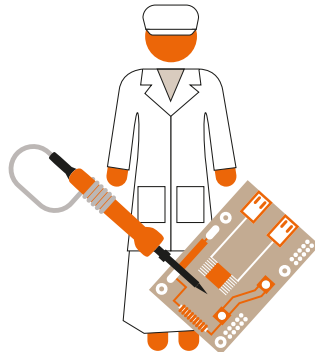


Measuring up: How CSOs can evaluate a company's gender due diligence

Irresponsible business conduct can adversely impact women and LGBTQ+ people in unique gender-specific ways



80% of garment workers are women at high risk of sexual harassment and low pay



75% of electronics workers in electronics-producing countries are women, facing maternal and fetal health risks from toxic chemical exposure



40% of global agriculture workers are women who own less than 15% of farmland

- Women workers face high rates of gender-based discrimination, harassment, and violence at work with less stable contracts, lower pay and benefits, and reduced access to maternal health protections, training, and safety equipment.
- Women human rights defenders face gender-specific harms for their advocacy such as public shaming, attacks on reputation, sexual violence, and harm to their children and families.¹



- Women community members face gender-specific impacts such as from extractive infrastructure projects causing displacement from land and natural resources, disrupted social status and educational access, and exposure to sexual violence, prostitution, and sexually-transmitted diseases.



- LGBTQ+ people also face gender-based discrimination as workers, defenders, and community members



The OECD's six steps of due diligence for responsible business conduct (RBC)

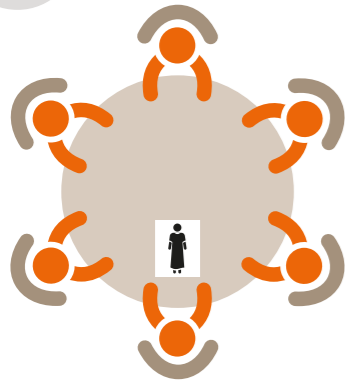
The OECD calls on businesses to undertake a six-step human rights and environmental due diligence process.² Each step should be applied with a "gender lens" when appropriate to identify gender-specific impacts on rightsholders³



Integrating gender into the due diligence process

1

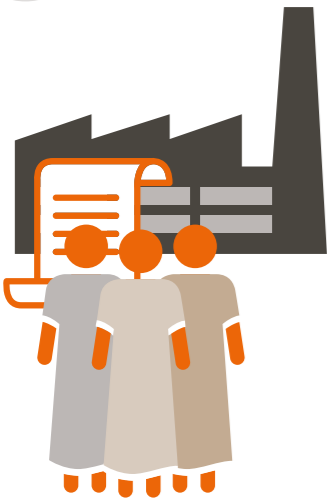
Embed gender into RBC policies and management systems



- Does the company have a policy on promoting gender equality and avoiding gender impacts?
 - Does the policy prioritize eliminating discrimination against women and LGBTQ+ individuals, promoting women into management, and protecting rights and well-being of impacted workers and community members?
 - Does the policy set meaningful targets relevant to the industry and location of operation/sourcing?
 - Does the policy commit to consulting women and LGBTQ+ individuals and their representatives throughout the due diligence steps on all issues impacting them?
- Has the policy been made publicly available and communicated to rightsholders (workers and/or community members) and have they seen and understood it?

2

Identify and assess actual and potential adverse gender-related impacts



- Has the company mapped its possible gender risks and impacts based on its sector and location of operations/supply chain (taking into account higher risks for women in conflict zones or with intersecting vulnerable identity traits such as race, age, disability, etc.)?
- Has the company consulted the (potentially) impacted women and LGBTQ+ workers and community members to learn from them what gender-specific impacts are occurring or at risk?
 - Were some consultations for women only so they could speak freely without men hearing?
 - Were the consultations accessible to women, in a language they understand and at a time/location suitable given homecare responsibilities they may have?
 - Did the consultations engage women's representatives (such as NGO experts) too?
- Has the company understood its relationship to the impacts in its operations/supply chain, and communicated this?

3

Cease, prevent and mitigate adverse gender-related impacts



- Has the company stopped its impacts on women and LGBTQ+ individuals?
- Has the company prevented or mitigated risk of harm to women and LGBTQ+ individuals?
- Has the company used, and if necessary increased, its leverage to influence business partners to cease, prevent or mitigate harm on women and LGBTQ+ people? For example, has the company...
 - Set gender-related requirements and expectations for partners in contracts?
 - Developed roadmaps with partners to cease, prevent, or mitigate gender-related impacts?
 - Provided financial incentives to partners to encourage tangible improvement?
 - Committed in advance to suspend orders or disengage when gender-related impacts are not ceased?
- Has the company communicated publicly about the actions it has taken?

Exploring these questions can help CSOs assess a company's gender due diligence

4



Track implementation and results

- Has the company monitored, assessed, and publicly communicated the results of its efforts to identify, cease, prevent, and mitigate impacts to women and LGBTQ+ individuals?
- Does the company report data on its impacts that is disaggregated by gender?
- Has the company validated those results by consulting with women and LGBTQ+ rightsholders to understand if the impacts have been effectively ceased, prevented, or mitigated?
- If impacts were missed or not fully addressed, has the company altered its due diligence process to not miss impacts in future and also developed new plans to address the remaining impacts?

5



Communicate how gender-related impacts are addressed

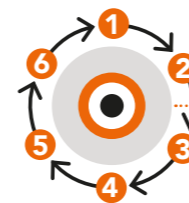
- Has the company communicated throughout the due diligence process? This means both:
 - Communicating its actions and results for each of the six steps; and
 - Communicating continuously until all impacts are fully resolved.
- Has the company communicated with impacted rightsholders directly in a way accessible to them?
- Has the company communicated with the public including civil society groups, women's groups, and unions?

6



Provide for or cooperate in remediation when appropriate

- Does the company have an internal complaint system that is safe, confidential, accessible, impartial, and capable of providing remedy for impacts
 - To workers as well as community members?
 - To women and LGBTQ+ people in particular, including on sensitive topics such as gender discrimination, harassment, and violence in the business/supply chain?
- Has the company participated in good faith with other complaint mechanisms about its gender-related impacts?
- Has the company provided remedy, or helped another entity provide remedy, for its gender-related impacts?



Is the company continuing these due diligence steps in an ongoing manner responsive to impacts on rightsholders?

If the answer to any of these questions is NO, the company is likely not undertaking effective gender-sensitive due diligence.



How to use this guide



- ◉ **In interviews and human rights assessments with impacted women & LGBTQ+ people.** Asking these questions can help advocates understand what impacts rightsholders face and whether the company has taken steps to address them.



- ◉ **In collecting evidence for complaints to grievance mechanisms** If the company has failed its gender due diligence process, then the victims may be able to file a complaint.

- ◉ **In engagement with companies.** Use this guide to show a company where its gender due diligence process is “breaking down” and how it can improve its performance.



- ◉ **In advocacy with governments.** Use company examples to show the need for better laws and policies on gender due diligence.



About the OECD Guidelines, due diligence guidance, and complaint mechanism

- ◉ The OECD Guidelines for Multinational Enterprises set standards for businesses on topics such as human rights, labour rights, and the environment. They encourage companies to undertake due diligence to identify and prevent impacts to rightsholders.
- ◉ OECD multi-sector and sector-level due diligence guidance clarifies that due diligence should be undertaken with a gender lens to address particular impacts on women.
- ◉ Every OECD member and adherent state maintains a National Contact Point to hear complaints against companies failing to meet the Guidelines’ recommendations. Complaints can specifically highlight and seek remedy for impacts on women and LGBTQ+ people.

About OECD Watch

OECD Watch is a global civil society network that serves as the official representative of civil society under the OECD Guidelines. Its 130+ network members come from more than 50 countries and are bound together by their commitment to ensuring that business activity contributes to sustainable development and poverty eradication, and that corporations are held accountable for their adverse impacts around the globe. OECD Watch helps civil society groups and communities use the OECD Guidelines

and due diligence guidance to fight harmful impacts of business and improve policies on responsible business conduct. Please visit www.oecdwatch.org to check out OECD Watch’s tools and guidance for civil society and assessment of National Contact Points. Please visit OECD Watch’s complaint database to learn more about OECD Guidelines complaints filed by NGOs and communities.

◉ OECD Watch

March 2021

1 UN Human Rights Council, 10 January 2019, A/HRC/40/60

2 OECD, OECD Guidelines for Multinational Enterprises, <http://mneguidelines.oecd.org/guidelines/>.

3 OECD, OECD Due Diligence Guidance for Responsible Business Conduct, pg. 41, <http://mneguidelines.oecd.org/due-diligence-guidance-for-responsible-business-conduct.htm>.