

A group of young women are sitting outdoors in a lush green environment. They are wearing bright orange t-shirts. One woman in the center is holding a smartphone and looking towards the camera. Another woman to her right is wearing a dark cap and looking off to the side. The background is filled with dense green foliage.

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 sexual and reproductive health and rights

Companies have a responsibility to respect all human rights, wherever they operate. This responsibility is anchored in the International Bill of Human Rights and international guidelines for corporate responsibility, such as the UN Guiding Principles 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. It is important that you as a manager become aware of these risks and are able to

identify and prevent them. 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.

The guide provides an extensive list of potential risks and an example human rights due diligence (HRDD) to manage this obligation. You can use these as inspiration to identify and address your company's own risks.

WHAT IS SEXUAL AND REPRODUCTIVE HEALTH AND RIGHTS?

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

- LGBT+ rights
- Maternal health
- Menstrual management
- Family planning
- HIV/AIDS prevention
- Safety from sexual violence

Although SRHR issues affect all genders, women are at a greater risk of adverse impacts than men are, for example due to gender-based violence and poor access to maternal health at work.

Sources: Source: WHO (2018)



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

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 are¹:

- A larger talent pool
- Better risk management
- A stronger company reputation
- Greater creativity and innovation
- Healthier and more productive employees
- Improved long-term 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 guide clarifies how gender equality and SRHR are anchored in internationally recognised human rights. It explains how you can prevent doing harm on these rights. Crucially, it emphasises women, who are particularly vulnerable to human rights risks. This is especially true for gender equality and SRHR, which are often subject to adverse impacts by businesses. 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. Adverse impacts on gender equality and SRHR also undermine sustainable development and achievement of the Sustainable Development Goals. Gender equality and health are not just stand-alone goals. If we want to eradicate poverty and ensure that everyone can afford adequate food, healthcare, and education, women need equal access to the labour market and to decent working conditions. Strengthening economic empowerment and inclusion will simultaneously promote sustainable investment and create a cycle of prosperity.

Your risk is context specific

Companies must identify and address their human rights risks regardless of industry or geographic location. This might be difficult, because gender inequality and SRHR-related issues can express themselves differently from context to context. For example, in some places inequality is revealed mainly in the exclusion of women from positions of power. In others, it becomes apparent in high levels of sexual violence on the job. Risks also differ from female-dominated industries, such as agriculture and textile, to male-dominated industries, such as engineering and mathematics.

Some factors that influence your human rights risk are traditional gender roles and stereotypes that perceive men as better equipped for certain jobs and leadership positions and women as less productive and ambitious. This creates an uneven power relationship, with the consequence that women more often experience discrimination and harm to their SRHR. Cultural taboos and fear of being stigmatised can also limit women's access to SRHR.

DID YOU KNOW THAT ...

- On average, women earn 77% of what men earn
- Working mothers earn less than working women without children
- Fully 33% of women have experienced physical and/or sexual violence
- Access to parental leave, childcare, and family planning affect whether women work or not

Sources: Budig et al. (2001); IPPF (2017); UN Women (2015); ILO (2016).



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).

¹ See also our publications "How to strengthen gender equality in the workplace" and "How to integrate employee health & gender equality in your business operations."

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 fitting that companies establish workplace practices that foster gender equality in all aspects of business.

To ensure equal access between genders to an adequate level of SRHR, you must know what the concept covers. SRHR is related to several human rights and includes elements of physical and mental health, safety, and well-being. So, it is important that you as a manager are aware of and can identify how your company influences these many aspects of SRHR to prevent doing harm.

Table 1 outlines the most important impact areas related to gender equality and SRHR, and how they are bound to human rights². The table includes recommendations for managing your impact and suggests indicators for measuring your baseline and evaluating your actions. You can use the list as part of your HRDD as inspiration to identify and manage the most relevant risks and impacts across the geographic spread of your business. Note that this list is not exhaustive: You may need to consider other impacts.

Why is leisure and freedom from forced labour important?

In the table, 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 there to avoid excessive overtime work. Extra time spent on the job negatively affects women in particular, because they must often assume most of the family responsibilities, balancing them with paid work. Overtime disrupts this balance of competing duties, impeding equal access to work.

Freedom from forced labour is particularly relevant to the issues of human trafficking. It affects many women, robbing them of the free choice to work and often resulting in women being sold into prostitution. The sexual health and rights of many women suffer as a result.

Gender equality should be realised in all aspects of life. This includes access to work and to SRHR at work.



HUMAN RIGHTS

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

Each recommendation and its related indicators are numbered, allowing you to determine which relates to which.

Human rights	Impact area	Recommendations to manage impact	Suggested indicators ³
Right to non-discrimination	Equal access to work	<ol style="list-style-type: none"> Gender-sensitive recruitment, including formalised recruitment processes Gender-anonymous job applications Balance between genders in leadership positions Gender-benchmark positions in male-dominated industries Raise awareness of gender bias through trainings and talks Relieve the care-burden especially of women by offering flexible working conditions and childcare support 	<ol style="list-style-type: none"> % of total workforce and across positions that are women % of anonymised job applications % of supervisors and managers that are women % of workforce that are women % of Board of Directors or management that are women Workers that have completed awareness trainings or talks Workers that have completed an implicit bias test Team-building exercises that include gender bias awareness Perception of gender bias awareness Do you have a childcare facility in the workplace? Do you subsidise childcare at a (nearby) facility? Workers with flexible work hours by gender Workers that work from home by gender

² A few of the impact areas are relevant across multiple human rights, but are listed only once under the most appropriate right.

³ Some indicators sourced from ETI (2018), "Gender and Human Rights Due Diligence."

Table 1. Continues through pages 8 to 10

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

Human rights	Impact area	Recommendations to manage impact	Suggested indicators ³
Right to work	Access to company-supported training	<ol style="list-style-type: none"> 1. Equal access to trainings and mentors, including in financial skills 2. Equal access to networking events 	<ol style="list-style-type: none"> 1. Job skills trainings offered to women 1. Job skills trainings completed by women 2. % of employees attending networking events that are women
Right to equal pay for equal work	No gender pay gap	<ol style="list-style-type: none"> 1. Equal pay for work of equal value 	<ol style="list-style-type: none"> 1. Perception of wage equality 1. Average compensation for different genders across positions
Right to a living wage	Living wage for all genders	<ol style="list-style-type: none"> 1. Provide a living wage sufficient for the well-being of the worker and her/his family 	<ol style="list-style-type: none"> 1. Lowest wage compared with the local living wage
Right to safe and healthy working conditions	Occupational health, safety, and well-being	<ol style="list-style-type: none"> 1. Provide employees with knowledge of dangerous chemicals; be sensitive towards pregnancies 2. Provide safe transportation to/from work, especially for women 3. Regular dialogues with supervisor on employee well-being 	<ol style="list-style-type: none"> 1. Awareness of chemicals dangerous for reproductive health 1. Safety trainings completed by workers 2. Women using safe transportation services 2. Perception of safety travelling to/from work 3. Dialogues offered to women 3. Dialogues completed with women
Right to equal opportunity for everyone to be promoted	Equal access to promotions	<ol style="list-style-type: none"> 1. Gender-sensitive promotion, including formalised processes 	<ol style="list-style-type: none"> 1. % of promotions that go to women 1. % of promotion applications from women
Right to rest, leisure and paid holidays	<ol style="list-style-type: none"> 1. Reasonable limitation of working hours 2. Breaks during work 	<ol style="list-style-type: none"> 1. No forced work, including overtime and working odd hours 2. Allow for extra paid breaks for pregnant and lactating women 	<ol style="list-style-type: none"> 1. % of women working more than they want to 1. Overtime and odd hours logged by women 2. Policy on breaks 2. Pregnant and lactating women that take extra breaks

³ 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

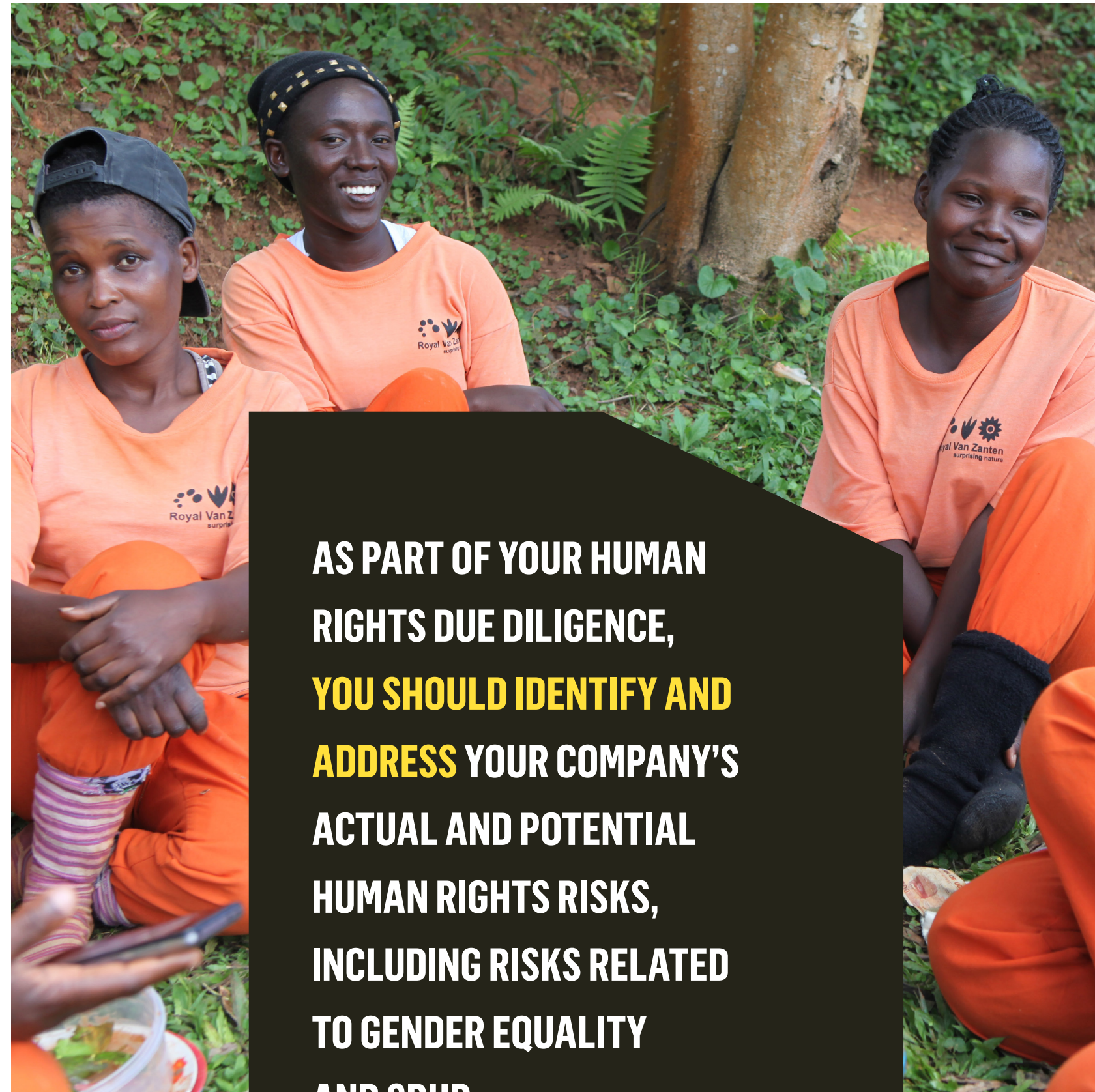
Human rights	Impact area	Recommendations to manage impact	Suggested indicators ³
Right to form and join trade unions	Ability to advocate for gender equality and SRHR at work	<ol style="list-style-type: none"> 1. Establish a trade union in collaboration with workers 	<ol style="list-style-type: none"> 1. Female employees that have joined a union 1. % of unionised workers that are women
Right to social security, including social insurance	Sexual and reproductive health, including sexually transmitted infections (STIs)	<ol style="list-style-type: none"> 1. Provide family planning services 2. STI awareness creation and treatment in high-risk areas 3. Offer health insurance covering sexual and reproductive health 4. Offer annual sexual and reproductive health checks 5. Offer SRHR awareness talks 	<ol style="list-style-type: none"> 1. Family planning counselling offered 1. Birth control made available 1. Educational materials and information on birth spacing and family planning methods made available 2. Workers participating in STI awareness raising campaigns 2. STI information material provided by company 3. Women covered by health insurance 4. Health staff on site, qualified to provide sexual and reproductive health services 5. Health staff on site, qualified to provide sexual and reproductive health services
Right to protection of mothers before and after childbirth	Health and safety of mothers	<ol style="list-style-type: none"> 1. Provide parental leave, which complies with national law 2. Back-to-work procedures communicated to workers, with flexibility for individual back-to-work plans 3. Job rotation to avoid work harmful for maternal and child health 	<ol style="list-style-type: none"> 1. Workers taking parental leave by gender 2. Current parental leave procedures 2. % of women retained or lost after giving birth 3. % of women in job rotation
Right to water and sanitation	Access to sanitation at work	<ol style="list-style-type: none"> 1. Provide access to sanitary toilet facilities with affordable/free tampons or menstrual pads 	<ol style="list-style-type: none"> 1. Perception of ability to adequately manage menstrual hygiene

³ 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 ³
Right not to be subjected to torture, cruel, inhuman, and/or degrading treatment	Physical and mental health, safety, and well-being	<ol style="list-style-type: none"> 1. Zero-tolerance policy and campaigns against all forms of harassment 2. Training on what counts as harassment 3. Implement and communicate safe communication lines to higher level management 4. Zero-tolerance policy towards all forms of violence 5. Training on how to comply with zero-tolerance policy towards violence 6. Implement support groups where women feel safe to develop alliances within the workplace 	<ol style="list-style-type: none"> 1. Workers concerned about harassment at the workplace by gender 1. Logged complaints by gender and reason 1. % of resolved complaints 1. Average complaint resolution time 2. Workers that have completed anti-(sexual)harassment trainings 3. Women that have used communication lines 4. Women concerned about violence at the workplace 4. Logged complaints by gender and reason 4. % of resolved complaints 4. Average complaint resolution time 5. Workers that have completed trainings in zero-tolerance policy towards violence 6. Women in support groups 6. Women concerned about their safety
Right not to be subjected to slavery, servitude or forced labour	Linkage to trafficking	<ol style="list-style-type: none"> 1. Require responsible business conduct and due diligence documentation from first-tier suppliers 2. Engage in dialogue with first-tier suppliers in cases with a known risk of trafficking 	<ol style="list-style-type: none"> 1. Quality and quantity of due diligence documentation on trafficking 2. Progress on building leverage and ensuring due diligence processes in case of known risks
Right to privacy	<ol style="list-style-type: none"> 1. Confidentiality of health data 2. Intimate privacy 	<ol style="list-style-type: none"> 1. Private and confidential medical consultations, if applicable 1. Private and confidential handling of health data 2. Provide private toilets with locks 	<ol style="list-style-type: none"> 1. Perception of how the right to privacy is respected 1. Perception of how the right to privacy is respected 2. Toilets that are not private or without locks 2. Complaints on inadequate privacy by gender

³ Some indicators sourced from ETI (2018), "Gender and Human Rights Due Diligence."



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

HUMAN RIGHTS DUE DILIGENCE

You should use your human rights due diligence to identify and address your company's human rights risk, as well as promoting better gender equality and sexual and reproductive health and rights for your stakeholders

You should identify and address your company's actual and potential human rights risks as part of a HRDD. Table 1 can inspire you to identify your risks to gender equality and SRHR and guide you to take action on identified risks and impacts. Your HRDD should have its roots in a company policy to respect all human rights. This can be explained in specific policies, such as a non-discrimination policy, anti-sexual harassment policy, or life-threatening diseases policy. Your HRDD should identify and assess your company's actual and potential impact on, at a minimum, all of the rights of the International Bill of Human Rights. An HRDD focusing exclusively on gender equality and SRHR, therefore, is not adequate to assess and address your company's human rights risks and impacts.

This example HRDD, however, will recommend what to consider in your HRDD about gender equality and SRHR. It provides suggestions about both content and methodology, i.e. what to do and how to do it. Use this example, along with Table 1, the general steps in an HRDD and possibly other resources, to assess and address your impact across the entire human rights spectrum.⁴

Your HRDD should consider gender equality and SRHR risks within your company and throughout your supply chain to ensure that your company neither causes, contributes to, nor links to adverse impacts. For impacts you might cause, you are responsible for prevention, mitigation, and remediation. For impacts you might contribute to, you are responsible for prevention, mitigation, and remediation, and for ensuring that your suppliers manage their risks. For impacts you might be linked to, you are only required to manage known severe risks in your supplier's specific sector or country and ensure that your suppliers manage their human rights risks adequately.

Your HRDD should be ongoing (annual or biannual is standard) and consist of these four steps:

1. Systematically identify and assess actual and potential risks
2. Prevent or mitigate identified risks
3. Track and communicate the effectiveness of due diligence
4. Ensure access to a remedy for affected stakeholders, in case of actual negative impacts

Table 2 summarises the suggested content and method for each of these four steps.



Table 2: Human rights due diligence

PROCESS	CONTENT (THE WHAT)	METHOD (THE HOW)
1. Identify	<ul style="list-style-type: none"> • Gender equality and SRHR risks • Issues that affect genders differently • Stakeholder engagement 	<ul style="list-style-type: none"> • Communicate in safe spaces • Communicate via trusted mediators • Grievance mechanism
2. Prevent or mitigate	<ul style="list-style-type: none"> • Design action plans and initiatives (see Table 1) • Assign responsibility and resources • Use leverage with suppliers • Consider ending supplier relationships 	<ul style="list-style-type: none"> • Involve high-risk groups in developing and implementing initiatives
3. Track and communicate	<ul style="list-style-type: none"> • See Table 1 for suggested indicators • Provide transparency and accountability • Provide adequate information to evaluate your actions 	<ul style="list-style-type: none"> • Do not pose risks to individuals • Take account of communication barriers
4. Access to remedy	<ul style="list-style-type: none"> • Grievance mechanism • Compensation • Elimination of risk 	<ul style="list-style-type: none"> • Ensure accessibility • Ensure confidentiality

Step 1: Identify

This step will help you understand whom you might affect and how you might do it, in gender equality and SRHR. Be sure to gather data that indicates the gender equality and SRHR risks, to which your employees are exposed. 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, individuals that identify as LGBT+, and individuals with HIV/AIDS. To do so, you should engage with stakeholders to collect qualitative and quantitative data, gender-disaggregated if possible. You can rely on the expertise from these sources:

- CSR and HR managers
- Grievance mechanisms
- Trade union representatives
- Potentially affected individuals
- Organisations working with gender equality or SRHR

You should be sensitive towards the stakeholders you engage with when identifying risks. This includes overcoming cultural, gender-based, and health-related barriers to effective engagement. You can do so by having in place a grievance mechanism that allows for safe and trustworthy communication. This can be accomplished through neutral third parties whom the stakeholders trust, such as a person from the community who understands the cultural and non-verbal cues. Most importantly, you should avoid stigmatising or discriminating against your stakeholders in the process.



Step 2: Prevent or mitigate

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

Then, you should assign responsibility and resources to design and implement the initiatives. These can be:

- Procurement officers, who can source responsibly
- HR managers, who shape employment and health policies
- Leadership, which can commit to addressing gender equality and SRHR
- A grievance mechanism, which handles gender equality and SRHR-related complaints

You should also address known, severe risks in your supply chain. You can do this by:

- Listing gender equality and SRHR requirements in a 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 the risk of ending the relationship

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



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 indicators. You should share information with relevant stakeholders on the actions you have taken on the risks relevant to them. This provides 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 communications 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 result in such issues as public shaming or retaliation.



Step 4: Access to remedy

If you have not been able to prevent adverse impacts, you must remediate the persons affected. Remedies can consist of:

- An apology
- Compensation, e.g. lost earnings, medical care, or therapy
- Termination of the relationship responsible for the harm
- Provisions to prevent future discrimination or harm to SRHR

To be sure that affected individuals can access adequate and effective remediation, you need a grievance mechanism that is accessible to everyone. To ensure this, you should design grievance processes that are sensitive to barriers to access. These barriers could be:

- Social stigma
- Fear of retribution
- Sensitivity of issue
- Poor literary 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

You should ensure that the cost of participating in grievance processes is not a significant part of the average income in the community and create awareness among female employees, also of where to access legal aid. Importantly, you must ensure that the grievance process is confidential so that employees will not fear retribution.

...It is a good investment

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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. DPFA 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 developing countries, partnering with companies and workplaces in general as a platform for strengthening the sexual and reproductive health and rights of employees in a way that benefits both people and companies.

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