

Walk the Talk: Mitigating Human Rights Impacts of Infrastructure Projects

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Introduction

This paper explores the practical challenges of identifying and implementing best practices and mitigation measures for gender-specific human rights (HR), in the context of heavily male-dominated industries and social norms that disproportionately harm women.

Infrastructure and industrial developments can have repercussions for the rights of women and girls within and far beyond the workplace. This paper presents relevant cases based on the author's experiences as a consultant conducting social and HR impact assessment, due diligence and monitoring of projects including industrial, transport and energy developments across different project phases. Subsequently, proposed ways forward are discussed.

Background

Recent years have seen increasing regulatory requirements and expectations for businesses to conduct and report on human rights due diligence (HRDD) across their operations and business relationships on an ongoing basis (*Figure 1*).¹ Accordingly, a range of benchmarks, standards, indicators and guidance² is available for businesses to identify, prevent, mitigate, and account for actual and potential HR impacts, in line with requirements of the United Nations Guiding Principles on Business and Human Rights (UNGPs).

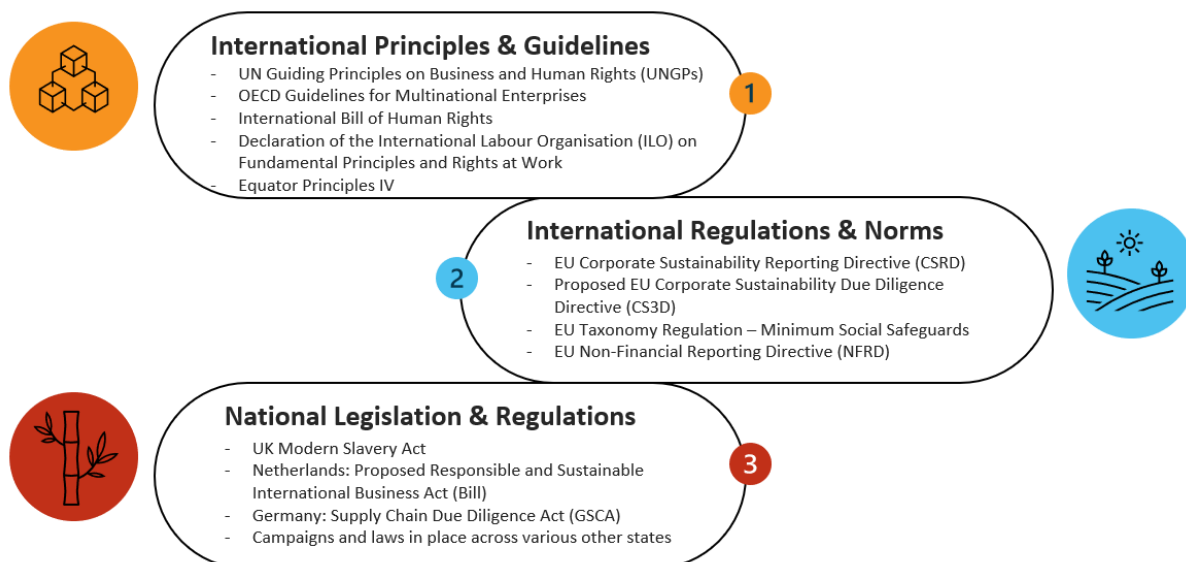


Figure 1 Principles, Guidelines, Regulations and Norms Related to Human Rights

Although different interpretations exist, the UNGPs' definitions of causation of, contribution to, and linkages to HR impacts are generally understood to be as shown below:^{3,4,5}

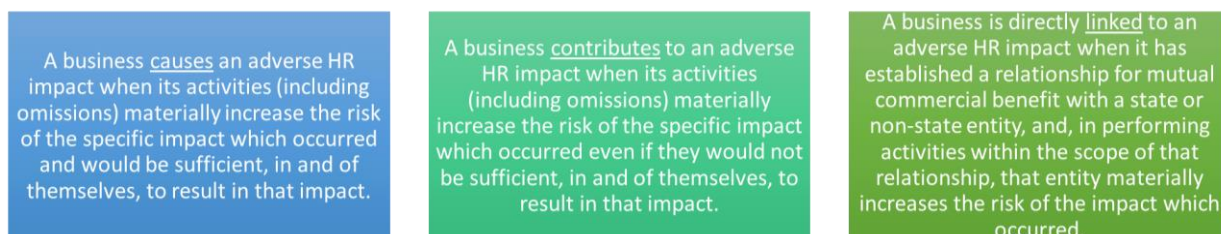


Figure 2 UNGPs' Definitions of Causation, Contribution and Linkage

Guidance⁶ is also available on how to integrate gender perspectives in implementation of the UNGPs, in light of the pervasive general practice of gender-neutral HRDDs that fail to adequately consider such aspects.^{7,8}

Realities on the Ground

Many businesses commit to gender equality through policy statements on prohibition of gender-based violence and harassment (GBVH) and discrimination. In practice however, the extent to which the full realisation of women's HR in the context of business operations can be achieved is limited due to diverse factors. Below are some of the cases encountered by the author.

When social norms present obstacles

Case A
Workers residing in on-site accommodation camps of an industrial facility in Nigeria were known to regularly frequent brothels in local areas. In addition to fostering a negative image of the project among local communities, this helped to perpetuate demand for an industry that commodifies women's bodies and puts sex workers at risk of HR violations including GBVH, sexual exploitation and HIV infections.
Measures proposed: It was recommended that the worker code of conduct be amended to prohibit this practice. The contractor's management resisted, considering that workers should have the right to do what they want outside of work hours.
Challenges: Widespread cultural perceptions on the acceptability of using sex industry services meant the management did not perceive the workers' behaviour as breaching their HR commitments, hindering their buy-in to this measure. This was also indicative of a common issue wherein businesses only consider their HR commitments in the workplace context, without considering implications for the wider communities affected by their activities.

Case B
At a solar park project in rural Pakistan, an area with strong gender segregation of roles, women community members consulted on potential impacts and benefits of business activities were observed deferring to male heads of households' views, with little interest discussing socioeconomic matters specific to women or gender relations and roles.
Measures proposed: The project installed women-specific communication channels and female employees carried out campaigns encourage women community members to submit feedback regarding impacts, requests and concerns related to the project.
Challenges: Efforts to have women's voices heard as part of a participatory impact assessment process are constrained when women speaking up is not considered a standard or acceptable practice within existing norms.

Focus on broader inclusion rather than gender

Case C
A female employee reported a case of GBVH by a supervisor at a power plant in El Salvador. The contractor's human resources manager was resistant to adopting the zero-tolerance policy towards GBVH as requested by the project owner, preferring a gradual escalation of consequences for the perpetrator.
Measures proposed: The project owner was requested to develop a GBVH prevention and response strategy going forward, identifying actions for the business's and contractor's leadership to convey the zero-tolerance requirement.

Challenges: Management’s refusal to consider this matter as a breach of their gender equality commitments hindered efforts to request appropriate action. By refusing to take a zero-tolerance stance on GBVH, they also risked fostering a work culture that normalises GBVH and discourages victims from reporting incidents, harming women’s HR to safe workplaces in the longer term.

Case D

Job creation is touted as a key benefit of infrastructure construction activities, but women’s employment is often limited to cleaning and cooking. Based on interviews with women employees and community members at sites across countries such as Peru, Pakistan and Ghana, various factors deter women from applying for roles with higher pay or further skills development opportunities, including norms about what is considered acceptable work for women, safety perceptions, and stereotypes and assumptions about construction roles that they all require intensive manual labour.

Measures proposed: Recruitment campaigns targeting women’s colleges, awareness campaigns targeting women’s community organisations to address stereotypes about construction jobs, and promotion of business policies on safe working conditions and zero tolerance to GBVH.

Challenges: The UNGPs’ gender guidance states that businesses should create an enabling environment for women to have equal access to opportunities. However, as such cases do not concern direct discrimination, it can be challenging to persuade businesses to take action as they are not perceived as adverse HR impacts. Many managers also consider recruitment efforts targeting women as discriminatory towards men and in non-compliance with national equality laws, showing a misconception of efforts needed to foster an enabling environment for women and risking encouraging ‘tokenism’ acts for a false perception of diversity.

Additionally, it is a common stance for managers to refuse gender-specific commitments, believing their broader non-discrimination policies to be adequate. This reflects the pervasive misunderstanding of the varied ways that gender can present differential impacts for men and women.

Such factors limit the extent to which businesses can advance women’s participation in workforces and decision-making processes.

Gender-neutral practices

Cases E & F

Businesses often apply gender-neutral practices that inadvertently affect women’s HR. At a chemical plant in Mexico, women workers reported feeling unsafe during night shifts due to lack of adequate lighting and unsuitable location of facilities, with shuttle bus stops situated far from work sites.

Similarly, on a wind farm construction site in Senegal, a female worker indicated that the site had no women’s washrooms. It was found that given the very small number of female workers, information about women’s facilities was inadvertently omitted and not being disclosed in workers’ induction.

Measures proposed: Recommended mitigation measures included instalment of additional lighting and security cameras, changes to shuttle bus routes for greater proximity to work sites, and improved communication on women’s facilities.

Challenges: While these do not entail direct discrimination, such gender-neutral practices led to initial failures to take into account differential impacts and views specific to women.

Case G

Companies' gender action and community investment plans that aim to advance women's rights commonly remain superficial and paradoxically gender-neutral, e.g.:

- Microfinance program by a power plant developer to encourage women to start their own enterprises without consideration of their exiting triple burdens of wage labour, domestic chores and care duties.
- Celebration of International Women's Day by presenting roses to female employees by an airport operator in Turkey.

Measures proposed: The businesses were recommended to conduct an impact and needs assessment with the involvement of gender & HR specialists for a more tailored, substantive approach to women's HR. This would enable an assessment of gender impacts and leverage areas that are realistic, tailored to the local context, and avoid perpetuating existing inequalities and power dynamics.

Challenges: Many companies lack sufficient understanding of what substantive support for women's HR entails, without which actions can fail to bring about any meaningful change.

Ways Forward

The above examples show how social norms and misinterpretations of principles of equality and HR restrict how much businesses can, or are willing to, contribute to promotion and protection of women's HR.

A starting point to determine how such issues should be addressed is: *Is this actually any of the company's business?* Rather than instances of business activities causing, contributing to, or being linked to HR harm as per UNGPs' definitions, several of the situations encountered above may be interpreted as merely symptoms of endemic inequalities that businesses wield no influence over, e.g. Prevailing attitudes towards GBV and the sex industry, entrenched norms that curb women's right to and interest in public participation or employment opportunities, etc.

The UNGPs' gender guidance states that businesses should "*avoid undermining women's human rights at a minimum*" and "*avoid exacerbating or reproducing existing discrimination against women throughout their operations*". At the same time, they should "*explore innovative ways*" to promote and uphold women's international HR and "*engage in advocacy to change discriminatory laws and social practices*".

Ultimately, gender issues *are* the "business" of businesses. However, the range of options offered from doing the bare minimum to advocating for transformative change makes interpretation and implementation of the UNGPs tricky to navigate, particularly for businesses with little HR expertise. It is also no surprise that they struggle to address them appropriately, when various studies have highlighted several gender areas that need improvement in existing HRDD legislation and guidelines.⁹ To add onto these, more concrete, explicit guidance is needed on when businesses have a duty to act to prevent or mitigate adverse HR impacts and how they can fulfil this duty in environments with particularly ubiquitous, discriminatory social norms and power structures. This includes how leverage should be used to catalyse positive change within third parties including contractors, suppliers, and local communities.

A wider, industry-wide push is also needed for gender to be integrated into infrastructure projects' environmental and social (E&S) management systems as an essential, cross-cutting

component alongside common measures such as air pollution management and habitat restoration. Making gender an integral component to be managed through specific tailored management and monitoring plans may help to establish clear lines of responsibilities and ensure ongoing oversight of gender-related impacts throughout the life of projects; a step up from how gender is currently perceived by many as a “nice-to-have”, optional theme often cast off to the side.

Finally, no standard or guidance will ever be comprehensive enough to consider every potential HR challenge and issue that may emerge. Greater emphasis is thus needed on the education to be provided for business leadership to convince them that gender dimensions are relevant and aligned to their HR commitments, and broaden their understanding of what substantive gender equality looks like. With leadership’s support, resources in the form of staff with appropriate expertise for ongoing supervision of HR commitments can be obtained.

Concluding Thoughts

Human rights obligations and responsibilities are new concepts for many businesses, and even the most well-meaning companies can face challenges in understanding what is required of them to promote and protect women’s HR as shown in this paper. More substantive guidance and specific requirements at the project level would enable businesses to learn to navigate hostile environments and social norms, to contribute to the greater realisation of women’s HR. Walking the talk on driving positive change is a marathon, not a sprint.

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