

Garment Industry Response to Violence and Harassment in the Workplace

Standard Operating Procedures

Theme 1: Addressing Sexual Harassment in Textile, Clothing and Footwear Manufacturing Industry

VERSION 1.0 – FOR CONSULTATION

NOVEMBER 2019



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1 Introduction

Violence and Harassment in the World of Work are becoming an increasing focus of businesses everywhere with the passing of the ILO Convention on Violence and Harassment (C190). Across the garment supply chain this is no different. Turning the Convention into reality at an operational level can be seen as challenging. Time, resources and expertise are required to do this effectively.

Sexual Harassment is a particularly prevalent and harmful form of violence in the workplace. It is significantly under-reported and frequently hidden. Estimates of rates of sexual harassment vary from 1 in 3 to 2 in 3 workers in the garment industry experiencing sexual harassment on a regular basis. The impact of sexual harassment on individual health and well-being is significant - for those experiencing it and those witnessing it. Sexual harassment has serious business implications, with impacts on productivity, employee turnover and absenteeism, business and industry reputation and has the potential to result in financial loss through legal actions. There are clear incentives for addressing sexual harassment in the workplace.

Yet, the industry faces challenges in addressing sexual harassment which can act as barriers to action, including, lack of mutually agreed and understood set of actions to take and understanding of what good approaches look like, different expectations from different brands in the supply chain, different understanding of the impact of buying practices on downstream suppliers, the need for collaboration on approaches and systems

These model Standard Operating Procedures (SOPs) have been developed by CARE International in collaboration with Better Work to support the industry in addressing sexual harassment at an operational level across the garment supply chain and reduce these barriers to action. The SOPs recognise that harassment doesn't discriminate – and that standard approaches across industry provide everyone transparency of goals and mutual understanding of requirements.

Once adopted the SOPs will provide a clear, practical, shared and industry wide effort to prevent and respond to sexual harassment. As such, they are designed to be used in internal and external business processes by:

- Buyers
- Vendors (including manufacturing groups)
- Agents
- Suppliers (including sub-contractors)
- *Licensees (content forthcoming)*

The SOPs for Sexual Harassment are the first in a series of model guidance that will support the garment industry in addressing violence and harassment in the world of work.

2 Definitions and Scope

Violence and Harassment

The ILO Convention on Violence and Harassment (C190) defines violence and harassment as a range of unacceptable behaviours, practices, or threats that result in physical, psychological, sexual, or economic harm. These incident(s) can be one-off or repeated. Gender-based violence is violence and harassment directed at someone because of their sex or gender (or if it disproportionately affects one gender or sex), including sexual harassment.

Definition of Sexual Harassment

Sexual harassment is a form of harassment and gender based violence. It is any unwanted, unwelcome or uninvited behaviour of a sexual nature which could be expected to make a person feel humiliated, intimidated or offended.

Anyone can be a target or perpetrator of sexual harassment, regardless of their gender or sexual orientation or ability but most sexual harassment is perpetrated by men against women. Sexual harassment can also occur between people of the same gender. Sexual harassment is a manifestation of power relationships and often occurs in unequal relationships in the workplace, including between women and men.

While in some cases individuals may make sexual comments or personal advances without intending harm or not thinking it is harassment, such action can be unwanted, unwelcome and uninvited and make a person feel humiliated, intimidated or offended and constitute harassment. The intention of the person engaging in the behaviour does not prevent it from being sexual harassment.

Sexual harassment in the workplace can be categorized in two ways: **quid pro quo** or **hostile working environment**:

- **Quid pro quo sexual harassment** occurs when a worker is asked for a sexual favour whereby a worker's decision to submit or reject to the request is either used to make a decision about a worker's job or to provide a job benefit, including but not limited to pay rises, promotions, or continued employment.
- **Hostile work environment** consists of any conduct that create an intimidating, hostile, or humiliating work environment covering a range of behaviour including sex-based comments, disparaging remarks about the sex or gender of the victim, innuendos, and sexually suggestive or explicit materials. While a single incident constitute sexual harassment, oftentimes, sexual harassment involves repeated behaviours.

Scope

Sexual harassment in the world of work covers situations occurring in the course of, arising out of, and linked with work including but not limited to:

- Physical workspace;
- Places where workers are paid, take rest breaks and meals;
- Commute to and from work;
- Work-related events, social activities, travel, and training;
- Communications through information and communication technologies; and,
- Employer-provided accommodations.

Under this SOP, workers include employees defined by national law and practice, persons working irrespective of their contractual status, trainees, laid-off and suspended workers, and job applicants. It includes security guards, canteen employees, third parties that work in and around business sites. Employers are also included as potential targets of sexual harassment.

3 Principles

There are six core principles that guide these procedures. These principles ensure that any engagement with victims, survivors or complainants of workplace sexual harassment will:

1. **Maintain Confidentiality** – the identity and identifying information will be kept confidential and private unless otherwise voluntarily agreed
2. **Ensure Consent** - the individual's informed consent is voluntarily obtained before any action is taken
3. **Do no harm** – take appropriate measures to secure immediate safety and refrain from actions which may result in future harm including in training and communications
4. **Adopt a victim and survivor centred approach** – recognizing that the rights, needs and wishes of victims, survivors or complainants are to be placed at the centre of action and for these individuals or groups to be treated with dignity and respect
5. **Ensure equal treatment** – refraining from discriminating on the bases of gender, sexual orientation, age, ethnicity, ability, migrant status, contractual status, marital status, education status or otherwise
6. **Advance policy and future interventions** – drawing from the findings and lessons from cases of sexual harassment to raise awareness and to inform future preventive and response measures

4 Procedures

The procedures recognise that prevention and response to violence is the obligation of all actors across the supply chain, both in their internal practices and externally in their dealings with other parts of the supply chain. They give practical guidance for both internal and external actions that can be taken by buyers, vendors, agents, suppliers (including sub-contractors) and (in the future) licensees.

The procedures cover five aspects of the workplace:

- Organisational Leadership
- Workplace Policies
- Workplace Systems
- Workplace Norms and Practices
- Workplace Training

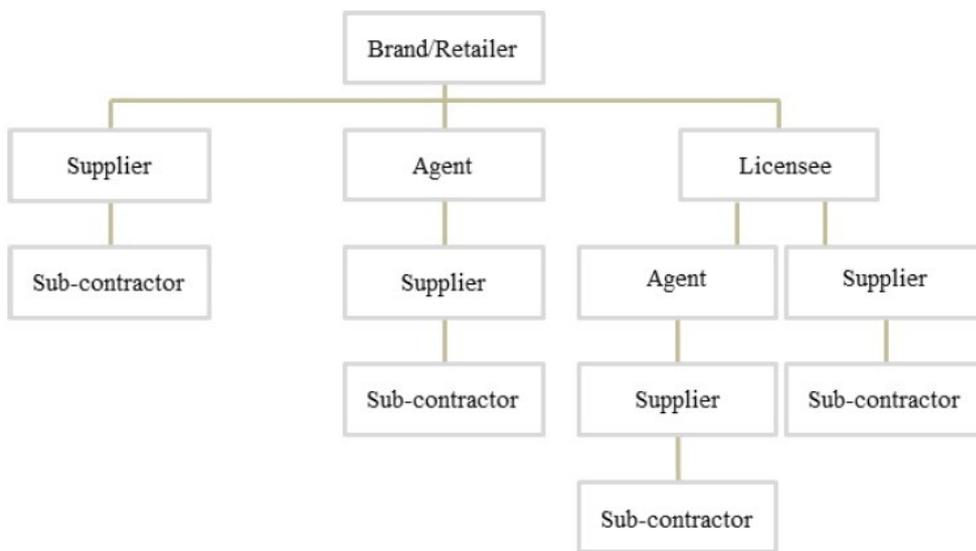
Prevention and Response a continuum

In preventing and responding to sexual harassment in garment factories, it is important to understand that most measures can have both a protective and responsive result regarding sexual harassment. For example, while a policy seeks to outline workplace *responses* to sexual harassment, the existence of the policy can be *preventative* in its deterring effect on would-be harassers.



5 Understanding the Supply Chain

Manufacturing supply chains are complex, in order for these procedures to be developed CARE and Better Work have made assumptions about the supply chain model in operation. Where a supply chain relationship is more complex or not represented individual enterprises should use common sense to assess which standard operating procedure applies to these interactions.



Source: Better Work

6 Implementing the Procedures

The SOPs are designed to be used by all actors in the chain both internally and in their engagement across the supply chain to effectively prevent and respond to sexual harassment in factories. Implementation of the SOPs is likely to require an organisational action plan which will need to consider how internal systems need to be reviewed and developed. A sample template to support an implementation plan is provided in Annex 1.

Governments, unions and civil society can use these SOPs to guide engagement with actors in the supply chain.

These procedures should be seen as part of any companies overall obligations to support and enhance gender equality outcomes. The Sustainable Development Goals (SDGs) place the responsibility on all actors to ensure that gender equality is achieved (SDG 5) and decent work is available to all (SDG 8). Beyond individual transactions in the supply chain, business is well placed to achieve these goals through their leadership within countries and across borders as well as in their interactions with governments, civil society and unions.

7 Mapping Procedures to the Supply Chain

It is important that obligations and responsibilities to address sexual harassment are understood to be held by each stakeholder in the supply chain in relation to their own operations as well as the operations of those they trade with. In this, recommended procedures apply to all actors human resource management practices. This table provides a framework for understanding which procedures in this guide apply to each organisation.

Procedure	Buyers	Agents	Vendors	Suppliers/ factories	Sub- contractors
1. Human Resource Management	•	•	•	•	•
2. Procurement, Buyers and Purchasing	•	•			
3. Supply Chain Management	•	•			
4. Client and Customer Management		•	•	•	•
5. Subsidiary Management			•		

SOP 1: Human Resource Management

This procedure relates to the internal human resource management of **any** entity within the textile, clothing and footwear supply chain. It is designed to be used by organisations to check their political and practical ability to prevent and respond to sexual harassment.

SOP 2: Procurement, Buyers and Purchasing

This procedure relates to the procurement, buying and purchasing practices of an entity in the garment sector supply chain. It recognises that these practices can have downstream impacts on suppliers and the workplace environment including the level of harassment, and there is a responsibility for entities to consider these impacts in their practices.

SOP 3: Supply Chain Management

This procedure relates to the supply chain management practices primarily used by brands and vendors in engaging with the conduct of producers and suppliers. It serves to go beyond statements of principles found in codes of conduct to provide operational guidance on how to undertake supply chain management that is effective in supporting prevention of and response to sexual harassment. It refers to internal and external policy and practice and includes requirements to monitor the implementation of SOP 1 in suppliers and subcontractors.

SOP 4: Client / Customer Management

This procedure is designed to be used in managing clients or customers whose engagement may have an impact on operations, this may include factories managing brand clients or vendors managing brand clients. It is included to demonstrate the **mutual responsibility** of efforts to prevent and respond to sexual harassment.

SOP 5: Subsidiary Management

This procedure is designed to support manufacturers with subsidiary factory sites which are geographically dispersed. The SOP is designed to ensure harmonisation between head office and local sites and ensure that the obligations of the entity are equally understood and met at all locations.

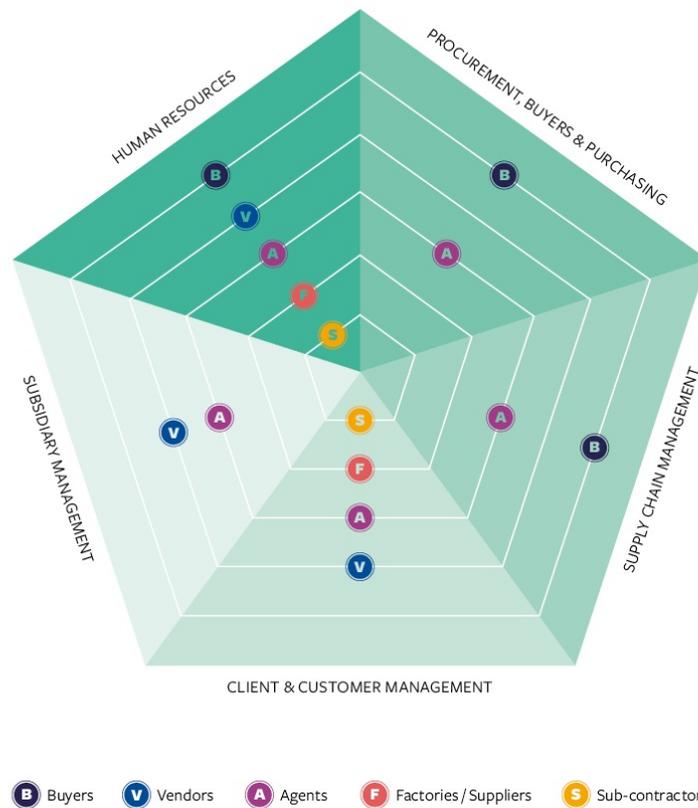
8 Procedures

This second contains five (5) procedures related to the following core policy spaces in the garment sector supply chain.

1. Human Resource Management
2. Procurement, Buyers and Purchasing
3. Supply Chain Management
4. Client and Customer Management
5. Subsidiary Management

In each of these areas the framework for action covers key essential actions required in each area of operation in these five aspects of the workplace:

- Organisational Leadership
- Workplace Policies
- Workplace Systems
- Workplace Norms and Practices
- Workplace Training



Every business in the supply chain has a part to play in preventing and responding to sexual harassment. Businesses across the supply chain have a role in preventing and addressing sexual harassment, from their internal human resource policies through to their relationships within the supply chain.

SOP 1: Human Resource Management

Standard Operating Procedure 2 Human Resource Management: This procedure relates to the internal human resource management of **any** entity within the textile, clothing and footwear supply chain. It is designed to be used by organisations to check their political and practical ability to prevent and respond to sexual harassment.

Organisational Leadership	
1.1	Senior leaders publically launch and support sexual harassment policies, procedures, training and awareness campaigns
1.2	Senior leadership 'walk the talk' modelling positive bystander action within the workplace
1.3	Anonymised reports on sexual harassment complaints are a standing agenda item in senior leadership meetings
Workplace Policies	
2.1	A workplace sexual harassment policy, aligned with local law or code of conduct expectations, is in operation and is regularly socialised in the workplace.
2.2	The workplace policy contents adhere to the following principles: <ul style="list-style-type: none"> • Victim/Survivor-centered • Confidentiality • Equality • Safety • Respect • Accessible with multiple reporting channels • Flexible complaints process • Fairness • Timely Resolution • Fair sanctions and disciplinary measure
2.3	The policy contains the following core elements: <ul style="list-style-type: none"> • The inclusion of a statement of intent to enforce the policy seriously and promptly, with specifications of penalties; • An outline of the organisation's objectives regarding sexual harassment; • An unambiguous definition of sexual harassment; • Examples of sexual harassment that may be relevant to the particular working environment; • Examples of what is not sexual harassment; • A statement that sexual harassment is against the law or a reference to International Labor Standards where local laws are non-existent; • The circumstances in which sexual harassment may occur which includes the definition of the workplace; • The consequences / penalties for policy breach; • The support available for complainants and victims/survivors eg changing work arrangements, leave • Responsibilities of management and staff in relation to sexual harassment prevention including specific training requirements with staff with responsibility for receiving, responding to and/or investigation complaints; • Information on where individuals can get help, advice or make a complaint; • A summary of the options available for dealing with sexual harassment; • Outline of grievance mechanisms - these should be perceived to be accessible, both formal and informal, ones in which employees can have confidence and provide choice to potential targets of harassment; including representation from union, civil society or government as appropriate • Offer multiple reporting channels - for example, a supervisor, another manager or a designated complaints officer; • Outline of the process that will take place following a report of harassment – this should be safe and credible processes which follow principles of procedural fairness; and • Outline of support and follow up after a decision is made on the complaint. • How data will be captured and managed

	<ul style="list-style-type: none"> Alignment with national laws where applicable / in place
2.4	Workplace policy includes a link to service providers who are able to support victims and survivors including unions, health services or government agencies
Workplace Systems	
3.1	Evidence of timely, just, survivor centred investigations, including those run by an external organisation
3.2	Evidence of review of and improvement to the policy and complaints handling process over time
3.3	Evidence of referral information about psychosocial and health support services that are locally available to those experiencing violence
3.4	Does a representative committee or taskforce with clearly defined roles and responsibilities exist to oversee the workplace commitment to prevention of sexual harassment?
3.5	Tracking of the number and types of complaints received and the resolution outcome for each complaint in an anonymised secure data system
3.6	Sexual harassment is included in questions / surveys related to exit data collected to understand employee reasons for leaving
Workplace Norms and Practices	
4.1	Communication to workers about the policy and complaints mechanism and ongoing socialisation
4.2	Monitoring of perceptions of workplace norms through <ul style="list-style-type: none"> Worker satisfaction with or perception of the policy and the complaints mechanism Actual complaints received through informal and formal channels Confidence and willingness to take bystander action Employee perceptions of response by co-workers in the event a complaint is made Confidence to report sexual harassment
4.3	Monitoring actual norms and practices through worker surveys regarding sexual harassment that is witnessed and/or heard about and actions taken/not taken in response to incidents
4.4	Communications to workers about gender equality objectives of the business e.g. through International Women's Day
4.5	Workplace training and communications highlight the role that norms play in perpetuating sexual harassment and promote positive norms instead
4.6	Bystander intervention is encouraged as a form of preventing sexual harassment
4.7	Practices in the workplace contribute to reducing / preventing harassment e.g. different incentive structures between supervisors and line workers in factories are aligned
Workplace Training	
5.1	Staff with supervisory or leadership responsibilities trained in receiving, responding to complaints
5.2	Appropriate staff trained in investigation of complaints
5.3	Sexual harassment prevention training to all employees and contracted is undertaken and monitored and records kept of attendance and resulting shifts in knowledge and understanding
5.4	Training that is of sufficient quality and meets the following standards: <ul style="list-style-type: none"> uses and reviews pre and post testing Universally applied to the workforce targeted to role and gender targeted to legal and social norms context encourage positive bystander action well designed by subject matter experts led by skilled trainers likely to be effective by being longer, face to face, intensive supporting facilitators to manage inevitable resistance
5.5	Workplace training includes information on where to access to support services from civil society, unions, health services or government agencies

SOP 2: Procurement, Buyers and Purchasing

Standard Operating Procedure 2 Procurement, Buyers and Purchasing: This procedure relates to the procurement, buying and purchasing practices of an entity in the garment sector supply chain. It recognises that these practices can have downstream impacts on suppliers and the workplace environment including the level of harassment, and there is a responsibility for entities to consider these impacts in their practices.

Organisational Leadership	
1.1	Senior leaders publically launch and support procurement and purchasing policies which minimise/reduce/do no harm in buying practices with vendors and suppliers
Workplace Policies	
2.1	Sustainable procurement and purchasing policies are in place
2.2	Policies contain specific requirements regarding practices linked to sexual harassment increases in the supply chain: <ul style="list-style-type: none"> • Lead times • Buying and procurement standards • Policies on timelines for alterations to designs
Workplace Systems	
3.1	Monthly monitoring of deviations from / adherence to the policy through self report
3.2	Incentives structured to support policy adherence
3.3	Business case / process required to deviation
3.4	Grievance / complaint mechanism made available to report purchasing practices not in line with sustainable procurement and purchasing policies
Workplace Norms and Practices	
4.1	Communication to employees about the purchasing and responsible sourcing practices, their rationale and the role they play in gender equality outcomes in sourcing countries
4.2	Monitoring actual norms and practices through vendor and supplier surveys
4.3	Communications to suppliers and vendors about the policy with a grievance/complaints mechanism made available
Workplace Training	
5.1	Staff with purchasing and sourcing responsibilities are trained in supply chain impacts of practices including impacts on sexual harassment
5.2	Training is supported with communications materials that keep sexual harassment considered in purchasing and buying decisions

SOP 3: Supply Chain Management

Standard Operating Procedure 3 Supply Chain Management: This procedure relates to the supply chain management practices primarily used by brands and vendors in engaging with the conduct of producers and suppliers. It serves to go beyond statements of principles found in codes of conduct to provide operational guidance on how to undertake supply chain management that is effective in supporting prevention of and response to sexual harassment. It refers to internal and external policy and practice and includes requirements to monitor the implementation of SOP 1 in suppliers and subcontractors.

Organisational Leadership	
1.1	Senior leaders publically launch and support supply chain management practices that support prevention, reduction and response to sexual harassment in constructive ways
Workplace Policies	
2.1	Supply chain management policies in relation to sexual harassment prioritise supplier development and remediation in implementation of SOP1
2.2	<p>Policies will contain clear guidance for suppliers that covers the standards set out in SOP 1 and in addition:</p> <ul style="list-style-type: none"> - Definitions of sexual harassment - Expectations of suppliers in relation to sexual harassment prevention and response - Clearly outline brand/vendor/licencee response to cases of sexual harassment being identified - Clearly outline support available from brand/vendor /licencee in prevention, response and remediation of sexual harassment - Zero tolerance policies will be reserved for <u>repeated failure to prevent and address</u> sexual harassment - Supplier incentives and penalties for adherence / non-adherence to expectations - Access to remedy for complaints received
2.3	Supply chain management policies cover responsibilities of staff in relation to receiving and responding to complaints including self-care for staff who may directly receive complaints
2.4	Supply chain management policies include organisational approach for addressing worker vulnerability
Workplace Systems	
3.1	Monitoring system exists for monitoring cases, responses, remediation outcomes
3.2	Incentives structured to support policy adherence – prevention and response to SH is incentivised to avoid creating adverse incentive systems that punish suppliers for transparency
Workplace Norms and Practices	
4.1	Communication to employees about expectations
4.2	Monitoring actual norms and practices through vendor and supplier surveys
4.3	Communications to suppliers and vendors about the policy with a grievance/complaints mechanism made available
Workplace Training	
5.1	Staff with supply chain responsibilities are trained in sexual harassment including, power relations, what sexual harassment is, how to identify it, how to work with suppliers to prevent and respond to sexual harassment
5.2	Staff with supply chain responsibilities are trained in how to respond to individual complaints with survivor centred approaches
5.3	Staff with supply chain responsibilities are supported in developing self-care strategies required for avoiding vicarious trauma

SOP 4: Client / Customer Management

Standard Operating Procedure 4 Client/Customer Management: This procedure is designed to be used in managing clients or customers whose engagement may have an impact on operations, this may include factories managing brand clients or vendors managing brand clients. It is included to demonstrate the **mutual responsibility** of efforts to prevent and respond to sexual harassment.

Organisational Leadership	
1.1	Share with (existing and potential) clients/customers organisation objectives and policies regarding sexual harassment, procurement and supply chain management (relevant to individual interactions)
Workplace Policies	
2.1	Clients are expected to support the workplace policies in relation to sexual harassment
2.2	Clients are expected to support workplace policies in relation to purchasing practices (SOP 2) and supply chain management (SOP3)
Workplace Systems	
3.1	Contracts are modelled around purchasing standards that support implementation of sexual harassment policy and system
Workplace Norms and Practices	
4.1	Contracting processes raise concerns around buying practices (eg short lead times, changes to designs) that impact on ability to meet sexual harassment standards
Workplace Training	
5.1	Staff are trained in negotiating on contracts regarding purchasing practices to better support sexual harassment policy

SOP 5: Subsidiary Management

Standard Operating Procedure 5 Subsidiary Management: This procedure is designed to support manufacturers with subsidiary factory sites which are geographically dispersed. The SOP is designed to ensure harmonisation between head office and local sites and ensure that the obligations of the entity are equally understood and met at all locations.

Organisational Leadership	
1.1	Senior leaders publically launch and support sexual harassment prevention, procurement and purchasing policies which minimise/reduce/do no harm to head office and all subsidiary operations
1.2	Sexual harassment complaints and resolution for individual sites and across all operations is a standing agenda item for senior leadership meetings at head office and subsidiary level
Workplace Policies	
2.1	Policies developed at head office are devolved and implemented in each subsidiary operation
Workplace Systems	
3.1	Implementation of policies on sexual harassment, procurement and purchasing, are monitored through reporting from subsidiary to head office on a regular basis
3.2	Individual subsidiary sites are incentivised to support policy adherence
3.3	Data on sexual harassment complaints, and their resolution, are maintained across sites and collated at head office regularly for management attention
Workplace Norms and Practices	
4.1	Head office communications to workers in all sites are shared as a matter of practice
4.2	Communication to workers about sexual harassment and purchasing and responsible sourcing practices is provided by head office and individual subsidiary sites
4.3	Communications to suppliers and vendors about the policy with a grievance/complaints mechanism made available
Workplace Training	
5.1	A harmonised workplace training program is developed and implemented at all sites such that training obligations below are met
5.2	Staff with relevant responsibilities in all subsidiary sites are trained in accordance with the relevant SOPs on sexual harassment, procurement and purchasing and supply chain management
5.3	Staff with responsibility for sexual harassment are trained in receiving and responding to complaints with a survivor centred approach
5.4	Staff with responsibility for sexual harassment are trained in self-care strategies to avoid vicarious trauma

9 Drafting process

- A zero draft was developed by CARE Australia in consultation with Better Work and CARE UK for discussion at the regional event 'The Business of Women at Work', 17-18 October 2019 in Cambodia.
- This was discussed during working sessions at the event with industry stakeholders from across Asia.
- Version 1.0 was developed based on feedback received by participants at the event
- Version 1.0 will be shared with Australian brands CARE Australia is seeking to engage in December 2019
- Version 2.0 will be developed based on feedback in this forum and following a cross check of the principles against key international instruments including the UN Guiding Principles on Human Rights and Business and C190 Convention on Violence and Harassment.
- It is anticipated that distribution will take place in early 2020.

Key Actions	Oct	Nov	Dec	Jan	Feb	Mar
Zero draft consultation with Industry (October 2019)						
Version 1.0 drafted following first consultation (November 2019)						
Consultation in Australia (December 2019)						
Final revisions including cross check with UNGP and C190 and consultations to develop Version 2.0						
Distribution						

Feedback on the SOPs can be directed to Trina Howley at CARE Australia

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