

# Gender Equality and Gender-Based Protections in Large Scale Mining: IRMA's approach in its Standard for Responsible Mining v.1.0

## Overview

Women are less likely than men to benefit from large scale mining and more likely to experience the negative impacts. Gender norms and discrimination operating through recruitment processes, local procurement strategies, workplace policies, or through the traditional beliefs and social norms of communities surrounding mine sites may limit the opportunities and benefits afforded to women while increasing their vulnerability to risks and impacts.

The importance of gender mainstreaming in the extractive sector is increasingly recognized as a key component of identifying, understanding, and addressing gender inequality in and around mining operations in order to develop, implement and monitor ongoing strategies to address these human rights risks that may otherwise go unnoticed. Large-scale mining plays a prominent role in many developing countries and therefore has a significant role to play towards achieving gender equality world-wide.

### TERMS AND DEFINITIONS

#### **Gender**

Gender refers to the norms, responsibilities, and social structure enforcing pre-defined roles for women and men. Regarding large-scale mining, issues of gender equality often focus on women in particular because they face a heightened risk to adverse effects from mining activity, due in large part to gender norms.

#### **Gender Mainstreaming**

Integration of gender concerns into the design and management of business operations in order to identify areas where benefits, risks and impacts may be experienced differently for men and women. This may include gender analysis, gender impact assessments, consultation with gender experts, etc. Gender mainstreaming can better enable the successful development, implementation and ongoing monitoring of strategies and measures designed to address issues of gender equality.

The Initiative for Responsible Mining Assurance's (IRMA) *Standard for Responsible Mining* v.1.0 (the "IRMA Mining Standard") and assurance system offers requirements, guidance and procedures to support companies to strengthen their commitment and efforts towards gender equality. For example:

- Gender issues are more likely to be detected by mining companies when they assess and understand the social and political dynamics of the surrounding community and collect gender-disaggregated data. The IRMA Mining Standard requires context analysis prior to and during impact assessments and engagement processes, as well as data disaggregated by rights holder group (e.g., women, men, children, vulnerable groups).
- Also, issues are more likely to be detected by auditors when the auditing process emphasizes worker and community interviews with both men and women (9), which IRMA requires.

The sections below provide an overview of some issues that should be addressed in a gender-sensitive approach within large-scale mining, and how the IRMA Mining Standard currently addresses these concerns.

## Women in the Workplace

Women are largely underrepresented in the mining workforce. Employment that is accessible to women is often low-paying and offers little chance of advancement. In cases of retrenchment, women are often first to be terminated.

Inflexible work hours, remote site locations, lack of accommodations for pregnant and nursing women, the prevalence of sexual- or gender-based violence (SGBV) and harassment, can all disproportionately disadvantage women. Women are also more vulnerable to violence and harassment resulting from security arrangements.

Women are more likely to report a lack of trust in grievance mechanisms often resulting from a lack of gender-balanced management, lack of timely resolutions, or lack of anonymity.

Collecting gender-disaggregated data, setting diversity targets, and conducting gender analyses can all help identify and address these issues.

### WOMEN IN MINING

- Of the top 40 mining companies in 2019, 21% of board members and 11% of senior management were women (1).
- Women employed by mining companies in 2019 made up 15.7% of the workforce (2).
- In some communities, the percentage of unemployment among women was reportedly as high as 87%, despite the job creation of large-scale mining (3).
- In some countries, women must exchange sexual favors for employment and/or for assistance in the workplace (4)(7).
- Data collection: Of the 325 companies listed on the Bloomberg Gender-Equality Index that publicly release gender-related data, only 3% are mining companies (5).

## Women in the Workplace: Integration in the IRMA Mining Standard.

Gender Issues	How it is integrated
<ul style="list-style-type: none"> <li>— Equal Opportunity</li> <li>— Equal Access to Employment</li> <li>— Equal Pay for Work of Equal Value</li> </ul>	<p><b>3.1–Fair Labor and Terms of Work</b></p> <p>It is required that that all aspects of the employment relationship (including recruitment practices, compensation, training and promotions opportunities, retrenchment plans, etc.) are based on the principle of non-discrimination and equal opportunity, and notes that decisions based on gender and marital status may constitute cases of discrimination (3.1.3.1, 3.1.4.1).<sup>1</sup></p> <p>An exception is made for setting diversity targets and IRMA highlights the business incentive for including more women in the workforce (3.1.3.2).<sup>2</sup></p>
<ul style="list-style-type: none"> <li>— Maternity leave</li> <li>— Gender appropriate PPE and sanitation facilities,</li> <li>— Gender specific health services,</li> <li>— Special accommodations for pregnant or nursing women</li> </ul>	<p><b>3.1–Fair Labor and Terms of Work</b></p> <p>Companies must provide maternity leave of no less than 14 weeks (3.1.10.2.b).</p> <p><b>3.2–Occupational Health and Safety</b></p> <p>Suitable protective equipment and clothing is required for all workers (3.2.4.1.b), as are gender appropriate washing and locker facilities (3.2.4.3).</p> <p>When identifying and addressing health and safety risks, particular attention to vulnerable workers is required to identify those with heightened or unique risks, such as women, particularly if pregnant or nursing (3.2.2.3).<sup>3</sup></p> <p>Additional protective measures as well as training and health promotion programs are required for workers with unique risks, to ensure that these workers are well aware of and trained to handle the risks (3.2.4.2).<sup>4</sup> Means of verifying this requirement include interviewing pregnant or nursing women.</p>
<ul style="list-style-type: none"> <li>— Sexual- or gender-based violence (SGBV)</li> <li>— Discrimination, or harassment</li> </ul>	<p><b>3.1–Fair Labor and Terms of Work</b></p> <p>Mining companies are required to take action towards addressing and preventing discrimination, harassment, and/or exploitation, particularly with regards to women workers (3.1.3.3).</p> <p>IRMA Guidance provides further definition of discrimination and sexual harassment and description of its various forms, including examples of types of behavior that may constitute sexual or gender-based violence or harassment, ranging from the more subtle abuses of power to overt instances of physical violence.<sup>5</sup></p> <p>Means of verification includes interviewing workers of different genders, looking for relevant worker grievances or the lack thereof, and confirming that complaints related to discrimination or harassment were resolved in a timely manner (3.1.3.3).</p> <p><b>3.5–Security Arrangements</b></p> <p>IRMA recognizes women’s increased vulnerability to negative impacts from security arrangements and requires that “special effort” be made to include the views of women during the security risk assessment (3.5.2.2.c),<sup>6</sup> and that the scope thereof include</p>

<sup>1</sup> IRMA Guidance. Explanatory note for 3.1.3.1 provides a more detailed description of what an “employment relationship” may include and lists what may constitute characteristics that may be unrelated to inherent job requirements.

<sup>2</sup> See Explanatory note for 3.1.3.2 in IRMA Guidance.

<sup>3</sup> Explanatory note for 3.2.2.3 provides examples of possible vulnerable workers and refers operating companies to the Danish Institute for Human Rights for guidance on specific measures, including those for pregnant and nursing women.

<sup>4</sup> See Explanatory note for 3.2.4.2 in IRMA Guidance.

<sup>5</sup> See Explanatory note for 3.1.3.3 in IRMA Guidance.

<sup>6</sup> See Explanatory note for 3.5.2.2.c in IRMA Guidance.

Gender Issues	How it is integrated
— Gender-Sensitive Grievance Mechanism	<p>consideration of security risks to women in particular, considered separately and potentially requiring “additional safety measures” (3.5.2.3.a).<sup>7</sup> This applies to women workers as well as women in the affected community and includes a required analysis of the social and political climate of the surrounding community and country (3.5.2.3.c).</p> <p>IRMA requires that mitigation strategies designed to address risks identified be developed with particular consideration of women’s needs (3.5.2.5).</p> <p>IRMA requires that all security personnel be trained by the operating company regarding ethical conduct and respect for human rights, paying particular attention to vulnerable groups, such as women (3.5.4.1).<sup>8</sup></p> <p><b>1.4–Complaints and Grievance Mechanism and Access to Remedy</b></p> <p>IRMA requires that all individuals have access to an operational-level grievance mechanism (1.4.1.1), the design of which must include assistance for those who may face barriers, such as women (1.4.2.1.e). Assistance may include free telephone hotlines, meetings with subgroups or representatives, etc. The operational level grievance mechanism must also allow for anonymous complaints if necessary (1.4.2.1.d).</p> <p><b>3.1–Fair Labor and Terms of Work</b></p> <p>Any worker-related grievance mechanism must resolve complaints regarding sexual harassment or discrimination in a timely manner (3.1.3.3).<sup>9</sup></p>

## EXAMPLES OF LEADING PRACTICES

- Exarro has produced several initiatives aimed at empowering women in South African mining. Some of these initiatives call for personal protective equipment (PPE) designed specifically for women as well as consideration of the production and use of panic buttons designed specifically for women in cases of danger or distress while underground (10).
- CODELCO adopted a Gender Diversity Strategy in 2015. Some practical actions include infrastructural changes to provide better hygienic and safety conditions for women (including accommodations for pregnant women) such as separate changing rooms and restrooms, rooms for nursing and storing breast milk, and gender appropriate PPE (12).
- AngloGold Ashanti conducted gender specific risk assessments of each individual item of PPE. The assessment was conducted with the participation of women worker representatives and led to the identification of risks, such as dust masks too large to adequately protect women workers, and ultimately culminated in recommendations regarding possible solutions to the risks identified (13).

<sup>7</sup> See Explanatory note for 3.5.2.3a in IRMA Guidance.

<sup>8</sup> Explanatory note for 3.5.4.1 in IRMA Guidance.

<sup>9</sup> IRMA Guidance for requirement 3.1.3.3 includes confirming that no SGBV, harassment or discrimination complaints are unresolved at the time of the audit.

# Women in the Community

Women in mining-affected communities are at an increased risk of social and economic marginalization, domestic and sexual- or gender-based violence (SGBV), and exclusion from community engagement. In some countries, women are excluded or discouraged from stakeholder meetings out of respect for, or because of, the community's customs and norms (3).

These risks are heightened for indigenous peoples and in cases of resettlement where a loss of resources through displacement, degradation or competition has the potential to disproportionately impact women who may lack formal property rights and are often sole care-givers and responsible for providing food and water for their families.

Impact assessments that focus on gender differential impact and context analysis, as well as consultation with women or women's representatives, women's organizations, and/or gender experts, can significantly improve an operating company's ability to identify and address issues of gender equality in the surrounding community caused or exacerbated by mining activity.

## SGBV AND HARASSMENT

- In a study of a mining affected community in South Africa in 2018, 73% of women reported receiving no benefit from the mine while 25% reported increased rates of rape, abuse and murder and 85% directly attributed increased rates of violence to the development of the mine (7).
- Increases in domestic and sexual violence, exploitation and harassment are attributed to in-migration of transient male workers and an increase in disposable income among male workers (4)(6).
- Regarding community well-being, evidence shows that few companies have in place systems to protect women from discrimination and GBV and that most show little or no actions taken towards addressing gender equality generally (13).

## Women in the Community: Integration in the IRMA Mining Standard.

Gender Issues	How it is integrated
<ul style="list-style-type: none"> <li>— SGBV, prostitution, exploitation, etc., in the community due to or exacerbated by mining activity</li> </ul>	<p><b>1.3–Human Rights Due Diligence</b></p> <p>Companies are required to make policy commitments towards respecting all internationally recognized human rights, which would include women's rights, (1.3.1.1), they must conduct their assessment of human rights risks and impacts consulting with and paying particular attention to vulnerable groups, such as women, conduct an analysis of differential risks to men and women, and collect data disaggregated by rights holder group (1.3.2.2.c., 1.3.2.3.e.).<sup>10</sup></p>

<sup>10</sup> Explanatory note for 1.3.1.1 refers operating companies to the United Nations Guiding Principles for Business and Human Rights (UNGPS), which highlights the need to pay particular attention to vulnerable groups, including women.

Gender Issues	How it is integrated
	<p>IRMA provides specific guidance for auditors to interview women in order to confirm that they were “meaningfully engaged” during the human rights risk assessment process (1.3.2.2.c).<sup>11</sup></p> <p><b>2.1–Environmental and Social Impact Assessment and Management</b></p> <p>Possible differential or specific impacts of mining operations on women are also emphasized during the Environment and Social Impact Assessment (2.1.3.3)<sup>12</sup></p> <p><b>3.3–Community Health and Safety</b></p> <p>Determining differential or specific impacts on women is also included community health and safety scoping exercise (3.3.1.3),<sup>13</sup> including consideration of possible impacts from an increase in economic opportunity or the influx of migrant workers (3.3.1.1.f).<sup>14</sup></p> <p><b>3.4–Mining and Conflict-Affected or High-Risk Areas</b></p> <p>The risk of sexual violence as a result of mining activity in Conflict-Affected or High-Risk areas is noted, and the Mining Standard requires that conflict risk assessments include special consideration of and consultation with women as well as analysis of community dynamics and conflicts (3.4.3.1, 3.4.3.3).<sup>15</sup></p>
<p>— Participation in Stakeholder Engagement</p>	<p><b>1.2–Community and Stakeholder Engagement</b></p> <p>The IRMA Mining Standard makes clear that stakeholder engagement planning and processes must always include both women and men, and that demonstrable effort be made to include both, which may require assistance for those who face barriers (1.2.1.1, 1.2.2.4).<sup>16</sup></p> <p>Companies are required to demonstrate efforts to understand community dynamics in designing engagement processes in order to identify possible barriers to engagement and who may be vulnerable, such as women, and make demonstrable effort to remove these barriers (1.2.1.3, 1.2.1.4).<sup>17</sup> IRMA Guidance offers several examples of barriers that women may face and provides suggestions of how to address them.<sup>18</sup></p> <p><b>2.3–Obtaining Community Support and Delivering Benefits</b></p> <p>The Standard requires that new mines establish and maintain broad community support, (2.3.2.1, 2.3.2.3) and make demonstrable efforts to include women in a</p>

Explanatory note for 1.3.2.3.e. points to the UNGP requirement that companies pay special attention to vulnerable groups, in particular to the differential risks or impacts on women who are at an increased risk of “vulnerability and marginalization.”

<sup>11</sup> What constitutes “meaningful engagement” is elaborated upon in an explanatory note to critical requirement 1.2.2.2 referring to OECD guidance on meaningful stakeholder engagement.

<sup>12</sup> Explanatory note for 2.1.3.3 in IRMA Guidance.

<sup>13</sup> Explanatory note for 3.3.1.3 in IRMA Guidance.

<sup>14</sup> Explanatory note for 3.3.1.1.f in IRMA Guidance.

<sup>15</sup> Explanatory note for 3.4.3.1 refers operating companies to OECD guidance outlining potential risks to consider, of which widespread sexual violence in one of them that IRMA indicates is necessary to evaluate.

<sup>16</sup> An explanatory note for 1.2.1.1 specifies that a “range of stakeholders” must “always include women, men and vulnerable groups (or their representatives)” and defines “inclusive” as necessarily including women in an explanatory note to 1.2.1.3.

<sup>17</sup> Explanatory note to 1.2.1.3 and 1.2.1.4 emphasize the importance of understanding social and cultural contexts in order to identify barriers and develop strategies to address them.

<sup>18</sup> Explanatory note to 1.2.1.3, 1.2.1.4 and 1.2.2.5. Explanatory note to 1.3.2.2.c provides additional examples and guidance.

Gender Issues	How it is integrated
	<p>“meaningful” way (2.3.2.2.d).<sup>19</sup> Verification of meaningful engagement includes interviewing both women and men from the community.</p> <p><b>3.6–Artisanal and Small-Scale Mining</b></p> <p>Engagement with both women and men is required in the planning and design of contributions to community initiatives and benefits (2.3.3.1 and 2.3.3.2), as well as in engagement processes with ASM entities and communities, including the potential need for specific strategies to allow for participation (3.6.2.1.a, 3.6.2.1.c).<sup>20</sup></p> <p><b>2.2–Free, Prior and Informed Consent (FPIC)</b></p> <p>IRMA emphasizes the importance of encouraging the engagement of women during engagement processes with indigenous people and requires auditors to determine if they were involved, and if not, to determine if there were efforts made by the operating company to involve them, as well as other vulnerable groups, in cooperation with the community (2.2.3.2.e). However, IRMA Guidance notes the recommendation of the UN Rapporteur to avoid imposing gender balance on indigenous peoples and therefore recommends that attempts to involve women be undertaken in coordination with indigenous peoples and/or their representatives.<sup>21</sup></p>
<p>— Impacts of physical and economic displacement (compensation for loss of land and/or livelihood on women)</p>	<p><b>2.4–Resettlement</b></p> <p>In cases of involuntary resettlement, the operating company is required to conduct an assessment of the risks and/or impacts of economic or physical displacement (2.4.1.1), paying particular attention to differential impacts on or risks to women (2.4.1.2.c) and requires that women’s views and concerns are included in the consultation procedures prior to decision-making related to displacement and resettlement and incorporated into the company’s Resettlement Action Plan-RAP (2.4.2.1).</p> <p>The RAP must include a description of strategies to mitigate negative impacts on those affected, paying particular attention to women as well as other vulnerable groups (2.4.3.3.b). When determining compensation and assistance, IRMA Guidance refers to IFC guidance for cases where women do not have formal property rights or equal rights, in which case special measures may need to be taken (2.4.3.1).<sup>22</sup></p> <p>IRMA Guidance also indicates the need to monitor vulnerable individuals/groups following resettlement to ensure the “effectiveness of resettlement compensation, assistance, and livelihood restoration” in order to address, among other things, “gender-differentiated” impacts (2.4.8.2).<sup>23</sup></p>
<p>— Encouraging the empowerment of women in the community</p>	<p><b>2.3–Obtaining Community Support and Delivering Benefits</b></p> <p>IRMA requires that the operating company make efforts to develop initiatives that benefit the community, including women and other vulnerable groups (2.3.3.4.b).<sup>24</sup></p> <p><b>3.6–Artisanal and Small-Scale Mining</b></p>

<sup>19</sup> What constitutes “meaningful engagement” is elaborated upon in an explanatory note to critical requirement 1.2.2.2 referring to OECD guidance on meaningful stakeholder engagement.

<sup>20</sup> Explanatory note for 3.6.2.1.a. and 3.6.2.1.c in IRMA Guidance.

<sup>21</sup> See Explanatory note to 2.2.3.2.e and explanatory note to 2.2.4.2 which suggests considering special measures to ensure involvement of women in engagement during the FPIC (Free, Prior and Informed Consent) process and again emphasizes that this process ought to be largely determined by the indigenous peoples.

<sup>22</sup> Explanatory note for 2.4.3.1 and explanatory note for 2.4.3.3 and 2.4.4.3.

<sup>23</sup> Explanatory note for 2.4.8.2 in IRMA Guidance.

<sup>24</sup> Explanatory note for 2.3.3.1 specifies that community initiatives may include training or social programs, scholarships, etc.

Gender Issues	How it is integrated
	Gender equality in the context of ASM is supported by suggesting that operating companies improve the lives of women in ASM communities “through gender awareness and empowerment programs” as part of their fulfillment of the requirement to consider ways to “enhance positive safety, environmental and social impacts of ASM activities” (3.6.3.2). <sup>25</sup>

## EXAMPLES OF LEADING PRACTICES

- CODELCO established measures to prevent and raise awareness of SGBV and harassment and domestic violence through gender awareness workshops and widespread awareness of their “Guidelines on Maternity Protection, Prevention of Sexual and Moral Harassment and Intrafamily Violence” (13).
- Rio Tinto conducted a gender analysis of surrounding communities in order to identify women’s potential barriers to engagement. It revealed that women are often left out of community engagement practices due of a variety of factors such as lack of awareness, the presence of men, and the time of year (women’s farming responsibilities were found to be greater in some seasons). Mine-related concerns having to do with the well-being of the family and community were often overlooked when women were not included in consultation meetings (8). Similarly, Minera Quellaveco conducted a gender analysis of women of the surrounding community through consultation with women’s representatives in order to assess the position of women in the community (11).
- Minera Yanaquihua, a mid-size mine in Peru, supports local women who sell low-grade ore from discarded tailings by buying from them and providing both PPE and technical support (11).

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<sup>25</sup> Explanatory note for 3.6.3.2 and explanatory note for 3.6.4.1.a.



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