



Realising Remedy

A Key Component of Corporate Due Diligence

Remedy is a crucial part of the United Nations Guiding Principles on Business and Human Rights and the EU Corporate Sustainability Due Diligence Directive. These norms require that companies respect the human rights of workers in their supply chains and act with appropriate due diligence to identify, prevent or mitigate abuse. It is thus critical for companies sourcing globally to understand workers' rights in global supply chains and ensure that workers receive adequate remedy for any harms suffered.

Remedy is an essential but often overlooked element of corporate due diligence. To tackle this gap, Electronics Watch and the GIZ Initiative for Global Solidarity (IGS) collaborated between 2022 to 2024 to improve workers' access to an effective grievance mechanism in electronics supply chains.

During the project, 24 factories employing a total of 135,335 workers were monitored in four different countries across Asia. In cooperation with civil society organisations and trade unions more than 125,000 workers were offered access to independent grievance channels. The experience of this project yielded valuable lessons about remedy for workers who suffer harm as a consequence of business practices.

1. Timely and effective remedy is foundational to human rights protection

Excessive working hours, forced labour and the exposure to toxic chemicals without adequate protection are common issues in the electronics industry. Sexual harassment and abuse of female workers is common yet remains hidden in most workplaces. Workers often refrain from speaking out due to the fear of losing their jobs and are frequently warned by recruiters or managers not to do so. If these issues are not addressed with appropriate urgency, workers may suffer irreparable harm. Timely and effective remedy is therefore crucial for redressing harm and restoring the dignity and rights of workers around the world.

Core issues found in this project were:

- Excessive working hours, including consecutive night shifts for extended periods of time
- Lack of payment for several months
- Overcrowded, unsafe and unhygienic dormitories
- Chemical spills and other health hazards
- Excessive recruitment fees
- Sexual harassment of female workers
- Reprisals against workers who complained about recruitment abuses

2. Effective remedy requires continuous engagement between workers, their representatives and companies

There is no effective remedy without the involvement of workers or their representatives. When workers are excluded from the remedy process, companies cannot understand how they have been harmed and cannot know what remedy they need and want.

ENGAGING ALL STAKEHOLDERS IN AN OPEN DIALOGUE IS KEY

In one case, Electronics Watch received a complaint from a union that the passports of migrant workers at a factory in Malaysia were being withheld and that workers were living in overcrowded and unhygienic dormitories. Electronics Watch facilitated an open dialogue between the union, migrant workers from different countries, and two buying companies and an industry association. In this dialogue, the union and the workers shared their concerns and insights, Electronics Watch shared monitoring findings and recommendations and the companies shared their audit findings.

Following the closure audit, Electronics Watch facilitated a meeting between the industry association and affected workers to understand how they felt about the remedy provided, and to ask if they were satisfied with it. This dialogue revealed, for example, significant health and safety issues that standard audits had not reported and led to a chemical safety audit. The dialogue also enabled the union to inform the buying companies that the factory management had stalled on a Collective Bargaining Agreement for three years. Two weeks after the dialogue, the agreement was signed.

3. Effective remedy depends on freedom of speech and freedom of association

Grievance systems are compromised when workers are afraid of speaking about their working conditions. They often need a collective voice and representatives who can speak on their behalf. This is not possible when labour rights groups and human rights defenders cannot operate freely, and when there is no effective freedom of association.

To overcome such barriers, digital solutions and remote monitoring and engagement of workers online were necessary to facilitate workers' access to independent grievance channels in some project locations. This included monitoring of workers' own testimonies about their working conditions in public forums and remote person-to-person interaction via social media, chat rooms, and phone. While remote forms of monitoring do not yield the same quality of interaction, trust and data as face-to-face monitoring, they can yield sufficient evidence of worker rights violations to trigger remediation. The most common issues identified through remote monitoring were excessive working hours, forced labour, harassment and discrimination, and occupational health and safety issues.

4. Mature industrial relations create better access to remedy

Workers form trade unions to protect and advance their collective rights and interests in the workplace. Independent, freely chosen and democratically elected trade unions, worker representatives and human rights defenders play a crucial role in protecting workers' rights and securing remedy for violations. They provide a predictable, structured forum for workers to raise their concerns as a group with their managers, and to resolve them as and when they arise.

In one project location, the Electronics Watch monitoring partner conducted extensive worker surveys and reported on risks of gender-based violence and harassment. They then supported the formation of unions—including the first union for migrant workers in the electronics sector—to create safe spaces for workers to voice their concerns. These unions have allowed workers in electronics factories to report gender-based violence incidents collectively, strengthening their position to demand changes in factory policies and practices.

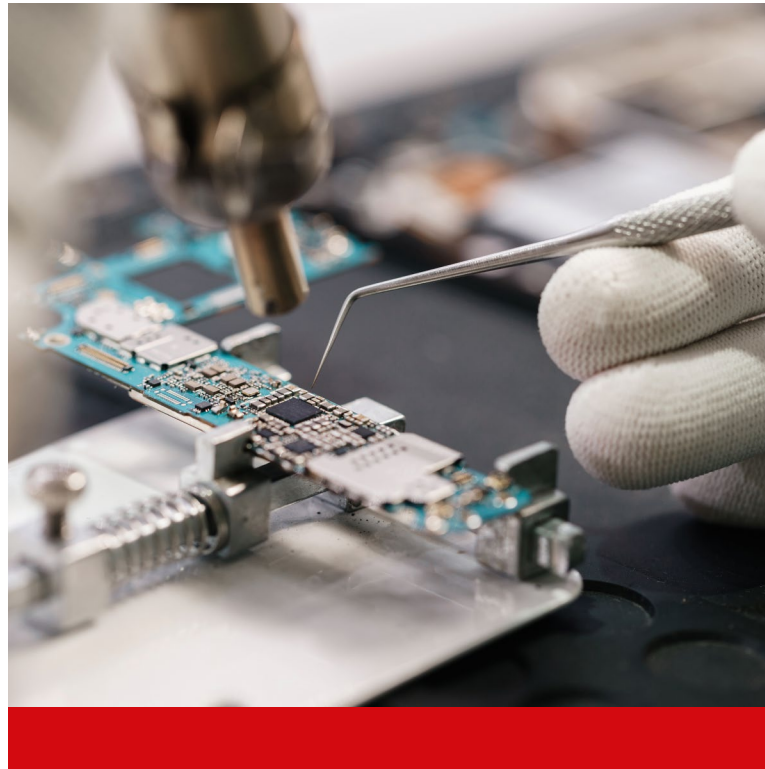
5. Shared evidentiary standards can expedite remedy and benefit workers

Effective remedy requires industry and civil society collaboration on evidentiary standards. Without commonly accepted standards, the facts of a case are in question. Without facts that are accepted by all parties, there is no trust. It is then extremely difficult to establish meaningful collaboration towards remediation.

Shared evidentiary standards for the industry and civil society do not yet exist, but in the project, there was movement in the right direction. For example, in several cases, companies acknowledged issues upon receiving Electronics Watch reports and began the process of corrective action prior to confirming those issues through industry audits. One factory mandated ongoing awareness raising on sexual harassment and another factory took action against a non-authorized recruitment agent who had deceived workers about wages. In another case, a company agreed to objective criteria to confirm an issue.

Several issues remain, including the core issue of burden of proof. From a civil society perspective, the burden of proof required to show that harm has been done to workers can be excessive and onerous. There is some precedent for making a presumption of harm, which companies are required to refute with proof.

This would make a significant difference to vulnerable workers, many of whom do not have the necessary means of documentation that could prove harm such as sexual abuse, physical or psychological threat, or occupational illness.



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