



# MCRB ENGAGEMENT WITH GENDER

2013 - 2017

## SECTOR WIDE IMPACT ASSESSMENT (SWIA)

The SWIA is based on both desk-based and field-based research in locations across Myanmar that have already experienced related investment from the sector in focus. It draws on established environmental and social impact assessment methodologies, but applying a human rights lens. It highlights the actual and potential impacts of each sector and makes recommendations for government, businesses and other stakeholders on how to increase positive and reduce negative impacts.

### Field Assessment Findings of O&G SWIA

- ✚ There was a fairly clear and assumed gender division of roles (for example regular sentiments of “women aren’t doing these jobs as these are for men”) that was rarely being challenged by local workers or the companies. The extractive sector typically has a very low percentage of women across a wide range of jobs and this was evident across the field assessments.
- ✚ While there is a cultural reticence to raise difficult issues, particularly those related to personal privacy, a few cases of sexual harassment were brought to the team’s attention. The cases most often revolved around claims involving foreign men, rather than locals, including one complaint that resulted in a foreign supervisor being returned to his country of origin.
- ✚ In principle, there is no legal impediment to providing compensation to women or women-headed households, but households are registered in the husband’s name and therefore in general compensation was handed over to the husband in the family. However, widows or single mothers would also be able to obtain compensation same way as male headed households.
- ✚ Despite the presence of security guards, women indicated a rising sense of insecurity in some areas of O&G operations, in light of the presence of the often predominantly male workforce, with a particular concern about foreign male.
- ✚ workforces. n Some community members remarked with concern on the marked rise of bars in the areas of O&G operations. They noted drinking at all hours of the day and a particular concern about young adolescents drinking in the bars. There was a worry that the introduction of readily available alcohol into the community would lead to a decrease in security with fights and petty crimes



MCRB has conducted SWIA in [Oil & Gas SWIA \(2014\)](#), [Tourism SWIA \(2015\)](#), [ICT SWIA \(2015\)](#), [Mining SWIA \(Draft Report\)](#), [Oil Palm SWIA \(on going\)](#).

It is an **accessible report** that highlights the actual and potential impacts of investment in specific sector, including both positive and negative impacts. It makes **recommendations for government, businesses, civil society and other stakeholders** on how to increase positive and reduce negative impacts on human rights and the environment.

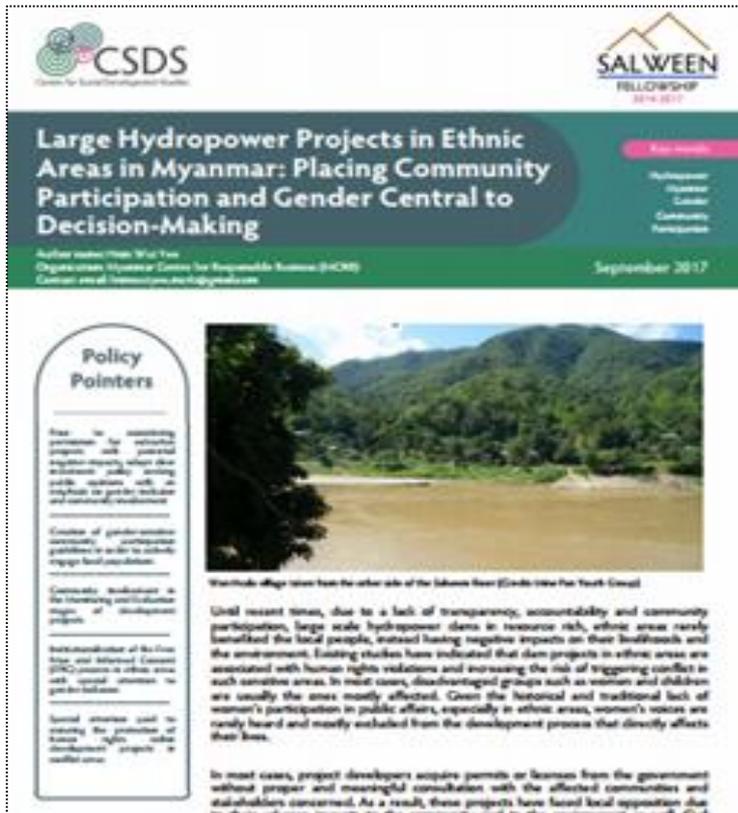
# ICT SWIA's Chapter (8)

## Groups at Risk

### Gender

#### Field Assessment Findings

- ✚ With respect to the acquisition or leasing of land for tower or cable sites, in principle, there is no legal impediment to providing payment for land or lease compensation to women or women-headed households. Nonetheless, households are registered in the husband's name and therefore in general compensation was handed over to the male household head. However, widows or single mothers would also be able to obtain compensation same way as male headed households
- ✚ it was very unusual for any women to work on tower construction.
  - This was often justified on the grounds it was unsafe for them due to night work and the distances between the site and their village/ accommodation.
  - Where women were able to work on tower construction sites, they were only allowed to do certain manual tasks, such as backfilling or moving materials.
- ✚ Perceptions of women working in the ICT sector were mixed amongst interviewees. Given traditional cultural norms in Myanmar, many indicated women and girls should not work and should stay at home to support their families. However, just as many indicated that female workers were excelling at programming and that there were more female students than male students at computer universities, including at master's level.
- ✚ Some stakeholders suggested that in order to protect women against such online harassment or hate speech, the draft Anti-Violence Against Women Law should include provisions addressing these problems.



In 2015 – 2016 Hnin Wut Yee, Research and Outreach Manager at MCRB, Hnin Wut Yee has been a part time research fellow of the MK 31 Nu-Thantwin-Salween study project led by the Centre for Social Development Studies (CSDS), Faculty of Political Science, Chulalongkorn University, Thailand. Published a report on Implications on Women's Lives and Livelihoods: A Case Study of Villages to Be Affected by the Mongton Dam Project in Shan State The project supports professional development of water governance and regional development practitioners in the Nu-Thantwin-Salween Basin and is undertaken with support from the CGIAR Water-Land-Ecosystems Project and Australian Aid.

In 2017, Hnin published a policy brief on large hydropower projects in ethnic areas in Myanmar: Placing Participating and Gender Central to Decision – Making.



### TOURISM SWIA'S FIELD ASSESSMENT FINDINGS

- ✚ In various cases women occupied **unpaid positions in 'family tourism enterprises'**, such as small hotels, guesthouses, souvenir shops and restaurants.
- ✚ In one hotel in Mawlamyine, female employees had to sign a form certifying that they would not get married or that they would quit if they did so, which was mentioned by the hotel manager to be a way to avoid having to pay maternity benefits.
  - However in most hotels and among tour operators, paid maternity leave of 3 months was provided to female workers, in line with national laws and international standards.
- ✚ In a number of cases female tour guides were exposed to safety and security risks because they were unable to stay in the same accommodation as their guests and had to travel late at night to find affordable accommodation.
- ✚ There have been occasional incidents where tourists requested their female tour guides to provide sexual services.
- ✚ Across all locations there were no grievance mechanisms for female workers in hotels and tour operators against sexual harassment. Awareness raising training related to gender issues was absent.

It is estimated that at least 50 percent of the workforce in the tourism sector in Myanmar is female.

## Fact Sheets

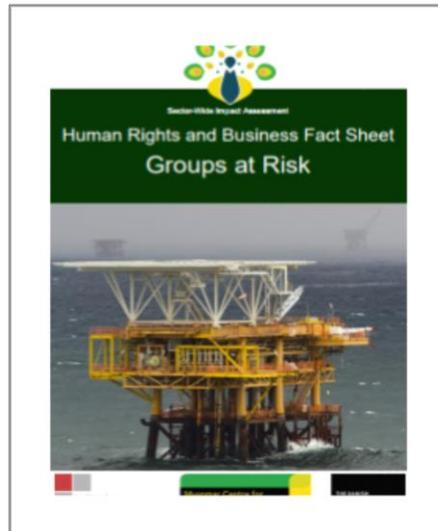
### GROUP AT RISKS (WOMEN)

#### Why pay attention to women?

Projects may have different impacts on women and men, due to:

- ✚ their differentiated socioeconomic roles for example, if it is the women and girls' traditional role to gather food or water and the project will make access to these resources more difficult, it may change the pattern of the way women and girls spend their day – and could ultimately result in girls not having time to attend school) and
- ✚ their different degrees of control over and access to assets (like houses or bicycles), productive resources (like land or livestock), and
- ✚ opportunity to take up and be offered formal employment.
- ✚ There may be social norms, societal practices, or legal barriers that impede the full participation of persons of one gender (usually women, but potentially men) in consultation, decision-making, or sharing of benefits at the community level. These legal and societal norms and practices may lead to gender discrimination or inequality.
- ✚ Their vulnerability (for example where there is an influx of male

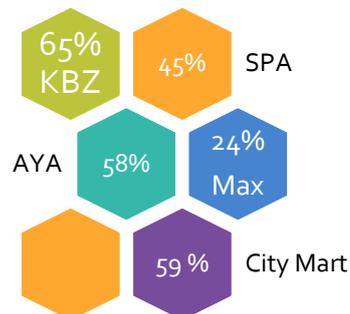
workers for the project who then harass and exploit women in the community)



#### Key Considerations:

- ✚ **Women as employees:** Companies need to be aware of the stereotypical differences in labour roles between men and women and how the project may reinforce those roles or offer women new opportunities outside those roles through new jobs or training programmes (for example, women are offered jobs only as receptionists at hotels while men are offered the management jobs). Other issues include non-discrimination in working conditions, pay and benefits, paid maternity leave, prohibition against sexual
- ✚ **Women as stakeholders:** Particularly in areas where there is strong discrimination against women, companies need to specifically assess key issues for women such as differences in access to and control over material and non-material resources, and the legal basis for gender equality/inequality. The assessment should include providing opportunities to participate and influence decision-making through separate consultations and grievances, and develop measures that allow both women and men equal access to any benefits of the project (such as land titles, compensation, and employment).
- ✚ **Women as entrepreneurs:** Companies will often need supplies or services from the local community and these purchases can be important drivers in developing the local economy. Companies can make a positive contribution by directing business to women, minority-owned businesses or supporting/training these entrepreneurs

MCRB conducted a mini research on gender ratio of top employers that employ more than 500 people in Myanmar. MCRB found out women participating at workplace



- ✚ MCRB's provided inputs on the draft law on PoVAW violence against women.
- ✚ MCRB joined "International Women's Day" Working Group Meeting and discussed about plan for the upcoming IWD.
- ✚ MCRB has become a member of Gender Equality Network in 2017.
- ✚ MCRB is one of the members of TWG on participation and mainstreaming
- ✚ MCRB's participated at a panel discussion on "harassment at workplace"



## INDIGENOUS WOMEN AND THEIR RIGHTS TO LAND IN MYANMAR

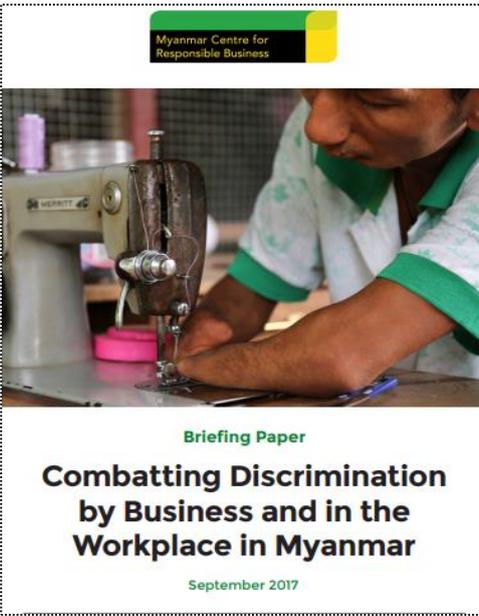
IP Briefing Paper's Page 21 mentions that Myanmar acceded to the UN Convention on the Elimination of Discrimination against Women (CEDAW) in 1997, and as such is obliged to guarantee women equal access to land and other resources. However the reality in Myanmar is characterized by widespread discrimination against women, including in owning land and using its resources. The 6th Draft of the National Land Use Policy calls for equal rights of men and women with regard to land (Part IX), but at present the enjoyment of this right by women remains aspirational. Indigenous women in particular often do not have land tenure rights due to widespread discrimination, although practice varies by ethnic group and some groups allow for equal inheritance rights for men and women, whereas others do not. They also face geographic, cultural and language/literacy barriers to land ownership. As a result, very few indigenous women possess sufficient written documentation of customary tenure rights to their land. Even if their husbands have such documentation, indigenous women usually do not appear on the deeds of ownership, nor do they always have rights of inheritance. All of these factors present significant challenges to indigenous women themselves, and to companies when they

conduct due diligence around indigenous land rights for women.

Recommendation includes to encourage women participation at consultation, and make sure to listen their voices.

The Myanmar Centre for Responsible Business (MCRB) has published a briefing paper aimed at helping **companies combat discrimination in hiring practices and in the workplace.**

The paper describes discrimination in policy, law and practice against several groups in Myanmar who are particularly at risk: women; lesbian, gay, bisexual, and transgender people (LGBT); people living with HIV; people with disabilities; ethnic minorities; and religious minorities.



### RECOMMENDATIONS CONCERNING DISCRIMINATION AGAINST WOMEN

- Recognize that if women achieve their full economic potential in the workplace, both the company and the national economy will benefit.
- Be alert to gender discrimination and perpetuating gender stereotyping in hiring and in the workplace, particularly in industries that traditionally employ men.
- Be mindful that discrimination against women can take the

- form of intimidation and harassment; exclusion; and sexual harassment and violence.
- Ensure that women receive the same rate of pay for the same jobs as men ('equal pay for work of equal value').
- Ensure that women in the workforce are provided with the same training and advancement opportunities as men.
- Include women as leaders in governance, management and decision-making structures, where they have traditionally been under-represented, both in Myanmar and globally.
- Consider offering mentors to new women managers.
- Consider adopting the seven principles of the UN Global Compact and UN Women and using their Women's Empowerment Principles Gap Analysis Tool.
- Measure and publicly report on progress to achieve gender equality.
- Put in place gender-sensitive security measures such as female security guards or no body-checks by male security guards in companies with female employees.
- Offer self-defense training to women workers

## MATERNITY LEAVE AND CHILDCARE:

- Do not discriminate against pregnant women and mothers in hiring and employment policies and practices.
- Ensure that pregnant women employees receive six weeks' maternity leave before birth and eight weeks afterwards as provided for under current Myanmar law.
- Consider the establishment of childcare facilities when employing a large number of female employees.
- Establish nursing or breastfeeding facilities when employing a large number of female workers, allowing women to continue to work while breastfeeding.