

Walk the Talk: Mitigating Human Rights Impacts of Infrastructure Projects



Isabelle Kim

*Senior Social Consultant, RINA Consulting
United Kingdom*

isabelle.kim@rina.org

<https://linkedin.com/in/isabellekim>

www.rina.org



Recent developments in business & human rights (HR)

Growing pressure for businesses to **identify, prevent, mitigate, and report on** actual and potential HR impacts

International principles and regulations expect **ongoing HRDD** (and HRIA as a key tool for this)



International Principles & Guidelines

- UN Guiding Principles on Business and Human Rights (UNGPs)
- OECD Guidelines for Multinational Enterprises
- International Bill of Human Rights
- Declaration of the International Labour Organisation (ILO) on Fundamental Principles and Rights at Work
- Equator Principles IV

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International Regulations & Norms

- EU Corporate Sustainability Reporting Directive (CSRD)
- Proposed EU Corporate Sustainability Due Diligence Directive (CS3D)
- EU Taxonomy Regulation – Minimum Social Safeguards
- EU Non-Financial Reporting Directive (NFRD)



National Legislation & Regulations

- UK Modern Slavery Act
- Netherlands: Proposed Responsible and Sustainable International Business Act (Bill)
- Germany: Supply Chain Due Diligence Act (GSCA)
- Campaigns and laws in place across various other states

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What do the UNGPs require from businesses?



Causing & Contributing

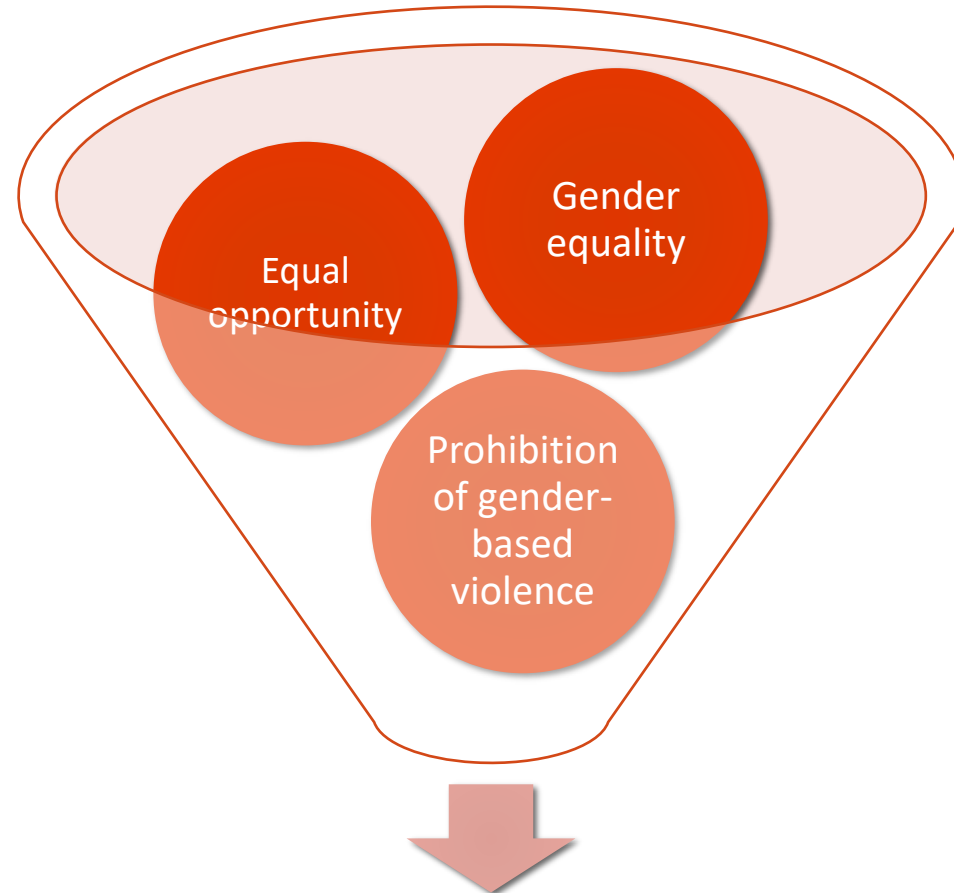
Avoid causing or contributing to adverse human rights impacts through own activities, and address such impacts when they occur.



Direct Links

Seek to prevent or mitigate adverse human rights impacts that are directly linked to their operations, products or services by their business relationships.

Businesses are keen to adopt human rights commitments in theory



What this looks like in practice is often a different matter...



1) When social norms present obstacles

Case A

- **Context:** Workers residing at an industrial facility in Nigeria who frequent local brothels
- **HR harm:** Women sex workers at risk of GBVH, trafficking, HIV infection, etc.; Perpetuating demand for exploitative industry
- **Proposed measure:** Worker code of conduct to prohibit this practice
- **Challenges:** Use of commercial sex services widespread; Resistance from management who do not view this practice as a breach of HR commitments. Workers' willingness to comply is limited by wider norms on acceptability of harmful practices

“Workers should have the right to do what they want outside of work hours.”



Case B

- **Context:** Solar park in rural Pakistan, where women community members consulted for their views defer to men's views
- **HR harm:** Women do not get the opportunity to realise equal right to public participation and consultation, and mitigation of impacts specifically experienced by women
- **Proposed measure:** Women-only feedback channels to encourage submission of grievances and thoughts
- **Challenges:** Efforts to have women's voices heard are constrained when women speaking up is not considered standard practice





2) Focus on
broader
inclusion rather
than gender

Case C

- **Context:** A female worker reported a supervisor for GBVH at a power plant in El Salvador.
- **HR harm:** GBVH; Right to safe work environments
- **Proposed measure:** Development of a GBVH prevention and response strategy going forward
- **Challenges:**
 - The human resources manager was resistant to zero-tolerance policy on GBVH / gender-specific action.
 - Lack of consideration of gendered risks of workplace harassment led to challenges in getting management's buy-in

Case D

- **Context:** Infrastructure construction brings jobs – but mainly for men. Women generally found in cleaning and cooking roles
- **HR harm:** Women’s rights to access to equal opportunity
- **Proposed measure:** Recruitment and awareness-raising campaigns targeting women
- **Challenges:** Managers view non-discrimination and inclusion policies as enough; perceptions on lack of need for gender-specific initiatives and “reverse discrimination”





3) Gender-neutral practices

Case E



Women workers reported feeling unsafe at night at chemical plant in Mexico



HR harm: Risks for women's right to safe work environments



Measures proposed: Additional lighting and security cameras, changes to shuttle bus routes to be closer to work sites



Issue: No explicit discrimination, but lack of consideration of differential risks for and views of women

Case F



Woman worker mentioned lack of women's washroom facilities at a wind farm site in Senegal



Facilities were available; just omitted from worker orientation information due to small number of women present



Women are forgotten about and inadvertently made to feel unwelcome through gender-neutral practices



So what should
be done?

Is it any of the business's *business*?

According to UNGPs' gender guidance*, businesses should:

“avoid undermining women’s human rights at a minimum”

“avoid exacerbating or reproducing existing discrimination against women throughout their operations”

“explore innovative ways” to promote and uphold women’s international HR and “engage in advocacy to change discriminatory laws and social practices”

*Gender Guidance for the Guiding Principles on Business and Human Rights (2019)

Wide range of options – from doing the bare minimum to advocating for transformative change – can make interpretation and implementation of UNGPs tricky to navigate

It IS their business, but they may need some help

A pyramid diagram with three horizontal layers. The top layer is dark red, the middle layer is brown, and the bottom layer is olive green. The pyramid is set against a background of dark blue 3D speech bubbles.

Education
for leadership

Requirement to have inclusion
plans as key component of E&S
management systems

More concrete guidance on when & how businesses
should act on HR impact in environments with
strong existing norms and power structures

More practical guidance & specific requirements may support businesses to navigate hostile environments and social norms

HR compliance and responsibilities are new concepts for many businesses; room for growth & opportunities to walk the talk

Let's continue the conversation!

Post questions and comments in the IAIA23 app.



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