

Women and Large-Scale Mining in the Philippines:

A Scoping Study

October 2020

Evalyn G. Ursua

Anna May V. Baquirin

Mary Jane N. Real

Maria Angela DLC Villalba



Study is pursuant to 2019 EITI standard on gender

(1) requires:

- implementing countries to include gender considerations in carrying out the objectives of the EITI
- multi-stakeholder groups (MSGs) to consider gender balance in representation
- disclosure of employment figures by company, gender, and occupational level

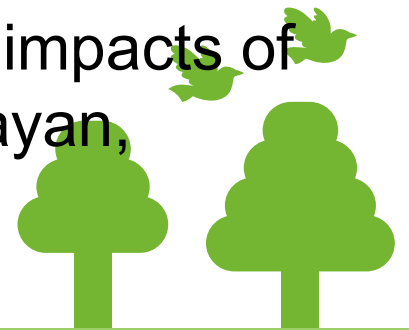
(2) encourages:



Ph-EITI-defined research questions

(1) Where are women situated in the mining industry, particularly in large- scale mining companies? What are their roles and participation?

(2) What are the social, economic, and environmental impacts of mining on women in the mining communities of Mankayan, Benguet and Maco, Davao de Oro?



Ph-EITI-defined research questions

(3) What are the issues and challenges that women in those mining communities face?

(4) What are the international, national and subnational policies on women's rights and gender equality in relation to natural resource and governance? How do those policies address the gender impacts and the issues and challenges identified?



PH-EITI-defined research questions

(5) What are the policy gaps in addressing the impacts as well as the issues and challenges identified?

(6) What could be done to address the gender impacts and the issues and challenges identified?



Framework used

- .Gender
- .Human Rights
- .Sustainable Livelihood Approach



Methodology

-desk review of literature and data on women and mining in the Philippines

-two case studies that focused on two mining sites:

(1) Mankayan, Benguet in Luzon where the Lepanto Consolidated Mining Company operates; and

(2) Maco, Davao de Oro in Mindanao, the mining site of the Apex Mining Co., Inc.



.Questionnaire to large-scale mining companies participating in PH-EITI (only 17 replied)

.Examination of SDMP reports for 2008-2019 of twenty-seven (27) large-scale mining companies (to determine the impact of their social development programs on mining communities).



Findings

.Women are involved in mining, both small-scale and large-scale

-Small scale: historical

-Large-scale

.minority in workforce (1%; except 1 company reported 40% employment of women out of 10 employees)

.in the case studies, women's employment was **insignificant**

.gender division of labor was apparent in nature of work

.very few in supervisory or managerial positions



In conversations with women involved in the two case studies, they expressed that they have more access to the benefits of artisanal and small-scale than in large-scale mining which is primarily employment-related and where opportunities are largely for men.



.Is there equal pay? (same rank/position; same nature of work)

-“Yes” answer: “gender equality”; “salary structure”

-2 or 3 companies said “no” (only one explained: “based on experience”)



Complaints of women (# of companies)

<ul style="list-style-type: none">.Unsafe working conditions (3).Inappropriate working conditions (1).Personal safety and security (2).Sexual harassment (5).Disrespect for women (3).Domestic violence (1).Other forms of abuse (2).Lack of services for women-specific needs (3)	<ul style="list-style-type: none">Salary/compensation/benefits (1)Promotion (0)Work opportunities/assignment (1)Training for professional skills/development (1)Treatment by supervisors/managers/male colleagues (2)
---	---



.Non-compliance with gender-related or women-specific legislation (several companies do not provide some legally mandated benefits for their women employees, particularly the solo parents” leave and the VAWC leave; several have no CODI)



Findings

.Environmental problems (reported in case studies): subsidence, shrinking of land area for cultivation, pollution of rivers and streams, drying up of water sources, and displacement of people

.Women's sources of livelihood outside of employment in mining companies (in case studies): not sustainable (lack of financial capital and adequate training)



Findings

.Development of host and neighborhood communities

- SDMP: lack of significant/meaningful participation by women in development of programs
- Bulk of projects: hard or physical infrastructure
- Impact of SDMP on communities: not shown



Findings

.adequate international and domestic legal, policy, and normative framework that addresses the gender dimensions of mining.

.But significant gaps in content and implementation:

–absence of gender considerations or any mention of gender in the Philippine Mining Act of 1995 and most mining-related administrative issuances



- The implementing rules and regulations of the Philippine Mining Act include a couple of provisions on gender.
- The Magna Carta of Women, enacted in 2009, could be used to address the gaps.
- Absence of guidelines on the inclusion of gender-responsive projects in the SDMPs
- Non-compliance with gender-related laws in some companies



Findings

.The Philippines has yet to develop a national action plan to comply with the UN Guiding Principles on Business and Human Rights. None of the companies included in this study has undertaken the key steps pursuant to the Guiding Principles on business and human rights.



Recommendations

Research

(1) Further research on the employment of women in the mining industry

- to ascertain what gender-based barriers – educational, physical, socio-cultural, and others – exist against their employment, particularly in jobs considered traditionally male, and how women are recruited.



(2) The research conducted here involving seventeen large-scale mining companies should be expanded to include all mining companies in the Philippines towards generating comprehensive data. The instrument used in this study could be improved towards this end.



(3) Further research on the impacts of mining on women, focusing on each area of concern (to explore in depth the social, environmental, and economic impacts of mining on women)

-address the question of whether mining companies, and extractive industries in general, have made a significant contribution to the eradication of poverty among rural women in host and neighboring barangays

-examine how their operations have affected the sustainability of livelihoods of women and men in communities

-conduct a comprehensive assessment of the impact of the



(4) conduct research on women in artisanal and small-scale mining (also to inform law and policy).



Recommendations

Law and Policy

(1) The Philippine Mining Act of 1995 and all mining-related issuances should be reviewed and revised towards integrating a gender dimension in all areas of regulation of the mining industry, taking into account the Magna Carta of Women.



(2) The Government should adopt, at the soonest possible time, a national action plan to implement the UN Guiding Principles on Business and Human Rights.

(3) Mining companies and all companies in the extractive industries should be required to adopt an equal opportunity policy for the employment of women, particularly of rural women, and to support their training and education.



(4) The Government should amend the definition of “work of equal value” under the implementing rules of Article 135 of the Labor Code in order to make it conform to the CEDAW and the ILO Convention No. 100.

(5) Mining companies should be directed to fully comply with all laws, particularly those related to women, including the Magna Carta of Women, the Anti- Sexual Harassment Act, the Solo Parents’ Welfare Act, and the VAWC Act. The Government should monitor the companies’ compliance with these laws.



(6) Pursuant to the Magna Carta of Women, mining companies and all companies in the extractive industries should be required to generate and maintain sex-disaggregated data on women (and specific to rural women) and gender in extractive industries, including but not limited to:

-the employment of women and men

-the nature of their work

-their participation in decision-making and in the development and implementation of programs


-their gender issues and concerns, and

-the programs that have been developed to address those issues and concerns.



(7) The Government should conduct an **environmental audit of the two mining sites** covered by the case studies given the serious environmental problems that the study participants identified.

(8) Mining companies and all companies in the extractive industries should be **required to ensure the equal, full, meaningful, and inclusive participation of rural women in the host and neighboring barangays** in the planning, development, and implementation of programs or projects.



(10) Mining companies should be required to **conduct a periodic gender impact assessment of their operations**; the results should form part of government's monitoring and evaluation of the operations of mining companies and should inform law and policy.

(11) There should be focus on **developing sustainable livelihoods** for rural women as a central component of any poverty eradication program.



Recommendations

Mining companies:

- (1) consider voluntary participation in the UN Global Compact
- (2) comply with all laws and policies pertaining to women, including the Magna Carta of Women, the Solo Parents' Welfare Act, the VAWC Act, and the Anti-Sexual Harassment Act.
- (3) adopt a policy of equal employment opportunity for women who are qualified for available company positions; develop and implement a program to make the implementation of such policy possible.



(4) ensure the equal, full, meaningful, and inclusive participation of a diversity of community women, particularly rural women from host and neighboring barangays, in the development and implementation of the SDMPs

(5) ensure that SDMPs include gender-responsive projects and are gender-responsive to the strategic needs and interests of rural women.

