

**DFPA**

THE DANISH FAMILY  
PLANNING ASSOCIATION



**Gender equality and  
the right to health**  
a guideline for **businesses**

# BUSINESS AND HUMAN RIGHTS

This publication will guide you through the how and why of managing two important aspects of your responsibility: respecting gender equality and health, including sexual and reproductive health and rights.

Companies have a responsibility to respect all human rights, wherever they operate. This responsibility has been made explicit by the UN Guiding Principles on Business and Human Rights (UNGPs), the most authoritative standard on business and human rights. Managing this responsibility, however, can be difficult when your company operates in complex and culturally shifting business environments and supply chains. So, your company risks negatively affecting human rights.

As an employee in a leadership position, it is important that you become aware of these risks and are able to identify, prevent, mitigate, track and communicate how risks are addressed. This guide will help you manage two important aspects of your responsibility: gender equality and the right to health, particularly sexual and reproductive health and rights (SRHR). Throughout the guide, the term 'right to health' is used to indicate all human rights that are relevant to health. We

acknowledge that companies' impacts on gender equality virtually touch upon all human rights.

In the guideline, we have chosen to focus on the risks related to the workplace that disproportionately affect women and sexual and gender minorities.<sup>1</sup> We acknowledge the challenges some companies may face in countries where the rights of sexual and gender minorities are not legally recognised. However, we encourage companies to find ways of honouring the principles of internationally recognised rights. Subsequently, in this guideline, we refer to men and women in all their diversity.

The guideline provides a list of potential risks and recommendations and an example of human rights due diligence to manage this obligation. You can use these as inspiration to identify and address your company's own risks.

## WHAT IS GENDER EQUALITY?

Gender equality is achieved when all individuals are equal in every aspect of their lives. Substantive equality does not imply that people are all the same, but that everybody has equal value, and is treated in a way that ensures equal opportunity.

Source: DFPA (2019)

<sup>1</sup> Sexual and gender minorities is a term that refers to lesbian, gay, bisexual, transgender, intersex, non-binaries and queers.



This guide will help you manage two important aspects of your responsibility: gender equality and the right to health, particularly sexual and reproductive health and rights.

## WHAT IS SEXUAL AND REPRODUCTIVE HEALTH AND RIGHTS?

**SRHR affects both gender equality and health. It includes, but is not limited to:**

- Family planning
- Maternal health
- HIV/AIDS prevention
- Menstrual management
- Safety from sexual harassment and violence
- Sexual and gender minorities' rights

Although SRHR issues affect all people, women and girls, and sexual and gender minorities, are at a greater risk of adverse impacts than men are, for example due to gender-based violence, poor access to maternal health at work, stigma and discrimination.<sup>2</sup>

Sources: WHO (2018)

### **Respecting gender equality and the right to health is good business**

Respecting the human rights to non-discrimination and health is not only a business responsibility. It is also a good investment. Key benefits are:<sup>3</sup>

- Healthier and more productive employees
- Access to a larger talent pool
- Better risk management and due diligence
- Improvements in female labour force participation
- Improvements in employee motivation, creativity and innovation
- A stronger brand and reputation
- Stronger financial performance

In contrast, disregarding gender equality and your employees' right to health can become a legal, financial, and ethical liability to your company. It can severely restrict your employees' rights to equal treatment at work, equal opportunity to contribute to growth, and the right to health, safety, and well-being.

### **Why focus on gender equality and the right to health?**

This guideline clarifies how gender equality and health, particularly SRHR, are anchored in internationally recognised human rights. It explains how you can prevent doing harm on

these rights. Crucially, it emphasises women and sexual and gender minorities, who are particularly vulnerable to human rights risks. This is especially true in relation to their rights to gender equality and SRHR. Poor sanitation, discrimination, and sexual harassment and violence at work all contribute to poor mental and physical health and well-being in workers. In addition, women's equal access to the labour market is restricted by these and other factors, such as gender-biased recruitment and training, poor maternity and paternity conditions, and poor work-life balance. This has long-term consequences for women's health and economic empowerment. Similarly, sexual and gender minorities are particularly vulnerable at the workplace. Some of the abuses include harassment, lack of career advancement opportunities, low salaries, termination based on sexual orientation or gender identity and discriminatory recruitment practices.

Adverse impacts on gender equality and SRHR also undermine sustainable development and achievement of the UN Sustainable Development Goals (SDG). Gender Equality (SDG 5) and Health and Well-being (SDG 3) are not just stand-alone goals, they are deeply connected to Economic Growth and Decent Work (SDG 8). If we want to eradicate poverty and ensure that everyone can afford adequate food, healthcare, and education, and ensure that no one is left behind, women, disabled and sexual and gender minorities need equal access to the labour

<sup>2</sup>In this instance, the term "men" indicates cisgender heterosexual men. Cisgender is a term for people whose gender identity matches the sex they were assigned at birth.

<sup>3</sup>See also our publications "How to strengthen gender equality in the workplace" and "How to integrate employee health & gender equality in your business operations."

market and to decent working conditions. Strengthening economic empowerment and inclusion will foster a cycle of prosperity, economic growth and sustainable development for all.

### Your risk is context specific

Companies' human rights risks may vary depending on the industry and geographic context of the business operations. Indeed, gender inequality and SRHR-related issues can express themselves differently from context to context. For example, in some places gender inequality is revealed mainly in the exclusion of women from positions of power. In others, it is evident in high levels of sexual violence or harassment on the job. Risks also differ from female-dominated industries, such as agriculture and textile, to male-dominated industries, such as engineering and IT. Some factors that influence your company's human rights risks are "traditional" power dynamics, gender roles and stereotypes that establish men as better equipped for certain jobs and leadership positions and women as less productive and ambitious. This creates an unequal power relationship, the consequence of which is that women experience discrimination and harm to their SRHR, more often. Cultural taboos and fear of being stigmatised can also limit women's access to SRHR.

### Gender equality and SRHR in human rights – and how to promote them

Equality, including gender equality, is the aim of the human right to non-discrimination. Equality and non-discrimination are also underlying principles of all human rights. So, gender equality should be realised in all aspects of life. This includes access to work and to SRHR at work. It is appropriate that companies establish workplace practices that foster gender equality in all aspects of business. To ensure equal access for all individuals to an adequate level of SRHR, you must know what SRHR encompasses. SRHR is related to several human rights and includes elements of physical and mental health, safety, and well-being. Therefore, to prevent doing harm it is important that you are aware of and can identify how your company influences SRHR.

Table 1 outlines the most important impact areas related to gender equality and SRHR in a workplace context, and how they are bound to human rights. The table includes recommendations for managing your impact and presents indicators for measuring your baseline and evaluating your actions as part of your company's Human Rights Due Diligence (HRDD). You can use the list as part of your HRDD as inspiration to identify and manage risks and impacts across your business. Note that this list is not exhaustive. We encourage you to consider other impacts by involving women and sexual and gender minorities.

### DID YOU KNOW THAT <sup>4</sup> ...

- On average, women earn 77% of what men earn globally
- Working mothers earn less than working women without children
- Access to parental leave, childcare, and family planning affect whether women work or not
- Women do 250% more unpaid care and household work than men
- Only 48% of women, against 80% of men, participate in paid work
- For every 100 men that are promoted and hired for a leadership position, only 72 women are promoted and hired for a leadership position
- In Europe, 1 out of 5 sexual and gender minority persons feel discriminated in the workplace
- In India, 56% of white-collar sexual and gender minority workers report discrimination in the workplace <sup>5</sup>
- In Thailand, 40% of transgender people experience harassment or are ridiculed at the workplace <sup>6</sup>

<sup>4</sup> Sources: Budig et al. (2001); IPPF (2017); UN Women (2015); ILO (2016); WB (2020); McKinsey (2019) and FRA (2018) <sup>5</sup> World Bank, *The Economic Cost of Stigma and the Exclusion of LGBT People: A Case Study of India, 2014*. <sup>6</sup> World Bank, *Why LGBTI Inclusion Is Key to Shared Prosperity, 2018*: <https://www.worldbank.org/en/news/feature/2018/05/17/why-lgbti-inclusion-is-key-to-shared-prosperity>



## EXAMPLES OF INDUSTRY-SPECIFIC ISSUES

**Women face sexual harassment and lack decision-making power in both female- and male-dominated industries, but other risks are more industry specific. Issues particular to women include:**

### **In female-dominated industries:**

- Notoriously low wages
- Extremely long working hours

### **In male-dominated industries:**

- Poor access to employment
- Gender-based discrimination

Sources: UN Women (2014); Better Work (2017); PEW Research Center (2018).

### **Why is leisure and freedom from forced labour important?**

In table 1, you will see examples of rights that do not directly mention gender equality and health or SRHR, although they are closely connected to both. The right to leisure and the right to freedom from forced labour are two such rights. The right to leisure is important to avoid excessive overtime at work. Extra time spent on the job negatively affects women in particular, because they often assume most of the family responsibilities and need to balance these home-care responsibilities

with paid work.<sup>8</sup> Overtime disrupts this balance of competing duties, impeding SRHR, female labour force participation and economic empowerment.

Freedom from forced labour is particularly relevant to the issue of human trafficking. It affects many women, robbing them of the freedom to freely choose an occupation and often leads to women being sold into prostitution. Ultimately, the sexual health and rights of many women are violated.

<sup>8</sup> Companies should be aware that some men that do not live up to traditional expectations of male behavior may also be particularly vulnerable to abuses at the workplace.

# HUMAN RIGHTS

Table 1: Gender equality and SRHR in human rights – and how to promote them

Whenever possible, data should be gender disaggregated.<sup>9</sup>

Human rights	Impact area	Recommendations to manage impact	Suggested indicators <sup>10</sup>
Right to non-discrimination	Equal access to work	Gender-responsive recruitment, including formalised recruitment processes	% of total workforce and across positions that are women  Number of job interviews conducted include an equal representation of female applicants
		Gender-anonymous job applications	% of anonymised job applications
		Non-discriminatory employment conditions	Does the the company gender or human rights policy include anti-discrimination provisions?  Zero employees are required to undertake a compulsory HIV and/or pregnancy test as a precondition for employment
		Gender-balance in leadership positions	% of supervisors and managers that are women
		Gender-benchmark positions in male-dominated industries	% of workforce that are women  % of Board of Directors and/or Executive Management that are women
		Raise awareness of gender bias through trainings and talks	Number of workers and position level that have completed health and gender equality trainings or talks  Number of workers and position level that have completed an implicit bias test  Number of team-building exercises that include gender bias awareness conducted per year  % of improvement in the company's overall gender bias awareness (measured annually)

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<sup>9</sup>If possible, people should be given the opportunity to choose among male, female and other, as not all people identify as male or female. <sup>10</sup>Some indicators sourced from ETI (2018), "Gender and Human Rights Due Diligence."

Table 1: Gender equality and SRHR in human rights – and how to promote them

Human rights	Impact area	Recommendations to manage impact	Suggested indicators <sup>10</sup>
Right to non-discrimination	Equal access to work	Relieve the care-burden especially for women by offering flexible working conditions and childcare support	The company has a childcare facility in the workplace The company subsidises childcare at a qualified facility nearby % of workers with flexible working hours % of workers that work from home
		Provide most favourable working conditions to workers	Number of workers with temporary contracts
Right to work	Access to company-supported training	Equal access to training and mentors, including financial skills training	Number of job skills trainings offered to women in one year Number of job skills trainings completed by women in one year
Right to equal pay for equal-work	No gender pay gap	Equal pay for work of equal value	% size of gender pay gap
Right to a living wage	Living wage for all genders	Provide a living wage sufficient for the well-being of the workers and their families	Lowest wage by job category compared with the local living wage estimate % of workers paid below a living wage
Right to safe and healthy working conditions	Occupational health, safety and well-being	Establish and implement a gender responsive OHS policy	Does the OHS policy include gender specific vulnerabilities concerning e.g. pregnant or lactating workers? Number of safety trainings completed by workers
		Provide employees with knowledge of dangerous chemicals; be sensitive towards pregnancies	% of workers across job levels that have received information and been trained to work with hazardous chemicals % of workers in high risk units e.g. spray and irrigation that have access to appropriate personal protective equipment
		Provide safe transportation to/from work, especially for women	% of female workers using safe transportation services % of workers who feel safe travelling to/from work

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<sup>10</sup> Some indicators sourced from ETI (2018), "Gender and Human Rights Due Diligence."



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Human rights	Impact area	Recommendations to manage impact	Suggested indicators <sup>10</sup>
Right to safe and healthy working conditions	Occupational health, safety and well-being	Established OHS Committee that addresses gender related issues, including sexual harassment and gender-based violence	<p>Number of annual meetings that the OHS committee conducts</p> <p>Number of women and sexual and gender minorities that are part of the committee</p> <p>% of complaints solved by the committee</p>
Right to equal opportunity for everyone to be promoted	Equal access to promotions	Gender-responsive promotion, including formalised processes	<p>% of promotions and % of women promoted hereof</p> <p>% of promotion applications from women</p>
Right to rest, leisure and paid holidays	Reasonable limitation of working hours	48 regular hours of work per week, with a maximum of 8 hours per day	<p>Average daily or weekly overtime hours by workers</p> <p>% of workers working night shifts</p> <p>% of workers that do not have one day of weekly rest</p> <p>% of women working more than ILO recommended working hours</p>
	Breaks during work	Allow for extra paid breaks for pregnant and lactating women	<p>Does the company have a company policy that addresses breaks during working hours?</p> <p>Does the policy include special provisions for pregnant or lactating women?</p> <p>% of pregnant and lactating women that take at least one extra break per day for nursing or extracting milk</p>
	Paid holidays	Provide workers at least three working weeks of annual paid holiday for one year of service	% of workers taking three weeks paid leave per year
Right to form and join trade unions	Ability to advocate for gender equality and SRHR at work	Permit workers to organise and join a trade union of their own choice	<p>% of female employees that have joined a union</p> <p>% of unionised workers that are women</p> <p>Number of annual meetings held by the trade union</p> <p>Number of annual meetings held by the trade union that address gender equality, harassment and SRHR issues</p>

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<sup>10</sup> Some indicators sourced from ETI (2018), "Gender and Human Rights Due Diligence."

Table 1: Gender equality and SRHR in human rights – and how to promote them

Human rights	Impact area	Recommendations to manage impact	Suggested indicators <sup>10</sup>
Right to form and join trade unions	Ability to advocate for gender equality and SRHR at work	Permit workers to organise and join a trade union of their own choice	Number of complaints received by union representative or trade union from workers on the basis of gender discrimination, harassment, gender pay gap, SRHR and other gender equality issues
Right to social security, including social insurance	Sexual and reproductive health, including sexually transmitted infections (STIs)	Provide family planning services	Number of family planning counselling sessions offered per year to workers  Does the company make educational materials and information on birth spacing and family planning methods available to workers?  Does the company provide contraceptives to workers?
		STI awareness creation and treatment in high-risk areas	% of workers that participate in STI awareness raising campaigns  Does the company provide workers with STI information materials?
		Offer health insurance covering sexual and reproductive health	% of workers provided with a health insurance  % of workers provided with a health insurance covering sexual and reproductive health  Does the company health insurance cover partners and spouses of the workers too?
		Offer annual sexual and reproductive health checks	Number of health staff on site, qualified to provide sexual and reproductive health services
		Offer SRHR awareness talks	Number of annual talks on SRHR organised by onsite health officers
Right to protection of mothers before and after childbirth	Health and safety of mothers	Provide parental leave, which complies with national laws and international conventions, whichever offers the highest standard	% of workers taking parental leave  % of women taking at least 14 weeks maternity leave

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<sup>10</sup> Some indicators sourced from ETI (2018), "Gender and Human Rights Due Diligence."

Table 1: Gender equality and SRHR in human rights – and how to promote them

Human rights	Impact area	Recommendations to manage impact	Suggested indicators <sup>10</sup>
Right to protection of mothers before and after childbirth	Health and safety of mothers	Return-to-work procedures communicated to workers, with flexibility for individual return-to-work plans	<p>% of workers that receive information about leave provisions, annually</p> <p>% of women that resigned during pregnancy</p> <p>% of women that resigned after maternity leave</p> <p>% of women reintegrated in the same position or in work of equal value compared to their job prior to maternity leave</p> <p>% of pregnant women terminated during pregnancy</p> <p>% of women terminated within one year after returning to work from maternity leave</p>
		Job rotation to avoid work harmful for maternal and child health	<p>% of women in job rotation</p>
Right to water and sanitation	Access to sanitation at work	Provide access to sanitary toilet facilities with affordable/free tampons or menstrual pads	<p>% of female workers that feel able to manage their menstrual hygiene adequately</p> <p>Total number of toilets per worker and % of toilets equipped with soap, toilet paper and running water</p> <p>Does the company provide free and safe access to toilets to all workers?</p> <p>Number of toilet breaks provided to pregnant women per day</p>
Right not to be subjected to torture, cruel, inhuman, and/or degrading treatment	Physical and mental health, safety and well-being	Gender policy/anti-harassment policy includes zero tolerance of all forms of violence and harassment	<p>Does the gender policy or anti-harassment policy address verbal, physical, sexual and psychological harassment and violence?</p> <p>% of workers concerned about harassment and violence at the workplace</p> <p>Number of annual complaints concerning harassment and violence</p> <p>% of resolved complaints</p> <p>Average complaint resolution time</p>

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<sup>10</sup> Some indicators sourced from ETI (2018), "Gender and Human Rights Due Diligence."

Table 1: Gender equality and SRHR in human rights – and how to promote them

Human rights	Impact area	Recommendations to manage impact	Suggested indicators <sup>10</sup>
Right not to be subjected to torture, cruel, inhuman, and/or degrading treatment	Physical and mental health, safety and well-being	Training on how to comply with Gender Policy and/or Anti-harassment Policy	% of workers that have completed anti-harassment trainings
		Implement and communicate safe lines of communication to senior management	% of workers that have used safe communication lines, e.g. enable reports to be made on a confidential, anonymous basis
		Implement support groups where women feel safe to develop alliances within the workplace	Number of support groups available at the workplace % of women attending support groups
Right not to be subjected to slavery, servitude or forced labour	Human trafficking	Require responsible business conduct and due diligence documentation from suppliers	Quality and quantity of due diligence documentation on trafficking received
		Engage in dialogue with suppliers in cases of potential risk of trafficking	Document progress on building leverage and ensuring due diligence processes
	Forced Labour	Have procedures in place to ensure that overtime is voluntary and follow ILO standards on maximum overtime	Number of workers who refused to work overtime terminated within one year % of workers working overtime under threat e.g. dismissal
		Workers receiving timely salary	% of workers receiving salary on time
		Engage with suppliers on existing mechanisms preventing forced labour	% of suppliers that have a mechanism in place to prevent forced labour
	Right to privacy	Confidentiality of health data	Private and confidential medical consultations, if applicable
Private and confidential handling of health data			Does the company have a policy in place addressing privacy issues?

<sup>10</sup> Some indicators sourced from ETI (2018), "Gender and Human Rights Due Diligence."

Table 1: Gender equality and SRHR in human rights – and how to promote them

Human rights	Impact area	Recommendations to manage impact	Suggested indicators <sup>10</sup>
Right to privacy	Confidentiality of health data	Private and confidential handling of health data	% of workers who feel that their privacy is respected
	Intimate privacy	Provide private toilets with locks	% of toilets that are not private or without locks Number of complaints received on inadequate privacy

...It is a good investment



<sup>10</sup> Some indicators sourced from ETI (2018), "Gender and Human Rights Due Diligence."



**AS PART OF YOUR HUMAN RIGHTS DUE DILIGENCE, YOU SHOULD IDENTIFY, ADDRESS, TRACK AND COMMUNICATE YOUR COMPANY'S ACTUAL AND POTENTIAL HUMAN RIGHTS RISKS, INCLUDING RISKS RELATED TO GENDER EQUALITY AND SRHR**

# CORPORATE RESPONSIBILITY TO RESPECT HUMAN RIGHTS

The responsibility of companies to respect human rights, including SRHR and gender equality, is embedded in international conventions and guidelines, such as the 2011 UNGPs and its Gender Dimensions issued in 2019. According to which, respecting human rights implies a three-step-approach for companies:

1. Have a gender equality policy or a human rights policy including gender equality, in place
2. Conduct Human Rights Due Diligence (HRDD)
3. Provide access to remedy



## **POLICY:**

### **Companies should reflect their commitment to respect human rights in a policy**

Companies should reflect their commitment to respect human rights in a policy. You can choose to integrate gender equality and SRHR into your human rights policy or alternatively have a stand-alone gender equality policy.<sup>11</sup> Gender equality principles should also be applied in other existing policies, such as a non-discrimination policy, anti-sexual harassment policy, occupational health and safety policy or life-threatening diseases policy.

During policy development, meaningful consultations should be organised with women and sexual and gender minority employees, civil society organisations that work on gender equality and SRHR, and gender experts. While you need the policy to be adopted at the most senior level of the company, you should also identify a manager or another employee who will be responsible for the implementation of the policy and devote the resources allowing for its company-wide implementation.

<sup>11</sup> We encourage companies to reflect a non-binary gender approach in their policy, which means referring to men and women in all their diversity

# HUMAN RIGHTS DUE DILIGENCE

You should use your human rights due diligence process to identify, address, track and communicate your company's human rights risks, as well as promote gender equality and sexual and reproductive health and rights for your stakeholders.

As a minimum, your HRDD should help you respect the human rights recognised in the International Bill of Human Rights and the eight ILO Core Conventions, which includes protection of gender equality and SRHR.<sup>12</sup> Therefore, a HRDD process that focuses exclusively on gender equality and SRHR is not adequate to assess and address your company's human rights risks and impacts. This guideline, however, provides recommendations on what to consider in your HRDD related to gender equality and SRHR in the workplace. It provides suggestions on what to do and how to do it. Apply this example along with Table 1, the general steps in a HRDD process and possibly other resources, to assess, address, track and communicate your impact across the entire human rights spectrum.<sup>13</sup>

In terms of HRDD, you should consider gender equality and SRHR risks within your company, throughout your supply chain and other business relations, to ensure that your company neither causes, contributes to, nor is directly linked to adverse impacts. With regard to impacts that you might cause, you are responsible for prevention, mitigation, and remediation. With regard to impacts to which you might contribute you are responsible for prevention, mitigation, and remediation. Furthermore, you should ensure that your suppliers manage their risks by using your leverage, including creating incentives for suppliers to engage in responsible business conduct.<sup>14</sup> With regard to impacts to which you might be directly linked, you are required to know your risks and ensure that your business partners

or client(s) prevent, mitigate and remediate their human rights risks adequately, by using your leverage.

Your HRDD should be ongoing (annual or biannual is standard) and at various critical moments e.g. acquisition, new operations, etc. and consist of these three steps:

1. Systematically identify and assess actual and potential risks
2. Prevent and mitigate identified risks
3. Track and communicate the effectiveness of due diligence

## Step 1: Identify

This step will help you understand whom you might affect and in what way, concerning gender equality and SRHR. Be sure to gather gender-disaggregated data that indicates the gender equality and SRHR risks to which your employees are exposed. Develop gender-responsive outcome indicators to assess your risks. Table 1 can inspire you to identify your risks and guide you to take action on identified risks and impacts.

Identify why and how particular issues affect the genders differently. Importantly, this step will make you aware of any unconscious bias and discriminatory practices within your company against certain groups, such as women, sexual and gen-

<sup>12</sup> The International Bill of Human Rights consists of the Universal Declaration of Human Rights and the main instruments through which it has been codified: the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. <sup>13</sup> For detailed information on how to determine the scope of your responsibilities and on general requirements for a policy statement, HRDD, and remediation, see UN (2011) "Guiding Principles on Business and Human Rights: Implementing the United Nations 'Protect, Respect and Remedy' Framework." <sup>14</sup> Leverage is the ability to effect change in the wrongful practice of the party that is causing or contributing to the impact. The OECD Guidelines for Multinational Enterprises and the OECD Due Diligence Guidance for Responsible Business Conduct."



der minorities and individuals with HIV/AIDS. To do so, you should engage with stakeholders to collect qualitative and quantitative data, disaggregated by gender identity and expression, if possible.

You can rely on the expertise from these sources:

- CSR and HR managers
- Trade union representatives
- Human rights impact assessment conducted with a gender transformative approach.<sup>15</sup> This could be conducted as a stand-alone process or integrated in a broader social and environmental impact assessment
- Operational-level grievance mechanism
- Potentially affected individuals and communities, including women and sexual and gender minorities
- Civil Society Organisations (CSO) focused on gender equality, rights of sexual and gender minorities or SRHR

Your risk assessment process should also include risks to which you are or may be contributing or directly linked through your business relationships. If risks for each individual relation cannot be assessed due to the complexity of the supply chain for example, then you should focus on certain suppliers or countries or operations where risks to gender equality and SRHR are more severe.

When you identify risks, you should be sensitive to the stakeholders with whom you engage. This includes overcoming cultural, gender-based, and health-related barriers to effective engagement. You can do so by having an operational-level grievance mechanism in place that allows for safe and truthful communication. This can be accomplished in various ways, including through neutral third parties whom the stakeholders trust, such as an organisation from the community that focuses on gender equality and/or SRHR and understands the cultural and non-verbal cues.

## Step 2: Prevent and mitigate

To effectively prevent and mitigate adverse gender equality and SRHR impacts, consider how to ensure that all of your employees have access to equal opportunities in employment and occupation, including SRHR. In some instances, this requires differentiated treatment to achieve de facto equality. Table 1 (page 7) includes a list of suggested initiatives.

Next, you should assign responsibility and resources to design and implement the initiatives.

These can be:

- Senior management, which can commit to addressing gender equality and SRHR
- HR managers, who shape employment and health policies and collect data disaggregated by gender
- Procurement officers, who can source responsibly
- An operational-level grievance mechanism, which captures gender equality and SRHR-related complaints

While you should address all human rights risks, you can prioritise your actions according to the severity of the impacts. Sexual harassment and gender-based violence should always be categorised as severe human rights abuses. You should prevent and mitigate those risks on a priority basis and have a zero-tolerance policy for those impacts. In certain cases, in order to prevent the risks, you might need to consider terminating the relationship responsible for doing harm, benchmarking it against the severity of the abuse and how crucial that relationship is to your business.

It is important to include the people, whose rights you risk affecting, in the prioritisation, design, and implementation of gender equality and SRHR initiatives. This will increase the likelihood that the initiatives are effective in addressing the identified risks.

You should also request that your suppliers address their actual and potential human rights risks.

You can do this by:

- Listing gender equality and SRHR requirements in the Supplier Code of Conduct
- Using leverage, e.g. developing supplier capacity to manage gender equality and SRHR risks
- If you cannot improve supplier's risk management, consider terminating the business relationship, unless this would cause further human rights risks

<sup>15</sup> A gender transformative approach (GTA) actively examines, questions, and changes rigid gender norms and imbalances of power. By transforming harmful, inequitable gender norms and values into positive ones, sexual and reproductive health and rights (SRHR) of all are improved, gender-based violence (GBV) is prevented, and gender equality is strengthened.

### Step 3: Track and communicate

Tracking the effectiveness of your response to risks will help you evaluate whether you should do more to address gender equality and SRHR risks. This involves engaging with stakeholders to gather their insights. Table 1 offers some suggested gender-responsive indicators. Engagement with women and sexual and gender minorities will help you further tailor those indicators to the context of your business operations.

You should share information with relevant stakeholders on the actions you have taken on the risks relevant to them. This creates transparency and accountability. It allows stakeholders to evaluate the adequacy of your response to gender equality and SRHR risks. It also allows them to make informed decisions in their own interest. Remember to be sensitive to literacy, language, and cultural communication barriers. This ensures that your communication messages reach the targeted individuals. You should also avoid posing risks to any individuals, e.g. by revealing the identity of a victim, complainant, or culprit, if this could lead to public shaming or retaliation.

Table 2: Corporate Responsibility to Respect Human Rights

PROCESS	CONTENT (THE WHAT)	METHOD (THE HOW)
<b>1. Policy</b>	<ul style="list-style-type: none"> <li>Develop a gender equality policy or include gender equality and SRHR in the human rights policy</li> <li>Gender equality should be incorporated in other existing policies e.g. a non-discrimination policy, anti-sexual harassment policy, occupational health and safety policy or life-threatening diseases policy</li> </ul>	<ul style="list-style-type: none"> <li>Developed through a participatory bottom up approach</li> <li>Adopted at the most senior level</li> <li>Communicated to internal and external stakeholders</li> <li>Operationalised in the standard operating procedures across departments</li> </ul>
<b>2. HRDD - Identify</b>	<ul style="list-style-type: none"> <li>Assess gender equality and SRHR risks</li> <li>Develop gender-responsive outcome indicators (see Table 1)</li> <li>Assess issues that affect genders differently</li> <li>Conduct stakeholder engagement</li> </ul>	<ul style="list-style-type: none"> <li>Conduct a human rights impact assessment with a gender transformative approach</li> <li>Establish safe spaces to enable communication with employees or use trusted mediators</li> <li>Establish an operational-level grievance mechanism</li> </ul>
<b>3. HRDD - Prevent and mitigate</b>	<ul style="list-style-type: none"> <li>Design action plans and initiatives (see Table 1)</li> <li>Assign responsibility and resources</li> <li>Use leverage with suppliers</li> <li>Consider ending supplier relationships</li> </ul>	<ul style="list-style-type: none"> <li>Involve women and sexual and gender minorities in developing and implementing actions to prevent and mitigate risks</li> </ul>
<b>4. HRDD - Track and communicate</b>	<ul style="list-style-type: none"> <li>See Table 1 for suggested gender-responsive indicators</li> <li>Provide transparency and accountability</li> <li>Provide adequate information to evaluate your actions</li> </ul>	<ul style="list-style-type: none"> <li>Do not pose risks to individuals</li> <li>Identify possible communication barriers</li> </ul>
<b>5. Access to remedy</b>	<ul style="list-style-type: none"> <li>Establish or participate in a third-party provided operational-level grievance mechanism</li> <li>Provide appropriate remediation of the abuse to the affected right-holders either directly or in collaboration with others</li> </ul>	<ul style="list-style-type: none"> <li>Ensure that the operational-level grievance mechanism is legitimate, accessible, predictable, equitable, transparent, rights-compatible, a source of continuous learning, and based on engagement and dialogue</li> </ul>

# ACCESS TO REMEDY

When abuses occur, you should provide remedy to the victim or cooperate in the remediation through judicial or non-judicial means.

You should provide remediation for abuses to which your company caused or contributed with a business partner.

Remedies can consist of:

- Restoration of rights before the abuse, e.g. reincorporation when illegally terminated
- Symbolic reparation, e.g. official apologies or guarantee of non-repetition
- Compensation, e.g. lost earnings, medical care, therapy or distress
- Collaboration with the state judicial or non-judicial system, e.g. courts or national human rights institutions

To ensure that affected individuals can access adequate and effective remediation early on, you can establish or participate in a gender-responsive operational-level grievance mechanism that is accessible to everyone. To ensure this, you should design the grievance mechanism together with men, women and sexual and gender minorities, regularly review it to measure its effectiveness, and gather gender-disaggregated data.

You should be mindful of possible external barriers to access the mechanism.

These barriers could be:

- Social stigma
- Fear of retribution
- Sensitivity of issue(s)
- Poor literacy skills
- Inadequate finances
- Poor physical or mental health

Several access points should be available to your grievance mechanism.

These can include:

- Mail or email, as victims might be uncomfortable being in the workplace
- Placing a grievance access point with an organisation trusted by the employees
- Hotline or complaint box

Having an operational-level grievance mechanism should not prevent affected individuals and communities from also availing themselves of state judicial and/or non-judicial remedies. Importantly, you must ensure that the grievance process is confidential so that employees do not have to fear retaliation. Table 2 (page 18) summarises the suggested content and method for each of these five steps for companies to respect human rights, including gender equality and SRHR.

Adopting a gender lens to HRDD by including SRHR and gender equality is an avenue to respect the rights of workers that face greater risks, improve employee health and strengthen economic empowerment, especially for women. In the process of doing so, your company becomes a more responsible employer, is better able to manage risks, and strengthens diversity and economic growth.

If you have any questions on how to integrate gender equality and health in your business operations or wish to engage with DFPA, you can reach out to us directly at [www.sexogsamfund.dk](http://www.sexogsamfund.dk).



**Who is the DFPA?** The Danish Family Planning Association is a private, non-governmental organisation without religious or political affiliations, and the Danish member association of the International Planned Parenthood Federation, the world's largest sexual and reproductive health and rights organisation. DFPA has been working in developing countries for more than 20 years addressing young people, women and men's sexual and reproductive health and rights. In recent years, DFPA has increasingly engaged with the private sector in in the global north and global south. We partner with companies to improve workplace practices, strengthen responsible business conduct, and enable employees to exercise their sexual and reproductive health and rights - for the benefit of people and companies.

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