

# Mapping gender risks and opportunities for investors in Africa and South Asia



In association with

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Ergon

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## Acknowledgement

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# 01

## Scope and purpose

CDC is committed to advancing gender equality and women's economic empowerment in its investments. To ensure investments optimise gender equality outcomes, CDC determines that gender-related risks and impacts are identified and addressed in environmental and social (E&S) due diligence and monitoring.

This briefing note maps key gender-related risks in CDC investments under the International Finance Corporation (IFC) Performance Standards, with a focus on CDC's priority geographies (South Asia, Sub-Saharan Africa and North Africa) and investment sectors (financial services, infrastructure, manufacturing, food and agriculture, construction and real estate, healthcare and education.)

This document aims to highlight the most important risks to women and girls and provides a practical tool to help specialists prioritise risk issues during due diligence. It is not intended as an exhaustive mapping of gender-related issues or risks.



## 02

### IFC Performance Standards: key risks to women and girls

#### 2.1 Gender in due diligence – some overarching principles

In most contexts, unequal power relations between women and men in society mean there are likely to be gender-differentiated risks and impacts at the project level.

Gender' refers to the social, behavioural, and cultural attributes, expectations, and norms associated with being a woman or a man. Meanwhile, 'gender equality' refers to how these elements determine how women and men relate to each other, and the resulting difference in power relations between them.<sup>1</sup>

Due diligence processes should take into account that gender norms affect the way in which women and men participate in consultation, decision-making or access the benefits of projects (including enhanced access to services and/or job opportunities).

As a starting point, it is important to recognise that women are typically over-represented in informal and precarious forms of employment, and under-represented in managerial positions in the workplace and decision-making roles in the community. Their participation in the economy and public life is often shaped by their role in unpaid care work, which is often not recognised or undervalued. Similarly, women are often not represented in community and civic decision-making structures. This may impact their ability to influence and benefit from a project as community members.

Where due diligence is mindful of gender roles and gender-based stereotypes, it is more likely that it can anticipate differential effects on women and men and ensure that investments support, and not undermine, gender equality.

Structural gender inequality should be taken into account in risk assessments and mitigation strategies, but residual gender risks may remain at the project level where the root causes lie beyond the sphere of influence of the client.

Gender risks will be heightened at the project level where:

- Anti-discrimination principles are not adequately transposed into national law; for example, **national laws are silent or partially silent** on sex-based discrimination.
- There are discriminatory laws in place meaning that **women and men do not have the same rights in practice**. For instance, eight economies in Sub-Saharan Africa do not mandate non-discrimination in employment on the basis of gender, and 40 do not prohibit discrimination by creditors on the basis of sex or gender (Women, Business and the Law, 2020).
- **Discriminatory attitudes are embedded in social and cultural norms** and therefore reflected in workplace culture, women's access to land ownership or women's representation in community decision-making fora.
- Project operations are in **conflict or post-conflict areas**.

**Women are often more vulnerable than men, but when assessing gender-related risks, other personal characteristics should also be taken into account.**

Risks for women and girls will vary substantially according to context, and other intersectional characteristics will play an important role, including race, caste, migration status, disability, education level, socioeconomic status, religion, ethnicity, marital status, carer or parental status and other factors.

<sup>1</sup> This is distinct from the term 'sex', which is used to refer to the biological and physiological characteristics that define men and women. See: '[What do we mean by gender equality?](#)' in [World Development Report 2012: Gender equality and development](#).

For instance, risks of sexual harassment are likely to be higher for seasonal agricultural workers on temporary contracts, compared to white-collar female workers in the same enterprise (due to vulnerability arising from lack of job security, working alone in remote or isolated locations or lower levels of awareness of what constitutes sexual harassment). Similarly, women in marginalised communities without formal land title may be particularly vulnerable to negative livelihood impacts (because of a lack of access to information, lack of education or lack of time and resources to participate in consultations).

**The gender composition of the E&S team is relevant, particularly where there are known to be gender-sensitive issues.**

It is good practice to ensure women are adequately represented in E&S teams and among consultants carrying out due diligence and monitoring, particularly where there is direct engagement and focus group discussions with project-affected women. In some social contexts, it may be more difficult for men to establish rapport and elicit information from local women, particularly on sensitive subjects.

If the E&S team itself does not include women, it may be possible to find ways to offset this, for instance by using competent local female interpreters or facilitators, who are provided with instructions for conducting focus group discussions.

## 2.2 Key gender risks in the IFC Performance Standards

The following table maps the key gender risks in relation to each of the IFC Performance Standards, with a specific focus on PS 1 (Assessment and Management of Environmental and Social Risks and Impacts), PS 2 (Labour and Working Conditions), PS 4 (Community Health, Safety and Security) and PS5: Land Acquisition and Involuntary Resettlement, which present some of the most significant gender-related risks in practice. (See Annex for an overview of how gender is integrated into the Performance Standards.)

This is not intended to be an exhaustive list: the risks outlined represent those mostly likely to arise in connection with investments in CDC's priority sectors and geographies.

### Key risks to women and girls

#### Performance Standard 1 (PS1): Assessment and Management of Environmental and Social Risks and Impacts

Key overarching risks relate to process, and potential failure to take into account differentiated risks or impacts on women and men, leading to inadequate safeguards for women and girls across the project lifecycle. Note that process issues around risk assessment, stakeholder consultation, information dissemination and community grievances also affect compliance with other Performance Standards.

Key risks:

- The Environmental and Social Impact Assessment (ESIA) fails to identify differential risks and impacts of the investment on women, undermining prospects to integrate safeguards into the Environmental and Social Action Plan (ESAP) and Environmental and Social Management System (ESMS) to prevent, mitigate, and address risks and negative impacts for women and girls (or for maximising positive impacts).
- Stakeholder analysis and engagement fails to identify or engage with groups of women who are disadvantaged or vulnerable, particularly where these women lack voice and agency within their communities (for example refugee or lower caste women), or with relevant women's organisations.
- Consultation processes are not designed in a way that allows women to make contributions freely (women-only consultation may be necessary in some contexts), or fails to capture the full range of women's concerns and priorities about impacts, mitigation mechanisms, and benefits. This risk is heightened where processes are not designed in a way that facilitates the attendance of women from affected communities at meetings in terms of location or timing.
- Mechanisms for disclosing information are not designed in ways that take into account differences in how women and men in affected communities are most likely to access information, including in relation to emergency preparedness.

- The impact assessment process may not take into account the different priorities men and women place on particular mitigation measures or outcomes.
- Design and implementation of community grievance mechanisms does not fully take into account that established gender segregation and defined roles and responsibilities may affect women's access to the mechanism. In some instances, women may be inhibited from complaining about gender-based violence and harassment (GBVH) (especially where there is not a female contact point) or have lower literacy levels and be less familiar with formal processes.
- Inadequate capacity in the team responsible for implementing the ESMS – typically a combination of the Human Resources (HR) department and other functions that may have limited exposure to E&S risk mitigation – particularly where gender disparities have been identified in due diligence. This could be from a lack of training or capacity to handle gender-sensitive complaints (including GBVH) from local communities.

### Performance Standard 2 (PS2): Labour and Working Conditions

Key PS2 risk issues relate to gender discrimination in employment and sexual harassment. These risks are heightened where there is a lack of legislation that prohibits sexual harassment in the workplace or minimal penalty; see Section 4 for further information on gender-specific requirements).

Gender discrimination in employment should always be treated as a potential risk issue in all countries and sectors. Key discrimination risks relate to:

- **Recruitment and promotion:** For instance, job advertisements or job descriptions may call for applicants of a specific gender, or there may be an unspoken ‘understanding’ that female candidates are not shortlisted for certain jobs. In some cases, discrimination may relate to prevailing social and cultural norms, such as perceptions that women’s role as primary caregiver may be incompatible with a management role.
- **Wage and working conditions:** Women may not be offered equal pay to men for work of equal value. They may be engaged on lesser terms and conditions of employment for work involving similar effort, skill or level of responsibility.
- **Individual or collective dismissal:** For instance, contracts may not be renewed for pregnant women, or the procedure and criteria applied during retrenchment are not objective or transparent and privilege one group over another.
- **Indirect discrimination:** This arises where policies or rules ostensibly apply to everyone in the same way, but disadvantage particular groups in practice. For instance, part-time workers may be identified as one of the groups at risk for collective dismissal – this is likely to affect women in particular, as they are significantly more likely to work part time.

Workplace discrimination can be difficult to uncover in practice. Factors that heighten the risks include a lack of clear and transparent HR policies for recruitment, promotion, and compensation (making it more likely that unconscious and conscious bias influences decision-making), and any use of workplace health or pregnancy testing without clear and lawful reasons for testing, or safeguards to protect confidential data (preventing discriminatory use).

Similarly, GBVH should always be treated as a risk issue in the workplace, and CDC has a zero-tolerance approach irrespective of what national law says. Factors that can heighten the risk of GBVH include:

- Workplaces in countries where social or cultural norms or language mean that GBVH is not perceived as an issue or priority.
- Strongly hierarchical working environments where senior leadership teams and managerial staff are predominantly male, while lower-skilled workers are predominantly female, especially where supervisors have discretionary control over bonuses. (This can create a hostile environment, where male supervisors expect a *quid pro quo* in return for signing off bonuses.)
- Workplaces with a high proportion of young or inexperienced workers and/or migrant workers.
- Workplaces with no explicit mention of GBVH in policies and procedures.

- Workplaces where existing GBVH policies and procedures are not implemented, supported, monitored, or functional.
- Research suggests that women working in male-dominated occupations – or in sectors where they are in a small minority – are at greater risk of GBVH, particularly in relation to physical work or environments focused on traditionally male-oriented tasks.
- Workplaces where women are required to work on their own or in isolated contexts, such as hotel workers, cleaners, drivers, security, or agricultural workers.
- Worker accommodation where there has not been an assessment of GBVH risks, and there are insufficient GBVH safeguards in place, including with respect to security personnel.

Other risk issues for PS2 include:

- **Lack of gender-sensitive Occupational Health & Safety (OHS) risk assessments and failure to provide suitable personal protective equipment (PPE):** Risk assessments may not consider gender-specific health impacts, leading to *inter alia* a lack of systems in place to procure PPE appropriate to women (e.g. wrong size gloves or shoes) or assign modified tasks to pregnant women (as appropriate). Risks to reproductive health include exposure to chemicals and pesticides, noises and vibrations (but note that these may also affect men’s reproductive health).
- **Women workers engaged through third parties:** Women are more likely to be present in certain kinds of contracted services (for example, catering or cleaning) that may be less immediately visible than other kinds of services. While informal workplaces may not be engaged directly through CDC investments, lack of contracts may be an issue for women engaged through third parties, especially as women are typically over-represented in informal employment. Informal employment can heighten vulnerability to other labour risks (including working hours and wages in contravention of statutory minima, sexual harassment), particularly when combined with other factors, such as undocumented migration status.
- **Non-compliance with gender-related legal entitlements (see also Section 5):** There is a risk that women may not receive all benefits they are entitled to under law (or collective agreement). The nature of these entitlements will vary by jurisdiction but may include paid maternity leave, breastfeeding breaks, parental leave, or childcare provision in the workplace.
- **Grievance mechanisms:** There is a risk that grievance mechanisms may not be designed to take into account the different needs of women and men, including with respect to sexual harassment complaints; for instance, providing all-male contact points, or failing to provide a credible process to ensure confidentiality of individual grievances. This is particularly an issue where women’s voice in decision-making or representative mechanisms (within trade unions or workplace committees) is limited.
- **Supply chains:** There is a risk that women in supply chains are subject to ‘significant safety risks’ in the form of GBVH, and that these risks are difficult to detect due to low levels of reporting and limited visibility of supply chain workplaces. The risk of GBVH is likely to be elevated in certain supply chains (agriculture or manufacturing) and geographies (fragile and conflict states). See the discussion in section 5.

## Key risks to women and girls

### Performance Standard 3 (PS3): Resource Efficiency and Pollution Protection

Gendered roles in households and workplaces mean that women may experience different risks resulting from pollution as a result of their daily routines leading to exposure. For instance, in some communities, women and girls are responsible for water collection and washing clothes in or near local waterways, so are more vulnerable to the effects of pollution near these sites. Note that some investments may lead to significant opportunities for reducing exposure to pollution that arise from gender roles in households. For example, access to off-grid energy may reduce time spent by women and girls on fuel collection and lead to cleaner cooking and heating technologies that reduce indoor pollution.

Some pollutants can result in disorders specific to women, such as breast cancer and ovarian disease, while other health concerns might arise for pregnant women and breastfeeding mothers. Persistent organic pollutants (POPs), for example, [have been linked](#) to low birth weight, premature birth, and miscarriages.

There is a risk that pesticide management systems do not take into account the different ways in which women and men in the workforce and affected communities may be exposed or vulnerable to harm from pesticides. Pesticides such as DDT [have been known to interfere with female hormonal functions](#), and even where pesticide application is done by men, assessments may not consider issues such as [storage of pesticides in households and kitchens where women spend more time and risk greater exposure](#).

### Performance Standard 4 (PS4): Community Health, Safety and Security

Community health and safety management requires a sound understanding of prevailing gender dynamics. In many communities, men and women have distinct roles and responsibilities, which means that their health, safety and personal security can be affected differently.

GBVH in affected communities is a key risk under PS4, particularly in relation to major works that involve significant labour influx. Whilst GBVH can potentially arise in many different circumstances, risks are particularly high in relation to investments that involve large-scale infrastructure development and natural resources. Here, the affected communities are often small and remote, and there is a significant influx of predominantly male labourers associated with the project that cannot be readily absorbed into the local community. Risks are also significantly heightened in fragile, conflict or post-conflict areas.

Increased risk of exposure to communicable disease, including STIs, is heightened where there is significant labour influx. Interactions between construction workforce and local communities can lead to an increased rate of sexually transmitted infections (STIs) and other communicable diseases. This is particularly the case where incoming workers are far from home and have disposable income (such as in logistics), which can result in risky sexual behaviours, an increase in casual or transactional sex and an increase in commercial sex workers. Increase in communicable diseases can also happen as a result of increased pressure on housing, leading to overcrowding.

There may also be GBVH risks associated with the engagement of security personnel. These risks can be heightened whereby the outsourcing of security to providers that do not have adequate systems in place to vet new personnel, do not provide training on community interactions or fail to monitor the behaviour of staff.

There may be gender-specific impacts related to water and sanitation, linked to gendered division of labour within households concerning household waste, and water use and management. For instance, cadmium pollution in water supplies [has been known to disproportionately impact women](#) in contexts where women are responsible for rice cultivation and clothes washing, resulting in body pain and kidney complications. [An assessment of a project's impact on water sources](#) might consider conflicts at water points (including risk of GBVH) and the health impact of carrying heavy loads for long distances (especially when carried by pregnant women).

Increased pressure on healthcare services due to in-migration – including increases in communicable diseases – can place a strain on reproductive and maternal health services. This may be particularly relevant on large construction projects involving labour influx, and where communities in the project area have low absorption capacity.

On projects that lead to an increase in road traffic, different patterns of road use should be analysed to determine gender-differentiated risks. For instance, in some communities it is predominantly women who set up market stalls by the side of the road, or who accompany children to school on main roads.

### Performance Standard 5 (PS5): Land Acquisition and Involuntary Resettlement

The overarching risk is the increased vulnerability or marginalisation of women as a result of failure to take into account different access to land, including its ownership, inheritance and use. Women typically have less access to land ownership than men, and compensation processes are frequently applied at the household level, and often controlled by husbands. In some legal systems, it is difficult for women to hold land title.

Women's livelihoods may be affected by restrictions on – or removal of access to – natural resources and non-tenured use of land (for foraging, semi-permanent activities such as crop or fish drying, or setting up stalls for the sale of food).

Risks of adverse outcomes are heightened across the whole of PS5 where stakeholder engagement and community grievance mechanisms related to land fail to capture women's perspectives. This might involve, for instance, inadequate consideration of women's land interests or women's need to access common property, customary land, and social infrastructure.

Although highly context-specific, risks involve the following:

- Compensation measures that exclude women in contexts where women's ability to own land is restricted by law or custom, or where their contribution to household income or subsistence is overlooked because they are not 'head of the household', leading to their exclusion during compensation or resettlement processes. Women may also be overlooked in compensation consideration processes because their economic activities relate to less visible activities: for instance, impacts on fishing may focus on men who are fishermen, without considering the processing activity undertaken by women elsewhere in the value chain (for example, fish drying).

- Men derive a disproportionate share of benefits due to women's subordinate role or lack of voice or lack of access to formal institutions such as banks. For instance, job creation initiatives may overwhelmingly benefit men who engage in formal employment, whereas women may be involved in temporary or informal employment (foraging, grazing of animals, seasonal agricultural labour) that may not be immediately recognised or visible as a 'job'.
- Compensation measures that fail to account for disruption to families caused by displacement, particularly female-headed households that rely on informal support networks, or compensation measures that disempower women in households (e.g. cash payments where expenditure is then determined by male head of household, due to cultural norms).
- Livelihood restoration programmes that do not take into account women may not be able to take advantage of new income-generating activities connected with a project, or take up skills training opportunities, possibly because of additional burdens created by resettlement.
- Valuation processes that do not account for communal resources used most often by women (water collection, roads and pathways), thus leaving women with no alternatives.
- Grievance mechanisms for contesting outcomes or seeking compensation are inaccessible to those with limited technical knowledge, access to information, or literacy, which may exclude women in certain contexts. This leads to a general risk that gender-specific land acquisition or resettlement issues are not detected and addressed.

### Performance Standard 6 (PS6): Biodiversity Conservation and Sustainable Management of Living Natural Resources

In rural communities, women's dependence on natural resources for food and fuel may be negatively impacted if there is interference with natural resources and local ecosystems are affected. (There is some overlap here with considerations under PS5, given that loss of access to natural resources may affect livelihoods and cause economic displacement.)

There is also a risk that [women's specific knowledge of biodiversity conservation and land management](#) is not adequately taken into account, which may have a negative impact on sustainability measures. This risk is heightened where stakeholder engagement and consultation measures do not adequately capture women's views.

[For instance, women in Nigeria](#) have knowledge of traditional pesticides that are not environmental pollutants and have adapted to climate change by using alternative fuels which are in turn biodegradable and can be used in the production of biogas (which is produced from the decomposition of organic waste). In several African countries, including Uganda and Rwanda, women play a particular role as [seed custodians](#), and can be responsible for maintaining biodiversity of wild crops.

**Performance Standard 7 (PS7): Indigenous Peoples**

A major overarching risk is that engagement processes fail to capture indigenous women's perspectives and concerns, particularly where there is limited information about gender roles in specific communities. Indigenous communities are typically more vulnerable, and may require a different approach with respect to engagement, consultation and information provision.

In some instances, there may be tensions between respect for traditional cultural practice and practices that embody gender equality. For instance, it may be traditional for men and women to exercise decision-making power over defined areas, with men dominating on externally facing roles. This may limit women's voices on certain subjects relating to investments. Depending on context, this can lead to inadequate consideration of indigenous women's different relationship to or customary use of resources or land, or of indigenous women's particular spiritual needs. In addition, women may be less likely to be bilingual compared to men. In all cases, consideration should be given to the specific context to determine whether there is an imbalance in how women's and men's perspectives are captured, and how this might be overcome through direct engagement, without raising conflict or placing women at risk.

Where women's views are not adequately captured, this can undermine efforts to secure Free, Prior and Informed Consent (FPIC), or to ensure all community members (men and women alike) receive adequate compensation (where appropriate).

Threats to cultural heritage may have specific impacts on indigenous women. For instance, attempts to protect or preserve cultural practices may crystallise existing restrictions on women, such as through enforcement of moral standards, conduct, and dress. Loss of cultural heritage can specifically impact indigenous women, and lead to diminished status within the community.

**Performance Standard 8 (PS8): Cultural Heritage**

Where compensation or restoration is provided for loss of tangible cultural heritage, there is a risk that women's concerns are minimised or not fully addressed. This could stem from inadequate consideration of who defines cultural heritage (men or women), women's relationship to a particular cultural heritage site, or their specific needs in relation to a site.

For instance, in [contexts where hawkers at tourist sites are predominantly women](#), loss of access to tangible cultural heritage sites may remove an important source of income which has disproportionate gender impacts. [In other contexts](#), the relationship of indigenous women to ancestral land is unique and an essential element of existence and culture.



## 03

### Responding to gender risks by priority sector and geography

Strong management processes established in accordance with PS1 provide an important overarching framework for identifying gender-related risks and mitigating impacts across all the performance standards. During the early phases of a project, stakeholder engagement and consultation processes, as well as the adequacy of community grievance redress mechanisms (GRMs), should be examined through a gender lens to ensure that potential performance standard issues are captured. This might entail:

#### Stakeholder engagement and consultation

As part of engagement planning, ensure women are adequately represented, providing specific accommodations as necessary (for example in terms of timing, choice of venue and childcare facilities). The views of women should be specifically documented during consultation.

Background research and engagement with local women's organisations before consultation can help ensure that specific gender issues are on the agenda and explored during consultation. This background information can also be used to understand local dynamics so that consultation can take place in an atmosphere free of intimidation or coercion.

Gender diverse consultation teams are desirable. Diversity can promote an environment where women feel comfortable sharing information. Diverse teams also increase the chance that gender-specific concerns are identified and raised.

If it is determined that mixed consultation groups are likely to minimise, hinder or omit the perspectives of women, consider separate women-only consultation groups or one-on-one interviews with women.

#### Community grievance mechanisms

Where a GRM is not already in place, one should be developed in consultation with the community and should incorporate gender elements (see left hand column). If practicable, grievance processes should allow individuals to interact with persons of the same sex when the grievance is filed and while it is processed which might entail a specific gender contact point.

GRMs must be based on formalised procedures which should be informed by an understanding that women and men have different needs and might report different issues. For instance, procedures should allow for both oral and written grievances to be captured. Allowing complaints to be made via representatives may increase the likelihood that gender-specific issues are raised.

When publicising a GRM, information should be disseminated in a way that is accessible to women, accounting for places that women visit regularly, as well as literacy levels and local languages. Methods of dissemination might involve partnering with local women's organisations, orally communicating GRMs in a targeted manner, plain language and illustrative leaflets, and local radio. Promoting the GRM in places where women congregate, through choice or necessity, can be useful. Information on the GRM should reinforce that complaints can be made anonymously, detail how grievances are handled, and explain the protections that are in place.

If a review of existing GRMs is being conducted, an analysis of who is filing grievances and the nature of complaints can reveal the extent to which gender issues are being raised and captured.

The tables below provide an overview of key gender-related risks by sector and geography, and are illustrated through examples in practice. Risk identification does not cover all IFC Performance Standards, but rather focuses on risks that are likely to be most relevant. Suggested questions and mitigation measures are included which can be considered during due diligence.

### 3.1 Financial services

#### Main compliance issues

**PS2:** Discrimination in recruitment, wages, training opportunities and promotion; potentially high levels of sexual harassment.

#### Examples of risks in practice

##### - SOUTH ASIA

**Discrimination in promotion in Pakistan:** A study conducted in the Pakistani banking sector found that women have less upward career mobility than men, a gap which has partially been driven by discriminatory attitudes based on stereotypes and social norms.

##### - SUB-SAHARAN AFRICA

**Discrimination on the grounds of pregnancy:** A female manager at a Kenyan insurance company claimed that her position was re-advertised within days of notifying her employer that she was pregnant.

**Sexual harassment in Kenya:** Incidents of sexual harassment have been reported in Kenya's banking sector, including allegations by female interns against their manager, as well as serious allegations of sexual assault.

##### - NORTH AFRICA

**Victimisation connected with allegations of sexual harassment in Algeria:** Two female employees of the Bank of Algeria were countersued for defamation and received suspended jail sentences and fines after publicly claiming they had been harassed at work.

#### Due diligence questions

What is the composition of the workforce (disaggregated by gender, grade, and contract type)? Do you have gender-disaggregated information on income levels?

What policies and practices are in place to prevent discrimination in recruitment, promotion, terms and conditions, and training and development? How are these communicated to workers and implemented in practice?

Can you describe your grievance mechanism and the measures that are in place to prevent and address sexual harassment? Have there been past complaints about gender discrimination or sexual harassment?

#### Example mitigating measures

Ensure HR policy framework incorporates gender elements (including zero tolerance for harassment) and is clearly communicated to workforce, including all line managers.

Implement specific employee and manager training programmes (e.g. on legal obligations, harassment).

Revise grievance mechanism to ensure gender-sensitivity, including female and male contact points, and confidentiality assurances.

Where women are under-represented in supervisor or management roles, encourage measures to address this.

### 3.2 Infrastructure and construction

#### Main compliance issues

**PS2:** Social norms about appropriate jobs for women typically lead to low levels of women workers in this sector. In some countries where women commonly work in the sector (e.g. India, Rwanda), there are risks of discrimination and GBVH. Risk of gender-specific OSH issues (e.g. reproductive health, suitability of PPE).

**PS4:** GBVH is a major risk in large civil works, especially where there is large labour influx in small or remote communities.

**PS5:** Women may be excluded from resettlement-related consultations and may be at risk of not receiving sufficient compensation or becoming disproportionately impacted.

#### Examples of risks in practice

##### - SOUTH ASIA

**Discrimination in recruitment and pay in India:** [Research on female construction workers in Karnataka state, India](#) reports discriminatory attitudes towards women entering the industry. Women who do work in construction are paid less than men, despite performing the same work, and have fewer opportunities to advance or learn a trade.

##### - SUB-SAHARAN AFRICA

**GBVH in affected communities in Uganda:** During a World Bank project in Uganda, incidents of serious sexual assault committed by construction workers against women in the surrounding community [led to considerable media coverage and scrutiny](#).

**Increased risk of STI rates:** [The link between labour influx and increased rates of STIs are particularly significant in sub-Saharan Africa](#) in light of high levels of HIV infection.

**Deficient resettlement and compensation procedures:** [Studies of displacement and resettlement procedures in Mozambique](#) have identified numerous challenges, including lack of consideration of women's concerns during consultation and cases where women faced greater difficulties contesting compensation payments.

##### - NORTH AFRICA

**Sexual harassment around building sites in Egypt:** Given reports of high levels of sexual harassment in public spaces in Egypt, GBVH is likely to be a concern. A study by [UN Women](#) found that "workers and hand craftsmen" were one of the groups most likely to offend.

NB In the context of low levels of women's labour force participation in the region, women are severely [under-represented in the construction sector](#) due to a perception that construction requires physical effort and is thus reserved for men.

#### Due diligence questions

Will the project involve significant labour influx?

Will the project involve land acquisition and involuntary displacement? What processes are in place to ensure that consultation captures women's voices, and that women have access to information, and grievance mechanisms? Are there any specific laws or practices (e.g. inheritance) which negatively impact women's land holding rights?

Where tendering is yet to start: Do procurement processes require contractors to take any measures to assess, prevent and address GBVH risks?

Where tendering has been completed: Does the contractor have policies and procedures in place to assess and manage gender-specific risks in the local community, particularly the risk of GBVH? Can they clearly explain who is responsible for implementing these policies and how, including grievance mechanisms? Have there been any complaints or grievances from women workers or members of local community?

Will there be women workers on site? If yes, does the contractor have policies in place to ensure gender specific labour and OHS risks are adequately addressed? Are there separate facilities available for women and men?

#### Example mitigating measures

Ensure that terms of reference (TOR) for ESIA consultants considers specific issues beyond the worksite, including labour influx and GBVH risks. OSH assessments should examine specific gender related issues where appropriate. Land and resettlement assessment should include a gender dimension.

Ensure that gender is adequately reflected in information provision to community, consultation processes and community grievance mechanisms.

Support information and awareness programmes on women's land entitlement and processes in advance of any compensation programme.

Where tendering is yet to start, ensure that procurement frameworks include requirements to assess, prevent and address gender and GBVH risks (including relevant safeguarding policies, training, and workplace and community grievance mechanisms).

Where tendering has been completed, ensure credible policies and procedures are in place to assess and manage GBVH risks, including adequately trained staff.

In the context of labour influx, explore the extent to which the influx might be minimised through the use of local labour.

Where women are under-represented in supervisor or management roles, encourage measures to address this.

### 3.3 Healthcare

#### Main compliance issues

**PS2:** Discrimination in recruitment, wages, training and promotion; potentially high levels of sexual harassment (by co-workers, patients or clients). In some contexts, document retention practices may lead to concerns of forced labour. Risk of gender-specific OSH issues (e.g. risks associated with infected linens, cleaning agents, stress factors, sexual harassment).

**PS4:** Risks of GBVH committed by health facility workers against women in the community seeking care.

#### Examples of risks in practice

##### SOUTH ASIA

**Sexual harassment, discrimination in promotion, OHS:** [Interviews conducted with female healthcare workers in Pakistan](#) have brought to light issues of harassment from male colleagues, victimisation for resisting sexual advances (including termination and salary withholding), and a lack of women in high ranking positions. Broader OHS risks can also stem from harassment and abuse committed by patients against female health workers.

**Document retention of nurses in India:** Some hospitals in India reportedly retain the educational certificates of nurses (who are predominantly women) as a means of preventing job churn, which presents a risk of forced labour, as the certificate is necessary for seeking other employment.

##### SUB-SAHARAN AFRICA

**Risk of discrimination in recruitment and promotion in Uganda:** [A study on Uganda's health sector](#) found that women occupy fewer jobs and are concentrated in lower-level jobs, with lack of advancement associated with negative beliefs about women managers and a perception that pregnancy and family responsibilities are a hindrance.

**GBVH:** Female health workers in South Africa have raised [serious concerns about sexual harassment, threats, and violence](#) perpetrated by patients while on duty.

**Mistreatment of women during childbirth:** A study on facility-based childbirth in four countries – Ghana, Guinea, Nigeria and Myanmar – found that [one in three women had experienced mistreatment during childbirth](#), including physical abuse and discrimination. Women who were younger and less educated were most at risk.

##### NORTH AFRICA

**Abuse of female users of health services:** [Research on mistreatment of women during childbirth](#) covering Egypt and Morocco (among other countries) documents instances of physical abuse, verbal abuse, stigma, and discrimination committed by health facility workers against women.

#### Due diligence questions

What is the composition of the workforce (disaggregated by gender, grade, and contract type)?

What policies and practices are in place to prevent discrimination? How are these communicated and implemented in practice?

What kind of specific patient safeguarding policies are in place, and do these cover GBVH?

Can you describe the measures in place to protect employees from GBVH, both from and between employees and service users?

Have there been past complaints about gender discrimination or sexual harassment from employees or service users?

Can you confirm that OSH risk assessments have incorporated gender considerations? For example, whether female dominated roles were included in the assessment scope, whether specific hazards were considered, and whether risk prioritisation was deemed appropriate.

Are staff personal documents or professional qualifications (e.g. training certificates) retained by the employer?

#### Example mitigating measures

Ensure HR policy framework incorporates gender elements (including zero tolerance for harassment) and is clearly communicated to the workforce, including all line managers.

Ensure that safeguarding policies that cover GBVH risks are in place for patients.

Implement specific employee and manager training programmes (e.g. on legal rights and obligations).

Where women are under-represented in supervisor and management roles, encourage measures to address this.

Revise grievance mechanisms to ensure gender-sensitivity, including female and male contact points, and provide confidentiality assurances.

Where external consultants perform assessments, ensure that gender and OSH items are incorporated into TOR (e.g. consideration of risks associated with infected linens, cleaning agents, stress factors, sexual harassment).

If staff documents are being retained, assess underlying factors (e.g. root causes for turnover), develop an action plan and define the process for returning documents.

Where GBVH against patients is a risk, explore scope for same-sex care or training for male staff and establish clear safeguarding procedures.

## 3.4 Manufacturing

### Main compliance issues

**PS2:** Risk of discrimination in recruitment, wages, training and promotion. Risks in relation to maternity. Concerns over sexual harassment where there are more low-skilled female workforce supervised by predominantly male managers and supervisors. In certain manufacturing contexts, child labourers may predominantly be girls.

### Examples of risks in practice

#### - SOUTH ASIA

**Direct discrimination in recruitment in India:** [Research produced by the World Bank](#) indicates that 51 per cent of ads for machine-related jobs in India express a preference for men.

**Sexual harassment; discrimination in pay and promotions; child labour in Bangladesh:** [According to one study in Bangladesh](#), 60 per cent of polled female garment factory workers reported experiencing some type of harassment. Moreover, promotions and pay raises are reportedly not based on formal skills evaluation, leading to the potential for arbitrariness and discrimination. Within Bangladesh's garment industry, [child labour is a reported issue with girls often overrepresented](#) compared to boys.

**Wage discrimination and sexual harassment in Sri Lanka:** It is reported that [Sri Lankan women working in Export Processing Zone \(EPZ\) garment factories](#) receive lower wages compared to men, are not given equal career development opportunities, and are often victims of sexual harassment.

#### - SUB-SAHARAN AFRICA

**Discrimination in recruitment in Ethiopia:** [Surveys focusing on manufacturing firms in Ethiopia](#) found that 31 per cent of firm representatives expressed a preference for hiring men for higher-skill positions, a perspective informed by cultural attitudes and traditional understandings of gender roles.

#### - NORTH AFRICA

**Women's working conditions in contravention of labour laws in Morocco:** Research conducted in Moroccan garment factories provides accounts of unregulated working conditions including [unpaid overtime, lack of maternity leave, and long working hours](#). [Anecdotally, a preference for hiring women has been linked to a perception that women are more submissive and easily exploited.](#)

**Sexual harassment in Egypt:** A 2016 study by a local NGO found that [factories have the highest rate of reports of sexual harassment](#) compared to other workplaces.

### Due diligence questions

What is the composition of the workforce (disaggregated by gender, grade, and contract type) and gender pay gap?

What policy framework is in place, and how is this communicated to workers, line supervisors and managers? Are issues such as sexual harassment, equal opportunity and discrimination covered?

Is there a bonus system? What kind of discretion do supervisors have over the award of bonuses?

What facilities are available to women?

### Example mitigating measures

Ensure policy frameworks incorporate gender elements (including zero tolerance for harassment and equal opportunity) and is widely communicated.

Implement specific training programmes (e.g. on legal rights and obligations, harassment).

Where women are under-represented in supervisor and management roles, encourage measures to address this.

Examine whether workplace organisation might be conducive to harassment (e.g. [certain incentive and production target schemes are associated with more sexual harassment](#)) and determine whether practices can be modified

Ensure that separate facilities are available for women if needed (e.g. bathrooms and accommodation).

Revise grievance mechanisms to ensure gender-sensitivity, including female and male contact points and confidentiality assurances.

### 3.5 Food and agriculture

#### Main compliance issues

**PS2:** Discrimination in recruitment, wages, training and promotion. Risk of gender-specific OSH issues (e.g. sexual harassment, exposure to fertilisers and pesticides and women's reproductive health and wellbeing of pregnant workers).

**PS4:** Where there are high levels of predominantly male seasonal labour, there could be a heightened risk of STIs in local communities.

**PS5:** Legal and customary restrictions affect women's land ownership; risk of non-compliance in issues of land use, resettlement and compensation.

#### Due diligence questions

What is the composition of the workforce disaggregated by gender, grade, and contract type (esp. seasonal)? Are there occupations or roles where women are particularly (over)represented?

What policies and practices are in place to prevent discrimination and prevent harassment? How are these communicated and implemented in practice, including to seasonal workers?

How are specific tasks requiring tools and equipment performed? In relation to primary agriculture, do women work in isolation in fields or farms? Are workers housed on site?

Have OSH risk assessments incorporated gender considerations (whether specific hazards are considered, or whether risk prioritisation is appropriate)? Have these assessments taken into account potential community exposure, including gender-specific risks?

Will the project involve land acquisition and involuntary displacement? What processes are in place to ensure that consultation captures women's voices, and that women have access to information, and grievance mechanisms?

#### Example mitigating measures

Ensure that gender is adequately reflected in information given to the community, consultation processes and community grievance mechanisms, especially with respect to issues of land use, resettlement and compensation.

Ensure policy framework incorporates gender elements (including zero tolerance for harassment for all workers, including casual/seasonal workers) and is communicated to all managers and employees, including casual/seasonal workers

Where women are under-represented in supervisor or management roles, encourage measures to address this.

Consider the impact of changes in land use on women using informal or untenured land.

Implement specific training programmes on legal rights and obligations, and harassment.

Where external consultants perform assessments, ensure that gender sensitivity and OSH items are incorporated into TOR (paying specific attention to nature of workforce and chemicals used, and particular needs of rural women's communities).

Where predominantly male seasonal labour presents risks to local communities, consider scope for training programmes on issues such as respectful conduct and STI risk.

Explore options for increasing women's voices through representation on OHS committees to ensure gender-specific risks are identified and prevented, and that workers are protected.

### 3.6 Education

#### Main compliance issues

**PS2:** Discrimination in recruitment, wages, training and promotion; sexual harassment. Risk of gender-specific OSH issues (for example psychosocial and emotional aspects of work).

**PS4:** Risks of GBVH perpetrated by school staff and targeted at girls.

#### Examples of risks in practice

##### – SOUTH ASIA

**Wage discrimination in Pakistan:** In Pakistan, [female teachers in rural private schools are reportedly paid 30 per cent less than male counterparts](#) (after adjusting for individual and school characteristics).

**Recruitment and wage discrimination in India:** A World Bank study found a third of all jobs specify an explicit preference for men in India, and [those ads that target men separately tend to specify a higher salary](#), including within female-dominated fields such as education.

##### – SUB-SAHARAN AFRICA

**GBVH against female pupils:** In Ethiopia, [researchers](#) found that sexual violence in schools is more commonly targeted at girls, with one study indicating that 46 per cent of primary and secondary aged girls in nine regions reported harassment, degrading treatment and sexual attacks, both within schools and during their journey to school.

**Discrimination against pregnant pupils:** [Schools in Tanzania routinely expel female students who become pregnant during their studies](#). This is particularly problematic given that Tanzania has one of the highest adolescent pregnancy rates in the world. Sometimes pregnancies are linked to students being coerced into [sexual relationships with male teachers](#). In some cases, [pregnant girls have been arrested](#) by local authorities.

##### – NORTH AFRICA

**GBVH in schools in Egypt:** There are reports of sexual harassment of female students by [male teachers](#) and [staff](#); [female teachers by male students](#); and [female students by male students](#). There are reports of [harassment of schoolgirls in Cairo by tuk tuk drivers on the way to and from school](#), and outside the school gates, and even cases of kidnapping. This contributes to girls dropping out of school, furthering gendered inequalities in education.

#### Due diligence questions

How do students arrive to and from school?

What kind of child safeguarding policies are in place? Who is responsible for implementing and monitoring the operation of these policies?

Can you describe the measures in place to protect employees and students from GBVH, both from and between employees and service users? Have there been past complaints about gender discrimination or sexual harassment from employees or students?

What is the composition of the workforce (disaggregated by gender, grade, and contract type) and gender pay gap?

#### Example mitigating measures

If risks to pupils stem from their journey to school, explore the possibility of providing transportation options in high-risk areas.

Ensure that safeguarding policies that cover GBVH risks are in place for students and employees, and that staff responsible are adequately trained.

Where women are under-represented in supervisor or management roles, encourage measures to address this.

Ensure the HR policy framework incorporates gender elements (including zero tolerance for harassment and discrimination) and is clearly communicated to the workforce, including all managers.



## 04

### Key gender-related legal requirements across CDC geographies

Understanding relevant legal requirements is crucial to an assessment and consideration of gender-related risks. While national law might give rise to gender-related compliance obligations for clients, legislation might also inform the broader social context and give rise to gender-specific risks and considerations beyond a client's direct control.

#### 4.1 Compliance-related considerations

The following table focuses on aspects of national legislation that are relevant for assessing compliance (in this case primarily focused on PS2 requirements).

Type of legislative requirement	Potential gender-specific legal requirements or provisions	Examples of statutory requirements	Examples of good practice where legal frameworks are weak
Prohibition on discrimination	<p>Anti-discrimination or labour laws typically prohibit discrimination in employment with reference to defined protected grounds (which may include women, pregnancy, marital status, parental status) and may refer to defined stages of the employment relationship (e.g. recruitment, termination of employment, wages). Such laws may further specify that 'positive action' or 'affirmative action' measures do not constitute discrimination.</p> <p>With respect to pay, legislation may require equal pay for work of equal value (in line with ILO C100).</p>	<p>Under Zambia's <i>Industrial and Labour Relations Act</i>, it is prohibited to terminate the services of any employee on the grounds of inter alia sex or marital status, or impose any other kind of penalty or disadvantage.</p> <p>Morocco's <i>Labour Code</i> prohibits discrimination based on a number of grounds including race, colour, sex, disability, marital status and religion. Non-discrimination applies to recruitment, management and distribution of work, training, remuneration, benefits, promotion, and dismissal.</p> <p>By contrast, Egypt's <i>Labour Law</i> prohibits discrimination on the basis of sex (among other grounds) only in relation to wages and termination, giving rise to concerns that the legal framework is under-protective.</p>	Good practice involves the development and implementation of strong HR policy frameworks on non-discrimination. Frameworks should be supported by a clear commitment from senior management, effective communication and training on policies to workforce and management, effective implementation, monitoring and evaluation.
Prohibition on sexual harassment	<p>Legal prohibitions on sexual harassment may be addressed under a distinct sexual harassment law or fall under existing labour, criminal or OHS regimes.</p> <p>Protection is strongest where legislation defines and prohibits sexual harassment in the workplace (compared with criminal prohibition on sexual harassment, which can be too broadly defined or discourage women from lodging complaints).</p>	<p>India's <i>Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013</i> – along with associated rules – defines sexual harassment and protects against workplace harassment (with 'workplace' being broadly understood). It also provides for the establishment of internal committees in workplaces of a certain size to receive and redress harassment-related grievances. This comprehensive scheme sits alongside criminal laws which criminalise sexual harassment, stalking, and voyeurism.</p> <p>In the absence of legislation addressing sexual harassment, the <a href="#">Bangladesh High Court issued a 2009 judgment</a> containing detailed sexual harassment guidelines, although there are reportedly low levels of implementation and awareness.</p> <p>In Tunisia, sexual harassment is recognised as a serious offence under the Penal Code. However, there are inbuilt disincentives for bringing complaints: the Code provides that anyone accused of sexual harassment may not only request reparations for damages incurred, but also initiate a defamation lawsuit, which carries with it criminal penalties punishable by up to two years' imprisonment and a fine.</p>	Good practice involves the development and implementation of a clear policy that sets out zero tolerance to sexual harassment, supported by an effective grievance mechanism; clear commitment from senior management; clear procedure to be followed in relation to complaints; effective communication of and training on policies to workforce and management; and effective monitoring and evaluation of the process.

Type of legislative requirement	Potential gender-specific legal requirements or provisions	Examples of statutory requirements	Examples of good practice where legal frameworks are weak
Blanket restrictions on non-pregnant, non-nursing women's work	<p>Laws governing working conditions, such as rest and hours of work, may contain special provisions relating to women. These are often ostensibly linked to health protection, but are not always linked to maternity protection (see below) and are instead based on ideas of general protection for women. These include:</p> <ul style="list-style-type: none"> <li>– Restrictions on 'night work'</li> <li>– Restrictions on overtime</li> <li>– Prohibitions on specific occupations or tasks for women</li> <li>– Prohibitions on underground work</li> </ul>	<p>Sri Lanka's <i>Shop and Office Employees Act</i> contains more prohibitions relating to hours that can be worked by women compared to hours that can be worked by men. The <i>Employment of Women, Young Persons, and Children Act</i> restricts the ability of women to work in industrial undertakings at night. Under the Sri Lankan <i>Factories Ordinance</i>, women also face greater restrictions in terms of how much overtime they can work.</p> <p>In Burkina Faso, all women (but not men) are prohibited from work that is likely to affect reproductive functions as determined by law in line with the views of the advisory Work Commission.</p>	Where there are legal restrictions on women's work (e.g. hours, specific tasks), companies should clearly identify whether work or work schedules can be adjusted to include women (e.g. re-distribution of tasks within teams, different start and finish times).
Maternity and paternity benefits, parental leave and breastfeeding	<p>Most countries provide for some measure of paid maternity leave before and after childbirth. However, the ability to take such leave may be subject to certain pre-conditions, for instance a defined period of service with a particular employer or provision of medical evidence.</p> <p>Paternity leave is typically of a much shorter duration than maternity leave, and is not provided for in all jurisdictions.</p> <p>Parental leave is a form of longer leave, often available to either mother or father, that allows them to care for a young infant, usually following the maternity or paternity period. It is not available in all jurisdictions, and may be paid or unpaid.</p> <p>Many jurisdictions provide for daily breastfeeding breaks. Sometimes women can elect to work shorter days rather than take breastfeeding breaks during the day. Some jurisdictions impose requirements for lactation facilities, sometimes linked to the number of women in the workplace.</p>	<p>The length of maternity leave in North Africa varies, ranging from 30 days for private sector employees in Tunisia, to 14 weeks in Morocco, Libya and Algeria. With the exception of Algeria, all North African countries protect women against termination during pregnancy and maternity leave. While Algeria, Morocco and Tunisia offer paternity leave, Egypt and Libya do not.</p> <p>In Burkina Faso, male or female employees can request up to six months of unpaid parental leave (renewable once) to care for their children. In the case of illness, the leave period can be extended to one year (also renewable once).</p> <p>Under Egyptian labour law, women are entitled to paid daily breastfeeding breaks (2x30mins) until their child is aged two years.</p>	<p>Provision of paid paternity leave (and express encouragement to fathers to use the leave).</p> <p>Provision of additional (paid) leave for mothers, and programme to support a return to work after maternity leave.</p> <p>Policies to prevent discrimination against pregnant women and working parents.</p> <p>Breastfeeding facilities on site.</p>

Type of legislative requirement	Potential gender-specific legal requirements or provisions	Examples of statutory requirements	Examples of good practice where legal frameworks are weak
Health protection for nursing or pregnant women	<p>There may be laws in place, based on maternity, that protect women from undertaking work that is harmful or hazardous to their health or that of their unborn or new-born child. This does not always involve a prohibition, but rather a right for pregnant women to refuse certain kinds of work (such as night work).</p> <p>Some jurisdictions provide for time off for antenatal health care checks.</p>	<p>In South Africa, there is a legal requirement for employers to conduct risk assessments in relation to the work of pregnant and nursing employees. The employer must undertake this evaluation upon notification by the employee that she is pregnant, and the assessment must be kept under regular review.</p> <p>In Lesotho, pregnant women may not be required to undertake night work.</p> <p>In Ethiopia, a pregnant woman must be transferred to another place of work if her job is dangerous to her health or pregnancy.</p> <p>Paid time off for antenatal checks is provided for under Ethiopian legislation.</p>	<p>OHS risk assessments that clearly address specific needs of pregnant and nursing mothers, and ensure work tasks are adapted or changed as necessary.</p> <p>Flexible working hours to permit attendance at antenatal appointments.</p>
Childcare	<p>In some jurisdictions, employers are required to provide creches or childcare services, often pegged to the number of women workers (which can create a disincentive to hire more than a certain number of women.)</p>	<p>In Egypt, employers are required to provide childcare services in workplaces with more than 100 female workers.</p> <p>In India, employers are required to provide childcare services in workplaces with more than 50 employees.</p>	<p>Employer-supported childcare can take a number of different forms, depending on the needs of the workforce and the operating circumstances of the company. Creches may not be feasible (or even desired by workers) in many contexts. Alternatives include childcare subsidies, support for local kindergartens, back-up care, and flexible working arrangements.</p>
Collective dismissal	<p>In some countries, legislation sets out defined selection criteria in relation to determining priorities for collective dismissal; pregnant women or working parents may be protected.</p>	<p>In Niger, family responsibilities are one of the characteristics to be taken into account when determining priorities for collective dismissal (along with length of service and professional skills).</p>	<p>A key element of good practice is ensuring that selection criteria for collective dismissal are objective and fair and does not lead to unanticipated gender-specific effects. For instance, if 'part-time employment' is used as a criterion to select workers for redundancy, this will likely disproportionately affect women, who are more likely to work part-time than men, and thereby indirectly discriminate against women.</p>

Type of legislative requirement	Potential gender-specific legal requirements or provisions	Examples of statutory requirements	Examples of good practice where legal frameworks are weak
Retirement	In many jurisdictions, the age of retirement is lower for women than men.	In Algeria, women's retirement age is 55 and the men's retirement age is 60.	One of the possible implications of different retirement ages for men and women is that women are less likely to be selected for senior management positions (given shorter career cycle). If this is identified as an issue, good practice could involve policies to boost women's participation in management (such as targets, or inclusion of women on all shortlists for promotion). Earlier retirement also means a potentially larger pensions gap, whereby women may have lower pension entitlements as a result of a shorter career span (which may also be exacerbated by time out of paid work to have children, depending on continuity of formal employment). Good practice could involve providing employees with information about the benefits of pension contributions and the risks associated with early retirement and lower or no pension contributions during parental leave.
Quotas for women on boards	In some countries, quotas have been introduced to promote higher levels of women's participation in corporate governance.	In India, there is a legal requirement for companies to have at least one woman on their board of directors.	Good practice could involve working with organisations such as Boardroom Africa to identify suitable female candidates for vacancies.

## 4.2 Legislative requirements and links to broader contextual risks

The following table focuses on the ways in which laws might impact broader social dynamics, giving rise to gender-related risks. Given the complex nature of these questions, responses may go 'beyond' compliance to promote positive gender outcomes.

Type of legislative requirement	Potential gender-specific legal requirements or provisions	Examples of statutory requirements	Examples of good practice where legal frameworks are weak
Property ownership	Legal frameworks may restrict women's ownership or inheritance of land, particularly in countries where customary systems of land governance are recognised. In rural areas, customary law and traditional forms of justice are often particularly important.  Family laws (especially those related to marriage and divorce) and inheritance laws can play an important role in determining the extent to which women own land or have control over assets.	In Uganda, customary tenure is legally recognised in the <i>Constitution and the Land Act 1998</i> . Under customary rules, women's land rights are limited to usage which can subsequently depend on a woman's relationship with male family members.  The Tanzanian Constitution provides for equal rights to own property. However, customary law often regulates inheritance, which can negatively affect women's land rights (e.g. widows may be restricted from inheriting land from their deceased husbands).	In the context of land acquisition or resettlement, compensation processes and frameworks should take into account women and men's different access to formal land ownership and how this might be affected by legal frameworks, including customary law.
Financial inclusion	In some cases, legal frameworks may influence women's ability to conduct business or interact with financial institutions in the same way as men.  In many countries, there is no explicit statutory prohibition on discrimination in access to credit (see Women, Business and the Law, 2020).	In Kenya, married women are required to add their husband's name to their business registration application.  In Cameroon, married women are entitled to open a bank account in their own name, provided they continue to contribute to household expenses.	Compensation frameworks should take into account any legal restrictions that may restrict women's ability to benefit from job creation initiatives (e.g. Small and Medium-sized Enterprise (SME) grants) or receive compensation payments.



## 05

### Women and supply chains: opportunities to catalyse change

#### 5.1 The Performance Standards and risks to women in supply chains

CDC is committed to supporting better working conditions for women and men in both the direct workforces and supply chains of its portfolio companies.

Compliance requirements for CDC clients on supply chain workers are set out in the IFC Performance Standards. These impose defined requirements in relation to working conditions in supply chains, and are not explicitly linked to gender, but rather focused on forced labour, child labour and significant safety risks (PS2), and biodiversity (PS6). PS2 requirements apply only to primary supply chains, meaning “suppliers who, on an ongoing basis, provide goods and materials essential for the core business processes of the project” (footnote to PS2.4).

“Significant safety risks” under PS2 should be understood to encompass GBVH risks, and E&S due diligence should aim to identify the likelihood of GBVH in primary supply chains. For detailed information on identifying and addressing GBVH risks, see *Addressing Gender-based Violence and Harassment: Good Practice Note for the Private Sector*.

In this context, support for better conditions for women workers in supply chains is likely to involve moving beyond a strict compliance approach, and encouraging the development of good practice. This is more challenging, and involves persuading companies to take action based on other motivations, such as “enlightened self-interest” (that is, the business case for gender equality), a progressive commitment to supporting gender equality, or alignment with UN Guiding Principles on Business and Human Rights.

#### 5.2 Promoting good practice on women's employment and entrepreneurship in supply chains

##### 5.2.1 Identifying entry points for investors to influence good practice

Investors are best positioned to influence change in the supply chains of their portfolio companies where certain enabling conditions are in place. Entry points for encouraging positive action from companies may include investments:

- Where there is a direct equity stake;
- Where there are longstanding relationships with companies;
- Where there is a clear business case for investing in women as employees, entrepreneurs, customers, or community partners (examples: reputational risks associated with poor working conditions in first tier supply chains; building social licence to operate in given communities; reputational gains associated with becoming a ‘leader’ on women in supply chains);
- Where there are potential ‘champions’ for gender equality within companies who are motivated to drive change, or there is an existing corporate commitments to gender equality in the workplace or community; and
- Where companies have greater leverage over their supply chains (see below).

Examples of specific actions that investors could take to promote good practice on women in supply chains include:

- Articulating and raising awareness of the business case for supporting women's employment and entrepreneurship
- Drawing attention to success stories in their portfolios (for example, raising the profile of companies that have successfully introduced initiatives to support women's employment and entrepreneurship in their supply chains, such as through supplier diversity programmes); and
- Creating a 'demonstration effect', by providing support (technical and/or financial) to companies willing to pilot initiatives to promote better jobs for women in supply chains, or support capacity building for local women-owned Micro SMEs (MSMEs).

### 5.2.2 Identifying entry points for companies to influence change

Companies will be best positioned to exert influence over the conditions of women in their supply chains where they exercise higher leverage over their suppliers and there is a more direct commercial relationship in place. In practice, this is likely to involve some combination of the following factors:

- Short supply chains that are local in nature, with suppliers and producers selling goods directly to the client;
- Short supply chains where the client is a significant or longstanding off-taker (especially where suppliers have their own gender-based inclusive procurement commitments); and
- The client has its own label products produced by the supplier, and may even have some control over the production of goods.

A company's ability to work with suppliers to develop good practice will be significantly limited where the client represents a small proportion of the supplier's market, or where there are multiple layers involved in the supply chain and the client has less visibility of practices in lower tiers.

### 5.2.3 Examples of good practice

Examples of actions companies could take to demonstrate good practice on women in supply chains include:

- **Taking gender and gender-based violence into account when mapping supply chain risks:** To comply with PS2 supply chain requirements, companies are required to map their supply chains to identify child and forced labour risks, as well as significant safety risks, which should include consideration of risks of gender-based violence. Companies can go one step further and apply a gender lens to identify whether there are any other women's employment issues in the supply chain. Depending on the sector, risk identification could involve attention to gender in social audit results, or local media searches to determine whether there are issues that particularly affect women involving gender-based violence, wages, working hours and contracts. Where feasible, this mapping could involve direct engagement with suppliers to understand the gender profile of the workforce and through worker voice surveys.
- **Developing a suppliers' code of conduct that includes support for gender equality:** Where there is adequate leverage, companies may consider developing a supplier code of conduct that involves requirements for suppliers to ensure decent working conditions for women and men alike, and to put in place policies and procedures to support gender equality and guard against discrimination and gender-based violence.
- **Introducing a gender dimension to social audit programmes:** Where a company carries out social audits of suppliers (such as retailers), it could ensure this involves adequate consideration of gender issues, and asks for gender-disaggregated workforce data.
- **Identifying and increasing engagement with suppliers that are women-owned businesses or are known to have a sound track record on women's employment:** UN Women (2017) has published guidance on sourcing from women-owned businesses, and IFC (2017) has developed a guide for oil, gas and mining companies, with transferable lessons for other sectors, including the business case for supplier diversification programmes that promote the use of local, women and minority-owned businesses in the supply chain.
- **Launching capacity-building programmes for women-owned or women-led suppliers:** The Boyner Group, an IFC client in the retail sector in Turkey, launched a [capacity building programme for its women-owned suppliers in 2014](#). This initiative aligned with Boyner's corporate commitment to establish gender equality within the company and its supply chain, and was part of its "inclusive sourcing" policy that involved creating a base of strategic and diverse suppliers for the group. The company already had strong oversight of its supply chain through its social compliance audit programme, so was well-positioned to select women-owned suppliers to participate in the programme.

### 5.3 Key risks to women and men in supply chains across Africa and Asia

In many cases, the risks faced by women in supply chains will be similar to those outlined in Section 3. Some additional considerations, including where supply chain risks could be linked to PS2 requirements:

– **Informal employment:** As noted in Section 3, informal workplaces are unlikely to be engaged directly by investors, but informality is highly likely to be an issue in local supply chains, particularly where MSMEs are engaged. Informal employment typically heightens vulnerability to other labour risks (including working hours, wages, sexual harassment), particularly in the context of MSMEs, which tend to have limited or no management systems, or formal policies or practices in place to manage the risk.

– **Forced labour and modern slavery:** Globally, women are overrepresented among victims of forced labour exploitation (57 per cent of all global victims), although it is important to note these cases relate predominantly to service sectors (which may fall under PS2 requirements on workers contracted through third parties, compared to supply chains). [Women represent 92 per cent of victims in accommodation and food services, and 61 per cent of victims in domestic work](#). According to the International Labour Organization, men account for a higher proportion of victims of forced labour exploitation in agriculture, forestry and fishing (68 per cent of victims) and manufacturing (82 per cent).

– **Child labour:** [Boys are more likely to work in agriculture and industry, while girls are more likely to work in services](#). Boys typically face a slightly higher risk of child labour than girls, accounting for 52 per cent of all children in child labour and 62 per cent of all children in hazardous child labour. Where girls and boys work in the same workplace (in agriculture, for example), they are often assigned different tasks which lead to exposure to different hazards. For instance, boys are more likely to operate machinery, use sharp tools, or spray chemicals, while girls often play a role in hauling water, and fetching and carrying wood.

– **Significant safety risks:** In addition to GBVH, there can be a gender dimension to safety risks in supply chains. In many contexts, men account for a higher number of work-related fatalities, as gender norms often dictate men take on higher-risk jobs and tasks. However, women are significantly more likely to be affected by communicable diseases where exposed to them in the workplace (including in agriculture and food processing).<sup>2</sup>

<sup>2</sup> Päivi Hämäläinen, Jukka Takala, and Kaija Leena Saarela, 2007, "Global Estimates of Fatal Work-Related Diseases", American Journal of Industrial Medicine 50: 28-41; ILO, [World Statistics on OHS](#) Workplace Safety and Health Institute, 2017: [Global Estimates of Occupational Accidents and Work-Related Illnesses](#)



## 06

### Additional resources on gender and compliance

Agence Française de Développement (AFD), 2018: [Boîte à outils genre: diligences environnementales et sociales](#)

CDC, International Finance Corporation (IFC), European Bank for Reconstruction and Development (EBRD) and the Department for International Development (DFID), 2020, *Addressing Gender Based Violence and Sexual Harassment: A Good Practice Note for the Private Sector* (forthcoming).

CDC, IFC, EBRD and DFID, 2019: [Managing Risks Associated with Modern Slavery: A Good Practice Note for the Private Sector](#)

EBRD, 2017: [Non-discrimination and equal opportunity: guidance note for clients](#)

EBRD: [Gender Tools and Publications](#) (no date)

*Gender Toolkit: Matrix 1 - Issues Relevant to Performance Requirements*

*Gender Toolkit: Matrix 2 - Issues Relevant to Sector*

*Gender and Mitigation Tool*

Food and Agriculture Organisation (FAO): [Gender and Land Rights Database](#)

IFC, 2018: [Tipsheet: Addressing Gender and Gender-Based Violence in IFC projects https://www.ifc.org/wps/wcm/connect/4a839797-99ca-40f8-89eb-5c5ad124bd41/Flyer\\_PSAAddressingGenderGBV\\_Jan2018\\_update\\_2020.pdf?MOD=AJPERES&CVID=noXdmH-](#)

IFC, 2017: [Women-owned businesses and the supply chain](#)

IFC, 2007: [Stakeholder Engagement: A Good Practice Handbook for Companies Doing Business in Emerging Markets \(including how to integrate gender considerations\) https://www.ifc.org/wps/wcm/connect/topics\\_ext\\_content/ifc\\_external\\_corporate\\_site/sustainability-at-ifc/publications/publications\\_handbook\\_stakeholderengagement\\_wci\\_1319577185063](#)

IFC, 2006: [Good Practice Note: Non-Discrimination and Equal Opportunity](#)

UNDP, 2017: [Guidelines on integrating health and gender into Environmental and Social Impact Assessments in Sub-Saharan Africa](#)

UN Women, 2017: [The power of procurement: How to source from women-owned businesses](#)

World Bank, 2019: [Good Practice Note: Gender](#)

World Bank, 2019: [Stand For Her Land](#) (campaign on women's land rights)

World Bank, 2018: [Good Practice Note: Addressing Gender Based Violence in Investment Project Financing involving Major Civil Works](#)

World Bank, 2018: [Women and Community Engagement - Tools to help companies improve their community engagement strategies and their social license to operate by attending to the different needs of male and female community members](#)

World Bank Group, 2020: [Women, Business and the Law](#)

World Bank Group, 2019: [How to Ensure Better Outcomes for Women in Resettlement: A Toolkit](#)

## Annex: Gender references in the IFC Performance Standards

Gender is addressed in multiple Performance Standards, and should be embedded into the design of due diligence through PS1, which expressly requires the consideration of women in stakeholder engagement and consultation processes.

Table 1 sets out all explicit references to 'gender', 'women' and 'vulnerable groups' (which is defined so as to require consideration of sex and gender) in the Performance Standards. (These explicit requirements are elaborated on in the Guidance Notes to the Performance Standards.)

**Table 1:** Express requirements on gender in IFC Performance Standards

Performance Standard	Requirements
PS1: Risk Management	<ul style="list-style-type: none"><li>– <b>Consideration of vulnerable individuals and groups:</b> The client is required to identify individuals and groups that may be directly and differentially or disproportionately affected by the project because of their disadvantaged or vulnerable status. Sex and gender are factors that should be considered (PS1.12).</li><li>– <b>Development of Stakeholder Engagement Plan:</b> Where applicable, the Stakeholder Engagement Plan will include differentiated measures to allow the effective participation of those identified as disadvantaged or vulnerable (PS 1.27).</li><li>– <b>Design of Consultation:</b> When affected communities are subject to identified risks and adverse impacts from a project, the client will undertake a consultation process which should focus on inclusive engagement for those women and men directly affected. The consultation process should be tailored to the needs of disadvantaged or vulnerable groups (PS1.30).</li><li>– <b>Design of Informed Consultation and Participation:</b> For projects with potentially significant adverse impacts on affected communities, the client must conduct an Informed Consultation and Participation process. This must (i) capture both men's and women's views, if necessary, through separate forums or engagements, and (ii) reflect men's and women's different concerns and priorities about impacts, mitigation mechanisms, and benefits, where appropriate (PS1.31).</li><li>– <b>Ensuring non-discrimination and equal opportunity:</b> The client must not make employment decisions on the basis of personal characteristics that are unrelated to inherent job requirements, including gender (PS2.15).</li><li>– <b>Addressing harassment:</b> The client must take measures to prevent and address harassment, intimidation or exploitation, especially towards women (PS2.15).</li></ul>
PS2: Labour	<ul style="list-style-type: none"><li>– <b>Prohibition on forced labour and trafficking:</b> The client will not use forced labour or employ trafficked persons, with the footnote that women and children are particularly vulnerable to trafficking (PS2.22).</li><li>– <b>Gender-sensitive health and safety measures:</b> The client will provide a healthy and safe working environment, including among other things, a consideration of specific threats to women (PS2.23).</li></ul>
PS3: Resource Efficiency and Pollution Prevention	<ul style="list-style-type: none"><li>– No explicit mention of gender.</li></ul>
PS4: Community Health, Safety and Security	<ul style="list-style-type: none"><li>– <b>Consideration of differentiated exposure to disease:</b> The client will avoid or minimise the potential for community exposure to water-borne, water-based, water-related, and vector-borne diseases, and communicable diseases that could result from project activities. The client will take into consideration differentiated exposure to – and higher sensitivity of –vulnerable groups (PS 4.9).</li></ul>

Performance Standard	Requirements
<b>PS5: Land acquisition and involuntary resettlement</b>	<ul style="list-style-type: none"> <li>– <b>Consideration of vulnerable groups in project design:</b> The client will consider feasible alternative designs to avoid or minimise physical or economic displacement, while balancing environmental, social, and financial costs and benefits. The client will pay particular attention to impacts on the poor and vulnerable (PS 5.8).</li> <li>– <b>Obtaining women's perspectives in community engagement:</b> Consultation with affected communities should ensure women's perspectives are obtained, and their interests factored into all aspects of resettlement planning and implementation. Addressing livelihood impacts may require intra-household analysis in cases where women's and men's livelihoods are affected differently. Different preferences in terms of compensation mechanisms, such as compensation in kind rather than in cash, should be explored (PS5.10 - footnote).</li> <li>– <b>Gender considerations in resettlement and livelihood restoration planning and implementation:</b> Ownership documents or occupancy and compensation arrangements should be issued in the names of both spouses or heads of households. Other resettlement assistance, such as skills training, access to credit, and job opportunities, should be equally available to women and adapted to their needs. Where national law and tenure systems do not recognise the rights of women to hold or contract in property, measures should be considered to give women as much protection as possible with the objective to achieve equity with men (P5.12 - footnote).</li> <li>– <b>Attention to physical displacement:</b> In the case of physical displacement, the client will develop a Resettlement Action Plan, which will pay particular attention to the needs of the poor and vulnerable (PS 5.19).</li> </ul>
<b>PS7: Indigenous people</b>	<ul style="list-style-type: none"> <li>– <b>Gender-inclusive assessment of impacts on lands and natural resources – subject to traditional ownership or under customary use:</b> When assessing land and natural resource use of indigenous peoples, the assessment should be gender inclusive and specifically consider women's role in the management and use of these resources.</li> </ul>
<b>PS8: Cultural heritage</b>	<ul style="list-style-type: none"> <li>– No explicit mention of gender.</li> </ul>

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## For further information:

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