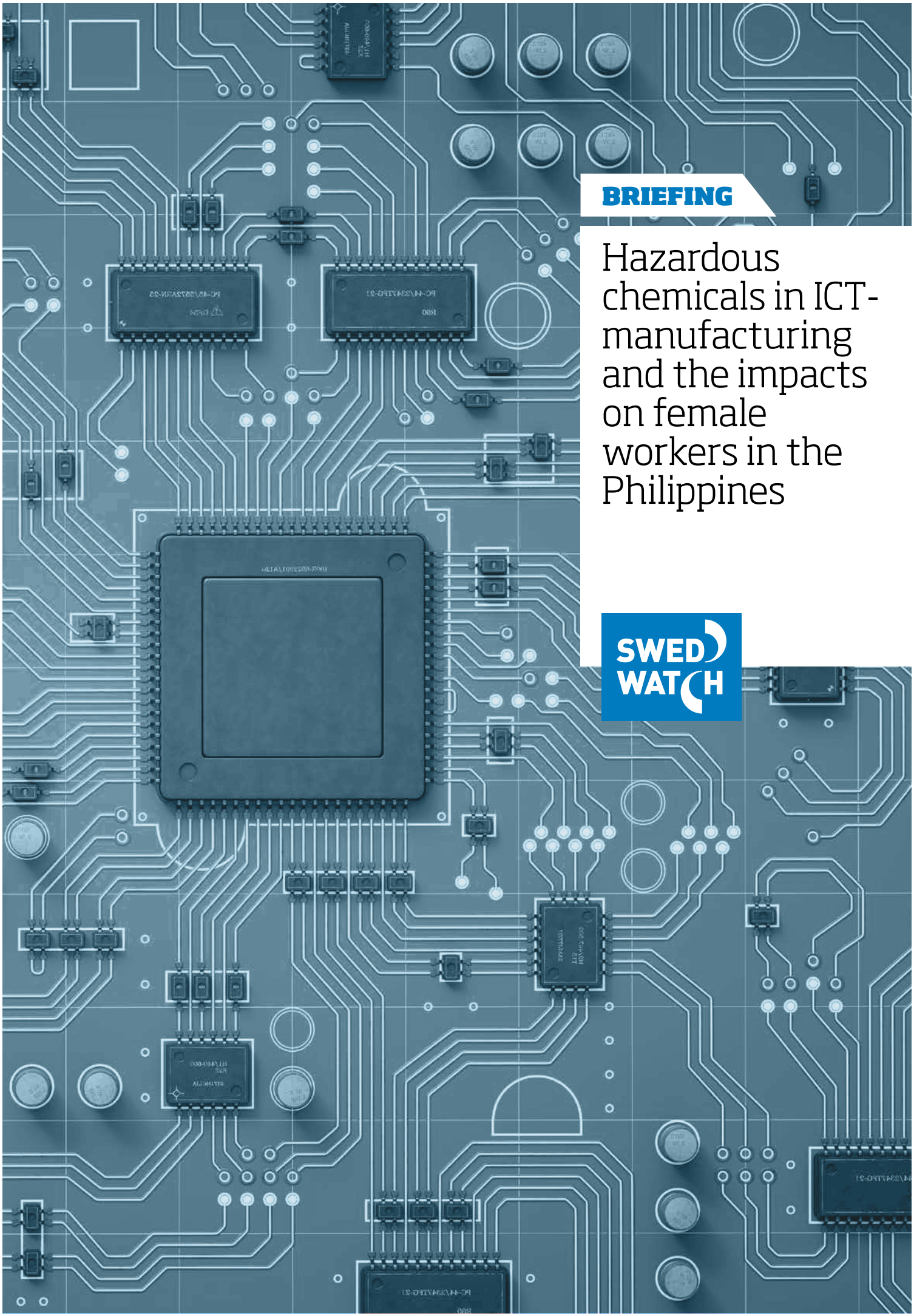

BRIEFING

Hazardous chemicals in ICT-manufacturing and the impacts on female workers in the Philippines

SWEDWATCH

Swedwatch is an independent not-for-profit organisation that conducts in-depth research on the impacts of businesses on human rights and the environment. The aim of the organisation is to contribute towards reduced poverty and sustainable social and environmental development through research, encouraging best practice, knowledge-sharing and dialogue. Swedwatch has six member organisations: Afrikagrupperna, ACT Church of Sweden, Diakonia, Fair Action, Solidarity Sweden-Latin America, and the Swedish Society for Nature Conservation (SSNC). This report, which can be downloaded at www.swedwatch.org, is authored by Swedwatch.

Make ICT Fair is an EU wide campaign that aims to improve the lives of workers and communities affected by the production of ICT devices such as smartphones and laptops. Through awareness raising, research and advocacy, the campaign highlights human rights impacts and environmental impacts along the ICT supply chains and inform on solutions. We target EU citizens, Public Procurers, Development Banks, Decision-makers and Companies to improve their purchasing practices and to align policies. Make ICT Fair is funded by the European Union, through the EU Dear Programme and involves eleven European civil society organisations and academia.

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Executive summary

Female factory workers in the Philippines who manufacture devices such as laptops and smartphones for the global market are exposed to a wide range of hazardous chemicals at work. A previous Swedwatch report, *Toxic Tech – Occupational poisoning in ICT manufacturing*, details how these women work in poorly ventilated rooms where they are exposed to hazardous chemicals without proper equipment or training. In interviews conducted by Swedwatch for the earlier report, they described how they have suffered severe effects on their health, including cancer and miscarriages.[1]

In the Philippines unions and labour rights defenders are under constant attack and dozens of human rights defenders are murdered every year. Threats and harassment against those who speak out on labour rights issues is not uncommon and in interviews with Swedwatch workers stated that addressing issues related to the working environment is difficult. Several workers said that if they asked too many questions or spoke out about being exposed to hazardous chemicals, they would risk losing their jobs.[2]

As part of the research conducted for this follow-up briefing, Swedwatch asked five of the world's largest information and communications technology (ICT) brands that source from the Philippines how they assess and address the issue of workers exposure to hazardous chemicals in the context of the Philippines. Their answers indicate wide gaps in their approaches to human rights due diligence (HRDD). The gender perspective – which should be used to identify how female and male workers are differently affected by the exposure to hazardous chemicals – appears to be lacking. The companies furthermore failed to provide information on how they are addressing the issues specific to the Philippines.

All efforts to protect workers from exposure to hazardous chemicals in the Philippines must consider these key aspects. This process should include a clear gender perspective that takes into account the context-specific factors of the Philippines that may prevent workers from enjoying their right to a healthy work environment and ultimately the most basic of human rights – the right to life and health for oneself and one's children.

Key recommendations from Toxic Tech

- Undertake robust and gender-sensitive human rights due diligence (HRDD) processes and human rights impact assessments (HRIAs) throughout company supply chains to identify and address the actual and potential human rights impacts associated with workers' exposure to hazardous substances. HRDD and HRIAs should be conducted in line with the United Nations Guiding Principles for Business and Human Rights (UNGPs) and follow the Organisation for Economic Cooperation and Development's Guidance for Responsible Business Conduct. HRDD should be performed for all activities to which the company is linked through its busi-

ness relationships. The process should be based on consultations with workers and in cooperation with unions or other actors that are true representatives of the workers.

- Actively work to ensure that no workers are exposed to hazardous chemicals throughout the supply chains. When possible, hazardous chemicals should be eliminated and/or substituted with a safer alternative. Replacement chemicals should be thoroughly tested, also for synergistic and accumulative effects. All chemicals should be proven safe for female workers of child-bearing age. In this process the burden of proof should be on companies to prove that a chemical is safe – never on workers to prove that a disease is work related.

- Promote and defend the participation of workers throughout company supply chains, and demand that they be allowed to exercise their right to join unions or be free to otherwise exercise their right to organise and collectively bargain, to ensure influence regarding Occupational Safety and Health (OSH) in general and regarding protection from hazardous chemicals in particular.

- Implement these recommendations and other efforts in an open and transparent process, in line with the UNGPs' concept of "know and show". The purpose of communicating how human rights impacts are addressed is to provide transparency and accountability – to those impacted and to other stakeholders. It can range from formal public reporting to informal engagement with those affected.

See the full report *Toxic Tech* for more recommendations.

1. The true cost of our devices

The global demand for ICT products is huge. The European Union alone imports computers, mobile phones and other electronic products worth hundreds of millions of euros each year.[3] This massive demand is met by global brands that rely on an opaque and highly complex web of interlocking supply chains that stretches around the world.

»We have seen the lists of these chemicals and know that they cause cancer.«

ELECTRONICS WORKER INTERVIEWED BY SWEDWATCH

ICT products are necessary for the fulfilment of the 2030 Agenda and several of its Sustainable Development Goals, for example to connect people and communities to the internet and facilitate more effective education and innovation.[4]

But such technology comes at a high human price. Throughout the production and life cycle of these products, people can be exposed to hazardous chemicals, from mining and manufacturing to the management of electronic waste.[5] Among those most exposed to hazardous chemicals are the factory workers who manufacture the devices and their components.[6] This not only impacts human rights but is also in stark contrast to several Sustainable Development Goals; most obviously those that relate to decent work, chemicals management and health.[7]

Supply chain

FINAL ASSEMBLY MANUFACTURER
Assembles the components to create the phone

CHEMICALS

COMPONENT MANUFACTURERS
Assemble the individual components to make a phone

CHEMICALS

CHEMICALS

MATERIAL MANUFACTURERS

MATERIAL MANUFACTURERS

TRADERS

TRADERS

CHEMICALS

SMELTERS & REFINERS
Refine raw materials into usable materials for component manufacturing

TRADERS

TRADERS

TRADERS

CHEMICALS

MINES
Minerals extracted from different mines

OIL FIELDS
Crude oil extracted from oil fields

Several previous studies have shown that workers exposed to chemicals in the ICT sector suffer from a wide range of symptoms from fainting and dizziness to cancer.[8] Women of child-bearing age are particularly vulnerable to many of these substances, many of which are known to cause miscarriages and damage to foetuses. These risks persist even when exposure to the chemical in question is well within what is considered to be safe exposure limits.[9] For more information on hazardous chemicals in ICT production, see Swedwatch's report *Toxic Tech*.

2. Impacts on female ICT workers in the Philippines

In June 2020, Swedwatch released the report *Toxic Tech*, which presented results from an investigation into the working conditions of female workers in ICT manufacturing in the Philippines, a sector dominated by women (estimates vary but usually range between 75 and 90 percent of the work force).

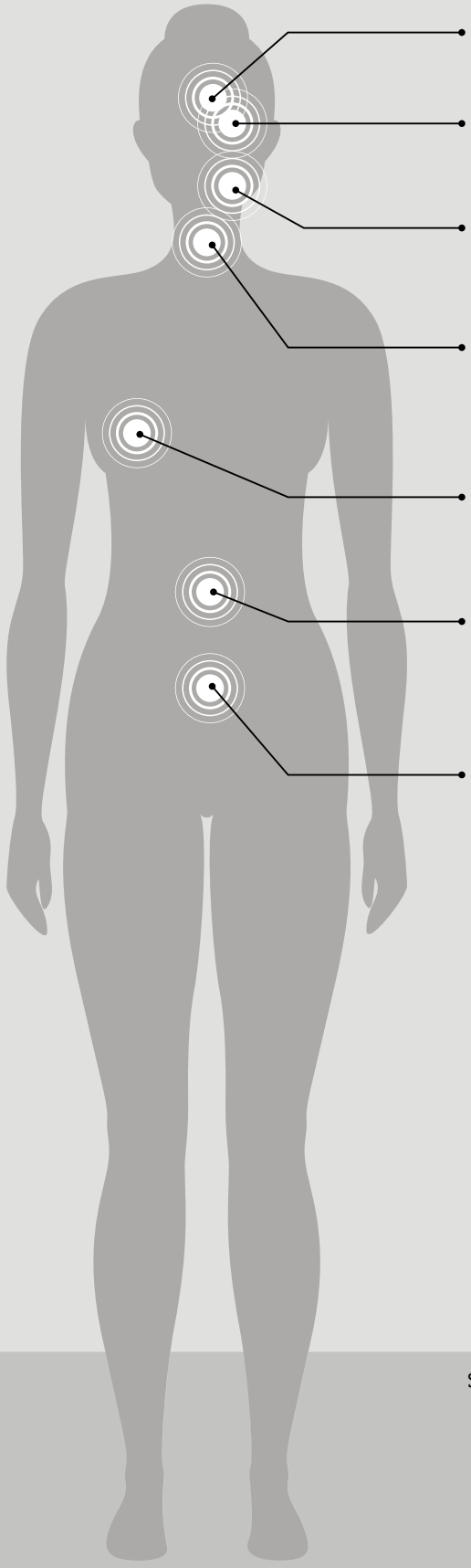
During the course of the research for this earlier report, Swedwatch and its Manila-based partner, the Center for Trade Union and Human Rights (CTUHR), interviewed 25 women from six manufacturing plants. CTUHR is a civil society organisation engaged in research and documentation of labour rights and human rights abuses. CTUHR contributed both as subject matter experts and with local research.

The workers interviewed for *Toxic Tech* explained that they work in poorly ventilated rooms where they are exposed to chemicals with well-known hazardous effects. They described severe effects on their health and the health of their unborn children – effects that largely correspond to the known effects of the chemicals used in this sector. For these women, cancer and miscarriages were so common that they had become the norm.[10]

"I have had miscarriages. I never got cancer but several of my co-workers got ovarian cancer or breast cancer. I had two miscarriages and I know of another worker who had one, she eventually needed surgery to her ovaries," said a former electronics worker in an interview with Swedwatch.

Workers at all the facilities investigated as part of the research for the earlier report stated that they had been exposed to at least one of these three harmful substances: methylene chloride (also known as dichloromethane or DCM), toluene, and lead (in the form of soldering fumes).[11] Exposure to these chemicals is known to have serious health effects that closely correspond to the symptoms reported in the interviews. The non-governmental organisation (NGO) Electronics Watch recently listed DCM and toluene as "chemicals of concern". The Clean Electronics Production Network (CEPN) – a multi-stakeholder innovation network that advocates zero exposure to toxic chemicals in electronics manufacturing – lists DCM and toluene as "priority chemicals" – substances to be prioritised for elimination or substitution.[12]

Chronic effects with strong or very strong effect/evidence of chemicals **Lead, DCM** and **Toulene**



BRAIN/NERVOUS SYSTEM HARM
Chemicals that can damage the nervous system, including the brain.

GENE DAMAGE
Chemicals that can cause changes in genetic material in cells, causing or increasing the rate of mutations.

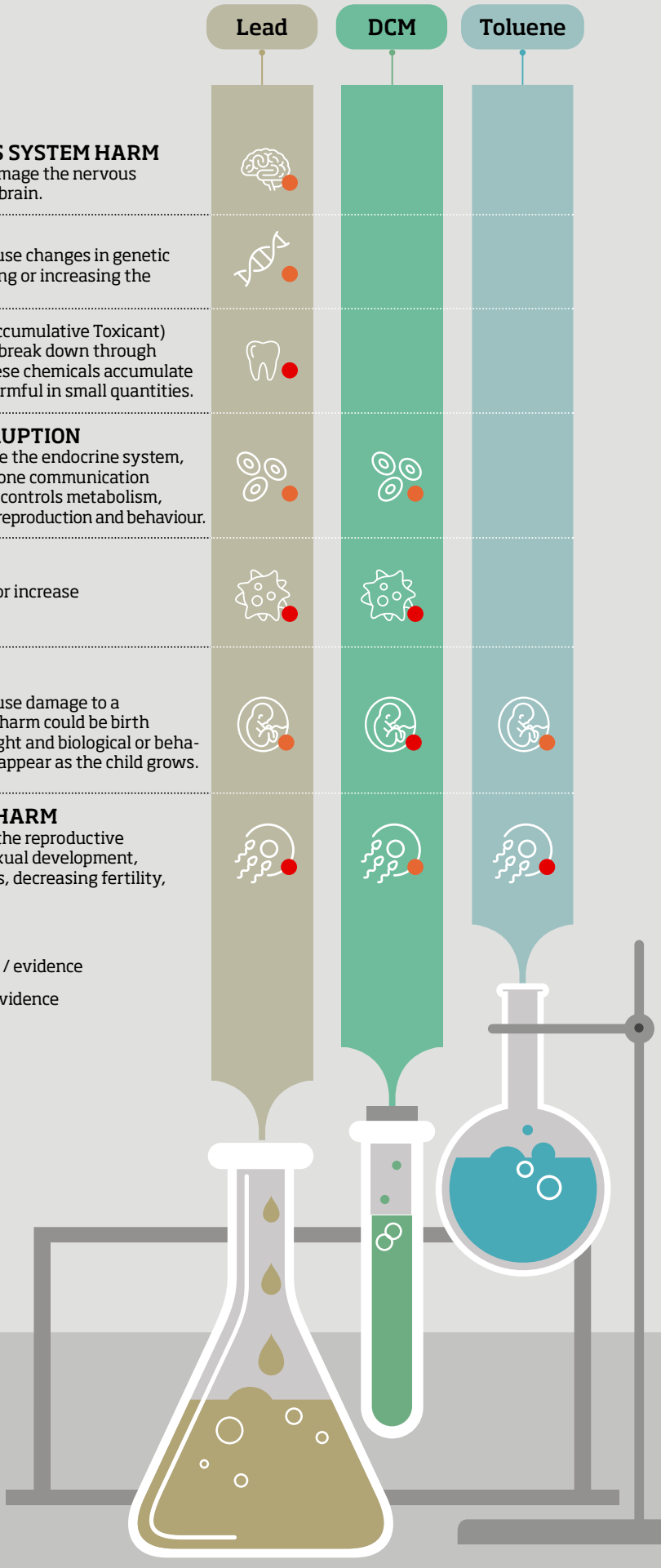
PBT (Persistent Bioaccumulative Toxicant)
Chemicals that do not break down through natural processes. These chemicals accumulate in the body and are harmful in small quantities.

ENDOCRINE DISRUPTION
Chemicals that damage the endocrine system, interfering with hormone communication between cells - which controls metabolism, development, growth, reproduction and behaviour.

CANCER
Chemicals that cause or increase the risk of cancer.

BIRTH DEFECTS
Chemicals that can cause damage to a developing child. This harm could be birth defects, low birth weight and biological or behavioural problems that appear as the child grows.

REPRODUCTIVE HARM
Chemicals that affect the reproductive systems, changing sexual development, behaviour or functions, decreasing fertility, or cause miscarriage.



- Very strong effect / evidence
- Stronger effect / evidence

Source: Chemhat

According to the factory workers interviewed for the earlier report, the laws designed to protect them are not sufficiently implemented or enforced; nor do the workers receive appropriate protective equipment or safety instructions. The interviewees also explained that they had not been properly trained or informed about the risks associated with handling the chemicals. Several workers said that complaining or asking questions was unthinkable because they feared repercussions, including losing their jobs.[13]

"If we want to know whether the chemicals are dangerous the manager asks us if we want the job or not. They say that we applied for the job and should not be complaining," one interviewee explained to Swedwatch.

In the report, Swedwatch made several recommendations to brands sourcing components and finished products from the Philippines, stressing the need for robust and gender sensitive HRDD to ensure that no workers are exposed to hazardous chemicals.

Given the severity of the human rights situation in the Philippines, Swedwatch was not able to disclose the identity of the workers interviewed, nor disclose the names of the factories or the brands sourcing from these supplying factories.

For this briefing Swedwatch contacted five of the world's largest ICT brands who all have outsourced part of their production to suppliers in the Philippines. Based on Swedwatch's findings from the six ICT manufacturing factories in the Philippines, the companies were asked questions about how they identify and manage human rights challenges in this highly complex context. Four of the brands replied and their answers are summarised towards the end of this briefing.

3. Human rights in the Philippines

The human rights situation in the Philippines is exceedingly severe. According to the International Trade Union Confederation (ITUC) the Philippines is one of the ten worst countries in the world to be a worker. The ITUC global rights index describes the Philippines as a context of extreme state violence and suppression of civil liberties. A tactic used by employers is to label unions as "subversive organisations" exposing union members to repression and as a result union members are at risk of violence, intimidation and even murder.[14]

Union members who are not subjected to outright violence or threats may still face constraints or be denied their freedoms of speech and assembly.[15] Only a small percentage of the labour force is unionised, and according to Freedom House – an NGO that works to defend human rights and promote democratic change – harassment of labour groups is on the rise as leaders have been targeted with extrajudicial killings.[16]

While labour rights are formally guaranteed by law in the Philippines, weak enforcement results in severe and widespread violations of labour standards. Workers in the electronics industry have stated that unions are not allowed in their companies, and

that suspensions and terminations are used to discipline workers who are absent due to overwork and fatigue, or to punish those who join or seek to organise unions.[17]

Many of these issues are related to the special economic zones, where informal mechanisms and unwritten policies are used to quell labour unrest. According to worker testimonies gathered by Electronics Watch, unions are in effect prohibited in their factories or zones. The industry organisation Semiconductor and Electronics Industries in the Philippines advertises that the industry is "non-unionised", presumably to attract investors.[18]

One indicator of the severity of the situation for defenders in the Philippines is the large number of assassinations. In 2020, the organization Karapatan reported that 328 extrajudicial killings had taken place in the country in the past four years.[19] A considerable number of those murdered, at least 43, were trade unionists or other labour rights defenders.[20]

»As a single mom, I am so scared about the chemicals. I have to be able to take care of my child.«

ELECTRONICS WORKER INTERVIEWED BY SWEDWATCH

FACT

Hazardous chemicals in the workplace

Exposure to hazardous chemicals in the workplace violates a number of human rights, including the rights to life, health and physical integrity.[21] Even exposure to low concentrations of chemicals may cause serious health impacts, such as carcinogenic, immunologic, reproductive and developmental effects.[22]

There are also significant linkages between gender and the effects of chemicals.[23] Biological factors such as body size and physiological, hormonal, and enzyme differences mean that women and men vary in their susceptibility to the effects of toxins.[24] For instance, past studies have identified especially sensitive periods to specific chemicals during foetal and child development.[25]

Solvents in particular are known to significantly increase the risk of miscarriage. For example, research has shown that women who were exposed to less than 0.1 percent of the occupational exposure limits of certain solvents had nearly triple the risk of miscarriage compared to those who were not exposed.[26] In the semiconductor industry, research has shown that exposure within limits that are considered safe can cause miscarriages and severe birth defects.[27]

4. What should companies do?

All companies have a responsibility to respect human rights in their business activities and throughout their business relationships.[28] The main framework that describes corporate responsibility for human rights impacts is the United Nations Guiding Principles for Business and Human Rights (UNGPs), which state that this responsibility is a universal standard that exists over and above national laws and is applicable independently of states' abilities or willingness to fulfil their own human rights obligations.[29]

A company can adversely impact human rights through its own operations by causing or contributing to adverse impacts, or by being directly linked to adverse impacts through its business relationships, even if it has not contributed directly to those impacts. In the context of this briefing, a company operating a factory where human rights are impacted is considered to be *causing* the impact, while a brand sourcing components or finished products from the supplier (the company causing or contributing to human rights impacts) is directly *linked* to the impact.[30]

According to the United Nations High Commissioner for Human Rights, a company that is made aware of an ongoing human rights issue to which it is directly linked may eventually be considered to be facilitating the continuance of the situation and thus be *contributing to* instead of being *linked to* the adverse impacts.[31]

HRDD and HRIA

HRDD is a central concept of the UNGPs. An effective HRDD process should include assessing actual and potential human rights impacts, integrating and acting upon the findings, tracking responses and communicating how the impacts are addressed. This should be an ongoing process, since human rights risks may change over time.[32] Companies should tailor their HRDD process to the specific risks associated with their operations and take into account how these risks affect different groups, for example by applying a gender perspective.[33]

When impacts have taken place, a human rights impact assessment (HRIA) should be conducted to determine who has been impacted, and how. HRIAs also help establish a company's level of involvement in the impact. Such assessments are therefore vital tools for assessing the appropriate course of action.[34]

The Organisation for Economic Co-operation and Development (OECD) Due Diligence Guidance for Responsible Business Conduct further develops the concept of HRDD.[35] According to this guidance, all measures to conduct HRDD should be commensurate with the severity and likelihood of the adverse impact. When these are high, the due diligence should be more extensive.[36]

An initial scoping of operations and supply chains will allow companies to identify higher-risk activities or business relationships for further assessment. Risks can be related to a specific product, or be sector-specific, or related to the geographic context (for instance, governance and rule of law, conflict, pervasive human rights or environmental factors in the sourcing countries). There can also be enterprise-specific risk factors (such as known instances of corruption or misconduct among business partners).[37]

Environments in which the risk that companies will adversely impact human rights is particularly high require heightened HRDD. In these environments, human rights abuses by various actors may be endemic, and state authorities are often unable or unwilling to ensure the protection of human rights or the authorities themselves may be involved in violations of human rights. HRDD procedures in these contexts require enhanced depth in order to meet international standards on business and human rights, such as the UNGPs and the OECD guidelines.[38]

HRDD should also be gender sensitive, especially as it relates to hazardous chemicals, since these affect men and women differently. A company conducting HRDD should explicitly integrate a gender perspective into all steps of its HRDD; otherwise, it will not be able to identify differentiated and disproportionate adverse impacts on women.[39]

An effective HRDD process is based on consultations with the affected rights holders to identify and assess actual or potential adverse human rights impacts. This consultation process also requires a gender-responsive approach, such as drawing on

gender experts and meaningful consultations with potentially affected women and girls, women's organisations and women human rights defenders.[40]

The UNGPs also introduce the concept of "know and show", which makes companies responsible for being aware of and reporting on how their operations impact human rights at all stages.[41]

5. What are companies doing

The purpose of this research briefing is to follow up on the findings of the *Toxic Tech* report and learn more about how major tech brands are assessing and addressing the actual and potential human rights risks in the production of ICT devices in the Philippines. Most major ICT brands have suppliers and/or sub-suppliers in the Philippines. Swedwatch contacted the companies featured in this briefing because they have publicly stated that they outsource the manufacturing of ICT products and/or components to suppliers in the Philippines.

Swedwatch contacted Apple Inc, Dell Technologies Inc., HP Inc., Intel Corporation and Samsung (In this report the companies will be referred to as Apple, Dell, HP, Intel and Samsung) and asked them three questions about what processes they use to identify human rights concerns in the manufacturing of their ICT products in the Philippines (see box below). The analysis in this report is based on the answers from four of these companies. Apple expressed an intention to take part in the study, but at the time of their reply the briefing paper had already been finalized.

FACT

Swedwatch's questions to the five companies

1. Has the company conducted any Human Rights Due Diligence (HRDD) or Human Rights Impact Assessment (HRIA) regarding workers' exposure to hazardous chemicals in its supply chain in the Philippines? If yes, what actual and potential human rights impacts were identified and how has the company acted on these findings?

2. Is the company aware if the chemicals identified in *Toxic Tech* – DCM, toluene and/or substances used for soldering that contain lead – are used in its supply chain in the Philippines?

3. Is the company currently engaged in dialogue with any of its suppliers and/or sub-suppliers in the Philippines regarding workers' exposure to hazardous chemicals? If so, with how many companies, and regarding what specific issues and chemicals? With how many of its suppliers in the Philippines is the company currently *not* engaged in such dialogue?

Dell

Dell stated that it works with suppliers according to its social, environment, ethical and safety principles. The work is based on risk assessments and incorporates a range of factors, including geographic location, nature of the commodity and production process, as well as HRIAs. The company declared that it works with suppliers to reduce exposure and remove hazardous substances by mapping their use, undertaking remedial actions where necessary.

Dell has identified health and environmental risks connected to lead soldering, DCM and toluene. According to its Guidelines for Management of Manufacturing Process Chemicals the use of these chemicals is restricted.

Dell did not provide information on its HRDD in the Philippines, or on whether any impact assessments had been conducted in this context. Nor did it indicate whether it is currently engaged in dialogue with suppliers in the Philippines regarding hazardous chemicals.

Furthermore, Dell referred to work done through the CEPN as well as the Chemical Management Workgroup, a part of the Responsible Business Alliance (RBA).[42]

HP

HP declared that it requires all suppliers to conform to its code of conduct and its associated standards, and that all suppliers are required to follow its restrictions on the use of manufacturing process chemicals. Suppliers are expected to pass on these requirements to their next tier suppliers and to monitor compliance.

The company stated that it engages with a broad range of stakeholders, including workers, to understand issues of concern regarding social and environmental responsibility in the supply chain. According to HP, one of the risk factors it assesses is geographic location. It uses the RBA's risk assessment tool,[43] which draws data from the International Labour Organization, the UN and various NGOs. It then addresses any identified risks through an assurance program. Suppliers in the Philippines are part of this program, which includes comprehensive audits using the supplier code of conduct.

HP did not provide information on what risks it has identified in the context of the Philippines or how it has addressed these issues. It confirmed that protecting workers' rights is a primary focus area, which includes the safe use of process chemicals. The company said that it has restrictions in place for the three chemicals mentioned in Toxic Tech. DCM is not used at all, while toluene is "not used as a cleaner degreaser or mold-release agent". Lead is used, but with restrictions.[44]

HP stated that it had reached out to its suppliers in the Philippines to communicate the findings of the Toxic Tech report. HP states that the company regularly audit suppliers, including those in the Philippines, according to RBA protocol. The com-

pany is a member of the CEPN and is active in other initiatives, such as the Chemical Footprint Project, which measures and discloses data on business progress in using safer chemicals.[45]

Intel

Intel declared that its Global Human Rights Principles include workplace safety and supplier responsibility, and that its Corporate Responsibility Materiality Matrix identifies workers' health and safety as a top priority. According to Intel, an HRIA has prioritised supplier labour rights, including health and safety, but it did not offer further details, or any information on how the assessment relates to the Philippines.

With regards to HRDD, Intel referred to the RBA standards for risk assessment and audits. The company explained that some suppliers, including those in the Philippines, are required to participate in third-party RBA audits that examine human rights, health and safety, industrial hygiene and hazardous substances. The company did not provide information on what HRDD has been conducted in the Philippines, or if the findings of the risk assessments and audits mentioned above are related to the Philippines.

Intel did not provide detailed information on whether the listed chemicals are being used in the Philippines Supply Chain, but stated that its expectation is that suppliers adhere to the RBA code of conduct.

Intel referred to a CEPN initiative to investigate and eliminate potential exposure to workers in supply chains. Part of this effort involves identifying suppliers in the Philippines and other countries to conduct further due diligence on the chemicals being used, and to ensure that proper controls and programs are in place.

Intel did not provide detail on any dialogue with suppliers in the Philippines, apart from the RBA assessments that Intel states include self-assessments and dialogue with suppliers in Philippines.[46]

Samsung

Samsung confirmed that all suppliers must adhere to the company's environmental standard, international labour practice and human rights standards, as well as its supplier code of conduct. Risks in suppliers' work environments are assessed in three stages: annual self-assessments, on-site and third-party audits, where RBA-certified audit firms randomly select suppliers and conduct audits.

Samsung also identified suppliers that require additional due diligence based on these evaluations and audits, such as those that use chemicals of concern. Samsung specified that it regularly visits suppliers that use hazardous or highly toxic chemicals and provides support to reduce risks by improving their work processes. It operates a hotline that suppliers' employees can use to report violations of environmental standards or human rights.

Samsung reported that an audit was conducted in June 2020 at its only tier one supplier in the Philippines. The audit suggested areas for improvement, but these did not relate to workers' exposure to hazardous chemicals.

The audit showed that the supplier had no written policy on peaceful assembly that outlines the rights of workers. To address this issue, Samsung distributed handbooks to the employees with the message that all employees were free to form and join unions as well as bargain collectively. According to Samsung, all new employee training now includes additional training on freedom of association and related matters. Additionally, Samsung asserted that the supplier site has ISO 45001 certification and receives third-party assessments every year based on this protocol.[47]

Regarding the chemicals identified in *Toxic Tech*, Samsung replied that DCM is managed according to the company's internal standard, which is based on Korean law since there are no applicable Filipino laws. Toluene is managed in accordance with Filipino law. The company stated that its supplier does not solder with materials that contain lead. According to Samsung, its supplier has a strict policy that employees must wear adequate personal protection equipment and provides health and safety training.[48]

Apple

Apple expressed an intention to take part in the survey, yet at the time of reply the briefing paper had already been finalized. But according to its supplier list, which is available online, the company has suppliers in the Philippines.[49]

The Apple Environmental Report 2020 outlines the work Apple is doing with regards to chemicals. In it, the company states that it works closely with suppliers to minimise workers' harmful exposure to chemicals.[50] However, Swedwatch could not find any detailed information about the company's HRDD in the Philippines or the three substances identified in *Toxic Tech*.

The Apple Environmental Report 2020 names "Smarter Chemistry" as one of three focus areas and includes a commitment to minimise exposure to harmful chemicals, integrate smarter chemistry innovation in the manufacture and design of products, and to "drive 100 percent transparency of chemical use in our supply chain and products".[51] Apple is a member of CEPN and the RBA.

6. Analysis

The companies that took part in this study by providing information on their HRDD processes all have policies and codes in place to address the issue of workers' exposure to hazardous chemicals in their supply chains. However, a discussion of workers' exposure to toxic chemicals in the Philippines inevitably involves the grave situation of labour rights and human rights in the country. It also includes a discussion of the importance of actively working with a gender lens when assessing and addressing rights impacts.

It can be difficult to draw conclusions about the details of a company's HRDD process from a brief survey. Nevertheless, the companies' replies indicate considerable gaps with regards to the gender perspective and the risks related to the geographic context.

Another point worth mentioning is that only four of the five companies managed to provide replies to the questions before the text had been finalized. Also, in some cases the answers provided, while voluminous, did not answer the key questions. This is a cause for concern, considering that corporate actors, according to the UNGPs, have a responsibility to provide information about how they address human rights risks.

Context-specific risks

To use the terminology of the OECD HRDD guidance when reviewing the answers to the survey, the companies' focus is clearly on sector- and product-specific risks; they pay little or no attention to the risks associated with the Philippines. Even the most superficial analysis of the situation in the Philippines would reveal the extensive human rights risks associated with weak governance and the lack of rule of law, as well as the many serious concerns related to labour rights and human rights in general.

Labour rights activists are widely harassed in the Philippines, and several human rights defenders are murdered each year; the authorities are either unable or unwilling to ensure the protection of human rights. Thus, given that the Philippines arguably presents just the types of challenges that require heightened HRDD, the company replies indicate significant blind spots.

HP stated that it considers the geographic location of suppliers but did not provide any details on these considerations. None of the companies provided information on human rights risks that were specific to the Philippines or indicated whether they had addressed any such context-specific impacts.

An audit conducted by Samsung showed that employees of its supplier were not aware of their right to form or join a union. Samsung responded by providing the employees with a handbook on their right to organise and bargain collectively. It is

commendable that Samsung has attempted to address this important issue, but in a country where union organisers are murdered, this approach should be assessed from both a security and efficiency perspective before it is reproduced.

Gender-specific risks

The chemicals used in the production of ICT components and devices are known to be extremely harmful to humans. Some are particularly harmful to women, particularly those of childbearing age. Maximum exposure limits are not sufficient to protect pregnant female workers since some of these compounds have been shown to increase the risk of miscarriage and birth defects even when workers are exposed to levels far below the set limits.

»You will see sometimes female workers fainting or silently crying while at work.«

ELECTRONICS WORKER INTERVIEWED BY SWEDWATCH

When reviewing the company answers, it is clear that the chemicals identified in *Toxic Tech* are in use. Some of the brands stated that they have phased out one or more of these chemicals, but reviewing their answers together highlights that there is still work to be done in curtailing the use of these hazardous substances.

Therefore, it is absolutely imperative that the companies' HRDD processes, as well as any HRIAs, are gender sensitive – focusing on how the chemicals used effect women, including women of child-bearing age and foetuses.

The companies' answers do not indicate that any of them have integrated a gender perspective into their HRDD processes or have used other ways to identify areas in which the human rights impacts are disproportionately adverse to women. Nor did any company provide information on gender-specific stakeholder consultations focusing on hazardous chemicals.

Ways forward

For a company to address the human rights risks and impacts of its activities, it must first be aware of them. All four companies that responded to the Swedwatch survey on which this report is based, referred to collective efforts coordinated through the RBA or CEPN. Samsung stated that its supplier is ISO 45001 certified, and also pointed to a recent audit of its supplier. But when considering the findings in *Toxic Tech*, as well as the contextual factors specific to the Philippines, such efforts are clearly insufficient to address workers' exposure to hazardous chemicals. For instance, three of the six facilities investigated in *Toxic Tech* are ISO 45001 certified.

Corporate actors that are serious about addressing actual and potential human rights impacts in the Philippines regarding workers' exposure to hazardous process chemicals, as well as human and labour rights in general, must take a more proactive heightened HRDD approach.

While audits, certifications and self-assessments can play an important role, Swedwatch's research shows that they are not sufficient to meet the international standards on business and human rights. A proactive HRDD approach must have a strong gender perspective and be based on an extensive analysis of the many factors specific to the Philippines. It should also be based on consultations with true representatives of workers and other stakeholders. This should be a continuous process that takes place in close dialogue with the supplier in question.

If done correctly, this process could increase understanding of the specific challenges in the Philippines. In turn, it would enable a more accurate identification of actual and potential risks and help develop effective measures to prevent and address adverse human rights impacts. These would be important steps towards ensuring that no woman pays for the global boom in smartphones and other devices with their health.

FACT

Make ICT Fair

This research briefing, as well as the Toxic Tech report, is part of the Make ICT Fair project, which is funded by the European Union under the Directorate-General for Development and Cooperation–EuropeAid and partly co-financed by the Swedish International Development Agency (Sida). Make ICT Fair aims to improve the lives of workers and those impacted along different stages of the ICT supply chain through research, campaigning, capacity building and advocacy.

Endnotes

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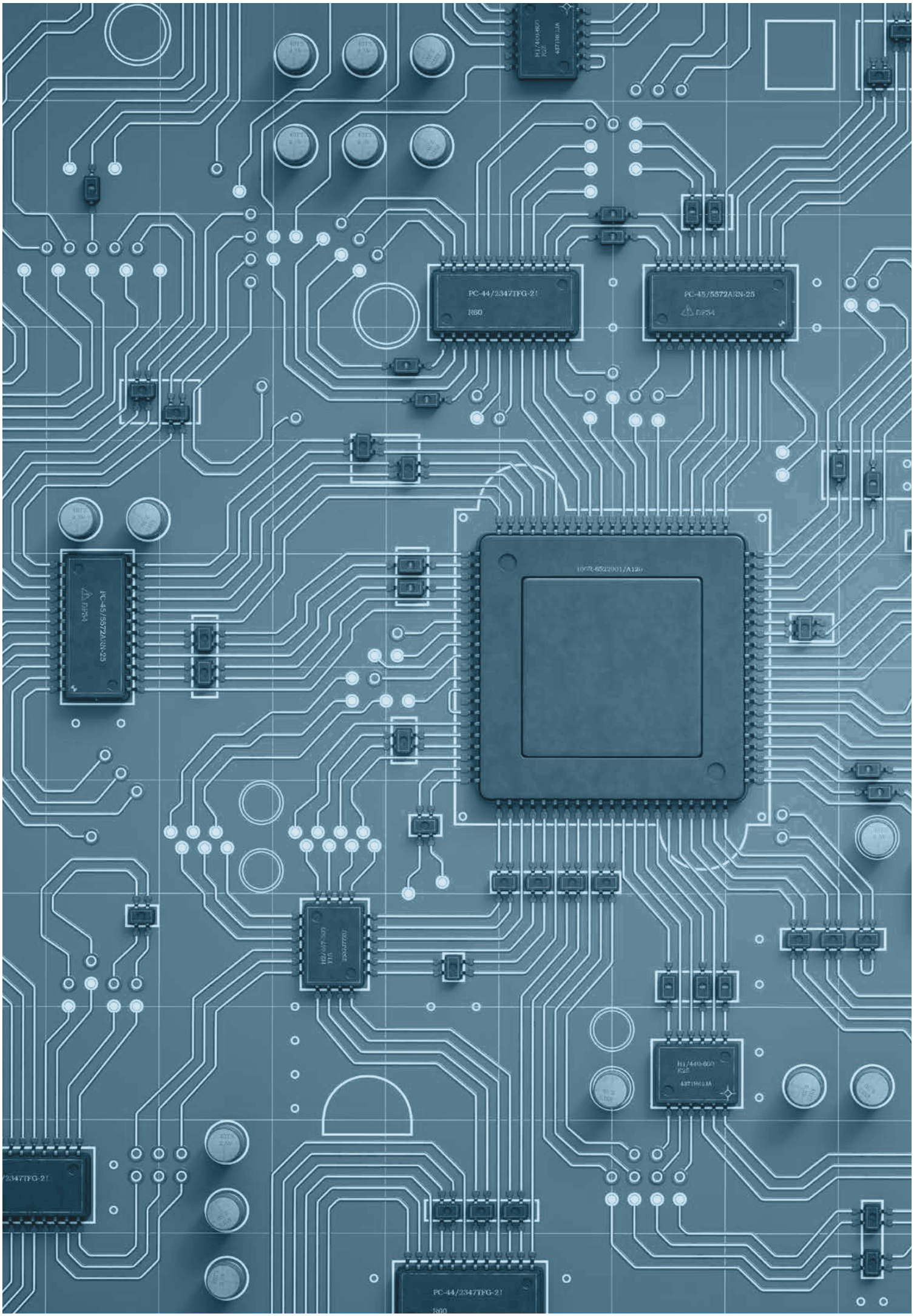
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