

# Gender discrimination

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Gender equality is essential to achieve peaceful societies, with full human potential and sustainable development. The attainment of equality amongst the sexes, and the elimination of all forms of gender-based discrimination are fundamental human rights and United Nations values as enshrined within several key human rights instruments. Discrimination based on sex is prohibited under almost every human rights treaty, including the [International Covenant on Civil and Political Rights](#) and the [International Covenant on Economic, Social and Cultural Rights](#), which under their common article 3 provide for the rights to equality between men and women in the enjoyment of all rights. In addition, there are treaties and expert bodies specifically dedicated to the realization of women's human rights (e.g. [The Convention on the Elimination of Discrimination Against Women \(CEDAW\)](#), [The CEDAW Committee](#), [The Special Rapporteur on violence against women](#) and [The Working Group](#) on the issue of discrimination against women and girls).

However, while it is generally acknowledged that women are disproportionately and differently affected by adverse business-related human rights impacts, there has arguably been too little attention to gender issues in most business and human rights frameworks and initiatives. That includes those for implementing the United Nations Guiding Principles on Business and Human Rights (UNGPs). This has been noted by several actors, including the United Nations Working Group on Business and Human Rights which issued a [Gender Guidance](#) for states and businesses in 2019.<sup>[1]</sup>

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[1] For further information, please see <https://www.humanrights.dk/projects/gender-business-human-rights>



▼ Read more

Gender discrimination at the workplace may take several different forms, but generally connotes an employee or a job applicant being treated differently or less favourably because of their perceived sex or gender, or because the person is affiliated with an organization or group that is associated with a particular sex or gender. Even though the words “sex” and “gender” have different meanings, laws against discrimination in the workplace often use them interchangeably. Gender discrimination may also be aggregated with other forms of discrimination (e.g. a woman of colour may experience discrimination in the workplace because of the combination of her sex and her race) so it is important for instances of gender discrimination to be viewed from an intersectional lens.

Companies may engage in gender discrimination in a myriad of ways, which are both implicit and explicit, including but not limited to: subjecting an employee to unwelcome sexual advances, requests for sexual favours, or other verbal or physical harassment of a sexual nature; not hiring, or giving an employee a lower-paying position because of their sex; holding certain employees to different or higher standards, or evaluating them more harshly, because of their sex; paying certain employees less than a person of a different sex who is similarly or less qualified than them, or who has similar (or fewer) job duties than them; denying an employee a promotion, pay raise, or training opportunity that is given to people of another sex who are equally or less qualified or eligible as them; writing up or disciplining an employee for something that other employees of a different sex do all the time but never get punished for; insulting and calling an employee derogatory names or slurs because of their sex or perceived sex; and rejecting an employee for a job, or forcing them to go on leave, or take fewer assignments because they are pregnant.

Given existing gender inequalities, it is essential to achieve equal opportunities in access to employment and to positions of leadership and decision-making at all levels and for all relevant actors to strive towards the eradication of gender discrimination. The UN Secretary-General, Mr. António Guterres has stated that “achieving gender equality and empowering women and girls is the unfinished business of our time, and the greatest human rights challenge in our world.”<sup>[1]</sup>

<sup>[1]</sup> <https://www.un.org/en/sections/issues-depth/gender-equality/>

▼ Links to SDGs and targets

**SDG 5** is specifically focused on Gender Equality, with the stated purpose of achieving gender equality and empowering all women and girls.

However, as explained by UN Women, women’s equality and empowerment is “also integral to all dimensions of inclusive and sustainable development.”<sup>[1]</sup> Accordingly, several other SDGs and targets also touch on gender discrimination. Notable targets separate from SDG 5 include:

**SDG 1.4** “By 2030 all men and women, particularly the poor and the vulnerable, have equal rights to economic resources, as well as access to basic services, ownership, and control over land and other forms of property, inheritance, natural resources, appropriate new technology, and financial services including microfinance.”

**SDG 4.5** “By 2030 eliminate gender disparities in education and ensure equal access to all levels of education and vocational training for the vulnerable, including persons with disabilities, indigenous peoples, and children in vulnerable situations.”

**SDG 8.5** “By 2030 achieve full and productive employment and decent work for all women and men, including for young people and persons with disabilities, and equal pay for work of equal value.”

**SDG 8.8** “Protect labour rights and promote safe and secure working environments of all workers, including migrant workers, particularly women migrants, and those in precarious employment.”

**SDG 10.3** “Ensure equal opportunity and reduce inequalities of outcome, including through eliminating discriminatory laws, policies and practices and promoting appropriate legislation, policies and actions in this regard.”


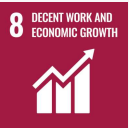









Thus, by addressing and seeking to prevent gender discrimination, companies are not only impacting SDG 5, but several specific targets as well as the broader aims of all SDGs and the spirit of inclusion and sustainable development.











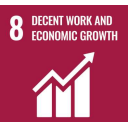



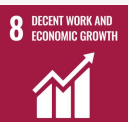
<sup>[1]</sup> <https://www.unwomen.org/en/news/in-focus/women-and-the-sdgs/sdg-5-gender-equality>







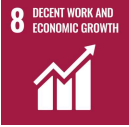
Cases on Gender discrimination

Case brief	Goals	Targets	Due diligence
<p><b>Mining company makes space for women's participation</b></p> <p>In Papua New Guinea (PNG) women have been included in the process of negotiation of the compensation agreements relating to the Ok Tedi mine. When the mining company management realised that <b>women’s participation</b> was necessary for the success of the mine, the company representatives and independent facilitators convinced local community leaders and the state to include women in the community’s negotiating team. With their participation in the negotiations ensured, women leaders</p>	<div><div>1NO POVERTY</div><div>5GENDER EQUALITY</div><div>12RESPONSIBLE CONSUMPTION AND PRODUCTION</div></div>	<div><div>1.4</div><div>5.a</div><div>12.2</div></div>	<div>Stakeholder engagement</div>



Case brief	Goals	Targets	Due diligence
<p>went on to secure an agreement giving them 10% of all compensation, 50% of all scholarships, and payments into family bank accounts (to which many women are co-signatories). They also obtained mandated seats on the governing bodies implementing the agreement, enabling them to address systemic gender issues in the community. In PNG, as well as in many other developing countries, women often have limited agency over land and natural resources. By ensuring higher female participation in negotiations, the project attempted to deal with this issue.</p>			
<p><b>Company strengthens diversity and inclusion through training</b></p> <p>Accenture commits to <a href="#">diversity and inclusion</a> in the workplace and sets out to work against discrimination on the basis of disability, ethnicity, <a href="#">gender</a>, gender identity and expression, religion and sexual orientation. The company has set a target to achieve a gender-balanced workforce by 2025, and in order to achieve this goal it offers a series of diversity training courses, broken down into <a href="#">three categories</a>: 1) Diversity Awareness – to help people understand the benefits of working within a diverse organisation, 2) Diversity Management – to equip executives to manage diverse teams, and 3) Professional Development – to enable women, LGBT+ and ethnically diverse employees to build skills for success.</p>	   	<div>5.1</div> <div>5.5</div> <div>5.c</div> <div>8.5</div> <div>8.8</div> <div>10.2</div> <div>10.3</div> <div>10.4</div> <div>16.b</div>	<p>Corporate commitment</p> <p>Integrating and acting upon findings</p>
<p><b>Company gender balances workforce as a measure against sexual harassment</b></p> <p>Following allegations of sexual harassment in Unilever's tea estate in Kericho, Kenya, the company commissioned an independent review into the situation. Based on the recommendations of the review, the company took several actions including increasing the proportion of female team leaders, and developed a <a href="#">policy</a> with the participation of local employees and community representatives. The company conducted different types of training for management, employees, village elders, and specialised groups such as medical personnel. The grievance-reporting process was also improved with a dedicated, confidential, toll-free and local language hotline. Additionally, once a month, "Friday Safety Talks" focused on sexual harassment and related topics were implemented.</p>	   	<div>5.1</div> <div>5.5</div> <div>5.c</div> <div>8.5</div> <div>10.2</div> <div>10.3</div> <div>10.4</div> <div>16.b</div>	<p>Assessing impacts</p> <p>Integrating and acting upon findings</p> <p>Stakeholder engagement</p> <p>Access to remedy</p>
<p><b>Management company works against sexual harassment in the food services industry</b></p> <p>Sodexo, a food services and facilities management company headquartered in France, and the International Union Federation (IUF), which represents the vast majority of Sodexo's unionised workforce, have agreed to jointly develop and implement policies and procedures to combat <a href="#">sexual harassment</a> in the workplace. The aim of the agreement is to ensure that all employees are aware of what constitutes sexual harassment, fully understand what is expected of them, know how to report any problem and are</p>	  	<div>5.1</div> <div>5.5</div> <div>5.c</div> <div>8.5</div> <div>8.8</div> <div>10.2</div> <div>10.3</div> <div>10.4</div>	<p>Corporate commitment</p> <p>Integrating and acting upon findings</p> <p>Stakeholder engagement</p> <p>Access to remedy</p>

Case brief	Goals	Targets	Due diligence
able to report alleged abuses in total confidence. Among other issues, the company and IUF agreed on the principle that sexual harassment can lead to disciplinary action, and that the perpetrator may be subject to dismissal, redeployment or any other penalty where necessary. Both Sodexo and trade unions will provide training of staff on this policy and their responsibilities.		16.b	
<p><b>Law firm supports transgender employees</b></p> <p>Herbert Smith Freehills, a global law firm, has launched <a href="#">Global Transitioning Guidelines</a>, affirming its commitment to transgender employees. The guidelines form a global policy framework to support employees as they transition, and to ensure that inclusion of transgender employees is acknowledged across the firm. In developing the guidelines, the firm sought advice from LGBT advocacy groups, including Transformation in the UK and Pride in Diversity in Australia.</p>	   	5.c 8.5 8.8 10.2 10.3 10.4 16.b	Corporate commitment Integrating and acting upon findings Stakeholder engagement
<p><b>Company's benefit package for parents supports gender equality</b></p> <p>Virgin Management, the investment and brand licensing office of the Virgin Group, has adopted a benefit package that allows parents, irrespective of gender and including adoptive parents, to take 52 weeks of <a href="#">shared parental leave</a>. Employees with more than four years of service are entitled to up to 100% of their basic salary over the 52 week period. The rate is 25% for those with less than two years of service.</p>	   	5.1 8.5 8.8 10.3 10.4 16.b	Corporate commitment
<p><b>Banking group commits to gender equality in senior management</b></p> <p>In 2014 Lloyds Banking Group made a public commitment on <a href="#">gender equality</a> within the scope of its Helping Britain Prosper plan to increase the proportion of senior management roles held by women to 40% by 2020. The company also signed the <a href="#">Women in Finance Charter</a> in 2016 to reinforce this commitment to 40% women in senior management roles. In 2017 the company <a href="#">reported</a> that 34% of senior management roles were held by women.</p>	   	5.1 8.5 8.8 10.3 10.4 16.b	Corporate commitment
<p><b>Credit Card Company Addresses Gender Equality</b></p> <p>In order to reach their global priorities of inclusion, opportunity and empowerment, Mastercard created a programme titled "<a href="#">Give Me 5</a>" which focuses throughout its value chain. Give Me 5 is inspired by SDG 5 and formatted into three pillars: People, which focuses on creating a dynamic, engaged and balanced workplace globally;</p>	 	8.5 8.8 5.1	Corporate commitment Communicating and reporting Stakeholder engagement

Case brief	Goals	Targets	Due diligence
<p>Society, which focuses on driving an inclusive approach to business; and Market, which focuses on bringing balance and equal access to products and solutions. Each pillar is led by a senior executive and Mastercard’s initiatives ladder up to the three pillars to ensure that they are advancing gender equality in each of these critical areas.</p>			
<p><b>Telecom Company Adopts Policy Supporting Employees Who Are Victims of Domestic Violence and Abuse</b></p> <p>Vodafone Group, in partnership with the polling service Opinium conducted a study which found that one in three working adults had experienced some form of domestic abuse and that it had significantly impacted their career. In response to these findings, Vodafone announced a <a href="#">policy</a> allowing 10 days of paid “safe leave” across its 26 markets for any staff member experiencing domestic violence and abuse. The policy also makes provision for human-resources and line-manager training to identify and assist people experiencing abuse.</p>		<div>5.1</div> <div>5.2</div> <div>5.b</div> <div>5.c</div>	<div>Corporate commitment</div>
<p><b>Technology company turns down discriminatory facial recognition sales</b></p> <p>In April 2019, Microsoft announced its <a href="#">decision to not sell</a> its facial recognition technologies to California law enforcement due to human rights concerns. The company has cited that the use of this technology in law enforcement would lead to discriminatory enforcement. The artificial intelligence used by many large technology companies such as Microsoft has been reported to often be <a href="#">trained on mostly light-skinned men</a>, and thus frequently mistakenly identifies women and minorities. As Microsoft President Brad Smith publicly explained at <a href="#">a conference on the future of artificial intelligence at Stanford</a>, this decision follows previous Microsoft concerns about privacy and human rights; in the past, Microsoft has also declined to install facial recognition on cameras in an unnamed capital city that the Freedom House deemed not free, based on concerns over negative impacts on the freedom of assembly. In a 2018 statement, Microsoft also <a href="#">urged governments to enact regulation</a> of this technology and discourage the widespread use of facial recognition technologies for surveillance. Microsoft’s President spoke on these issues alongside Michelle Bachelet, the United Nations High Commissioner for Human Rights. The two of them urged technology companies to consider the human rights impacts of emerging technologies.</p>	  	<div>5.1</div> <div>10.3</div> <div>16.10</div> <div>16.b</div>	<div>Corporate commitment</div> <div>Assessing impacts</div> <div>Integrating and acting upon findings</div>
<p><b>Social Media Company Employs Flexible Arrangements in Response to Covid-19</b></p> <p>In order to accommodate employees whose schedules were disrupted by Covid-19 – in particular working mothers— Facebook has made <a href="#">a number of flexible arrangements</a> such as suspending its normal performance rating system and instead providing employees with bonuses as if they</p>	 	<div>8.5</div> <div>5.1</div>	<div>Corporate commitment</div>

Case brief	Goals	Targets	Due diligence
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exceeded expectations for the first half of the year and allowing managers to reorganize priorities on a case by case basis.

**DISCLAIMER***The case briefs featured on this site are not an endorsement of a particular company, their approach to human rights as such or their business model in general. Case briefs serve only as isolated illustrative examples for inspiration. The case briefs do not reflect all commitments or actions by any given company. In developing the case briefs DIHR has NOT evaluated the actual human rights and developmental outcomes or impacts of mentioned policies and activities. As such cases have been included for their ability to conceptually illustrate the link between human rights due diligence and sustainable development, not due to their verified impacts.*