in a grievance process. This might include having several access points, allowing women to file grievances in the way they feel most comfortable. It also includes ensuring confidentiality in order to avoid that women do not file grievances out of fear of retribution or negative social impacts. Finally, it involves ensuring that the monetary cost of filing a grievance is low.
- Provision of safe transportation to and from work for especially women. This is especially important in situations where women need to walk through unsafe areas to get to and from work.
- Safety training, including self-defence, for women. This is especially important in areas where crime rates are high.

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Planning Association**

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2300 København S  
Telefon 3393 1010  
[info@sexogsamfund.dk](mailto:info@sexogsamfund.dk)  
[www.sexogsamfund.dk](http://www.sexogsamfund.dk)

- Bystander training, focusing on which strategies employees can use to respond when they observe inappropriate or violent behaviour. This includes conflict management training.

*8. Are there any good practices of business enterprises adopting a gender perspective in making human rights policy commitments, addressing the gender wage gap and under-representation of women in boards and senior positions, or involving affected women in meaningful consultations and remediation processes?*

Some examples of how Danish companies operating in developing countries have addressed gender equality in their operations:

- Encouraging women to engage in male-dominated technical education via promotional events and discussions with parents to change attitudes and reduce barriers for women's participation.
- Launch programmes that focus on empowering women with initiatives on how to attract, invest in and grow women in the business.
- Introducing gender-sensitive workplace benefits to ensure that women can balance their work and home responsibilities and not be disadvantaged as compared with men. These benefits can be flexible working hours and reduced working hours after maternity leave. It is important to ensure that they are compatible with career advancement.

Other good practices are:

- Providing health services for employees, which include gender-specific health issues such as sexual and reproductive health and rights. This involves family planning services, sanitary toilets with access to condoms and sanitary pads or tampons and possibly services for survivors of domestic violence. This can address the under-representation of women across all levels of the business, including in leadership, as it can increase attraction and retention of women and reduce absenteeism due to poor health.
- Proactive recruitment of women to board and senior positions.
- Providing equal access to all company-supported trainings and educational opportunities, as well as mentorships to support women in actively pursuing their career and leadership ambitions.
- Support women's participation in decision-making at all levels of business.



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[www.sexogsamfund.dk](http://www.sexogsamfund.dk)