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## Developing Standards for Gender-Responsive Human Rights Due Diligence

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Developing Standards for Gender-Responsive Human Rights Due  
Diligence

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Constance Z. Wagner, eds., forthcoming 2022)*

DEVELOPING STANDARDS FOR  
GENDER-RESPONSIVE HUMAN RIGHTS DUE DILIGENCE

By

Constance Z. Wagner and Nancy Kaymar Stafford\*

I. INTRODUCTION

“The prevention of adverse impacts on people is the main purpose of human rights due diligence.”<sup>1</sup> Human rights due diligence (HRDD) must include a focus on women,<sup>2</sup> including the social and institutional barriers of access to justice and the underlying discrimination they face, such as lack of knowledge of the procedure, societal stigmas, lack of capacity, and laws that do not meet women’s needs.<sup>3</sup>

Since the adoption of the 2011 United Nations (UN) Guiding Principles on Business and Human Rights (UNGPs),<sup>4</sup> there has been an increasing recognition that businesses have a responsibility to respect human rights. At a minimum, these rights include those contained in (i) the International Bill of Human Rights, which consists of the Universal Declaration of Human Rights (UDHR),<sup>5</sup> the International Covenant on Economic, Social and Cultural Rights

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<sup>1</sup> Rep. of the Working Group on the Issue of Human Rights and Transitional Corporations and Other Business Enterprises, at 6, U.N. Doc A/73/163 (July 16, 2018), <https://undocs.org/A/73/163>.

<sup>2</sup> For the purposes of this chapter, the term “women” includes women identifying individuals.

<sup>3</sup> Laura Turquet, *Progress of the World's Women 2011-2012: In Pursuit of Justice*, UN WOMEN 52–53 (2011), <https://www.un.org/ruleoflaw/files/Progress%20of%20the%20Worlds%20Women%202011-2012.pdf>.

<sup>4</sup> *Guiding Principles on Business and Human Rights: Implementing the United Nations ‘Protect, Respect and Remedy’ Framework*, U.N. Doc HR/PUB/11/04 (2011), [https://www.ohchr.org/documents/publications/guidingprinciplesbusinesshr\\_en.pdf](https://www.ohchr.org/documents/publications/guidingprinciplesbusinesshr_en.pdf) [hereinafter, *Guiding Principles*] (Unanimously approved by the United Nations Human Rights Council in its resolution 17/4 of 16 June 2011).

<sup>5</sup> G.A. Res. 217 (III) A, Universal Declaration of Human Rights (Dec. 10, 1948) [hereinafter, *UDHR*].

(ICESCR),<sup>6</sup> and the International Covenant on Civil and Political Rights (ICCPR),<sup>7</sup> and (ii) the principles concerning fundamental rights contained in the International Labour Organization (ILO) Declaration on Fundamental Principles and Rights at Work.<sup>8</sup> Depending on the circumstances, other international human rights instruments may have standards applicable to the individuals or groups requiring protection.<sup>9</sup> Steps towards greater normativity are under discussion with the goal of a binding UN treaty on business and human rights.<sup>10</sup> Standards for gender-responsive HRDD (GR-HRDD) should be included in any such treaty.

Against this backdrop, HRDD has become an essential part of the way businesses meet their responsibility to respect human rights. According to UNGP Principle 15(b), a business should implement a “human rights due diligence process to identify, prevent, mitigate and account for how they address their impacts on human rights.”<sup>11</sup>

Although women have increasingly penetrated the global workforce, they still face greater hurdles when it comes to employment than men. Women are overrepresented in informal and precarious employment. UN Women, officially known as the United Nations Entity for Gender Equality and the Empowerment of Women, notes that in developing countries, the share of women working in the informal sector is 4.6 percent higher than men, when including

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<sup>6</sup> G.A. Res. 2200A (XXI), International Covenant on Economic, Social and Cultural Rights, Dec. 16, 1966, 993 U.N.T.S. 3 (entered into force Jan. 3, 1976) [hereinafter, *ICESCR*].

<sup>7</sup> G.A. Res. 2200A (XXI), International Covenant on Civil and Political Rights, Dec. 16, 1966, 999 U.N.T.S. 171 (entered into force Mar. 23, 1976) [hereinafter *ICCPR*].

<sup>8</sup> Int'l Labour Organization [ILO], *ILO Declaration on Fundamental Principles and Rights at Work and its Follow-Up* (June 18, 1998), [https://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---declaration/documents/normativeinstrument/wcms\\_716594.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/normativeinstrument/wcms_716594.pdf).

<sup>9</sup> *Guiding Principles*, *supra* note 4, Commentary to UNGP 12, at 14.

<sup>10</sup> *At Last: A Draft UN Treaty on Business and Human Rights*, BUSINESS AND HUMAN RIGHTS RESOURCE CENTRE (Aug. 2, 2018), <https://www.business-humanrights.org/en/latest-news/at-last-a-draft-un-treaty-on-business-and-human-rights/>. The current draft calls for integrating a gender perspective into human rights due diligence. See <https://www.ohchr.org/Documents/HRBodies/HRCouncil/WGTransCorp/Session6/LBI3rdDRAFT.pdf>

<sup>11</sup> *Guiding Principles*, *supra* note 4, at 16.

agricultural workers, and an astounding 7.8 percent, when excluding them.<sup>12</sup> Moreover, women are more detrimentally affected by climate change and environmental pollution, leaving them with fallow land or requiring they walk a longer way to fetch water, for example.<sup>13</sup> Women are often marginalized in formal employment settings, where they are paid less than their male counterparts and suffer sexual harassment and gender-based violence.<sup>14</sup> Women also face discrimination due to pregnancy or maternity-related issues, and are often overlooked for managerial positions.<sup>15</sup>

Because of deeply embedded gender roles within society, women are often confined to unpaid care work (caring for elderly parents or children) and domestic work. And even when women are paid, it is not on parity with men – on average 20% less across the globe.<sup>16</sup> The reality of the challenges faced by the vulnerable and marginalized is recognized in the UNGPs, which state that HRDD must address the “specific challenges that may be faced by indigenous peoples, *women*, national or ethnic minorities, religious and linguistic minorities, children, persons with disabilities, and migrant workers and their families” (emphasis added).<sup>17</sup> The challenge is even greater if a woman falls into more than one of these vulnerable and marginalized categories. For this reason, the UN Working Group on Business and Human Rights (UN Working Group), established by the Human Rights Council in 2011 and composed of five independent and geographically-diverse experts, recommended that HRDD should be tailored to

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<sup>12</sup> *Facts and Figures: Economic Empowerment*, UNWOMEN.ORG, <https://www.unwomen.org/en/what-we-do/economic-empowerment/facts-and-figures> (last visited Dec. 30, 2020).

<sup>13</sup> *Rep. of the Working Group on the Issue of Human Rights and Transnational Corporations and Other Business Enterprises*, at 4–5, U.N. Doc A/HRC/41/43 (May 23, 2019), [https://media.business-humanrights.org/media/documents/files/documents/A\\_HRC\\_41\\_43.pdf](https://media.business-humanrights.org/media/documents/files/documents/A_HRC_41_43.pdf) [hereinafter, *Gender Dimensions Report*].

<sup>14</sup> *Id.*

<sup>15</sup> *Id.*

<sup>16</sup> *Id.*

<sup>17</sup> *Guiding Principles*, *supra* note 4, at 5.

specific risks, should apply a gender lens, and should consider actual and potential adverse impacts and their specific effect on women.<sup>18</sup>

The economic benefits of performing GR-HRDD have been demonstrated. A study by the McKinsey Global Institute found that if women participated in the economy equally to men, it would add as much as US\$28 trillion to the annual global GDP by 2025.<sup>19</sup> Yet, women still face systemic obstacles within corporate structures, which attests to the need for rigorous GR-HRDD.

This chapter is structured as follows. Section II will present context to the issue of GR-HRDD by providing an overview of women’s human rights that are recognized in international treaties and other instruments. Section III will review voluntary standards on conducting GR-HRDD and guidance on incorporating a gender-responsive perspective into business operations more generally. Section IV will identify emerging good practices and evolving issues in GR-HRDD. Section V offers some concluding remarks. Section VI consists of a list of resources that the reader might find helpful for purposes of continuing work in this area.

## II. CONTEXT

### A. Overview of Gender-Responsive HRDD

It is imperative that businesses conduct HRDD in order to fulfill their responsibility to respect human rights. HRDD should be integrated into all internal business operations and started early in supplier and other external commercial relationships. It is not something that should be perfunctory, taken lightly or hurriedly addressed at the last minute. It should not just be ‘checking the box’ on a due diligence list, but an in-depth review of business operations. In

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<sup>18</sup> *Information Note*, *supra* note 1, at ¶ 13.

<sup>19</sup> *How Advancing Women’s Equality Can Add \$12 Trillion to Global Growth*, MCKINSEY GLOBAL INSTITUTE (Sept. 1, 2015), <https://www.mckinsey.com/featured-insights/employment-and-growth/how-advancing-womens-equality-can-add-12-trillion-to-global-growth>.

order to address adverse impacts of business operations on women, HRDD must also be gender-responsive. It should have a gender-sensitive lens and include a review of barriers to access and underlying discrimination that women face.

The history of women’s human rights, as a part of international human rights law, has evolved. So too has GR-HRDD. Merely conducting gender-blind analysis during due diligence may not be sufficient, because risk assessments may come with an implicit gender bias. Therefore, HRDD must consider the specific risks associated with gender. Merely guaranteeing equal treatment is not enough. Not only do women need to be placed on an equal footing with men, but they also need the environment and tools to empower them to have an equal result as men (i.e. de jure and de facto equality).<sup>20</sup> As such, sometimes “non-identical treatment of women and men will be required in order to address” biological, social and cultural constructs.<sup>21</sup> The result must be gender equality.

#### B. Women’s Human Rights in International Law

The recognition of women’s rights under international human rights law existed well before Hillary Clinton uttered her famous statement at the Fourth World Conference on Women that “human rights are women’s rights . . . . And women’s rights are human rights.”<sup>22</sup> The Charter of the United Nations (UN Charter), adopted in 1945, was the first international text to specifically mention human rights and gender equality. Its preamble reaffirms faith in “fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women . . . .”, while Articles 1, 55 and 76 of the UN Charter call for the promotion of

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<sup>20</sup> *General Recommendation 25: Temporary Special Measures*, UNITED NATIONS COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN 9 (2004), <https://www.un.org/womenwatch/daw/cedaw/recommendations/General%20recommendation%2025%20%28English%29.pdf>.

<sup>21</sup> *Id.*

<sup>22</sup> *First Lady Hillary Rodham Clinton: Remarks for the United Nations Fourth World Conference on Women*, UN.ORG (Sept. 5, 1995), <https://www.un.org/esa/gopher-data/conf/fwcw/conf/gov/950905175653.txt>.

“human rights and fundamental freedoms for all without distinction as to . . . sex . . . .”<sup>23</sup> To support the promotion of the rights of women, the UN established the Commission on the Status of Women (CSW) on June 21, 1946.<sup>24</sup> CSW “is the biggest global policy-making body dedicated exclusively to promoting gender equality and the empowerment of women.”<sup>25</sup> Its establishment was a sign that the UN was taking the issue of women’s rights seriously.

Keeping in mind, that the UDHR, the first document detailing basic human rights obligations, was not adopted by the UN General Assembly until December 10, 1948,<sup>26</sup> it is remarkable that the CSW was established over two years prior to this seminal document in human rights law. Article 2 of the UDHR, echoing the UN Charter, states that “[e]veryone is entitled to all the rights and freedoms set forth in the Declaration, without distinction of any kind, such as . . . sex. . . .”<sup>27</sup> The UDHR outlines important human rights that are critical for women, such as: equality before the law (Article 7); freedom of movement (Article 13); right to marry and have a family (Article 16); right to own property (Article 17); freedom of assembly and association (Article 20); right to social security (Article 22); right to work (Article 23); right to rest and leisure (Article 24); and right to adequate standard of living (Article 25).<sup>28</sup>

The rights in the UDHR were then expanded in two legally binding international agreements, adopted in 1966, the ICESCR<sup>29</sup> and the ICCPR.<sup>30</sup> The ICESCR requires States Parties to ensure women and men equal rights to the enjoyment of all rights enumerated in the

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<sup>23</sup> U.N. CHARTER Preamble, ¶ 2, Art. 1, 55, 76, <https://www.un.org/en/about-us/un-charter/>.

<sup>24</sup> *Commission on the Status of Women, Resolution adopted 21 June 1946*, Economic and Social Council Res. E/90 & E/84, ¶ 6 (June 21, 1946), [https://undocs.org/en/E/RES/11\(II\)](https://undocs.org/en/E/RES/11(II)).

<sup>25</sup> *Snapshot: What is CSW?*, UNWOMEN.ORG, <https://www.unwomen.org/en/csw/csw-snapshot>.

<sup>26</sup> *UDHR*, *supra* note 5.

<sup>27</sup> *Id.*

<sup>28</sup> There are many other critical rights outlined in the UDHR, as with other international instruments discussed, however, the authors are outlining those most useful in the area of GR-HRDD.

<sup>29</sup> *ICESCR*, *supra* note 6.

<sup>30</sup> *ICCPR*, *supra* note 7.



covenant.<sup>31</sup> These rights include the rights to work,<sup>32</sup> equal pay,<sup>33</sup> healthy and safe working conditions,<sup>34</sup> promotion,<sup>35</sup> rest,<sup>36</sup> to form trade unions,<sup>37</sup> and maternity leave.<sup>38</sup> The ICCPR protects women's and men's equal rights to the enjoyment of all civil and political rights enumerated in the covenant.<sup>39</sup> Among other things, these include the rights to opinion,<sup>40</sup> peaceful assembly,<sup>41</sup> association,<sup>42</sup> and vote and/or be elected.<sup>43</sup>

Yet, despite these and various other instruments that addressed women's human rights,<sup>44</sup> "extensive discrimination against women" continued to exist.<sup>45</sup> This led to the CSW developing an additional treaty that would take its place among the other international human rights treaties and bring "the female half of humanity into the focus of human rights concerns."<sup>46</sup> This treaty is the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW),

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<sup>31</sup> *ICESCR*, *supra* note 6, at Art. 3.

<sup>32</sup> *Id.* at Art. 6(1). This right includes "the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts."

<sup>33</sup> *Id.* at Art. 7(a)(i). The article calls for women to be "guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work."

<sup>34</sup> *Id.* at Art. 7(b).

<sup>35</sup> *Id.* at Art. 7(c). The article states that this right is "subject to no considerations other than those of seniority and competence."

<sup>36</sup> *Id.* at Art. 7(d). The article includes "reasonable limitation of working hours and periodic holidays with pay."

<sup>37</sup> *Id.* at Art. 8.

<sup>38</sup> *Id.* at Art. 10(2).

<sup>39</sup> *ICCPR*, *supra* note 7, at Art. 3.

<sup>40</sup> *Id.* at Art.19(1).

<sup>41</sup> *Id.* at Art. 21.

<sup>42</sup> *Id.* at Art. 22(1), including the "right to form and join trade unions."

<sup>43</sup> *Id.* at Art. 25(b).

<sup>44</sup> Prior to a comprehensive women's rights treaty, there were several documents introduced to further women's rights, including: Convention on the Political Rights of Women, Mar. 31, 1953, 193 U.N.T.S. 135 (entered into force July 7, 1954); Convention on the Nationality of Married Women, Feb. 20, 1957, 309 U.N.T.S. 65 (entered into force Aug. 11, 1958); Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages, Dec. 10, 1962, 521 U.N.T.S. 231 (entered into force Dec. 9, 1964); Convention against Discrimination in Education, Dec. 14, 1960, 429 U.N.T.S. 93 (entered into force May 22, 1962); Maternity Protection Convention, June 28, 1952, 214 U.N.T.S. 321 (entered into force Sept. 7, 1955); Equal Remuneration Convention, June 29, 1959, 165 U.N.T.S. 303 (entered into force May 23, 1953); Discrimination (Employment and Occupation) Convention, June 25, 1958, 362 U.N.T.S. 31 (entered into force June 15, 1960); and Convention Concerning Equal Opportunities and Equal Treatment for Men and Women Workers: Workers with Family Responsibilities, June 23, 1981, 1331 U.N.T.S. 295 (entered into force Aug. 11, 1983).

<sup>45</sup> Convention on the Elimination of All Forms of Discrimination Against Women, *Preamble*, Dec. 18, 1979, 1249 U.N.T.S. 13 (entered into force Sept. 3, 1981) [hereinafter *CEDAW*].

<sup>46</sup> *Introduction to Convention on the Elimination of All Forms of Discrimination against Women, New York 18 December 1979*, UNITED NATIONS OFFICE OF THE HIGH COMMISSIONER, <https://www.ohchr.org/EN/ProfessionalInterest/Pages/CEDAW.aspx>.

which lays out the obligations of States to achieve substantive gender equality and entered into force in 1981. CEDAW requires States Parties “to take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise”<sup>47</sup> and to remove prejudices, customs, stereotypes and other practices that are based on the superiority/inferiority of either sex.<sup>48</sup> Moreover, CEDAW requires States Parties to eliminate discrimination against women in the field of employment,<sup>49</sup> requires equal remuneration and benefits,<sup>50</sup> and the protection of health and safety at work, including safeguarding reproduction.<sup>51</sup> Equally important is the prohibition against dismissal on the grounds of pregnancy,<sup>52</sup> and the requirement for maternity leave.<sup>53</sup> To date, 189 States Parties have ratified CEDAW.<sup>54</sup>

International human rights law is the basis for businesses’ formulation and implementation of GR-HRDD plans. For example, Article 2 of CEDAW, which states that States Parties must endeavor “to take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise,” raises an interpretive question about the role of business in eliminating such discrimination. The CEDAW Committee overseeing the treaty’s implementation provides General Recommendations that offer interpretive guidance. Although the General Recommendations are not binding, they are persuasive.

In its General Recommendation 28, the CEDAW Committee noted:

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<sup>47</sup> CEDAW, *supra* note 45, at Art. 2(e).

<sup>48</sup> *Id.* at Art. 5(a).

<sup>49</sup> *Id.* at Art. 11(1).

<sup>50</sup> *Id.* at Art. 11(1)(d).

<sup>51</sup> *Id.* at Art. 11(1)(f).

<sup>52</sup> *Id.* at Art. 11(2)(a).

<sup>53</sup> *Id.* at Art. 11(2)(b).

<sup>54</sup> *See Parties to the International Convention on the Elimination of All Forms of Discrimination against Women*, UNITED NATIONS TREATY COLLECTION, [https://web.archive.org/web/20120823144158/http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=IV-8&chapter=4&lang=en](https://web.archive.org/web/20120823144158/http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-8&chapter=4&lang=en) (last viewed Nov. 17, 2020). It should be noted that the US has signed but not ratified CEDAW.

Article 2 is not limited to the prohibition of discrimination against women caused directly or indirectly by States parties. Article 2 also imposes a due diligence obligation on States parties to prevent discrimination by private actors. In some cases, a private actor's acts or omission of acts may be attributed to the State under international law. States parties are thus obliged to ensure that private actors do not engage in discrimination against women as defined in the Convention.<sup>55</sup>

Moreover, the CEDAW Committee could not have been clearer on what it perceives to be gender-based discrimination when it noted:

Although the Convention only refers to sex-based discrimination, interpreting article 1 together with articles 2(f) and 5(a) indicates that the Convention covers gender-based discrimination against women.... This definition points out that *any distinction, exclusion or restriction* which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women of human rights and fundamental freedoms is discrimination, *even where discrimination was not intended*. This would mean that identical or neutral treatment of women and men might constitute discrimination against women if such treatment resulted in or had the effect of women being denied the exercise of a right because there was no recognition of the pre-existing gender-based disadvantage and inequality that women face.<sup>56</sup> (*emphasis added*).

Other sources on women's human rights relevant to HRDD by business are the Beijing Declaration and Platform for Action, the 2030 Agenda for Sustainable Development, and various ILO treaties and declarations. The Beijing Declaration and Platform for Action, adopted during the Fourth World Conference on Women in September 1995,<sup>57</sup> has been described as "the most comprehensive expression of States' commitments to the human rights of women."<sup>58</sup> The Beijing Declaration states that "[w]omen's rights are human rights" (para. 14) and "[w]omen's

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<sup>55</sup> *Id.* at ¶ 13.

<sup>56</sup> Comm. on the Elimination of Discrimination Against Women, *General Recommendation No. 28 on the core obligation of States parties under Article 2 of the Convention on the Elimination of all Forms of Discrimination against Women*, U.N. Doc. CEDAW/C/CG/28, at ¶ 5 (Dec. 16, 2010), <https://undocs.org/CEDAW/C/GC/28> [hereinafter, *GR 28*].

<sup>57</sup> Fourth World Conference of Women, *Report of the Fourth World Conference on Women, Beijing, 4–15 September 1995*, U.N. Doc. A/CONF.177/20/Rev.1, chap. I, resolution 1, annexes I and II (Sept. 4–15, 1995) [hereinafter, *Beijing Declaration*].

<sup>58</sup> *Women's Rights are Human Rights*, UNITED NATIONS OFFICE OF THE HIGH COMMISSIONER OF HUMAN RIGHTS 14, HR/PUB/14/2 (2014), <https://www.ohchr.org/Documents/Events/WHRD/WomenRightsAreHR.pdf>.

empowerment and their full participation on the basis of equality in all spheres of society...are fundamental for the achievement of equality, development and peace” (para. 13). In the Platform for Action, businesses are called upon, along with governments and civil society organizations, to take strategic action to eliminate discrimination against women and to achieve gender equality by addressing twelve areas of concern, including the increasing burden of poverty on women, unequal access to education and training, unequal access to health care, violence against women, inequalities in economic structures and policies relating to productive activity and access to resources, and inequalities in decision-making, among others (para. 44),

The 2030 Agenda for Sustainable Development (2030 Agenda), adopted by the UN General Assembly in 2015, sets forth an action plan for the international community consisting of 17 Sustainable Development Goals (SDGs) which "seek to realize the human rights of all and to achieve gender equality and the empowerment of all women and girls."<sup>59</sup> The 2030 Agenda “build[s] on the Millennium Development Goals [of 2000] and complete[s] what they did not achieve.”<sup>60</sup> SDG 5, “[a]chieve gender equality and empower all women and girls,” is operationalized by a series of aspirational targets that include eliminating all forms of discrimination and violence against women and girls, ensuring women’s full participation in equal opportunities for leadership, and undertaking reforms to give women equal rights to economic resources including land.<sup>61</sup> The 2030 Agenda contemplates an active role for business in implementing the SDGs, including the goal of achieving gender equality.<sup>62</sup>

The ILO, which has played an important role in establishing fundamental rights in the workplace, developed several binding international conventions that support the principle of

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<sup>59</sup> G.A. Res. A/RES/70/1, Preamble, *Transforming our world: the 2030 Agenda for Sustainable Development* (Oct. 21, 2015), [https://www.un.org/ga/search/view\\_doc.asp?symbol=A/RES/70/1&Lang=E](https://www.un.org/ga/search/view_doc.asp?symbol=A/RES/70/1&Lang=E).

<sup>60</sup> *Id.*

<sup>61</sup> *Id.*, targets 5.1, 5.2, 5.5, 5.a, at 18.

<sup>62</sup> *Id.*, Goal 17 (promoting public private partnerships), at 26–27.

gender equality in employment. These include such gender equality principles as equal pay for equal work, nondiscrimination in employment on the basis of sex, equal employment opportunities and treatment for workers with family responsibilities, and support for women’s reproductive rights.<sup>63</sup> Most recently, the ILO promulgated a convention focused on ending violence and harassment against women and men in the workplace.<sup>64</sup> Finally the ILO’s Tripartite Declaration concerning Multinational Enterprises and Social Policy, which offers nonbinding guidelines to multinational enterprises, governments, and employers’ and workers’ organizations on workplace issues, not only calls on governments to promote equality and eliminate discrimination, promote equal pay for equal work, and eliminate workplace violence, but also calls on multinational enterprises to follow the principle of non-discrimination in their business operations.<sup>65</sup>

Women’s human rights are a part of universal human rights, as outlined in treaties and other international instruments.<sup>66</sup> All businesses are required to respect such rights in line with the UNGPs. States and corporations must “take concrete steps to identify, prevent and remedy gender-based discrimination and inequalities in all areas of life.”<sup>67</sup> A review of these rights and the gender impacts of business operations on such rights must be included in all due diligence

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<sup>63</sup> Equal Remuneration Convention, *supra* note 44; Discrimination (Employment and Occupation) Convention, *supra* note 44; Workers with Family Responsibilities Convention, *supra* note 44; Maternity Protection Convention, *supra* note 44; and Maternity Protection Convention, June 15, 2000, 2181 U.N.T.S. 253 (entered into force Feb. 7, 2002).

<sup>64</sup> ILO, Violence and Harassment Convention, 2019 (No. 190).

<sup>65</sup> *Tripartite Declaration of Principles Concerning Multinational Enterprises and Social Policy*, THE INTERNATIONAL LABOUR ORGANIZATION (2001), [https://www.ilo.org/wcmsp5/groups/public/---ed\\_emp/---emp\\_ent/documents/publication/wcms\\_101234.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_emp/---emp_ent/documents/publication/wcms_101234.pdf), at ¶¶ 28, 29, 30, 43.

<sup>66</sup> In addition to the items noted above, there are several regional treaties that may be used to support GR-HRDD including: the African (Banjul) Charter on Human and People’s Rights, June 27, 1981, 21 I.L.M. 58 (entered into force Oct. 21, 1986); Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa (Maputo Protocol), June 27, 1981, 1520 U.N.T.S. 217 (entered into force Oct. 21, 1986); American Convention on Human Rights, Nov. 22, 1969, 1144 U.N.T.S. 123 (entered into force July 18, 1978); European Convention on Human Rights, Nov. 4, 1950, 213 U.N.T.S. 221 (entered into force Sept. 3, 1953); and the SADC Protocol on Gender and Development, Aug. 17, 2008 (entered into force Feb. 22, 2013).

<sup>67</sup> *Gender Dimensions Report*, *supra* note 13, at 2.

plans. States and corporations are required to give special attention to women's unique experiences and the structural barriers to equality that they face in line with international human rights law.<sup>68</sup>

C. The UNGPs and Gender-Responsive HRDD

The UNGPs contain only a few references to women and gender-based issues. These references have been grouped by the UN Working Group, which is mandated to “promote the effective and comprehensive dissemination and implementation of the [UNGPs],”<sup>69</sup> into three categories or “gender windows.” First, there is the general principle of non-discrimination, meaning that businesses should implement the UNGPs without discrimination but with “due regard to the different risks that may be faced by women and men.”<sup>70</sup> The second window acknowledges the need to integrate a gender perspective based on the situation, for example in conflict-affected areas or where there is a heightened risk of gender-based and sexual violence.<sup>71</sup> The third window highlights the need for business to consider additional standards, such as those outlined in human rights law for the protection of a particular group, including women.<sup>72</sup>

The UN Working Group also outlined comprehensive “gender guidance” for each of the 31 UNGPs,<sup>73</sup> which are all important for a gender-sensitive interpretation of the UNGPs. The following are some examples of the gender guidance, based on the UNGPs that expressly mention women or gender.

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<sup>68</sup> *Gender lens to the UNGPs*, UNITED NATIONS OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS, <https://www.ohchr.org/EN/Issues/Business/Pages/GenderLens.aspx>.

<sup>69</sup> *Working Group on the Issue of Human Rights and Transnational Corporations and Other Business Enterprises, Overview*, UNITED NATIONS OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS, <https://www.ohchr.org/en/issues/business/pages/wghrandtransnationalcorporationsandotherbusiness.aspx>.

<sup>70</sup> *Gender Dimensions Report*, *supra* note 13, at 9.

<sup>71</sup> *Id.*

<sup>72</sup> *Id.*

<sup>73</sup> *Id.* at Annex, p. 14.

UNGPs Principle 3 sets out what States should do to meet their duty to protect human rights. One of the primary difficulties is that States are failing to pass laws, or passing inconsistent or inadequate laws, that protect women and failing to enforce the laws they do have.<sup>74</sup> The Commentary to UNGPs Principle 3 notes that States’ “[g]uidance to business enterprises on respecting human rights should indicate expected outcomes and help share best practices. It should advise on appropriate methods, including human right due diligence, and how to consider effectively issues of gender, vulnerability and/or marginalization . . . .”<sup>75</sup> The gender guidance notes, in relation to UNGPs Principle 3, that both the “direct and indirect discriminatory effects” of laws and policies must be addressed by States, citing women’s participation in the drafting or revision of laws that promote and ensure the respect for human rights by businesses.<sup>76</sup>

UNGPs Principle 7 addresses the risk of gross human rights violations in conflict-affected areas. It calls on States to support businesses as they “assess and address the heightened risks of abuses, paying special attention to both gender-based and sexual violence.”<sup>77</sup> The gender guidance suggests that women should also participate in peacebuilding efforts, including partnerships that work to change discriminatory social norms.<sup>78</sup>

UNGPs Principle 12 outlines the need for businesses to respect internationally recognized human rights, including those in the International Bill of Human Rights and the ILO’s Declaration on Fundamental Principles and Rights at Work.<sup>79</sup> However, depending on circumstances, business enterprises may need to consider additional standards. The gender

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<sup>74</sup> *Information Note*, *supra* note 1, at 9–10.

<sup>75</sup> *Guiding Principles*, *supra* note 4, Commentary to UNGP 3, at 5.

<sup>76</sup> *Gender Dimensions Report*, *supra* note 13, at 15.

<sup>77</sup> *Guiding Principles*, *supra* note 4, UNGP 7, at 9.

<sup>78</sup> *Gender Dimensions Report*, *supra* note 13, at 16.

<sup>79</sup> *Guiding Principles*, *supra* note 4, UNGP 12, at 13.

guidance notes that the rights outlined in CEDAW should be considered throughout a business's operations and that gender policies should be integrated across all departments.<sup>80</sup>

UNGPs Principle 18 notes that businesses should assess actual or potential human rights impacts that may result from their operations. The Commentary to UNGPs Principle 18 requires that an assessment be done of proposed business activities to identify “who may be affected.”<sup>81</sup> Women are often adversely affected by business operations, but those effects are not always considered when a new business endeavor is being proposed. Moreover, the effects of a business operation could be different on men and women. The gender guidance suggests using gender experts or consulting with affected women or women’s organizations, including human rights defenders, to properly identify any harm to women.<sup>82</sup>

These are just a few examples of ways that the gender guidance can be used to help businesses comply with business and human rights due diligence responsibilities. However, “most States and business enterprises still pay little or inadequate attention to the diverse experiences of women in implementing their respective duties and responsibilities under the Guiding Principles.”<sup>83</sup> Gender can no longer be ignored. The gender guidance provides information and real examples of how gender can be properly integrated into HRDD.

### III. VOLUNTARY STANDARDS

Under the UNGPs, while States have the primary responsibility to protect human rights, businesses also have an independent responsibility to respect human rights, which includes adopting “a human rights due diligence process to identify, prevent, mitigate and account for

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<sup>80</sup> *Gender Dimensions Report*, *supra* note 13, at 19.

<sup>81</sup> *Guiding Principles*, *supra* note 4, Commentary to UNGP 18, at 19.

<sup>82</sup> *Gender Dimensions Report*, *supra* note 13, at 21.

<sup>83</sup> *Id.* at 12.



how they address their impacts on human rights.”<sup>84</sup> HRDD is an ongoing risk management process that businesses should follow in identifying, preventing, mitigating, and accounting for their efforts to address adverse human rights impacts caused by their operations. The four steps set forth in the UNGPs for HRDD consist of (1) identifying and assessing actual and potential human rights impacts of business activities, (2) integrating the findings of such impact assessment phase in business operations and initiating appropriate action to address the findings, (3) tracking the effectiveness of such responses, and (4) communicating externally about how adverse human rights impacts are addressed.<sup>85</sup>

Although the UNGPs include commentary for each principle, such guidance on the four steps in HRDD is general and does not outline or provide a framework for the particular steps that businesses should follow in undertaking HRDD.<sup>86</sup> The UNGPs also do not provide guidance on the process that should be used to integrate gender into HRDD, although the UNGPs do recognize that women are especially vulnerable to human rights abuses, may suffer different risks than those faced by men, and are susceptible to both gender-based and sexual violence, particularly in conflict-affected areas.<sup>87</sup> The UNGPs also recommend the use of additional human rights standards that address the adverse human rights impacts on women and other marginalized groups and the use of sex-disaggregated data in implementing the UNGPs, but do not elaborate on these points.<sup>88</sup>

Thus, the topic of GR-HRDD is still in its infancy. While there are no legally binding standards in this area, there is some voluntary guidance currently available on the processes that

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<sup>84</sup> *Id.*; *Guiding Principles*, *supra* note 4, UNGP Section 15(b), at 16.

<sup>85</sup> *Guiding Principles*, *supra* note 4, UNGP Sections 18–21, at 19–23.

<sup>86</sup> Additional guidance is provided in the "Interpretive Guide" to the UNGPs". However, such guidance is still somewhat general in nature. *See The Corporate Responsibility to Respect Human Rights: An Interpretive Guide*, UNITED NATIONS OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS, HR/PUB/12/02 (2012), [https://www.ohchr.org/documents/publications/hr.pub.12.2\\_en.pdf](https://www.ohchr.org/documents/publications/hr.pub.12.2_en.pdf).

<sup>87</sup> *Guiding Principles*, *supra* note 4, UNGPs Sections 3, 7, 18, at 4–19.

<sup>88</sup> *Guiding Principles*, *supra* note 4, UNGPs Sections 13, 20, at 14, 22.

companies should follow in conducting GR-HRDD. The UN Working Group and the Organisation for Economic Co-operation and Development (OECD) have suggested some steps that should be followed to address gender issues in conducting HRDD. Other intergovernmental organizations and civil society organizations have developed guidelines and analytical tools for incorporating a gender perspective into business that can be used as a basis for GR-HRDD. These guidelines and tools, discussed below, provide examples of good practices, which are presented in Section IV.

#### A. Guidance on Conducting GR-HRDD under the UNGPs

##### 1. UN Working Group – Report on Gender Dimensions of the Guiding Principles on Business and Human Rights

As noted above, the UN Working Group has issued guidance on the gender dimensions of the UNGPs as part of its mandate to integrate a gender perspective throughout its work on implementing the UNGPs.<sup>89</sup> The UN Working Group’s 2019 report entitled “Gender Dimensions of the Guiding Principles on Business and Human Rights” (Gender Dimensions Report) is part of its “gender lens to the UNGPs” project.<sup>90</sup> The Gender Dimensions Report identifies gender-differentiated impacts and discrimination involving women in the context of business, develops a three-step gender framework for the UNGPs, and provides specific guidance on application of the gender framework to the 31 principles of the UNGPs, including the four UNGPs 18 through 21 that outline the steps in the HRDD process.<sup>91</sup> It is the stated goal of the Gender Dimensions Report “to provide guidance to States and businesses on integrating a gender perspective in implementing the Guiding Principles” as well as “to raise awareness about the need for gender

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<sup>89</sup> This mandate is contained in UN Human Rights Council Res. 17/4, U.N. Doc. A/HR/RES/17/4, at 3 (July 6, 2011); *Working group on the issue of human rights and transnational corporations and other business enterprises*, *supra* note 69.

<sup>90</sup> *Gender Lens to the UNGPs*, UNITED NATIONS OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS, [https://www.ohchr.org/EN/Issues/Business/Pages/GenderLens.aspx#:~:text=Women%20\(including%20girls\)%20experience%20business,business%2Drelated%20human%20rights%20abuses.](https://www.ohchr.org/EN/Issues/Business/Pages/GenderLens.aspx#:~:text=Women%20(including%20girls)%20experience%20business,business%2Drelated%20human%20rights%20abuses.)

<sup>91</sup> *Gender Dimensions Report*, *supra* note 13.

integration in the business and human rights field” and “to highlight good practices of gender integration implemented by States and businesses.”<sup>92</sup>

The Gender Dimensions Report defines “gender” as “socially constructed roles of and power relations among men, women and gender non-binary persons, all of whom may be affected differently by business activities.”<sup>93</sup> While the Gender Dimensions Report focuses on women, the authors state that all references to “women” should be understood to include girls as well as transgender and intersex women.<sup>94</sup> They also note that attention should be paid to issues of intersectionality.<sup>95</sup> The guidance in the Gender Dimensions Report applies to all States and to all businesses, but it states that specific guidance for different types of businesses and for businesses operating in particular industries should be developed.<sup>96</sup>

The Gender Dimensions Report’s gender framework is based on the UNGPs’ references to gender and women as well as to international standards concerning women’s rights.<sup>97</sup> The three-step framework consists of three pillars, namely (1) gender-responsive assessment, (2) gender-transformative measures, and (3) gender transformative remedies. The Gender Dimensions Report states that a gender-responsive assessment will “respond to differentiated, intersectional and disproportionate adverse impacts on women’s human rights as well as to discriminatory norms and patriarchal power structures.”<sup>98</sup> Gender-transformative measures and gender-transformative remedies will be “capable of bringing change to patriarchal norms and unequal power relations that underpin discrimination, gender-based violence and gender stereotyping.”<sup>99</sup>

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<sup>92</sup> *Id.* at 3.

<sup>93</sup> *Id.*

<sup>94</sup> *Id.* at 1, 3.

<sup>95</sup> *Id.* at 1.

<sup>96</sup> *Id.* at 4.

<sup>97</sup> *Id.* at 9–10.

<sup>98</sup> *Id.* at 10.

<sup>99</sup> *Id.* at 10.

For each of the three steps in the gender framework, the Gender Dimensions Report provides a series of specific actions that businesses can take in implementing the UNGPs.<sup>100</sup> As discussed in Section II, more specific guidance is provided in the form of an annex to the report in which the authors have applied the gender framework to propose gender guidance addressing each of the 31 UNGPs.<sup>101</sup> The application of the gender framework to UNGPs 18 through 21 covering the HRDD process is helpful to an understanding of how businesses should conduct their due diligence process because the authors provide several examples of best practices and illustrative actions that can be taken in conducting GR-HRDD.

2. OECD – Due Diligence Guidance for Responsible Business Conduct; Sector Specific Due Diligence Guidance for Garment and Footwear, Agricultural, and Mineral Sectors

The OECD updated its Guidelines for Multinational Enterprises (OECD Guidelines) in 2011 to reflect changes in the business environment for international investment and multinational enterprises since the last update in 2000.<sup>102</sup> The OECD Guidelines are “non-binding principles and standards for responsible business conduct in a global context consistent with applicable laws and internationally recognized standards.”<sup>103</sup> The update included the addition of a new chapter on the human rights responsibilities of multinational enterprises, which is consistent with the UNGPs. The OECD Guidelines contain only three brief references to the responsibility to respect women’s human rights.<sup>104</sup> Although the OECD Guidelines recommend that enterprises carry out HRDD, and describe a HRDD process that is aligned with the UNGPs, there is no reference to GR-HRDD.<sup>105</sup>

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<sup>100</sup> *Id.* at 11.

<sup>101</sup> *Id.* Annex to Gender Dimensions Report, at 14–26.

<sup>102</sup> *OECD Guidelines for Multinational Enterprises*, OECD PUBLISHING 3 (2011), <https://www.oecd.org/daf/inv/mne/48004323.pdf> [hereinafter OECD Guidelines].

<sup>103</sup> *Id.*

<sup>104</sup> Such references are contained in the sections on human rights and employment and industrial relations. *Id.* at 32, 39, 41.

<sup>105</sup> *Id.* at 34.

The OECD provided useful guidance on HRDD in the 2018 “OECD Due Diligence Guidance for Responsible Business Conduct” (OECD Guidance).<sup>106</sup> The purpose of the OECD Guidance is to help businesses “to understand and implement due diligence for RBC [responsible business conduct]” as well as “to promote a common understanding amongst governments and stakeholders on due diligence for RBC.”<sup>107</sup> The OECD Guidance contains a six step process for conducting HRDD consisting of the following: (1) embed responsible business conduct into policies and management systems, (2) identify and assess adverse impacts in operations, supply chains and business relationships, (3) cease, prevent or mitigate adverse impacts, (4) track implementation and results, (5) communicate how impacts are addressed, and (6) provide for or cooperate in remediation when appropriate.<sup>108</sup>

The OECD Guidance recognizes that, in assessing human rights impacts, businesses should pay special attention to vulnerable and marginalized groups such as women and recommends taking into account how specific risks affect different groups, such as by applying a gender perspective to due diligence.<sup>109</sup> In a separate section entitled “How can an enterprise integrate gender issues into its due diligence?” the OECD Guidance provides examples of how real or potential adverse impacts may be specific to women or impact them differently. Such adverse impacts may arise in situations where women face severe discrimination, where the business activities significantly affect the local economy, environment and access to land and livelihoods, in conflict and post-conflict areas, and in sectors and global supply chains that employ large

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<sup>106</sup> *OECD Due Diligence Guidance for Responsible Business Conduct*, OECD (2018), <http://mneguidelines.oecd.org/OECD-Due-Diligence-Guidance-for-Responsible-Business-Conduct.pdf> [hereinafter OECD Guidance].

<sup>107</sup> *Id.* at 9.

<sup>108</sup> *Id.* at 21.

<sup>109</sup> *Id.* at 41.

numbers of women (such as apparel, electronics, tourism, health and social care, domestic work, agriculture, and cut flowers).<sup>110</sup>

The OECD Guidance suggests good practices for GR-HRDD, including the following: (1) collect and use sex-disaggregated data; (2) implement gender-sensitive and gender-responsive policies to address adverse impacts; (3) identify intersectionality issues affecting women; (4) support women’s equal participation in consultations and negotiations; (5) examine whether women are compensated equitably; (6) create separate and safe spaces for women to express opinions on business decisions; (7) identify gender-specific trends and patterns and adverse impacts; and (8) assess whether grievance mechanisms are gender-sensitive.<sup>111</sup> More detailed guidance on such good practices linked to the OECD HRDD process has been developed by nongovernmental organizations focused on women’s rights. An example is the Gender-Responsive Human Rights Due Diligence Tool (GR-HRDD Tool) developed by Plan International Netherlands and Girls Advocacy Alliance, which is organized around the six steps of HRDD spelled out in the OECD Guidance and provides practical guidance for planning, implementing, and monitoring GR-HRDD.<sup>112</sup> The GR-HRDD Tool focuses on nine human rights principles that businesses can directly influence, namely nondiscrimination in recruitment, employment and training; fair wages and benefits at living wage level; reasonable work hours at decent conditions; no forced labor; lack of sexual harassment and abuse; safe and healthy work environments and access to basic needs and services; respect of freedom of association and the right to collective bargaining; legally binding employment relationships with clear contracts and

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<sup>110</sup> *Id.*

<sup>111</sup> *Id.* at 41–42.

<sup>112</sup> *A Gender Responsive Human Rights Due Diligence Tool*, PLAN INTERNATIONAL NETHERLANDS AND GIRLS ADVOCACY ALLIANCE 36 (2020), [https://www.planinternational.nl/uploaded/2021/03/GAA-Report-GRDD-Part-1-ONLINE\\_DEF.pdf](https://www.planinternational.nl/uploaded/2021/03/GAA-Report-GRDD-Part-1-ONLINE_DEF.pdf) [hereinafter, GR-HRDD]. *See also Women Win and Plan International Netherlands*, GENDER RESPONSIVE DUE DILIGENCE PLATFORM, <https://www.genderduediligence.org/>.

conditions; and respect of property rights for women including land ownership and access to natural resources.<sup>113</sup>

The OECD has also published sector-specific guidance on due diligence practice, some of which addresses how women’s human rights may be disproportionately impacted by business operations. Such guidance includes sectors that employ large numbers of women including the garment and footwear, agricultural, and mineral sectors. The 2017 “OECD Due Diligence Guidance for Responsible Supply Chains in the Garment and Footwear Sector” and the 2016 “OECD-FAO [Food and Agriculture Organization] Guidance for Responsible Agricultural Supply Chains” both address the need for businesses to identify and take action on particular risks faced by women, including sexual harassment and discrimination in labor practices.<sup>114</sup> The 2016 “OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas” provides a HRDD framework that businesses involved in mining and trade in minerals in conflict and high-risk areas can use to identify and address human rights abuses, including those impacting women, such as sexual violence.<sup>115</sup> Finally, the 2017 “OECD Due Diligence Guidance on Meaningful Stakeholder Engagement in the Extractive Sector” provides guidance on engaging with women as part of the due diligence process, including understanding the context of engagement, prioritizing engagement with impacted

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<sup>113</sup> *GR-HRDD*, *supra* note 112, at 10.

<sup>114</sup> *OECD Due Diligence Guidance for Responsible Supply Chains in the Garment and Footwear Sector: Module 2 on Sexual Harassment and Sex and Gender-Based Violence in the Workplace*, OECD 116–125 (2017), <https://www.oecd.org/daf/inv/mne/Due-Diligence-Guidance-Responsible-Supply-Chains-Textiles-Footwear.pdf>; *OECD-FAO Guidance for Responsible Agricultural Supply Chains*, OECD/FAO 26, 56 (2016), <https://www.oecd-ilibrary.org/docserver/9789264251052-en.pdf?expires=1625008427&id=id&accname=guest&checksum=E852EE44062BE2730DD0668F221914D9>.

<sup>115</sup> *OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas: Third Edition*, OECD 17–24 (Annex I, Annex II) (2016), <https://www.oecd.org/daf/inv/mne/OECD-Due-Diligence-Guidance-Minerals-Edition3.pdf>.

women, designing appropriate processes for engagement, and monitoring and evaluating such inclusive engagement.<sup>116</sup>

## B. Guidance on Incorporating a Gender-Sensitive Perspective into Business Operations

### 1. UN Women and the UN Global Compact – Women’s Empowerment Principles

UN Women, the UN entity dedicated to gender equality and the empowerment of women, launched a partnership with the UN Global Compact Office in March 2010 to “provide a holistic framework for companies to promote gender equality and women’s empowerment in the workplace, marketplace and community and drive positive outcomes for society and business.”<sup>117</sup> Such guidance, entitled “Women’s Empowerment Principles – Equality Means Business” (3<sup>rd</sup> ed., 2021) (WEPs), is “informed by international labour and human rights standards and grounded in the recognition that businesses have a stake in, and a responsibility for, gender equality and women’s empowerment.”<sup>118</sup>

The WEPs are “a primary vehicle for corporate delivery on gender equality dimensions of the 2030 Agenda on Sustainable Development and the [United Nations] Sustainable Development Goals.”<sup>119</sup> The WEPs point out that “[g]ender equality and women’s empowerment are at the center of this global agenda,” building on internationally agreed principles embodied in the 1995 UN Beijing Declaration and Platform for Action and in gender equality conventions.<sup>120</sup>

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<sup>116</sup> *OECD Due Diligence Guidance for Meaningful Stakeholder Engagement in the Extractive Sector*, OECD 81–83 (Annex C) (2017), <https://www.oecd.org/daf/inv/mne/OECD-Guidance-Extractives-Sector-Stakeholder-Engagement.pdf>.

<sup>117</sup> *Women’s Empowerment Principles - Equality Means Business: Third Edition*, UN WOMEN AND UN GLOBAL COMPACT OFFICE 7 (2021), [https://www.weps.org/sites/default/files/2021-05/WEPS\\_BROCHURE.pdf](https://www.weps.org/sites/default/files/2021-05/WEPS_BROCHURE.pdf) [hereinafter, *WEPs*]. The UN Global Compact is “a strategic policy initiative for businesses that are committed to aligning their operations and strategies with ten universally accepted principles in the areas of human rights, labour, environment and anticorruption.” *The UN Global Compact and the OECD Guidelines for Multinational Enterprises: Complementarity and Distinctions*, UN GLOBAL COMPACT OFFICE AND THE OECD SECRETARIAT (Dec. 2012), <https://www.oecd.org/corporate/mne/34873731.pdf>.

<sup>118</sup> *Id.*

<sup>119</sup> *Id.* See also *Transforming our world: the 2030 Agenda for Sustainable Development*, UNITED NATIONS DEPARTMENT OF ECONOMIC AND SOCIAL DEVELOPMENT, <https://sdgs.un.org/2030agenda>.

<sup>120</sup> *WEPs*, *supra* note 117, at 17.



Companies of any size and industry, including state-owned enterprises and cooperatives, along with industry associations and chambers of commerce, are invited to join the WEPs community.<sup>121</sup> They are encouraged to follow a multi-step process that includes considering a commitment, signing on as a member of the WEPs community, conducting a self-assessment, engaging with other companies to develop good practices, tracking progress towards gender equality and women’s empowerment through use of key performance indicators, and voluntarily reporting on such progress.<sup>122</sup> As of March 1, 2021, over 5,000 companies in 141 countries have committed to implementing the WEPs.<sup>123</sup>

Companies who sign on to the WEPs voluntarily agree to adopt transparency and accountability measures, as well as to track progress towards gender equality and women’s empowerment.<sup>124</sup> Such companies are encouraged to implement policies of equal pay, equal opportunity for career advancement, paid parental leave, and zero tolerance for sexual harassment in the workplace, among others.<sup>125</sup>

More specifically, the WEPs consist of seven principles containing 34 action steps that businesses can take to promote gender equality, which can be summarized as follows. Principle (1) “establish high-level corporate leadership for gender equality” includes obtaining top-level commitments to gender equality and human rights, developing corporate policies and company-wide targets to achieve gender equality, consulting relevant stakeholders in formulating and implementing such goals, measuring progress and holding managers accountable for results, and eliminating discrimination against women in governance structures.<sup>126</sup> Principle (2) ”treat all

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<sup>121</sup> *Id.* at 15.

<sup>122</sup> *Id.* at 9.

<sup>123</sup> *Id.*

<sup>124</sup> *Id.* at 15.

<sup>125</sup> *Id.* at 13.

<sup>126</sup> *Id.* at 28.

women and men fairly at work” includes providing equal pay and benefits, eliminating gender-based discrimination from workplace policies and practices including recruitment and retention of employees, appointing women to management positions and the board of directors, and putting in place family friendly policies such as flexible work arrangements and access to child care.<sup>127</sup> Principle (3) “ensure the health, safety and well-being of all women and men workers” includes implementing policies to address the risk of workplace violence and sexual harassment including a grievance mechanism, ensuring safe working conditions, and offering health insurance and allowing employees time off for medical appointments.<sup>128</sup> Principle (4) “promote education, training and professional development for women” includes establishing policies and programs to advance women and to encourage them to enter nontraditional job fields, ensuring equal access to company-provided education and training programs, providing networking and mentoring opportunities for women, and communicating the company’s gender equality goals.<sup>129</sup> Principle (5) “implement enterprise development, supply chain and marketing practices that empower women” includes developing new business relationships with women-owned companies such as through a diversity supplier policy, requiring suppliers and other business partners to commit to gender equality practices, eliminating gender stereotyping from company marketing materials, and taking steps to avoid involvement in human trafficking or other exploitation through use of companies’ products, services, or assets.<sup>130</sup> Principle (6) “promote equality through community initiatives and advocacy” includes conducting local outreach on gender equality and women’s leadership through consultations, collaborations, and advocacy involving stakeholders, community leaders, and business partners, as well as providing financial

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<sup>127</sup> *Id.* at 30.

<sup>128</sup> *Id.* at 33.

<sup>129</sup> *Id.* at 36.

<sup>130</sup> *Id.* at 39.

support for related community initiatives.<sup>131</sup> Principle (7) “measure and publicly report on progress to achieve gender equality” includes publicizing the company’s policies and implementation plan for promoting gender equality, and measuring and reporting on progress using sex-disaggregated data and benchmarking.<sup>132</sup>

In addition to providing descriptions of the principles, the WEPs provide case studies entitled “WEPS Signatories in Action”, which are examples of signatories’ implementation of each of the seven principles.<sup>133</sup> These are drawn from a large collection of such examples submitted by companies and contained in a separate 2015 publication entitled “Companies Leading the Way: Putting the Principles into Practice.”<sup>134</sup>

Finally, for each of the seven principles, the WEPs provide specific strategies that can be used to make and measure progress under the headings “How to Be Transparent”.<sup>135</sup> These strategies are, in essence, assessment tools that are matched with a measurement framework. The WEPs note that such assessment tools must be derived from company-specific cultures and objectives, and the routes to achieving gender equality are diverse.<sup>136</sup>

## 2. UN Women and the UN Global Compact – WEPs Gender Gap Analysis Tool; WEPs Transparency and Accountability Framework

The WEPs provide a series of resources intended to assist signatories in assessing, implementing, tracking, and reporting on their progress on the seven principles. One such

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<sup>131</sup> *Id.* at 42.

<sup>132</sup> *Id.* at 45.

<sup>133</sup> *Id.* at 29, 31–32, 34–35, 37–38, 40–41, 43–44.

<sup>134</sup> *Companies Leading the Way: Putting the Principles into Practice*, UN WOMEN & UN GLOBAL COMPACT OFFICE (updated Sept. 2015), [https://d306pr3pise04h.cloudfront.net/docs/issues\\_doc%2Fdevelopment%2FCompanies\\_Leading\\_the\\_Way\\_25\\_September\\_2015.pdf](https://d306pr3pise04h.cloudfront.net/docs/issues_doc%2Fdevelopment%2FCompanies_Leading_the_Way_25_September_2015.pdf).

<sup>135</sup> *WEPs*, *supra* note 117, at 28, 30, 33, 36, 39, 42.

<sup>136</sup> *Women’s Empowerment Principles – Equality Means Business: Second Edition*, UN WOMEN & UN GLOBAL COMPACT OFFICE 8–9 (2011), [https://www.unwomen.org/-/media/headquarters/attachments/sections/library/publications/2011/10/women-s-empowerment-principles\\_en%20pdf.pdf?la=en&vs=1504](https://www.unwomen.org/-/media/headquarters/attachments/sections/library/publications/2011/10/women-s-empowerment-principles_en%20pdf.pdf?la=en&vs=1504).

resource is the WEPs Gender Gap Analysis Tool (updated February 22, 2021) (Analysis Tool), which is an online self-assessment questionnaire for use in evaluating a company’s policies and programs on gender equality across business functions and then using such information to identify areas for needed improvement and then to set future goals and targets.<sup>137</sup> The Analysis Tool asks questions in the areas of commitment, implementation, measurement, and transparency, which can be used as a framework for a company’s development of an action plan.<sup>138</sup> The Analysis Tool has been described as translating “general principles on gender equality into indicators that could help frame gender-responsive HRDD.”<sup>139</sup>

Another resource is the 2021 “WEPs Transparency and Accountability Framework” (T&A Framework), which can be used to measure progress on gender equality and women’s empowerment and then report on such progress.<sup>140</sup> The T&A Framework is organized around four categories of indicators covering such matters as the percentage of women and men employees, senior managers, and board members; ratio of women’s to men’s pay; percentage of women and men that are new hires, have received promotions, and are retained after taking parental leave; and the existence of mechanisms to respond to violence and harassment.<sup>141</sup> Signatories are encouraged to voluntarily report on their progress to the WEPs Secretariat for

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<sup>137</sup> *WEPs*, *supra* note 117, at 48. The WEPs Gender Gap Analysis Tool was last updated on February 22, 2021, and is available at <https://weps-gapanalysis.org/>.

<sup>138</sup> *Id.*

<sup>139</sup> Joanna Bourke Martignoni & Elizabeth Umlas, *Gender-Responsive Due Diligence for Business Actors: Human Rights-Based Approaches*, UNIVERSITY OF GENEVA/GRADUATE INSTITUTE GENEVEA ACADEMY OF INTERNATIONAL HUMANITARIAN LAW AND HUMAN RIGHTS 24 (2018), <https://www.geneva-academy.ch/joomlatools-files/docman-files/Academy%20Briefing%2012-interactif-V3.pdf>.

<sup>140</sup> *WEPs*, *supra* note 117, at 58; *WEPs Transparency and Accountability Framework: Creating Transparency on Gender Equality to Transform Business*, UN WOMEN & UN GLOBAL COMPACT OFFICE (2021), <https://asiapacific.unwomen.org/en/digital-library/publications/2021/03/creating-transparency-on-gender-equality-to-transform-business>.

<sup>141</sup> *Id.* at 62.

internal use only or to the public by placing the information on a WEPs Company Profile

Page.<sup>142</sup>

3. UN Development Programme – Gender Equality Seal Certification Program for Public and Private Enterprises

The UN Development Programme (UNDP) has sponsored the Gender Equality Seal Certification Program for Public and Private Enterprises (GES Program) in an effort to encourage the private sector to promote gender equality and women’s empowerment in the business world and to contribute to the achievement of the SDGs Goal 5 (gender equality), Goal 8 (decent work and economic growth), Goal 10 (reduced inequalities), and Goal 17 (partnerships for the goals).<sup>143</sup> Originally piloted in Latin America starting in 2009, the GES Program has expanded to 14 countries in that region and in the Caribbean, with over 600 companies with more than 1,900 branches and business units having received the certification.<sup>144</sup> Since 2016, the GES Program has been expanded to include additional countries in Africa, the Asia-Pacific region, Eastern Europe and Commonwealth of Independent States (CIS), and the Arab States, and the UNDP’s Gender Equality Strategy for 2018-2021 calls for a further scaling up of the GES Program.<sup>145</sup>

The GES Program consists of both national certification programs developed with national governments and a certification program for multinational companies with regional operations or located in countries without a national certification program.<sup>146</sup> Both types of programs are voluntary and are based on a Gender Equality Management System implemented by companies

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<sup>142</sup> *Id.*

<sup>143</sup> *The Gender Equality Seal Programme*, UNDP, <https://www.genderequalityseal.org/programme>; *UNDP Gender Equality Strategy for 2018-2021*, UNDP (2018), <https://www.undp.org/publications/undp-gender-equality-strategy-2018-2021>; *UN Sustainable Development Goals*, UNITED NATIONS DEPARTMENT OF ECONOMIC AND SOCIAL AFFAIRS, <https://sdgs.un.org/goals>.

<sup>144</sup> *The Gender Equality Seal Programme*, *supra* note 143.

<sup>145</sup> *Id.*

<sup>146</sup> *Id.*

through a multi-step process involving (1) adopting a written gender equality policy, (2) establishing a gender equality committee, (3) training employees at all levels on gender equality, (4) conducting an internal organizational self-assessment of policies and practices, (5) developing a company policy and action plan for gender equality, (6) implementing the policy and action plan, (7) conducting a third party audit to verify compliance with the plan, (8) receiving a Gender Equality Seal at the Bronze, Silver or Gold level, (9) monitoring progress towards gender equality, and (10) taking action to improve and maintain the Gender Equality Seal.<sup>147</sup>

The stated aim of the GES Program is to encourage companies to develop and implement gender equality policies that include eliminating gender wage gaps, advancing women in leadership positions, improving work-life balance of employees, increasing women's presence in male-dominated jobs, eliminating sexual harassment in the workplace, adopting inclusive language in corporate communications, and promoting women in business and along value chains.<sup>148</sup> In order to develop such policies, companies should first follow step four above by completing a self-assessment to determine their level of gender equality. This can be done by using a digital tool called the Equality@Work Online Platform that “gathers quantitative and qualitative data and collects an opinion survey, producing a set of [key performance indicators] to measure gender gaps and calculate a Gender Equality Index (GEI) that measures the degree of equality of an organization.”<sup>149</sup> The GEI is expressed as a percentage, with 100% indicating gender equality.<sup>150</sup> The key performance indicators in this digital tool appear designed to detect

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<sup>147</sup> *Id.* The Bronze Seal symbolizes a commitment to close gender gap and to promote gender equality. The Silver Seal symbolizes that actions to close gender gaps have been implemented effectively. The Gold Seal symbolizes that gender gaps have been effectively closed.

<sup>148</sup> *Id.*

<sup>149</sup> *Id.*

<sup>150</sup> *Equality@Work Online Platform*, UNDP, <https://www.genderequalityseal.org/equalityatwork/>.

and track the gender gaps in companies' policies mentioned above that the GES Program aims to address. While the key performance indicators used in the self-assessment are not specifically linked to detecting and preventing human rights abuses, several of the categories do touch on categories of women's human rights, such as discrimination in employment and sexual harassment in the workplace. To that extent, the GES Program and its multi-step process can be helpful to companies in determining where potential human rights violations may arise in their business operations and are therefore relevant to the identification and assessment phase of HRDD. In addition, steps five and six are relevant to the phase of HRDD that consists of addressing adverse human rights impacts, while steps seven and nine are relevant to the phase of HRDD that involves tracking the effectiveness of such company responses.

#### 4. EDGE Certification

Another gender equality certification program for business was developed by the EDGE (Economic Dividends for Gender Equality) Certification Foundation, originally founded as the Gender Equality Project.<sup>151</sup> The EDGE Certification, which was launched at the Davos World Economic Forum in 2011, consists of an online tool that businesses can use to assess and track gender equality within their organizations.<sup>152</sup> Upon completion of the online assessment and an audit by an independent third-party, businesses receive certification at one of three levels – assess, move, and lead, with each higher level representing a progressively increasing commitment to gender equality.<sup>153</sup>

#### C. Guidance on Gender-Sensitive Issues in Specific Areas of Concern

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<sup>151</sup> *About Us*, EDGE, <https://edge-cert.org/about-us/>.

<sup>152</sup> *Id.*

<sup>153</sup> *What is EDGE Certification?*, EDGE, <https://edge-cert.org/certifications/>. As of June 30, 2021, there are 200 businesses from 44 countries representing 29 different industry sectors that are EDGE certified. EDGE, Home, <https://edge-cert.org>.

UN agencies, nongovernmental organizations, and other organizations focused on business and human rights have developed additional guidelines and frameworks addressing particular areas of concern for women, including workers' rights in supply chains, workplace health, and land tenure. Some prominent examples are discussed in this Section III.C. because such advice may be relevant for businesses seeking to address these issues in their HRDD processes.

1. BSR – Making Women Count: A Framework for Conducting Gender-Responsive Due Diligence in Supply Chains; Gender Equality in Codes of Conduct Guidance; Gender Equality in Social Auditing Guidance

BSR, a global organization that consults with the world's leading companies on sustainable business practices, has developed detailed guidance for GR-HRDD in supply chains that is based on the gender framework in the Gender Dimensions Report and is entitled Making Women Count: A Framework for Conducting Gender-Responsive Due Diligence in Supply Chains (BSR Framework).<sup>154</sup> The BSR Framework states that the Gender Dimensions Report holds brands responsible for requiring their suppliers to respect women's human rights and to track their actions to do so.<sup>155</sup> The purpose of the BSR Framework is to provide recommendations to both brands and suppliers on how best to conduct GR-HRDD along all four phases, namely "phase 1, assess and analyze; phase 2, integrate and act; phase 3, track; and phase 4, communicate".<sup>156</sup>

The BSR Framework notes that the lack of reliable data on women and global supply chains and the barriers they face has led to companies adopting policies that fail to benefit women equally with men and may negatively harm women in some instances.<sup>157</sup> This is due to the fact

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<sup>154</sup> *Making Women Count: A Framework for Conducting Gender-Responsive Due Diligence in Supply Chains*, BSR (2019), [https://www.bsr.org/reports/BSR\\_Gender\\_Data\\_Impact\\_Framework\\_Report.pdf](https://www.bsr.org/reports/BSR_Gender_Data_Impact_Framework_Report.pdf) [hereinafter BSR Framework].

<sup>155</sup> *Id.* at 5.

<sup>156</sup> *Id.* at 5.

<sup>157</sup> *Id.* at 6.



that many brands and suppliers are not familiar with the use of gender data and may lack the systems required for collection and analysis of such data.<sup>158</sup>

For this reason, the BSR Framework places heavy emphasis on use of gender-disaggregated data and introduces the Gender Data and Impact Tool (GDI Tool) as a component of phase 1 of GR-HRDD. The GDI Tool is designed to enable brands to determine the type of data that should be collected by suppliers to assess gendered impacts, the manner of collecting such data, the analysis of the data and identification of root causes of gendered impacts, and understanding the supplier practices and conditions that would lead to gender equality in the workplace.<sup>159</sup> The GDI Tool consists of three steps: (1) collection of gender-disaggregated data, (2) analysis of gender data, and (3) development of an action plan based on the results.<sup>160</sup> The GDI Tool uses two categories of key performance indicators with the first category comprised of workforce indicators providing a profile of the gender composition of the workforce and its performance on such measures as absenteeism, turnover, and productivity, and the second category comprised of worker impact indicators providing information on women's agency, health and safety, economic opportunity, leadership opportunities, violence and harassment, and sexual and reproductive health and rights and unpaid care.<sup>161</sup>

The GDI Tool is only one component of the guidance on conducting GR- HRDD that the BSR Framework provides. Other components of phase 1 (assess and analyze) include reviewing brand sourcing practices that may negatively impact women by creating adverse working conditions and reviewing country-specific context and risks for female workers.<sup>162</sup> Phase 2 (integrate and act) recommends steps for brands and suppliers to prioritize the most pressing

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<sup>158</sup> *Id.* at 5.

<sup>159</sup> *Id.* at 28.

<sup>160</sup> *Id.* at 30.

<sup>161</sup> *Id.* at 31 (Tables 1.3 and 1.4).

<sup>162</sup> *Id.* at 20–28.

issues impacting women based on the data collected in phase 1, defining adequate measures to remedy negative impacts and setting measurable targets, and implementing internal processes and systems to track progress towards such goals.<sup>163</sup> Phase 3 (track) covers guidance on tracking progress against worker outcomes and achievement of targets set in phase 2.<sup>164</sup> Phase 4 (communicate) suggests ways that brands and suppliers can communicate their efforts to promote gender equality in the workplace both internally and externally and also recommends aligning communications about the GDI Tool indicators with the WEPs and the SDGs when communicating with stakeholders.<sup>165</sup>

BSR has published additional guidance on gender equality issues in the business context. Two such publications are directly relevant to the issue of GR-HRDD. In a 2017 publication entitled “Gender Equality in Codes of Conduct Guidance,” the authors provide a “gender-sensitive analysis of codes of conduct principles - with the primary focus on women” and recommend changes to existing corporate codes of conduct to promote gender equality in the workplace.<sup>166</sup> The guidance notes that, while corporate codes of conduct have been viewed as an important tool to eliminate poor employment practices in supply chains by providing a framework for implementation of good working conditions, gender and women’s rights are not addressed comprehensively.<sup>167</sup> Recommendations to remedy this situation cover proposed changes and additions to clauses in corporate codes of conduct addressing workplace discrimination, equal pay and family-friendly benefits, forced labor, overtime pay, harassment

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<sup>163</sup> *Id.* at 62–68.

<sup>164</sup> *Id.* at 70, 72.

<sup>165</sup> *Id.* at 74–81.

<sup>166</sup> *Gender Equality in Codes of Conduct Guidance*, BSR 5 (2017), [https://www.bsr.org/reports/BSR\\_Gender\\_Equality\\_in\\_Codes\\_of\\_Conduct\\_Guidance.pdf](https://www.bsr.org/reports/BSR_Gender_Equality_in_Codes_of_Conduct_Guidance.pdf).

<sup>167</sup> *Id.* at 14.

and abuse, health and safety, freedom of association and collective bargaining, among other issues.<sup>168</sup>

Another BSR publication from 2018 dealing with a related topic is entitled “Gender Equality in Social Auditing Guidance” and provides recommendations on integrating gender considerations into such audits, which are integrally linked to corporate codes of conduct as a way to assess compliance.<sup>169</sup> Traditionally, however, social audits have focused on issues that can be verified through documentation checks and have been unsuccessful at uncovering less visible social issues pertaining to women’s rights, including freedom of association, discrimination, and sexual harassment.<sup>170</sup> The guidance suggests methods for conducting gender-sensitive audits, such as by checking company policies and conducting worker interviews.<sup>171</sup>

2. Ethical Trading Initiative – Gender and the Base Code; Gender and Human Rights Due Diligence

The Ethical Trading Initiative (ETI), an alliance of businesses, trade unions, and nongovernmental organizations seeking to promote workers’ rights, has developed guidance intended to assist companies in identifying and responding to gender issues in their supply chains.<sup>172</sup> Such guidance refers to the ETI Base Code, which is a code of good labor practices based on the ILO’s conventions.

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<sup>168</sup> *Id.* at 6–11.

<sup>169</sup> *Gender Equality in Social Auditing Guidance*, BSR 11 (2017), [https://www.bsr.org/reports/BSR\\_Gender\\_Equality\\_in\\_Social\\_Auditing\\_Guidance.pdf](https://www.bsr.org/reports/BSR_Gender_Equality_in_Social_Auditing_Guidance.pdf).

<sup>170</sup> *Id.*

<sup>171</sup> *Id.* at Section 2, Section 3.

<sup>172</sup> *Base Code Guidance: Gender Equality, Part A – Gender and the Base Code*, ETHICAL TRADING INITIATIVE (2018), [https://www.ethicaltrade.org/sites/default/files/shared\\_resources/Base%20code%20guidance%2C%20gender%20equality%2C%20Part%20A.pdf](https://www.ethicaltrade.org/sites/default/files/shared_resources/Base%20code%20guidance%2C%20gender%20equality%2C%20Part%20A.pdf); *Base Code Guidance: Gender Equality, Part B – Gender and Human Rights Due Diligence*, ETHICAL TRADING INITIATIVE (2018), [https://www.ethicaltrade.org/sites/default/files/shared\\_resources/Base%20code%20guidance%2C%20gender%20equality%2C%20Part%20B.pdf](https://www.ethicaltrade.org/sites/default/files/shared_resources/Base%20code%20guidance%2C%20gender%20equality%2C%20Part%20B.pdf).

ETI's 2018 publication entitled "Gender and the Base Code" explains the importance of gender equality for business, the gender aspects of the ETI Base Code, and the steps necessary to integrate gender equality considerations and women's human rights into global supply chains.<sup>173</sup> The guidance emphasizes that gender equality is a central issue for workers' rights and advocates for achieving the SDGs and the UNGPs.<sup>174</sup> Gender-related issues and potential human rights risks for women workers in global supply chains are identified for each of the following ETI Base Code principles: "employment is freely chosen, freedom of association and the right to collective bargaining is respected, working conditions are safe and hygienic, child labor shall not be used, living wages are paid, working hours are not excessive, no discrimination is practiced, regular employment is provided, and no harsh or inhumane treatment is allowed" (including sexual harassment and gender-based violence).<sup>175</sup>

Another ETI publication from 2018 entitled "Gender and Human Rights Due Diligence" provides advice on integrating gender equality and women's human rights into impact assessments in HRDD in the context of global supply chains and taking necessary steps to integrate gender equality into such operations, consisting of "(i) how to integrate a gender sensitive approach into their due diligence assessments[,] (ii) what to consider when integrating gender equality at corporate and decision-making levels[,] (iii) how to design and implement gender transformational activities that will enhance women's rights, and (iv) how to monitor and report progress."<sup>176</sup> Although such guidance is drafted to align with a HRDD framework developed by ETI, rather than the UNGPs HRDD framework, the steps outlined are nevertheless

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<sup>173</sup> *Base Code Guidance: Gender Equality, Part A – Gender and the Base Code*, supra note 172, Section 1, at 2.

<sup>174</sup> *Id.*

<sup>175</sup> *Id.* Section 3, at 9–19.

<sup>176</sup> *Base Code Guidance: Gender Equality, Part B – Gender and Human Rights Due Diligence*, supra note 172, Section 1, at 2.

helpful for businesses conducting HRDD in their global supply chains.<sup>177</sup> The guidance recommends that companies adopt a strategy consisting of two pathways, with the first consisting of “looking in” by conducting an internal company organizational and systems gender assessment and strategy review and the second consisting of “looking out” by reviewing gender equality and respect for women’s rights in company supply chains.<sup>178</sup> The most salient recommendations for conducting GR-HRDD along both pathways are securing company leadership’s commitment for gender equality, undertaking gender equality analysis to understand the context of women’s workplace issues and their root causes, taking action to address workplace issues including violence against women through engagement and collaboration with women’s rights organizations and trade unions, and collecting, tracking and communicating progress about companies’ gender strategy and gender-related activities, including analyzing and regularly reviewing gender-disaggregated quantitative and qualitative data.<sup>179</sup>

3. UN Foundation – Framework for Corporate Action on Workplace Women’s Health and Empowerment

The UN Foundation, in conjunction with the UN Global Compact and the UN Population Fund, developed the 2019 “Framework for Corporate Action on Workplace Women’s Health and Empowerment” (Health Framework), which provides comprehensive guidelines that companies may follow to promote women’s well-being in global supply chain workplaces.<sup>180</sup> The Health Framework emphasizes the need for companies to invest in women’s health and empowerment due to the large number of women working in the global supply chain, estimated at more than

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<sup>177</sup> *Id.* See also *Human Rights Due Diligence Framework*, ETI (2016), [https://www.ethicaltrade.org/sites/default/files/shared\\_resources/eti\\_human\\_rights\\_due\\_diligence\\_framework.pdf](https://www.ethicaltrade.org/sites/default/files/shared_resources/eti_human_rights_due_diligence_framework.pdf).

<sup>178</sup> *Base Code Guidance: Gender Equality, Part B – Gender and Human Rights Due Diligence*, *supra* note 172, Section 1, at 6.

<sup>179</sup> *Id.* at 5.

<sup>180</sup> *Framework for Corporate Action on Workplace Women’s Health and Empowerment*, UN FOUNDATION, UN GLOBAL COMPACT & UN POPULATION FUND (2019), [https://docs.wixstatic.com/ugd/01ff14\\_f00e5ea53ad64b60b2f6f9bbe597d4e5.pdf](https://docs.wixstatic.com/ugd/01ff14_f00e5ea53ad64b60b2f6f9bbe597d4e5.pdf).

190 million in the 40 countries where estimates were available, and the high percentage of female supply chain workers in such industries as “garments, textiles, shoes, coffee, tea, cocoa, flowers, electronics, and hospitality,” estimated at between 50 to 85% of the workforce.<sup>181</sup> Such investments have been neglected by companies in the past, but are called for in light of the SDGs, especially Goal 3 (good health and well-being) and Goal 5 (gender equality).<sup>182</sup> The Health Framework emphasizes that there is a business case for these investments because they can increase productivity by lowering employee absenteeism and turnover.<sup>183</sup> This issue is so important that an initiative, the Private Sector Action for Women’s Health and Empowerment, was launched to work with companies that have large supply chains and employ millions of women as workers, in order to improve their health and well-being.<sup>184</sup>

Companies are encouraged to implement Workplace Women’s Health and Empowerment programs addressing three elements, namely “health, protection from violence and harassment, and economic empowerment,” with health, which includes reproductive health, as the most important aspect.<sup>185</sup> Both companies who use supply chains (buyers) and suppliers are encouraged to participate in a four step process consisting of (1) assessing women’s workplace issues related to the three pillars of empowerment, (2) setting priorities and measurable targets that are responsive to assessed needs of women workers, (3) taking action to implement education and services programs on women’s health and empowerment, and (4) measuring the impact of health and empowerment initiatives on workers as well as improving and

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<sup>181</sup> *Id.* at 2.

<sup>182</sup> *Id.*

<sup>183</sup> *Id.*

<sup>184</sup> PRIVATE SECTOR ACTION FOR WOMEN’S HEALTH AND EMPOWERMENT, <https://www.privatesectoractionforwomenshealth.com/> (last visited July 6, 2021).

<sup>185</sup> *Framework for Corporate Action on Workplace Women’s Health and Empowerment*, *supra* note 180, at 2.

communicating results.<sup>186</sup> The Health Framework focuses on both programs and policies that will lead to systemic changes to the way business is conducted.<sup>187</sup>

4. The Population Council, et al. – Workplace Health Facility Guidelines and Management Benchmarks

The Population Council, a nongovernmental organization that conducts research on science and public health issues and helps build research capacity in developing countries, in conjunction with the United States Agency for International Development, BSR, and other organizations, published the “Workplace Health Facility Guidelines and Management Benchmarks” (Health Facility Guidelines) in 2015.<sup>188</sup> These are voluntary health and management guidelines for corporations and their supply chains intended to promote good practices for access to health services and more effective use of health resources at workplaces in the developing world.<sup>189</sup> The Health Facility Guidelines build on the WEPs and are based on internationally recognized primary health care standards.<sup>190</sup>

The Health Facility Guidelines state that they are designed in part to assist companies in implementation of the UNGPs’ mandate that businesses respect human rights and perform HRDD.<sup>191</sup> The Health Facility Guidelines are relevant to HRDD because they provide advice and indicators for a three-part self-assessment by businesses of (1) their workplace health services (“what practices and standards should be met by the health facility and its staff at the workplace”), (2) their management systems (“how health services and staff should be managed by the enterprise”) and (3) corporate leadership and policies relating to workplace health services

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<sup>186</sup> *Id.* at 5–13. The three pillars of empowerment are: “worker health & well-being education and services; Protection from violence and harassment; and Economic empowerment and professional development.”

<sup>187</sup> *Id.* at 3.

<sup>188</sup> *Workplace Health Facility Guidelines and Management Benchmarks*, THE POPULATION COUNCIL, ET. AL. (2015), [https://evidenceproject.popcouncil.org/wp-content/uploads/2015/10/Health-Facility-Guidelines-and-Management-Benchmarks\\_FINAL\\_October-2015.pdf](https://evidenceproject.popcouncil.org/wp-content/uploads/2015/10/Health-Facility-Guidelines-and-Management-Benchmarks_FINAL_October-2015.pdf).

<sup>189</sup> *Id.* at 1.

<sup>190</sup> *Id.* at 3.

<sup>191</sup> *Id.* at 3.

(“how leadership should support achievement of health standards and better management of health operations”).<sup>192</sup>

The Health Facility Guidelines are not focused exclusively on women’s health issues, but they place a strong emphasis on ensuring gender equity in workplace health services, a topic that is frequently overlooked.<sup>193</sup> Recommended steps include the following: understanding the health concerns of women workers, collecting and analyzing sex and age-disaggregated health data, providing reproductive health services and products, seeking input from women and men workers in developing health plans, and addressing violence, harassment, and threats to women and men workers.<sup>194</sup>

5. Food and Agriculture Organization of the United Nations –Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security

The Food and Agriculture Organization of the United Nations (FAO) published “Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security” (FAO Guidelines) in 2012.<sup>195</sup> These are voluntary guidelines intended “to provide guidance to improve the governance of tenure of land, fisheries and forests with the overarching goal of achieving food security for all and to support the progressive realization of the right to adequate food in the context of national food security.”<sup>196</sup>

Land tenure is a women’s human rights issue because land is a critical economic resource for the rural poor who depend on agriculture for their livelihood. However, many women in the developing world have less access, control, and ownership of land than men, which limits

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<sup>192</sup> *Id.* at 1.

<sup>193</sup> *Id.* at 9, 20.

<sup>194</sup> *Id.* at 9, 10, 22.

<sup>195</sup> *Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security*, FOOD AND AGRICULTURAL ORGANIZATION OF THE UNITED NATIONS (2012), <http://www.fao.org/3/i2801e/i2801e.pdf>.

<sup>196</sup> *Id.* at iv.



women’s economic opportunities and leaves them vulnerable to poverty, food insecurity, and other dangers. For this reason, improving women’s land tenure has become an aspect of women’s empowerment.<sup>197</sup>

Although the FAO Guidelines go beyond women’s rights, there is a strong focus on gender equality, including the principle that “States should ensure that women and girls have equal tenure rights and access to land, fisheries and forests independent of their civil and marital status.”<sup>198</sup> The FAO Guidelines contain numerous additional principles on gender equality and the steps companies need to take to ensure that they respect equal rights over land and natural resources as part of their responsibility to respect human rights and land tenure rights and to conduct due diligence to avoid infringing on such rights.<sup>199</sup>

#### IV. GOOD PRACTICES AND EMERGING ISSUES

This Section IV will outline good practices and emerging issues in the area of GR-HRDD, which are drawn from the guidance discussed in Section III. The focus will be on an overview of the good practices highlighted in the gender framework contained in the Gender Dimensions Report and in the OECD Guidance.<sup>200</sup> Many of these good practices are reflected in GR-HRDD frameworks developed by nongovernmental organizations, including the BSR Framework and GDI Tool and the GR-HRDD Tool.<sup>201</sup>

A. Embed gender equality into a company’s operations by developing a written policy complying with relevant legal standards and obtaining top-level commitment to such policy

An important step in the GR-HRDD process is for top-level company management to recognize the importance of, and commit to implementing, such due diligence because of the

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<sup>197</sup> See *Gender and Access to Land*, FOOD AND AGRICULTURAL ORGANIZATION OF THE UNITED NATIONS (2002), <http://www.fao.org/3/y4308e/y4308e.pdf>, at Section 3 (Why is Gender an Issue in Access to Land).

<sup>198</sup> *Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security*, *supra* note 195, at 5 (Principle 3B(4)).

<sup>199</sup> *Id.* at 4 (Principles 3A(3.2)).

<sup>200</sup> *Gender Dimensions Report*, *supra* note 13, at 11; *OECD Guidance*, *supra* note 106, at 41–42.

<sup>201</sup> *GR-HRDD*, *supra* note 112, and accompanying text.

responsibility of businesses of all types and sizes to respect human rights, including women's human rights. Some companies may not wish to voluntarily conduct GR-HRDD, unless and until they are legally required to do so. Even in the absence of binding legal norms, however, some companies may become more motivated when presented with empirical evidence that businesses that actively support gender equality tend to make better business decisions and ultimately make more money.<sup>202</sup> High-level commitment to gender equality is essential because it signals the importance of GR-HRDD to lower-level managers, supervisors, and employees, as well as to external stakeholders.

As part of this process, companies may need to build support and capacity for gender equality by educating both management and staff about the international legal norms supporting gender equality discussed in Section II, as well as federal, state, and local laws that may protect women from discrimination and guarantee their rights. A company's policy should be tailored to conform to relevant legal norms. As an example of this, the GR-HRDD Tool recommends referring to the nine human rights principles that businesses can directly influence.<sup>203</sup>

Company policies on gender equality should be in writing and should clearly assign responsibilities for implementation internally to managers and staff in relevant business units and functional areas such as human resources and legal. These steps are necessary for the policy to be integrated into management systems and operationalized within the organization.

Gender-sensitive business policies should be communicated internally to employees, as well as externally to suppliers, other business partners, and other external stakeholders so that there is a common understanding about the company's commitment. The importance of compliance should be emphasized in all business operations.

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<sup>202</sup> *How Diversity and Inclusion Matter*, MCKINSEY & COMPANY (May 19, 2020), <https://www.mckinsey.com/featured-insights/diversity-and-inclusion/diversity-wins-how-inclusion-matters#>.

<sup>203</sup> *GR-HRDD*, *supra* note 112, at 36 and accompanying text.

B. Evaluate existing company policies and management systems for adherence to international gender equality norms and national legal requirements on gender equality

Existing company policies and management systems should also be assessed to ensure they are consistent with the company's gender equality policy. Some companies may have existing policies that refer to human rights in such areas as marketing, procurement, health and safety, finance, and communication or public relations. However, such policies may not refer specifically to gender issues and in some cases they may interfere with the company's gender equality policy. One example of how companies might avoid such problems is by subscribing to and implementing the WEPs, which represent a company's commitment to the seven principles intended to promote gender equality.<sup>204</sup>

C. Require business partners in the supply chain to conduct GR-HRDD and to implement gender-sensitive policies

Although companies should first take steps to embed gender-sensitive human rights policies in their own business operations, it is also considered a good practice for companies to require suppliers and others significant business partners to adopt such policies. This can be accomplished by including such a requirement in contracts or in codes of conduct backed up by social audits. Some suppliers and business partners may be unfamiliar with HRDD generally and with GR-HRDD in particular. If this is the case, companies may need to provide training and other resources to such counterparties in order to develop their capacity to conduct such due diligence.<sup>205</sup>

D. Conduct a risk assessment of gender-specific human rights impacts

Companies should conduct an assessment of their business operations and relationships, including their supply chains, to determine whether they are causing or contributing to gender-

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<sup>204</sup> WEPs, *supra* note 117, at 27.

<sup>205</sup> *Implement Step 1*, GENDER-RESPONSIVE DUE DILIGENCE PLATFORM, <https://www.genderduediligence.org/implement-grdd/step-1/>.

specific human rights risks and adverse impacts. Companies need to understand that gender can be important in determining the likelihood that a risk will arise as well as the type of impact that may occur, which may be different for women than for men. For example, women may be more likely to experience sexual harassment and gender-based violence than men. Requiring women to work overtime due to an accelerated production timeline may be more burdensome for women due to their household and childcare responsibilities than men. The purpose of such analysis is to enable companies to take steps to avoid and address adverse impacts that are identified.

Examples of areas that should be examined include long-term investment decisions, day-to-day operations and processes, the lifecycle of goods and services that are produced, and the economic, cultural, and geographical contexts in which the company operates.

The steps in the risk analysis process include determining what data is required, what processes should be used to collect such data, assessing risks and whether they give rise to actual and potential gender-specific impacts, and prioritizing the most significant risks that should be addressed most urgently. It may also be useful to determine the root causes for the most significant risks and identifying those that stem from systemic issues such as cultural norms or from flaws in company processes that unduly burden women employees. The risk assessment process should cover both internal and external factors. Internal risks are those considered preventable because they stem from unauthorized, illegal, or incorrect decisions that can be avoided. External risks are beyond the control of companies and are attributable to political, cybersecurity, social, technological, legal, economic, or environmental factors. Some of the assessment tools described in Section III, such as the BSR Framework and GDI Tool and the GR-HRDD Tool, are useful for this purpose.<sup>206</sup>

E. Collect and analyze sex-disaggregated data and use outcome indicators

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<sup>206</sup> *BSR Framework*, *supra* note 154; *GR-HRDD*, *supra* note 112 and accompanying text.

Conducting effective GR-HRDD requires the collection and analysis of data and the use of outcome indicators to assess the true impact of business activities on women. It is important for such data to be disaggregated by sex, a point that is emphasized in the Gender Dimensions Report, both for the risk assessment phase as well as for the tracking phase.<sup>207</sup> This is necessary to provide an accurate account of women's working conditions and experiences and to develop effective responses if negative impacts are identified. The GDI Tool that is part of the BSR Framework emphasizes the need for sex-disaggregated data, including such measures as the gender composition of the workforce and the workforce performance broken down by gender on such measures as absenteeism, turnover, and productivity, as well as gender-specific information on health and safety issues, economic opportunity, leadership opportunities, violence and harassment, and sexual and reproductive health and rights.<sup>208</sup>

F. Recognize differences among women and identify intersectionality issues affecting women

Women do not constitute a homogeneous group, but rather are differentiated based on numerous factors, including age, race and ethnicity, religion, educational level, income level, health status, family status, presence of a disability, and sexual orientation and identity, among others. Because of these significant differences, women may be differentially impacted by business operations. GR-HRDD should take these differences into account in conducting risk assessments and tracking the effectiveness of remedial measures. In particular, businesses should recognize that some women may experience multiple forms of discrimination based on the presence of additional factors besides their sex, a concept referred to as intersectionality.

G. Engage with stakeholders, including women employees, women's organizations, and gender-equality experts, in the policy formulation and impact assessment processes

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<sup>207</sup> *Gender Dimensions Report*, *supra* note 13, Commentary to UNGPs 18 and 21, at 21–22.

<sup>208</sup> *BSR Framework*, *supra* note 154 and accompanying text.

Good practice requires that businesses engage with key stakeholders in the formulation and implementation of a gender equality policy. Internal stakeholders, including employees, trade unions, and workers' councils, should be part of this process. It is of paramount importance that women employees be central participants. Women should be given the opportunity to voice their experiences and concerns in a safe environment, which may mean without their supervisors and managers present. In addition, managers and staff who are charged with implementing the policy should be included to create a shared understanding of the company's responsibility to protect women's human rights and to provide an opportunity for buy-in.

External stakeholders might also be included. For example, companies with strong business relationships with suppliers and others in the value chain should consult such parties, especially when the gender equality policy is to be included in supplier codes of conduct. Women's rights organizations, both international and local, and gender-equality experts might also provide helpful input. Such organizations and experts could provide gender context on particular industry sectors and insights on the political, legal, and customs frameworks that may impact the business climate in countries where companies operate.

H. Implement gender-sensitive policies to address adverse impacts of company operations on women including preventing and remedying harms caused to women

After conducting a gender-sensitive risk assessment that identifies actual or potential adverse impacts on women caused by business operations, companies should take steps to remedy actual impacts and also to prevent further negative impacts and to reduce such risks for the future. Such action might consist of stopping or finding alternatives to its own business activities that cause or contribute to adverse impacts. For example, the company that has identified a gender pay gap might take steps to remove such pay disparity in the future or to compensate women for lost income for past work. A company might prevent a potential negative impact on women who

choose to return to work after childbirth but do not have a source of childcare by introducing a workplace day care center. In the case of external risks that are not preventable by a company, a business mitigation strategy should focus on identifying, designing, and testing responsive strategies. For example cultural norms that prevent or discourage women from taking certain jobs might be counteracted through employment practices to actively recruit and train female employees.

Effective remediation of gender-related human rights abuses may call for companies to establish internal grievance mechanisms to provide safe and confidential redress, for example in the case of sexual harassment and gender-based violence. Such mechanisms should be viewed as a supplement to state-level judicial mechanisms and other remedies, about which women should be informed.

In the case of identified adverse impacts that are directly linked to the activities of suppliers or other business partners, companies should use their leverage to influence their business partners to prevent or mitigate such impacts. For example, a company that identifies a supplier operating a factory with unsafe working conditions for women might require such entity to take steps to improve such working conditions. This might be accomplished through use of contract terms or supplier codes of conduct.

- I. Take steps to track progress on gender equality, to periodically evaluate the effectiveness of gender-sensitive remedial measures, and to communicate such progress to stakeholders

GR-HRDD should be conducted on an ongoing basis in order to achieve the goal of gender equality. A meaningful process will include further steps to track, evaluate, and communicate to stakeholders whether the company's policy goals have been achieved. This entails identifying key performance indicators and measurement tools to track the effectiveness of policies and processes, awareness and competencies on gender-related issues by managers and employees,

and achievement of outcomes tied to respect for human rights principles. This analysis should be based upon the use of sex-disaggregated data drawn from sources such as employee interviews and satisfaction surveys, on-site visits, document reviews, social audits, grievance mechanisms, and human resources records. Actual monitoring of progress can be based upon evaluation instruments such as third-party audits, company self-assessments, and review of supplier self-assessment reports.

Communication on progress towards gender equality to both internal and external stakeholders is a recommended good practice consisting of reporting of adverse risks, actions taken to address such risks, and the results of such actions. Employees and their representatives such as trade unions and workers' councils, investors, customers, and suppliers and other business partners are among the constituents that should receive such communication as part of corporate communications and branding activity.

Reporting on progress towards gender equality might be included in the annual sustainability reports that many companies now routinely issue voluntarily or pursuant to legal requirements that governments are increasingly putting into place. Such reporting is often based upon global frameworks, such as the Global Reporting Initiative Sustainability Reporting Standards, which could be used to report on gender-related measurements in such areas as employment, diversity and equal opportunity at work, training and education, and nondiscrimination.<sup>209</sup> Another helpful framework is the UNGP Reporting Framework developed by Shift and Mazars, which can be used to assist companies in complying with the expectation in the UNGPs that companies report on their human rights performance.<sup>210</sup>

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<sup>209</sup> *Sustainability Reporting Standards*, GLOBAL REPORTING INITIATIVE, <https://www.globalreporting.org>. See *GR-HRDD*, *supra* note 112, at 105.

<sup>210</sup> *UNGP Reporting Framework*, SHIFT & MAZARS LLP, <https://www.ungpreporting.org/>. See *GR-HRDD*, *supra* note 112, at 105.



- J. Conduct advocacy for gender equality, such as by engaging with governments and other stakeholders to reform discriminatory laws

Although neither the UNGPs nor the OECD Guidance include advocacy as part of the HRDD process, some commentators have suggested that businesses should take steps to identify systemic risk factors related to gender-based human rights abuses in their risk assessments and should lobby governments and engage with other stakeholders to reform discriminatory laws.

## V. CONCLUSION

Empowering women is considered a critical strategy in today's global business environment. But all too often women are marginalized and relegated to low-paid and hazardous jobs in the formal sector or work in informal sectors with unstable income and lack of legal protections, where they face systemic discrimination and often sexual harassment and gender-based violence.

Under the UNGPs, HRDD requirements apply to both States and businesses. On October 2, 2020 on the twenty-fifth anniversary of the Beijing Declaration and Platform for Action, over 100 States recommitted themselves to the efforts that began 25 years prior.<sup>211</sup> In 1995, they committed to “addressing . . . constraints and obstacles and thus enhancing further the advancement and empowerment of women all over the world, and agree that this requires urgent action in the spirit of determination, hope, cooperation and solidarity, now and to carry us forward into the next century.”<sup>212</sup> Moreover, they agreed to implement the corresponding Platform for Action.<sup>213</sup> The Platform for Action is the most comprehensive global agenda for the empowerment of women and the achievement of gender equality. Little progress has been made

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<sup>211</sup> *Press release: At UN high-level meeting, world leaders reignite the vision of the Beijing Platform for Action, the most transformative agenda for advancing gender equality*, UN WOMEN (Oct. 2, 2020), <https://www.unwomen.org/en/news/stories/2020/10/press-release-leaders-reignite-the-vision-of-the-beijing-platform-for-action>.

<sup>212</sup> *Beijing Declaration*, *supra* note 57, at ¶ 7.

<sup>213</sup> *Id.* at ¶ 38.

over those 25 years.<sup>214</sup> The inclusion of gender-responsiveness in all areas of HRDD is an important step to securing fundamental rights for all.

Platitudes about the importance of women’s rights can no longer stand as a substitute for action. While some States and some businesses have taken steps to implement the UNGPs, it has often been with dilution or pushback, and others have failed to take any action at all. The business world will remain apathetic about addressing gender issues until forced to do so. Meanwhile, women continue to bear the brunt of human rights abuses. GR-HRDD by business is the starting point and must be a part of any binding international treaty on business and human rights.

## VI. RESOURCES

### A. Intergovernmental Organization Resources

Organisation for Economic Co-operation and Development, *Due Diligence Guidance for Responsible Business Conduct* (2018)

Organisation for Economic Co-operation and Development, *OECD Due Diligence Guidance for Responsible Supply Chains in the Garment and Footwear Sector* (2017)

Organisation for Economic Co-operation and Development, *OECD-FAO Guidance for Responsible Agricultural Supply Chains* (2016)

Organisation for Economic Co-operation and Development, *OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High Risk Areas* (2016)

United Nations, *Convention on the Elimination of All Forms of Discrimination Against Women* (1981)

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<sup>214</sup> *Gender equality: Women’s Rights in Review 25 Years after Beijing*, UN WOMEN 2 (2020), <https://www.unwomen.org/-/media/headquarters/attachments/sections/library/publications/2020/gender-equality-womens-rights-in-review-en.pdf?la=en&vs=934>.

United Nations Development Programme, Gender Equality Seal Certification Program for Public and Private Enterprises

United Nations Food and Agriculture Organization, Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (2012)

United Nations Foundation, United Nations Global Compact, and United Nations Population Fund, Framework for Corporate Action on Workplace Women’s Health and Empowerment (2019)

United Nations, Office of the High Commissioner of Human Rights, Women’s Rights are Human Rights (HR/PUB/14/2) (2014)

UN Women and UN Global Compact Office, Women’s Empowerment Principles – Equality Means Business (3<sup>rd</sup> ed. 2021)

UN Women and UN Global Compact Office, Women’s Empowerment Principles Gender Gap Analysis Tool (2021)

UN Women and UN Global Compact Office, Women’s Empowerment Principles Transparency and Accountability Framework (2021)

United Nations Working Group on Business and Human Rights, Gender Dimensions of the Guiding Principles on Business and Human Rights (A/HRC/41/43) (2019)

## B. Civil Society Resources

Bourke Martignoni, Joanna and Unlas, Elizabeth, Gender-Responsive Due Diligence for Business Actors: Human Rights-Based Approaches (University of Geneva/Graduate Institute Geneva Academy of International Humanitarian Law and Human Rights) (2018)

BSR, Making Women Count: A Framework for Conducting Gender-Responsive Due Diligence in Supply Chains and Gender Data and Impact Tool (2019)

BSR, Gender Equality in Codes of Conduct Guidance (2017)

BSR, Gender Equality in Social Auditing Guidance (2018)

Edge Certification Foundation, Edge Certification Tool

Ethical Trading Initiative, Gender and the Base Code (2018)

Ethical Trading Initiative, Gender and Human Rights Due Diligence (2018)

Plan International Netherlands and Girls Advocacy Alliance, Gender-Responsive Human Rights Due Diligence Tool (2020)

The Population Council, et al., Workplace Health Facility Guidelines and Management Benchmarks (2015)