

TOOL 4.4

Guidelines for Potential Legal Obligations Involving GBVH

- » **GOAL:** Outlines legal obligations involving GBVH that may apply to your company
- » **TARGET UNITS:** Human Resources and Legal

Many levels of laws that are relevant to gender-based violence and harassment (GBVH) may apply to your company, including international laws and conventions and national laws. International laws and conventions that may apply include, among various others:

- **Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW):** CEDAW is an international treaty adopted in 1979 by the United Nations General Assembly. The CEDAW Committee adopted General Recommendation No 19 on violence against women in 1992.
- **Ending Violence Against Women (EVAW):** Several internationally agreed norms and standards relate to EVAW, which should guide the response on GBVH by national legal systems and public policy frameworks⁵². For more information, visit the [UN Women site](#).
- **International Labor Organization (ILO) Convention No. 190 on Violence and Harassment and accompanying Recommendation (No. 206):** The framework set out in these instruments provides a clear roadmap for preventing and addressing violence and harassment in the world of work.
- **Convention on the Rights of the Child:** The United Nations Convention on the Rights of the Child is an international human rights treaty which sets out the civil, political, economic, social, health, and cultural rights of children⁵³.

While not all countries have ratified these conventions (or aligned with their norms and standards), they represent international good practice and can provide guidance on what your company could do.

National laws that may apply include:

- Constitutional provisions. Many countries have specific provisions involving protecting human rights and non-discrimination. It should be noted that disadvantage is often based on social identity, which may be across dimensions such as gender, age, location, occupation, race, ethnicity, religion, citizenship status, disability, and sexual orientation and gender identity (SOGI), among other factors.
- Specific laws prohibiting:
 - › Workplace bullying
 - › (Workplace) sexual harassment

⁵² At least 155 countries have passed laws on domestic violence, and 140 have legislation on sexual harassment in the workplace. But challenges remain in enforcing these laws, limiting women and girls' access to safety and justice.

⁵³ While you should not employ child labor, children may be affected by your company's activities in your areas of operations.

- › Domestic violence
- › Sexual assault
- › Sex with minors
- Most countries also have industrial relations laws or occupational health and safety laws that may mandate employers' duty of care and outline procedures for reporting, resolving, and monitoring GBVH cases. Some countries also have laws or regulations that mandate that employers provide training to select or all staff to prevent and respond to GBVH.
- While it is important that your policies and procedures are consistent with national laws, you may choose to exceed the mandated minimum to bring your company in line with good practice. The best and most succinct place to start is the ILO Convention and Recommendation (mentioned above).

Many companies may also have contractual obligations about preventing and mitigating GBVH involving buyers, investors⁵⁴, or lead contractors. For detailed information and advice, seek help from:

- Your legal department or legal experts in-country specializing in GBVH
- Department of Labor or equivalent in your country
- GBVH advocacy organization or service providers⁵⁵ in your country. Not all GBVH organizations specialize in workplace-related GBVH, so shop around. Some important aspects to pay attention to when selecting an organization include expertise in:
 - › GBVH related to the workplace
 - › Legal obligations in the countries that your company operates in
 - › Knowledge of international good practice including a survivor-centered approach
 - › An established and verifiable track record in providing advice to the private sector

Remember that you do not need to become an expert in GBVH for your company to respond. Your job is to focus on company initiatives and refer to experts when needed. You can draw on expertise that already exists.

You can find out more about the laws that may apply to your company from the following resources:

- [UN Women Global Database on Violence against Women](#): A 'one-stop shop' for information on prevalence and measures undertaken by governments to address violence against women.

⁵⁴ IFC's [Environmental and Social Performance Standards](#) define IFC clients' responsibilities for managing their environmental and social risks. The 2012 edition of IFC's Sustainability Framework, which includes the Performance Standards, applies to all investment and advisory clients whose projects go through IFC's initial credit review process after 1 January 2012. Various Performance Standards exist at the IFC that have relevance for the gender-based violence and harassment (GBVH) and infrastructure nexus.

⁵⁵ GBVH service providers are entities that can provide access to services—health, psychosocial, legal/security, safehouse/shelter, livelihood to survivors.

- [The OECD Social Institutions & Gender Index \(SIGI\)](#): Cross-country measure of discrimination against women in social institutions through formal and informal laws, social norms, and practices across 180 countries.
- [World Bank Group Women, Business, and the Law](#): Data on the laws and regulations that restrict women's economic opportunities in 190 economies, including violence.
- [World Bank Compendium of International and National Legal Frameworks](#): Provides a set of practical tools that not only inform about existing laws, but also provide a baseline to help countries identify opportunities to intensify their action on GBVH.

BOX 4E | Corporate Social Responsibility (CSR) Initiatives Addressing GBVH

Many companies have also made commitments to address GBVH through Corporate Social Responsibility (CSR) initiatives at a global, country, or community level. Examples of contractual or CSR initiatives to address GBVH include:

- **Waka Mere:** Fifteen of the largest companies in the Solomon Islands committed to measures to promote gender equality in the workplace. Through the Waka Mere Commitment to Action, they work toward at least one of three goals: promote more women in leadership, build respectful and supportive workplaces, and increase opportunities for women in jobs traditionally held by men.
- **CARE and Diageo:** CARE International and Diageo plc, a multinational beverage company operating in more than 180 countries, requires suppliers to specifically prohibit harassment and is now developing an improved global standard and Dignity at Work policies across its operations (based on ILO Convention 190). For instance, among its smallholder farmer supply chain, Diageo is now analyzing the experiences of both male and female barley farmers in Ethiopia, including looking at issues of GBVH in farming and crop harvest as well as bringing goods to market (e.g., risks in utilizing transport, etc.).
- **Primark:** To respond and prevent GBVH in its suppliers' factories, Primark is developing programs to support more gender-friendly workplaces by building a network of partners and focusing on the use of workplace committees as one way to report, investigate, and deal with GBVH. In India, staff across 13 factories were trained on GBVH and their participation in their factory's internal complaints committee was encouraged.

Sources: IFC, [Waka Mere Commitment to Action](#), *Business Fights Poverty*, "[CARE and Diageo: Tackling Violence and Harassment at Work](#)," 2018; Associated British Foods, "[Tackling Gender-Based Violence and Harassment in the Workplace](#)," 2021.