

Case study

EXPLORING CLIENT APPROACHES TO GENDER-BASED VIOLENCE PREVENTION AND RESPONSE

CLIENT:

Gas Natural Açú

Energy, **BRAZIL**





Economy name:
Federative Republic of Brazil

Main business city:
São Paulo

Region:
Latin America & Caribbean

Income level:
Upper middle income

Population (2019):
211,049,527

Female population:
107,316,363 (50.8%)

Labor force participation rate:
54.0% female
73.9% male

Proportion of wage and salaried workers:
73.0% female
63.2% male

Proportion of self-employed workers:
27.0% female
36.8% male



Global rankings

Women, Business and the Law Indicator*	81.9/100
Gender Inequality Index†	89/162
Global Gender Gap Index‡	92/153
Latin America and Caribbean Gender Gap Index‡	22/25
Wage equality‡	130/153
Economic participation and opportunity‡	89/153



Women, Business and the Law*

Can a woman get a job in the same way as a man?	Yes
Does the law prohibit discrimination in employment based on gender?	Yes
Is there legislation on sexual harassment in employment?	Yes
Are there criminal penalties for sexual harassment in employment?	Yes
Are there civil remedies for sexual harassment in employment?	Yes
Is there legislation specifically addressing domestic violence?	Yes



Gender-based violence†

Prevalence of lifetime domestic violence	16.7%
Prevalence of child marriage	26.2%

Unless otherwise indicated, all data for this overview were taken from WBG, World Development Indicators:

Labor force participation rate, female (% of female population ages 15+) (modeled ILO estimate), (2020)

Labor force participation rate, male (% of male population ages 15+) (modeled ILO estimate), (2020)

Wage and salaried workers, female (% of female employment) (modeled ILO estimate), (2020)

Wage and salaried workers, male (% of male employment) (modeled ILO estimate), (2020)

Self-employed, female (% of female employment) (modeled ILO estimate), (2020)

Self-employed, male (% of male employment) (modeled ILO estimate), (2020)

* WBG, Women, Business and the Law Indicator (2020)

† UNDP, Gender Inequality Index (2018)

‡ WEF, Global Gender Gap Report (2020)

§ UN Women, Global Database on Violence Against Women (accessed on September 22, 2020)



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GENDER-BASED VIOLENCE IN BRAZIL

In the Latin America and Caribbean Gender Gap Index, Brazil ranks 22nd out of the 25 countries in the region, and 92nd out of 153 countries globally.¹

Following public outrage at the mishandling of a domestic violence case involving a Brazilian pharmacist called Maria da Penha², the government of Brazil made significant legal changes to begin addressing widespread issues of gender inequality and gender-based violence (GBV). Maria da Penha was shot by her husband while sleeping. She survived this attack. Her husband then attempted to electrocute her. She was left with serious injuries and became a paraplegic. It took seven years for her husband to be tried in the courts. After numerous appeals and retrials, he served only two years in prison. As a result of public pressure, a criminal law against domestic violence was introduced in August 2006 under the symbolic name 'Maria da Penha Law on Domestic and Family Violence'.³

Prior to 2006, perpetrators of domestic violence were commonly punished with fines or mandatory donations to charity.⁴ The new law increased the maximum sentence for domestic violence offenders from one to three years. Domestic violence courts were set up and authorities were required to establish 24-hour shelters for survivors of domestic abuse. The law introduced additional protection for survivors of domestic abuse by allowing judges to extend temporary restraining orders.⁵ In 2012, the Supreme Court also ruled that prosecutors could bring charges against perpetrators regardless of whether the survivor pressed charges.⁶

In 2018, the Brazilian government made further amendments to the laws on sexual assault and harassment.⁷ The changes resulted in tougher criminal penalties for sexual harassment, including catcalling, inappropriate touching, and revenge porn – each of which can now result in a prison sentence of between one and five years. Longer prison sentences have also been introduced for 'collective rape' (also known as 'gang rape') and the act of inducing others to commit sexual violence has been criminalized.

Despite these stronger laws, declining violent crime, and declining and murder rates in Brazil in recent years, the rates of domestic violence and femicide continue to increase. Between 2003 and 2013, the number of murders of women increased by 21 percent. More than half of these murders were committed in the context of family violence and 33.2 percent in the context of intimate partner violence.⁸ An incident of domestic violence is reported every two minutes in Brazil.⁹

GBV and Covid-19

As of September 22, 2020 more than 4.5 million people have been diagnosed with the COVID 19 virus in Brazil. There have been 137,445 confirmed deaths.¹⁰ Women already living with domestic violence have found themselves further isolated due to social distancing requirements that see them confined to their home with their abuser. The rate of femicide rose 22.2 percent in March and April of 2020, and a total of 143 women were killed in episodes of domestic violence.¹¹

In 2020, **women represented:**

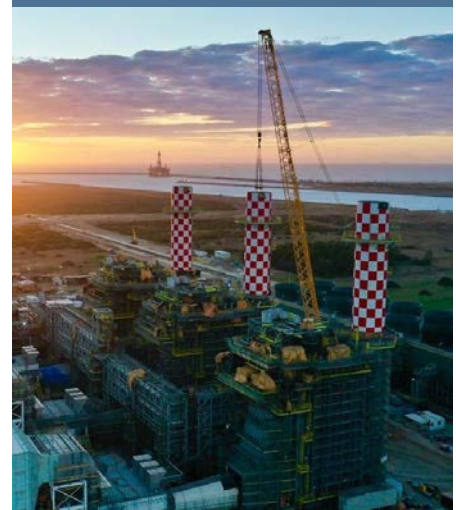
- 31% of GNA managers
- 33% of coordinators
- 46% of professionals

GNA is close to achieving gender balance with its direct employees (55% male, 45% female), and continues to make efforts to increase female participation in the workforce of contractors. The percentage of women in the contractors' workforce has increased from 6% to 7% since last October.

GNA has implemented three key elements for prevention of gender-based violence and sexual harassment **within the workplace:**

- GNA Code of Conduct (2018)
- Labor Grievance Mechanism (2019)
- Gender-Based Violence Risk Management Framework (2020)

THERMOELECTRIC POWERPLANT GNA1
UNDER CONSTRUCTION



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PROJECT BACKGROUND

Gas Natural Açu (GNA) is a \$1.2 billion project to build the largest complex in Latin America for turning liquified natural gas (LNG) into power. The project is a joint venture between Prumo Logística, BP, and Siemens. It is located in Brazil's Port of Açu - a strategic hub with nine terminals managing millions of tons of cargo including iron ore and oil. The port is located approximately 300km north-east of the city of Rio de Janeiro.

The GNA project commenced in 2018. It includes the development of an integrated LNG-to-power facility with a 1,338-megawatt combined cycle gas turbine power plant, an LNG import marine terminal, and a 51km transmission line connecting the power plant to a substation in Campos dos Goytacazes. When completed, the project is expected to be able to supply power to around 14 million homes. In a phased approach, GNA plans to expand its thermoelectric complex in the future and has a license to increase energy production up to 6.4 gigawatts.

IFC is investing in GNA's first power plant. Operation of the IFC-funded power plant is expected to commence in mid-2021.

During the initial construction phase of the project, GNA expected to create 5,400 direct jobs and approximately 10,000 indirect jobs. As of September 18, 2020 there were 3,775 workers on site with 80 percent of unskilled workers and 27 percent of skilled workers employed from local communities. Most workers come from the nearby city of São João da Barra and the municipality of Campos dos Goytacazes, about one hour from the port by road. As construction is almost completed, the workforce is currently decreasing. The project is now entering the commissioning phase.

HOW GNA WORKS TO PREVENT GENDER-BASED VIOLENCE

In 2018, GNA developed a Code of Conduct and introduced an internal grievance mechanism for managing allegations of sexual harassment in the workplace. These commitments were included in the Environmental and Social Action Plan (ESAP) and are consistent with the requirements of IFC's Performance Standard 2 and national law. The Code of Conduct was adopted in 2018 and a Labor Grievance Mechanism became fully functional in early 2019. Additionally, GNA has developed a more detailed Gender-Based Violence Risk Management Framework, in which it outlines its broader intent to manage project-related GBV risks through accessible reporting, awareness-raising and training, and support services for impacted employees.

Code of Conduct

The Code of Conduct describes GNA's position on discrimination, GBV, sexual harassment, and other forms of harassment.

In this document, behaviors such as derogatory comments, offensive messages, and inappropriate pranks are identified as unacceptable. Sexual harassment is defined as unwanted sexual approaches, requests for sexual favors, and other verbal or physical conduct of a sexual nature. Discrimination on the grounds of sex, sexual orientation, gender identity, and marital status is explicitly forbidden.

Employees and other stakeholders are encouraged to report incidents. And any employee who fails to comply with the company's standards of conduct is subject to disciplinary action.

"The search for diversity and inclusion in all work areas is one of the main principles of GNA. We believe that stimulating and providing a diverse environment generates opportunities, development, and an exchange of experiences that improves results for everyone."

Bernardo Perseke, CEO, Gas Natural Açu



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The Code of Conduct covers the behaviors of all employees, interns, apprentices, contractors, and subcontractors both in the workplace and in their interactions in communities. During the staff onboarding process, each new employee is presented with a copy of the Code and required to sign to confirm they have received it. In late 2019, GNA's Compliance Department organized and ran six training sessions covering all GNA staff to raise awareness about this Code of Conduct.

The Labor Grievance Mechanism (LGM)

The LGM was developed to help GNA manage a range of employee complaints, including incidents of discrimination, harassment, and GBV. It defines the process for investigating complaints, timelines for response and feedback, and the flow of information about a complaint.

Available reporting channels within the LGM are direct communication with a supervisor, manager or focal point in the Human Resources (HR) department, a toll-free phone number, a dedicated email address, and suggestion/complaint boxes located around the project site. GNA also engages an external, independent company to receive and record complaints made through the company's Whistle Blowing Channel. Complaints are then referred to GNA's Compliance Department for investigation and response. Information about these reporting channels is shared with all new employees during onboarding. Additional print materials advertising the reporting channels are handed to employees who work on the construction site.

Complaints received through the Whistle Blowing Channel are divided into three categories; low-, medium-, and high-risk. The low-risk category includes complaints about leadership, assignment of tasks, and contracts. Sexual abuse and

discrimination are classified as high-risk issues because they are deemed potentially to have a serious impact on a person's rights and constitute violations of the law.

The HR department is responsible for logging and investigating complaints. To strengthen the reporting process for incidents of GBV specifically, GNA has established a special committee. Complaints received through the LGM that are related to GBV are referred to this committee. The company is preparing an *Ethics Guide* – including information on the International Labour Organization's principles, IFC's Performance Standards and Brazil's Anticorruption Act, among other topics – to help train members of the committee.

For low-risk complaints, the company aims to come to a resolution within 30 days. Up to 50 days is allowed to resolve a high-risk complaint. GNA aims to resolve 75 percent of all complaints within these timeframes. In both cases, the complainant has the right to be informed about the decision and to agree with or reject this outcome. This does not apply if the complaint is made anonymously. Responses to anonymous grievances are disclosed on noticeboards located around the construction site.

GNA monitors response times to grievances and types of grievances using an integrated analysis methodology. It plans to conduct a survey with employees from the project to gather feedback on the effectiveness of the reporting channels and grievance process.

The company has contracted an independent company to roll out a Personal Support Program. This program makes legal, psychological, and financial counselling available free of charge to all GNA staff.



"The time to respond to an initial complaint through the Labour Grievance Mechanism (LGM) is on average 6.32 days, while the resolution time is on average 7.12 days."

Overview Labor and HR Management, June 2020

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Management of GBV

In 2020, GNA introduced a Gender-Based Violence Risk Management Framework. This framework provides the company with an overarching plan for management of GBV risks linked to its operations and is based on the following five principles:

- Ease of reporting and investigation
- Unrestricted support
- Zero tolerance of discrimination
- Awareness and engagement
- Education and training

The framework clarifies how the company understands GBV, which it defines as ‘*violence against people based on their identity, gender expression or biological sex, and the female gender is usually the victim of the act*’. It specifically outlines GNA’s intent to challenge the belief that violence against women – and other vulnerable groups, including lesbian, gay, bisexual and transgender persons – is acceptable behavior according to certain cultural rules. To this end, GNA has committed to raising awareness about the risks and impacts of GBV through lectures and communication materials.

Additional definitions included in GNA’s Gender-Based Violence Risk Management Framework cover bullying and sexual harassment.

Bullying: *to expose the employee to humiliating situations (such as name-calling in front of other employees), demanding unattainable goals, denying off days and amendments from holidays when other employees are dismissed, acting harshly excessively or putting embarrassing ‘nicknames’ on the employee.*

Sexual harassment: *a type of coercion of sexual character practice usually by a person in a higher hierarchical position in relation to a subordinate (although the opposite can also happen), usually in the*

workplace. Sexual harassment is characterized by an unwanted sexual attitude, which can be a request for sexual, verbal, nonverbal and physical conduct.

The framework has three main components:

- 1. An induction and training program** on HR policies and procedures, Code of Conduct, local laws, and awareness raising for the workforce about refraining from unacceptable conduct toward community members, specifically women.
- 2. A grievance mechanism** designed to handle GBV related grievances, including but not limited to sexual harassment.
- 3. A partnership with contractors** to cooperate in investigating complaints about GBV.

To act on its commitment to manage GBV risks, the company has undertaken the following actions:

- Together with the engineering, procurement, and construction contractor teams, GNA developed a campaign for Agosto Lilás (August Lilac) – a movement in Brazil aimed at raising awareness about and reducing violence against women.
- GNA led an initiative to hold a debate about GBV and the job market in São João da Barra, and GNA staff facilitated the discussion with local stakeholders.
- GBV materials connected to [Outubro Rosa](#) – a campaign against breast cancer – have been distributed on site.
- In February 2020, GNA had a meeting with the Coordinator of the Gender and Sexual Diversity Center at the Instituto Federal Fluminense in São João da Barra to develop actions to raise awareness and promote diversity and inclusion in the company’s projects.



“Over 20 per cent of registrations for the UTE GNA Professional Qualification Program were from women.”

<https://www.gna.com.br/en/sustainability/professional-qualification-program>

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EMPLOYMENT OPPORTUNITIES FOR WOMEN

GNA's social investment policy includes gender diversity objectives across its three priority areas:

- **Basic education.** Transfer to the next generation values of gender equality and diversity. Plant the seeds for a more equal and open-minded future.
- **Qualification and training.** Provide women the same opportunities and technical tools.
- **Work and income.** Create actions that foster women's access to work and income.

The company has offered a number of programs that help train and employ women. Its UTE GNA Qualification Program produced 329 graduates, of which 205 were hired. Women made up almost 20 percent of the graduates from this program, and three quarters of these women were employed on the project. This includes women employed directly by GNA and by its contractors.

One class in the program offered welding skills exclusively to women. GNA promoted the visit of Renata Isfer, Brazil's Oil & Gas Secretary, to the construction site, where she met with the women in this welding class. All the participants in this class were hired to work on the project. Almost half of the total number of women hired from GNA's training initiatives are performing skilled roles such as welders, technicians, engineers, electricians, supervisors, and managers.

GNA has also run nine employment workshops in nearby communities for 152 people. Three of these classes were part of the Ela Pode initiative, which aims to train 135,000 women in Brazil to improve financial independence and decision-making power in their lives.

The employment selection process and the gender balance of candidates are regular topics of discussion in meetings between the company and the HR Department of the EPC contractor. To further support the recruitment of women, GNA has sponsored and led the development of SAGE – an integrated database of applicants' résumés that enables a gender-specific search of candidates in the local region.

In its Gender-Based Violence Risk Management Framework, GNA outlines additional commitments to ensure women have greater access to job opportunities within the company. These commitments include a review of how to make better use of the skills of its female workforce and the introduction of local initiatives, such as night schools, to improve women's access to training. The inclusion of these commitments in this framework reflects a recognition by GNA management that improving women's economic empowerment is another way to help tackle GBV risks.

In support of International Women's Day, GNA has promoted awareness around unconscious bias and the [HeForShe](#) movement – an invitation for people of all genders to stand in solidarity with women to help create united force for gender equality. The company has also introduced a program called 'Empresa Cidadã', which offers extended maternity leave.

In early 2020, GNA launched a series of videos called 'Mulheres na Indústria' ('Women in Industry') to showcase the roles, challenges, and accomplishments of women hired for the project.

[Click this link](#) to open the video playlist in YouTube.



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BUSINESS IMPACTS

Diversity in the workforce

The GNA team has received feedback from the construction workforce saying they have noticed the increased gender diversity of staffing on the project. Because most of the male workforce were not used to having a larger number of women working in construction, they have been encouraged to discuss the differences and challenges openly.

In GNA's 'Women in Industry' videos, female employees say that during the selection process they felt they were treated the same way as male applicants, which gave them confidence. They also say they felt welcomed and quickly adapted to the work environment.

Employee safety

In one of the 'Women in Industry' videos, a female employee highlights the provision of a women-only bathroom on site as an example of the project catering for the safety needs of female staff. GNA also provides women-only locker rooms and reserved seating for its female employees on company transportation.

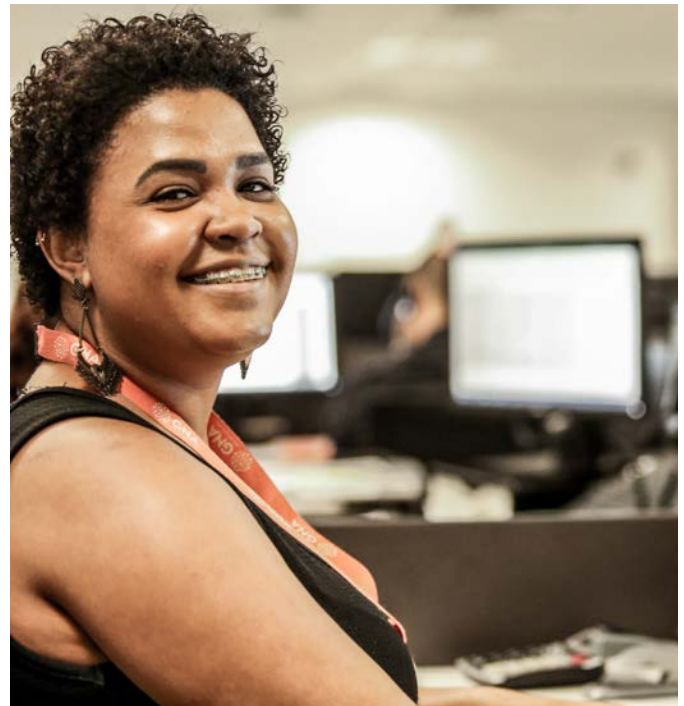
Effectiveness of the LGM

In 2019, GNA received a report of sexual harassment through its Whistleblowing Channel. The incident involved third party contractors. GNA's Compliance and Human Resources teams were directly involved in supporting the whistleblower, investigating the situation, and taking measures to resolve the grievance and apply disciplinary actions after the investigation was concluded. The total time to resolve the grievance was 26 days.

In order to prevent similar cases, GNA reaffirmed its commitment to ensuring an ethical and safe work environment for women in all construction and operation sites, and required contractor companies to implement awareness training on site to reinforce the Code of Conduct.

Reputation with external stakeholders and investors

GNA has implemented all required actions from the ESAP that it agreed to with investors. As a result, the company has received positive feedback from several stakeholders and sponsors, especially on its efforts to promote gender diversity and prevent GBV in the project. The company received positive feedback from government stakeholders when it launched the #HeForShe campaign. A representative from the Energy Ministry has also publicly congratulated GNA for its work with women on site. This positive feedback has strengthened GNA's commitment to actioning gender equality.



"GNA supports the fight against violence against women. Our code of conduct repudiates any act of violence, threat, coercion, and physical harm done to women, in public and private life."

Bernardo Perseke, CEO, Gas Natural Açu

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References

- 1 WEF, *Global Gender Gap Report*, (2020)
- 2 See: https://en.wikipedia.org/wiki/Lei_Maria_da_Penha
- 3 See: <https://www.unwomen.org/en/news/stories/2011/8/maria-da-penha-law-a-name-that-changed-society>
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- 5 (n 3)
- 6 See: <https://www.loc.gov/law/foreign-news/article/brazil-federal-supreme-court-amends-womens-protection-law/>
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- 8 Thiago Pierobom de Ávila, *Facing Domestic Violence Against Women in Brazil: Advances and Challenges*, (2018)
- 9 See: <https://www.wilsoncenter.org/blog-post/femicide-hits-all-time-high-brazil>
- 10 Brazil's Federal Government COVID-19 Panel, <https://covid.saude.gov.br/>, (data from September 22, 2020)
- 11 See: <https://brazilian.report/coronavirus-brazil-live-blog/2020/06/01/femicide-jumps-22-2-percent-during-quarantine-in-brazil/>

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