

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

*Women are overrepresented in cases concerning sexual harassment at work. Particularly younger women employed in the care-sector and women working in the service and hospitality sectors. These sectors are characterised by a high level of interaction with patients, clients and customers which potentially exposes the female employees to unwanted propositions or other intimidating conduct.*

**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.**

*Following the MeToo-movement, the Danish Government proposes to amend the Act on Equal Treatment of Men and Women in Relation to Employment. The amendment will (on average) increase the level of compensation in cases of sexual harassment in the workplace by 1/3. Furthermore, the government wants to change the current case-law which – to some extent – takes into account the tone and conduct between co-workers when assessing cases of sexual harassment. While the civil courts shall continue to examine a case on its merits, the government wants to emphasise to the courts that the bar for conduct which amounts to sexual harassment is not set according to any particular informal behaviour at the workplace, but should be assessed according to the definition of sexual harassment.*

*The proposed amendment is expected to be put before the Danish Parliament in November 2018. The Danish Working Environment Authority (WEA) is also in the process of revising their regulations on how to monitor the psychological working environment with a strong focus on abusive conduct, including sexual harassment. In the process, the WEA has had an extensive dialogue with both the Danish social partners and the Danish Institute for Human Rights and the WEA is expected to conclude their work by the end of 2018.*

*There is a consensus among the social partners to maintain and increase the focus on prevention of sexual harassment and that this ultimately is the responsibility of management. It is crucial that companies have developed clear guidelines on how to prevent and handle sexual harassment and that these guidelines are known and respected by the employees and enforced by management. It is, however, also important to recognise the role of shop stewards and co-workers if a cultural change in the conduct and tone at the workplace is needed. Such a change must take place at all levels within the company.*

**5. Are there good practices of integrating a gender perspective into States' economic sphere (e.g. state-owned enterprises, public procurement agencies, trade missions, export credit agencies, privatization of public services, public-private partnerships, and trade and investment agencies)?**

*Since 1 April 2013, the largest Danish companies have had a legal obligation to set a target figure and establish a policy for the gender composition of management unless they have an equal distribution of men and women on the board of directors or in the other management. An equal gender balance is understood as a distribution of 40/60 pct. of men and women.*

*Companies must report on these targets and policies as part of their annual management report. The obligation to set target figures, policies and reporting are a statutory obligation. Failure to set a target figure can be punished by fine.*

*The requirement on target figure and policy also include state-owned companies and public institutions.*

*The legal obligations are laid down in the Danish Companies Act and the Danish Financial Statement Act.*

## **6. How could policy coherence be improved between different government ministries or departments dealing with women issues and business-related matters?**

*In Denmark, there is a close dialogue between the different ministries and departments which deal with women issues and business-related matters, including the Ministry of Industry, Business and Financial Affairs, the Danish Business Authority and the Department of Equal Opportunities in the Ministry of Foreign Affairs.*

*In order to dedicate special attention to areas such as women issues and business-related matters, it can often make a significant difference to formalize the dialogue in a cross ministerial working group.*

## **7. What is the extent to which business currently apply a gender lens in conducting human rights due diligence, including social or environmental assessment.**

*The Danish Financial Statement Act contains a provision on non-financial-reporting. Accordingly, it is an obligation for the largest Danish companies to report on the company's due diligence processes, including human rights, if the company has such processes in place. Thus, if a company is conducting due diligence on gender composition, it is an obligation to report in the annual report.*

*We are not aware of studies on the extent to which gender is included in the human rights due diligence of Danish companies.*

## **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 underrepresentation of women in boards and senior positions, or involving affected women in meaningful consultations and remediation processes?**

*As part of the obligation to report on the gender composition of management, companies must also report on their policy for increasing the share of the underrepresented gender at the company's other management levels.*

*The report must include information on:*

- *The specific content of the company's policies to increase the share of the underrepresented gender.*
- *How the company converts its policies into actions including any systems or procedures employed for this purpose.*
- *The company's assessment of what it has achieved as a result of its gender composition initiatives during the financial year and any future expectations of these initiatives.*

*The objective of the rules is to achieve a more equitable distribution of women and men in management bodies. To ensure women the necessary experience and thereby the required recruitment basis for companies, the focus must not only be on the gender composition of companies' management bodies but also on improving women's representation at other management levels.*

*The Danish Business Authority, which is part of the Ministry of Industry, Business and Financial Affairs has examined the compliance of the companies with the reporting requirement since the law was adopted in 2012.*

*The survey is based on a sample analysis of the companies covered by the law. The results regarding policy compliance show that since 2013 there has been a positive trend development in the proportion of companies that meet this legal requirement. In 2013, just over half of the companies (54 pct.) met the legal requirement for the rest of the management by either having an even distribution of women and men (4 pct.) or a policy (50 pct.). By 2017, a total of 82.6 pct. meets the requirements of the law either by having a policy (61.6 pct.) or an even distribution of men and women in other management positions (21.0 pct.). Thus, there has been a marked decline in the proportion of companies that do not comply with the statutory requirements for other management.*

## **9. What is the role of businesses in dealing with domestic laws, policies and societal practices which are discriminatory of women?**

*As part of the legislative reporting requirement on the gender composition of management, companies must annually report on their target figures and policies in the management report of their annual report. This requires that the top management of the company – for many this is the board – annual discuss the development of women in management and accordingly set target figures and discuss the content of the policies to increase the number of women on the board and in the top management.*

*The latest survey of the companies covered by the law show that approximately 1.600 companies are required to report annually on target figures and policies for a more equal gender composition of the management.*

*In 2016, the Danish Business Authority initiated a qualitative survey with top executives from boards and management from 10 of the largest companies in Denmark. A majority of the participating companies state that the legislative requirement from 2013 has had a positive impact on the strategic work with gender and leadership including by formalizing and targeting the work.*

## **10. How could media and advertising industries fight against gender stereotyping and disempowerment of women?**

### **The Radio and Television Broadcasting**

*The Radio and Television Broadcasting Act does not contain any rules concerning gender equality, but the law contains a number of authorizations to the Minister of Culture to issue rules concerning among other things the program activities that take place in accordance with the law. On this basis, there are a number of regulations, including regulations concerning the statutes of DR (The Danish Broadcasting Corporation) and the regional TV 2 companies related to program services. The notices determine among other things that the programs cannot in any way encourage hatred based on race, sex, religion, nationality or sexual orientation. This provision is in line with the EU legislation in the media, the so-called AVMS Directive. The Ministry of Culture is in accordance with the Equality Act when appointing media boards so that a gender balance in these boards is ensured. The boards in question are DR and TV 2/DANMARK, the Radio and Television Board, an independent regulatory body to radio and TV area, and the Media Board, which provides support for print and digital media. The Ministry of Culture participates in the work of the Council of Europe, which among other things has produced a series of recommendations on gender, including: "Public service media must also take into account the gender equality perspective in terms of both content and staff." The papers recommends, as regards public service media that "a key goal is to ensure that the resources and capacity of the organization are effectively brought to bear upon the changing demands of the audience and able to respond effectively to innovation in content and delivery. This bears on the choice of staff and calls for minority and gender representativeness at all levels of the workforce." The Ministry of Culture has forwarded the recommendations to DR for inspiration.*

### **The Consumer Ombudsman on Gender Discriminatory Advertisement**

*One of the Consumer Ombudsman's most important tasks is to communicate the do and don'ts of marketing law to business and trade. Gender discriminatory advertisement is thus part of the tasks.*

## **12. How could all types of remedial mechanisms, processes and outcomes be made more gender sensitive?**

*The Act on Gender Equality stipulates that "Public authorities shall within their respective areas of responsibility seek to promote gender equality and incorporate gender equality in all planning and administration". Thus, all remedial mechanisms, processes and outcomes under public authority are subject to a principle of gender mainstreaming.*

## **13. How to overcome power imbalances and discriminatory practices that might undermine the effectiveness of remedies obtained by women?**

*Anyone who believe they have been discriminated can raise the issue with the Board of Equal Treatment. The Board deals with complaints related to discrimination on the grounds of gender, race, colour, religion or belief, political opinion, sexual orientation, age, disability, or national, social or ethnic origin. It is a public complaints board and offers a cheaper and faster alternative to the courts. Decisions made by the Board are final and binding for both parties. In certain situations, the Board may decide that the complainant is entitled to compensation (e.g. in case of unjustified dismissal). The Board of Equal Treatment bases its decisions on written information received from the complainant, the defendant (the person/event complained about) and the secretariat. The Board publishes its decisions in an anonymized form.*