



Sector-Wide Impact Assessment

Human Rights and Business Fact Sheet

Worker Housing



This factsheet was compiled for the use of the Myanmar Centre for Responsible Business (MCRB) sector-wide impact assessment (SWIA) research teams, but may be of wider use in understanding the human rights risks involved in particular business issues. For more information on MCRB's SWIAs, please see www.mcrb.org.mm.

Short Summary of the Human Rights Issue

This factsheet should be read in conjunction with the community factsheet on housing, land acquisition and resettlement.

According to the International Labour Organization "It is generally not desirable that employers should provide housing for their workers directly." Employers should use alternatives where possible, though there can be exceptions – for example where a facility is far from population centres or the nature of the employment requires that the worker should be available at short notice. In such cases:

- *The fundamental human rights of workers must be recognised;*
- *Rents charged should not cost the worker more than a reasonable proportion of income and should not include a speculative profit;*
- *The provision of accommodation and communal services in payment for work should be prohibited or regulated to the extent necessary to protect the interests of workers.*

A number of related human rights can be impacted by inadequate respect for and protection of workers' housing rights, including:

- **Right to privacy:** Where worker accommodation is overcrowded, lacks adequate separation of the sexes or has inadequate access to sanitation facilities, employees may lack the right to privacy.
- **Rights of minorities:** Members of minority groups should be provided with culturally appropriate food services in canteens (e.g. halal meat) in canteens and spaces (such as room to pray) in relation to religious practices.
- **Right to a family life:** Workers have a right to spend time with their family; companies should consider providing housing for families as well.
- **Right to health:** Poor housing conditions, including unhygienic and overcrowded accommodation with poor access to adequate sanitation, ventilation and other facilities, can have a negative effect on worker health.
- **Right to education:** Where the company provides housing for families with children or young workers are employed who still must finish school and the location is far from schools, companies might consider providing internally-run educational facilities on location.
- **Right to rest and leisure:** where workers live in or near their workplace, in for example dormitories, it is often the case that working hours are excessive and unreasonable.

Why this is Relevant to Local and International Companies Operations

Where a company provides housing to its workers, it must ensure that it is affordable, culturally appropriate and meets the criteria above.

Worker housing will inevitably be provided by companies within Myanmar's Oil & Gas. Oil & Gas companies off shore and in remote on-shore areas of Myanmar will likely be providing worker housing. International Oil & Gas companies in particular will expect to meet international standards for the housing of their workers. They may also undertake community resettlement (see separate factsheet) where they will need to meet adequate housing standards in providing replacement housing in the new areas for the resettlement. Other industries will also be involved in worker housing, and this will be particularly relevant in relation to the many internal and international

migrant workers that will travel to higher employment areas and staff the hotels, local businesses and other vacancies that come with major tourism developments.

It is relevant to ask about worker housing in order to establish the extent of:

- workers are staying in company provided housing
- workers feel safe travelling to and from the housing and is the housing itself safe
- workers are free to come and go from housing as they like, and if not, the reasons for restricting their movements are justifiable
- there is enough space for each person or family
- there is sufficient and adequate water in living areas
- there are adequate sewage and garbage disposal systems
- the accommodation protects them against the heat, cold, damp, noise, fire and disease-carrying animals and insects and natural hazards typical of the local environment
- there are adequate sanitary and washing facilities, ventilation, cooking, storage facilities and natural and artificial lighting
- the minimum degree of privacy both between individual persons within the household and for members of the household against external disturbance
- they are living in separate accommodation from quarters meant for animals
- workers can afford housing
- distance from housing to work and transportation facilities

If workers need to vacate housing, whether the conditions to do so are clearly communicated and understood

Human Rights References

- Universal Declaration of Human Rights (1948), Article 25 (Right to an adequate standard of living, including housing);
- International Covenant on Economic, Social and Cultural Rights (1966), Article 7 (Right to an adequate standard of living) and 11 (1) (right to health);
- ILO Occupational Health and Services Convention (C161, 1985) Article 5 (b);
- ILO Workers' Housing Recommendation (R115, 1961, Articles 3, 7 and 19.