



RESPECTING HUMAN RIGHTS IN THE TIME OF THE COVID-19 PANDEMIC

Examining Companies' Responsibilities
for Workers and Affected Communities



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About this Paper: This paper is divided into four parts. Part I provides an overview of the human rights impacts of the pandemic. Part II outlines the importance of the corporate responsibility to respect human rights in the current context. Part III identifies where change is needed and where good practices are being implemented. It concludes with a series of recommendations to businesses. Part IV looks ahead, to the extent that is possible, and reflects on the longer-term implications. Three appendices show instructive examples from the past.

Attribution: This paper draws on interviews with human rights and health experts, professionals from humanitarian organisations, economists, and corporate executives. IHRB's Salil Tripathi led the research and drafting of the report with contributions from Scott Jerbi, John Morrison, Frances House, and Haley St Dennis. The Appendix including references to corporate responses during prior crises and includes research Tripathi conducted with then member of IHRB's advisory board, Irene Khan.

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Introduction



Introduction

The spread of Coronavirus Disease 2019 (COVID-19), the respiratory illness from the latest known variant of Coronavirus¹, has in just a few short months been relentless and its impacts exponential. The virus, which is believed to have initially infected people near live animal markets in Wuhan city in Hubei province in China, has today reached around the globe. Health systems are under severe strain, resulting in alarming numbers of deaths and serious illness.² The World Health Organization (WHO) has declared COVID-19 a pandemic and health experts are not yet able to predict when the spread will slow, nor when a vaccine will be available. Scientists are hard at work trying to understand COVID-19 and how it can be fought.

Many governments have passed firm rules to stop all activity in order to slow the outbreak's pace, so that local health infrastructure can cope with the crisis. Until an effective vaccine is developed, tested, and rolled out, the only way forward is through 'social distancing'.³ Global healthcare systems would collapse otherwise. Experience suggests that of the cases identified, as many as 80% of the infections may be mild, 15% would need hospitalisation, and 5% would need critical care.⁴ COVID-19 is believed by some experts to be substantially more lethal than seasonal flu, which has a fatality rate of 0.1% - which means that if the virus spreads widely, the global death toll may run into millions.

The economic impact has been devastating. One after another, three of the world's largest economies, China, Europe, and the United States, have been affected severely. The de facto shutdown of businesses large and small in many countries has crippled the global economy, affecting primary producers in Latin America and Africa, and manufacturing supply chains in Asia. The disease may spread further to poorer countries with weak public health infrastructure, which would accentuate and prolong the crisis.

Most economists believe the global economy will shrink significantly this year and continue to do so for some time to come.⁵ Equity markets have tumbled, trade has collapsed, planes are grounded, and in many countries, factories have closed. Tourism has declined across the world, with prominent sites and bustling cities presenting an eerie, deserted look. Major events including the Tokyo Olympics, scheduled for Summer 2020, have been postponed by at least a year. Other major business conferences, information technology conventions⁶, the hajj pilgrimage to Mecca,⁷ music festivals, and tournaments have been put off or called off as a result of the virus. The planet is on pause.

Millions of workers face uncertain futures, as companies where they work may not survive. With contradictory instructions from governments and agencies, companies are acting on their own, taking steps to protect

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- 1 Epidemic Data for COVID-19 (China). At https://www.wolframcloud.com/obj/examples/COVID-19China_
 - 2 For the latest statistics see <https://www.worldometers.info/coronavirus/#countries>. For visual representation see <https://medgic.co/virus/>
 - 3 LICHTFIELD Gideon 'We are not going back to normal' MIT Technology Review March 17, 2020. <https://www.technologyreview.com/2020/03/17/905264/coronavirus-pandemic-social-distancing-18-months/>
 - 4 The fatality rate in Hubei, whose population is 59 million, is 2.9%; in the rest of the country it is 0.4%
 - 5 GILES Chris, ARNOLD Martin, GREELEY Brendan, 'OECD Warns coronavirus could halve global growth' Financial Times 2 March 2020. At <https://www.ft.com/content/1356af8c-5c6c-11ea-8033-fa40a0d65a98>
 - 6 GHAFARY, Shireen 'Facebook canceled a 5,000-person conference in San Francisco because of coronavirus' Vox Recode 14 February 2020. <https://www.vox.com/recode/2020/2/14/21138181/facebook-Coronavirus-conference-CoVid-19-san-francisco-google-china-silicon-valley-tech-san-francisco>
 - 7 ASSOCIATED PRESS 'Saudi Arabia bans Citizens From Mecca Pilgrimage Over Virus Fears. 3 March 2020. https://www.huffpost.com/entry/saudi-arabia-bans-citizens-from-mecca-pilgrimage_n_5e5fa89ac5b6732f50eb67fd

their workers, and sometimes their supply chains, with no certainty about when the crisis will end.

Macroeconomic tools to combat the crisis are limited. Fiscal policy alone cannot increase production when cash-strapped firms are closing down⁸ and supply chains are disrupted so severely. While increasing spending on health, purchasing medical equipment, and hiring more people in the health sector can have positive impacts on the economy, it takes time for factories to redesign production processes or train new workers from those laid off in other sectors to manufacture what the market needs.

With demand shrinking, large sectors of the economy have suffered huge losses⁹ from which they will take years to recover, if at all. Monetary stimulus, such as quantitative easing, can help, but for that markets must have trust in policymakers, which is hard during panic. More than stimulus, companies – particularly small firms – need liquidity¹⁰ to stay afloat. Markets no longer trade on sentiment, but on algorithms, and many trades are automated, making human intervention inconsequential. Yet the effect can be catastrophically consequential, as pension values diminish. Ideas like Universal Basic Income, once considered radical, are increasingly seen as practical and being implemented as part of initial responses. Some governments have suspended mortgage payments as a form of relief for those who have lost jobs. While such steps offers immediate relief, the disruption in the velocity of money can have effects which may prolong the inevitable global recession.

Given the scale and severity of the unfolding crisis, companies of all sizes and operating in all contexts are now faced with a range of unprecedented challenges that will require clarity of thinking, sharp focus on goals, the need to think outside the box, commitment to adhere to international standards and norms, and a concerted effort of collective action. Survival of companies is important, but that is a sub-set of the survival of our common humanity. Companies have the responsibility to respect the human rights of all workers directly employed by them, and they should use their leverage to safeguard the rights of those who work for their suppliers, partners, and associates. Beyond that, companies have responsibilities to communities directly affected by them, and users and consumers of their goods and services. They should also look ahead to issues such as how the products they make and services they offer can adapt to meet critical urgent and future needs, support relief efforts, contribute to research, and explore other positive ways to augment public dialogue on long term planning to prevent the recurrence of such a crisis so that we are collectively more resilient in future.

This paper is divided into four parts. **Part I** provides an overview of the human rights impacts of the pandemic. **Part II** outlines the importance of the corporate responsibility to respect human rights in the current context. **Part III** identifies where change is needed and where good practices are being implemented. It concludes with a series of recommendations to businesses. **Part IV** looks ahead, to the extent that is possible, and reflects on the longer-term implications. Three appendices show **instructive examples from the past** – how Sime Darby handled the outbreak of Ebola in Liberia, how ExxonMobil dealt with the aftermath of Hurricane Harvey in the USA, and how companies like BP and Daewoo responded to armed conflict in Libya. The intention in providing these additional examples is to broaden understanding of what companies have done in similar unanticipated contexts.

8 LINNANE Ciara and LEE Jaimy 'What Apple, Microsoft, GE and other U.S. companies are saying about the coronavirus outbreak' Marketwatch 22 March 2020. <https://www.marketwatch.com/story/what-apple-walmart-and-other-us-companies-are-saying-about-the-Coronavirus-2020-02-18>

9 GRAY Sarah 'Apple warns that the coronavirus is expected to hurt quarterly revenue due to store closures in China and impacted iPhone production' Business Insider 17 February 2020. <https://www.businessinsider.com/apple-warns-that-Coronavirus-CoVid-19-expected-to-hurt-revenue-2020-2>

10 LAZAER Edward 'Economic Stimulus Is the Wrong Prescription' New York Times 24 March 2020 <https://www.nytimes.com/2020/03/24/opinion/coronavirus-stimulus-economy-liquidity.html>



PART I:

The Virus, its Spread, and its Human Rights Impacts

Special hospital for coronavirus patients in Odisha, India

Wikimedia/Government of Odisha

PART I:

The Virus, its Spread, and its Human Rights Impacts

1

The latest variant of Coronavirus, known as Coronavirus Disease 2019 (COVID19)¹¹ is a form of Severe Acute Respiratory Syndrome Virus 2 (SARS-CoV-2). Governments around the world reacted to the outbreak in an uncoordinated way in spite of warnings from the World Health Organization to take the threat seriously, ultimately declaring the disease as a pandemic.¹² Some governments were slow to publicise the seriousness of the situation,¹³ imposed censorship,¹⁴ and threatened journalists.¹⁵ Some governments¹⁶ denied the significance of the disease, views echoed by media outlets,¹⁷ and their delay has cost thousands of lives. Others are using the crisis¹⁸ as an opportunity to assert controls that would restrict human rights. A few governments, to their credit, have taken appropriate steps. Some acted early and showed amazing flexibility,¹⁹ but in an interwoven world, many were not able to stay immune for long and have needed to impose further restrictions.²⁰ While the dithering goes on in some countries, disinformation²¹ has proliferated, and complicated efforts to combat the challenge.

The Internet is full of spurious advice and dubious claims, including conspiracy theories and fake claims of cures, and it is the responsibility of governments to ensure such lies are countered

- 11 NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES 'SARS-COV-2' https://www.viprbrc.org/brc/home.sp?decorator=corona_ncov
- 12 WORLD HEALTH ORGANIZATION 'WHO announces COVID-19 outbreak a pandemic' 12 March 2020 <http://www.euro.who.int/en/health-topics/health-emergencies/coronavirus-CoVid-19/news/news/2020/3/who-announces-CoVid-19-outbreak-a-pandemic>
- 13 WORLD HEALTH ORGANIZATION 'Novel Coronavirus (2019-nCoV) SITUATION REPORT - 1' 21 January 2020. <https://www.who.int/docs/default-source/coronaviruse/situation-reports/20200121-sitrep-1-2019-ncov.pdf> The first patient with symptoms was identified in Wuhan on December 1, 2019. Nearly a month later, on December 31, Wuhan authorities announced that there were 27 of an unknown type of pneumonia and alerted the World Health Organization; they identified the new virus, 2019-nCoV, a week later. The first death was announced on January 11. By January 29, 2019-nCoV cases had been reported in 15 countries.
- 14 AMNESTY INTERNATIONAL 'Coronavirus: Stop censorship in China' <https://www.amnesty.org/en/get-involved/take-action/Coronavirus-end-censorship-in-china/>
- 15 PEN DELHI 'PEN Delhi on the importance of press freedom in India in the time of Coronavirus 2 April 2020. <https://pendelhistatements.wordpress.com/2020/04/02/pen-delhi-on-the-importance-of-press-freedom-in-india-during-coronavirus/>
- 16 ABUTALEB Yasmeen, DAWSEY Josh, NAKASHIMA Ellen, MILLER Greg 'The U.S. was beset by denial and dysfunction as the coronavirus raged' Washington Post 4 April 2020. <https://www.washingtonpost.com/national-security/2020/04/04/coronavirus-government-dysfunction/?arc404=true>
- 17 PETERS Jeremy W New York Times 'Alarm, Denial, Blame: The Pro-Trump Media's Coronavirus Distortion' 3 April 2020. <https://www.nytimes.com/2020/04/01/us/politics/hannity-limbaugh-trump-coronavirus.html>
- 18 NOVAK Benjamin and KINGSLEY Patrick New York Times 'Hungary's Leader Grabbed Powers to Fight the Virus. Some Fear Other Motives.' 5 April 2020. <https://www.nytimes.com/2020/04/05/world/europe/victor-orban-coronavirus.html>
- 19 FLEMING Sean World Economic Forum 'South Korea's Foreign Minister explains how the country contained COVID-19' 31 March 2020. <https://www.weforum.org/agenda/2020/03/south-korea-covid-19-containment-testing/>
- 20 GOVERNMENT OF SINGAPORE. 'The COVID-19 Situation in Singapore.' 3 April 2020. <https://www.gov.sg/article/pm-lee-hsien-loong-on-the-covid-19-situation-in-singapore-3-apr>
- 21 DE VYNCK Gerrit, GRIFFIN Riley and SEBENIUS Alyza. Bloomberg. 'Coronavirus Misinformation Is Spreading All Over Social Media' 1 February 2020. <https://www.bloomberg.com/news/articles/2020-01-29/Coronavirus-misinformation-is-incubating-all-over-social-media>

effectively. But government credibility is also questionable, given how some have attempted to minimise²² the nature of the crisis, or are treating COVID19 as a routine matter,²³ which has led to decline in trust in official communication and increased reliance on alternative communications, some of which may be propaganda or disinformation, including alluding to unfounded conspiracies.²⁴



The enjoyment of the highest attainable standard of health is one of the fundamental rights of every human being without distinction of race, religion, political belief, economic or social condition.

World Health Organization



such as access to safe and potable water and adequate sanitation, an adequate supply of safe food, nutrition and housing, healthy occupational and environmental conditions, and access to health-related education and information, including on sexual and reproductive health. A further important aspect is the participation of the population in all health-related decision-making at the community, national and international levels."²⁵

The right to health is an internationally recognised human right. As early as 1946, the World Health Organization declared the enjoyment of the highest attainable standard of health as a fundamental right. The International Covenant on Economic, Social, and Cultural Rights, which 170 nations have ratified, includes the right to health as an international legal obligation that should be realised progressively. As the UN Committee on Economic, Social and Cultural Rights has stressed, the right to health is an *"inclusive right extending not only to timely and appropriate health care but also to the underlying determinants of health,*

Speaking at the UN Human Rights Council recently, UN High Commissioner for Human Rights, Michelle Bachelet, described the COVID-19 outbreak as *"a serious threat to the rights to life and to health of people everywhere,"* and added that the international human rights framework can bring *"crucial guideposts that can strengthen the effectiveness"* of global collective response.

What might that framework look like?

On 24 March 2020, the chairs of ten UN human rights treaty bodies called for²⁶ a human rights approach in fighting COVID-19. In calling on global leaders to ensure that human rights are respected when governments plan measures to tackle the public health threat posed by the epidemic, the experts said that the strategies to combat the virus must include everyone and stressed the importance for governments to protect the rights to life and health and ensure access to health care to everyone who needs it, without discrimination. Particular attention should be paid to the vulnerable, including *"older*

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- 22 HUMAN RIGHTS WATCH 'China's Censorship Fuels Distrust On Coronavirus' 30 January 2020. <https://www.hrw.org/the-day-in-human-rights/2020/01/30>. China initially attempted to suppress the news, which made the problem more acute. Later it imposed draconian curbs (such as imposing severe restrictions on movement) which had probably become necessary because they helped halt the spread of the virus.
- 23 GABBATT Adam Guardian 'Mike Pence 'not up to task' of leading US coronavirus response, say experts' 27 February 2020. <https://www.theguardian.com/us-news/2020/feb/27/mike-pence-Coronavirus-response-experts>
- 24 JOLLEY D and LAMBERTY 'From "deep state" leaks to drinking bleach, research shows these coronavirus conspiracy theories could be as dangerous as the disease itself' Prospect 2 March 2020. <https://www.prospectmagazine.co.uk/science-and-technology/Coronavirus-conspiracy-reddit-theories-alcohol-mask-pope-positive>
- 25 UN Committee on Economic, Social and Cultural Rights, General Comment No. 14, The Right to the Highest Attainable Standard of Health, August 2000. <https://www.refworld.org/docid/4538838d0.html>
- 26 Office of the High Commissioner for Human Rights. 'UN Human Rights Treaty Bodies call for human rights approach in fighting COVID-19' 24 March 2020. <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25742&LangID=E>

people, people with disabilities, minorities, indigenous peoples, refugees, asylum seekers and migrants, people deprived of their liberty, homeless people, and those living in poverty.” They added that women are at a disproportionately high risk because in many societies they are the main caregivers for the sick within families.

The experts emphasised that governments should offer continued education through distance learning and ensure access to the disabled. Provision of essential goods and services is also a state obligation. They also warned that fears and uncertainty that the pandemic poses can lead to scapegoating and prejudice, and states must actively root out racism and xenophobia. Many states have imposed restrictions on movements and increased surveillance, which must be done within a legal framework, and such measures should be *“exceptional and temporary, strictly necessary and justified due to a threat to the life of a nation,”* and not be an excuse to quash dissent.

The following succinctly summarises the experts’ key human rights concerns that must be addressed in facing the challenge posed by the pandemic, involving a balance between the legitimate use of state powers to protect public health, and restraints on those powers to ensure human rights are respected:

- **Respect rights**
- **Include everyone**
- **Ensure access**
- **Protect the vulnerable**
- **Focus on women**
- **Eliminate racism and xenophobia**
- **Deploy technology**
- **Limit restrictions and surveillance**
- **Permit dissent**

Subsequently, 60 UN human rights experts issued a joint call²⁷ stressing that *“everyone has the right to life saving interventions”*, and that the COVID-19 crisis cannot be solved only with public health and emergency measures, but must address all other human rights too.²⁸ The call stated that the principles of non-discrimination, participation, empowerment, and accountability need to be applied to all health-related policies. In addressing the crisis, *“states must take additional social protection measures so that their support reaches those who are at most risk of being disproportionately affected by the crisis. That includes women, who are already at a disadvantaged socio-economic position, bear an even heavier care burden, and live with a heightened risk of gender-based violence.”* They commended health workers around the world who face huge workloads and risk their own lives and face painful dilemmas when resources are scarce. Calling COVID-19 a serious global challenge, the mandate holders singled out the role of business, saying, *“the business sector in particular continues to have human rights responsibilities in this crisis. Only with concerted multilateral efforts, solidarity and mutual trust, will we defeat the pandemic while becoming more resilient, mature, and united.”*

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The international human rights framework can bring crucial guideposts that can strengthen the effectiveness of global collective responses.

Michelle Bachelet
UN High Commissioner for Human Rights

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27 Office of the High Commissioner for Human Rights. “COVID-19 and Special Procedures. <https://www.ohchr.org/EN/HRBodies/SP/Pages/COVID-19-and-Special-Procedures.aspx>

28 Office of the High Commissioner for Human rights. “No exceptions with COVID-19: “Everyone has the right to life-saving interventions” – UN experts say” 26 March, 2020. <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25746&LangID=E>

All governments bear the primary responsibility to respect, protect, and fulfil human rights. International human rights law permits governments to suspend certain rights while ensuring realisation of other rights, provided the suspension follows certain specific norms. For example, the Siracusa Principles²⁹ set out where rights can be suspended to protect public health, so that a “*state can take measures dealing with a serious threat to the health of the population... (these) measures must be specifically aimed at preventing disease... (and) due regard shall be had to the international health regulations of the World Health Organization.*” International law experts say such suspension must be duly-authorized, time-bound, and proportionate, and the Principles list peremptory norms, or certain rights which cannot be suspended under any circumstances. Indeed, human rights restrictions hinder, rather than facilitate responses to public health emergency and undermine their efficiency.

To be sure, governments must use all the resources at their command to invest in public health infrastructure and protect lives. But the COVID-19 experience also shows that going forward, governments will have to be clear, honest and transparent; not restrict free flow of information; not prosecute or penalise those who raise questions or challenges about public health. Governments announcing lockdowns will also have an obligation to ensure that the lockdowns are humane and not worsen the conditions of the vulnerable, in particular migrant labour. Under-reporting is not an option, nor is it an option to minimise threat. Governments will have to plan for worst-case scenarios so that they are not under-prepared. Transparency is an effective weapon during crisis, as the Nobel Laureate Amartya Sen’s pathbreaking research³⁰ comparing famines in India and China has shown.

The following sections provide information on specific human rights issues linked to the current COVID-19 pandemics. Where possible, each section provides illustrative examples relevant to the roles and responsibilities of business actors. These issues are discussed in further detail in Part III.

Quarantines, Lockdowns, and Restrictions

Quarantining large groups of people or isolating them can only be done as per the law, be strictly necessary to achieve a specific and legitimate objective, rely on scientific evidence, and should not be arbitrary or discriminatory. The rule of law and legal processes do place restrictions on a state’s actions in such situations, which is one reason why quarantine decisions have not been as swift in some countries. The decision to quarantine should be time-bound, respect human dignity, and be subject to review. Quarantined people should have access to basic necessities of life, including food, water, shelter, and healthcare. Human rights experts also recommend that quarantines where needed should be compatible with human rights norms and laws, which means coercion should be used only where strictly necessary, and the measures should be transparent and fair. These decisions are resource-dependent.

29 United Nations, Economic and Social Council, Siracusa Principles on the Limitation and Derogation Provisions in the International Covenant on Civil and Political Rights, U.N. Doc. E/CN.4/1985/4, Annex (1985). <http://hrlibrary.umn.edu/instreet/siracusaprinciples.html>. See also MILLER, Alan How a human rights-based approach can help us together get through the COVID-19 crisis: <https://www.strath.ac.uk/humanities/lawschool/blog/CoVid-19andhumanrightsleadership/>

30 SEN Amartya Development as Freedom (Oxford University Press 1999). Sen wrote: “No famine has ever taken place in the history of the world in a functioning democracy.”

The quarantining of patients and suspected carriers of COVID-19 has become necessary and establishing specialist hospitals and wards too is critical. But such quarantine periods should be limited, should respect the dignity of those being quarantined, and provide access to facilities that they need to lead their daily lives. Even where quarantining areas or cities may become temporarily necessary, it should be noted that mass restrictions hit the poor more than those who are better off.

Human rights law allows states to impose temporary restrictions on certain rights in times of emergency. These rights can include the right of free expression (to prevent dissemination of rumours, for example), the right to free assembly (to prevent the spread of the virus), and the right of free movement (to prevent the dispersion of the virus in unaffected areas). As the risk of spread of the virus is real, it is legitimate for states to impose limited restrictions on those rights. But as noted earlier, such derogation should be limited, time-bound, specific in response to the crisis and not wide-ranging, and be overseen by appropriate authorities. There are grave human rights risks of government taking over more powers and establishing a surveillance infrastructure that may become permanent.³¹

Surveillance Risks

Technology can provide valuable clues to governments trying to trace the spread of the virus by monitoring telecom traffic, and telecom companies can provide valuable insights that can help in identifying areas and individuals that require special attention. Companies have provided³² governments with 'heat maps' that can help determine movements of people during the spread of the disease.

At the same time, such surveillance is a real threat to respect for human rights. Some governments have reportedly used facial recognition technology³³ to identify infected individuals if they defy restrictions on their movements. In other parts of the world, machine-readable codes³⁴ are being used. Other surveillance techniques have included speech-enabled drones operated by police to monitor locked-down streets. Uber drivers in some cities are being alerted about potential virus-carrying passengers.³⁵ More rudimentary but intrusive forms include stamping individuals with indelible ink.³⁶

In Practice

Vodafone has provided data and heat maps to European governments to understand the movements of people better. But the company notes that such use has to be 'reasonable and legitimate', and therefore it only provides data that is anonymised. Newer apps, such as those that alert users if they are in the proximity of someone who may be infected with the virus, raise

- 31 HARARI Yuval Noah "The World After Coronavirus" Financial Times 20 March 2020. <https://www.ft.com/content/19d90308-6858-11ea-a3c9-1fe6fedcca75> and APPLEBAUM Anne "The People in Charge see an Opportunity" The Atlantic 23 March 2020. <https://www.theatlantic.com/ideas/archive/2020/03/when-disease-comes-leaders-grab-more-power/608560/>
- 32 REITER Joakim 'Correct use of telecom data can help in this crisis' Politico 27 March 2020. <https://www.politico.eu/sponsored-content/correct-use-of-telecom-data-can-help-in-this-crisis/>
- 33 TÉTRAULT-FARBER Gabrielle 'Moscow deploys facial recognition technology for coronavirus quarantine' Reuters 21 February 2020 <https://www.reuters.com/article/us-china-health-moscow-technology/moscow-deploys-facial-recognition-technology-for-coronavirus-quarantine-idUSKBN20F1RZ>
- 34 Known as QR Codes, these codes consist of an array of black and white squares, typically used for storing URLs or other information which a camera or smart phone can read, to identify people or objects.
- 35 FRY Erika 'In business vs. coronavirus, coronavirus is winning' Fortune 13 February 2020. <https://fortune.com/2020/02/13/Coronavirus-business-impact-supply-chains/>
- 36 REUTERS 'Privacy fears as India hand stamps suspected coronavirus cases' 20 MARCH 2020. <https://www.aljazeera.com/news/2020/03/privacy-fears-india-hand-stamps-suspected-coronavirus-cases-200320120033460.html>

profound human rights challenges, and to mitigate harm, Vodafone recommends that the apps meet four conditions: they should be independent of operators or other private companies; be developed by national health authorities; should require individual consent; and state institutions would have to justify why the app is necessary and if it is consistent with existing laws.

Technological developments have significant long-term implications. For example, experts believe future airline passengers may have to consent to allow airlines to track their movements following flights.³⁷ While not yet implemented, it is possible for passengers to be monitored through their cell phone and contacted should it become necessary, for example, in a case where other passengers on their previous flight were later found to have an infectious disease. Such technology may even send alerts to passengers if others in their vicinity has been infected.³⁸ Similar requirements may become part of the future when entering large venues and arenas, such as sports stadia, auditoriums, political rallies, concert halls, with ubiquitous temperature scanners assessing individuals. Similarly, workplace devices which can enable colleagues to find out where their colleagues are in large offices can be embedded with technology that can allow employers to track their movements.

The real costs of such intrusive surveillance will be borne by the marginalised and economically weak sections of the society. They are likely to have inadequate access to healthcare or may live in congested localities such as urban slums, and where diseases may break out more easily. They are less likely to travel easily, and their jobs will become more precarious. Immigrants, asylum seekers, undocumented workers, and those who may have a prison record may find another constraint in their attempt to belong and prosper. Technological algorithms may eliminate them from the pool of potential employees, leading to hidden discrimination.

Companies that make devices and software that enable surveillance on a mass scale should bear in mind the potential misuse of such technologies and establish safeguards against such misuse through contractual obligations and take other steps to minimise the potential for misuse.

Racism and Xenophobia

The threat of racism and xenophobia linked to COVID-19 is also real. People who may have visited impacted areas have been barred entry in some countries. There have been racist and xenophobic attacks on Asians, including the Chinese, or those judged by appearance to be from China, in a number of countries over recent months over fears relating to COVID-19. Individuals infected by the virus, or assumed to be affected by it, deserve protection from hostility and human rights abuses.

Businesses must offer services to all users, regardless of their ethnicity, nationality, or any other distinguishing characteristics while safeguarding the rights of their own workers.

37 PRIVACY INTERNATIONAL 'United States: Proposed CDC rules would force airlines to collect contact tracing information' 12 February 2020. <https://privacyinternational.org/examples/3457/united-states-proposed-cdc-rules-would-force-airlines-collect-contact-tracing>

38 Singapore has an app that enables such tracking. See HOLMES Aaron 'Singapore is using a high-tech surveillance app to track the coronavirus, keeping schools and businesses open. Here's how it works.' Business Insider 24 March 2020. <https://www.businessinsider.com/singapore-coronavirus-app-tracking-testing-no-shutdown-how-it-works-2020-3>

Migrant Workers

Migrant workers – international as well as within a country – have been particularly vulnerable during this crisis.³⁹ In some cases, migrant workers have either been quarantined in places where they work, or have faced restrictions in their hometowns, as they are now unable to return to work. In some cases, migrant workers are made to feel unwelcome back home, out of fear that they might be infected or have had to walk hundreds of kilometres to return to their hometowns,⁴⁰ as public transport had been suspended due to the outbreak. Some feel trapped in a choice between starvation or coronavirus, and have in some cases been gathering in large numbers, which makes them even more vulnerable to exposure to the virus.

Migrant workers typically do not enjoy the same rights as citizens of the host country, which leaves them in a precarious situation during a crisis such as the one at present. Many have lost their jobs arbitrarily, their dues not being paid to them; they have been forced to vacate the premises where they live; and they lack adequate health coverage or other benefits, including unemployment insurance, should they lose work. Their access to health facilities available to citizens is limited. They also lack access to technology, such as high-speed internet, to do their jobs, and often they are hired to perform jobs that can only be performed at the site itself, e.g. farms, mines, oilfields, and construction projects. During the current coronavirus crisis, migrant workers returning to Myanmar from China presented a terrible dilemma. According to reports,⁴¹ many of the thousands crossing the border into China since late January had left their jobs working in chili and eggplant plantations without their salary or savings because their bosses did not want them to leave.⁴² Many internal migrant workers in India were forced to walk hundreds of kilometres to return to their homes⁴³ when their employers left them without accommodation or wages when the government suddenly declared a three-week nationwide lockdown.

Businesses must pay attention to the rights of migrant workers directly employed by them, and particularly focus on workers in their supply chain who may be working for their sub-contractors so that their security and safety are ensured.

Women

The impact of COVID-19 on women is important. Women may not find it easy to work from home because in many societies, they are expected to bear a disproportionately large workload at home. This includes caring for children and the elderly, cooking, and performing other household chores, which their male partners may be unwilling to perform. Women in abusive, violent, or manipulative

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- 39 EUROPEAN WEBSITE ON INTEGRATION 'Overcrowded reception centres and informal settlements make migrants vulnerable to COVID-19' 17 March 2020 <https://ec.europa.eu/migrant-integration/news/overcrowded-reception-centres-and-informal-settlements-make-migrants-vulnerable-to-covid-19>
- 40 LALWANI Vijayta 'Why has Modi done this?' Rajasthan workers walk back home from Gujarat. Scroll. 26 March 2020. <https://scroll.in/article/957245/coronavirus-after-lockdown-migrant-workers-take-a-long-walk-home-from-gujarat-to-rajasthan?fbclid=IwAR3vzworOeKgwQajop64XfD8IKKASEEhg8iXoo2qcDzWHLd9o4cOgTIHnE>
- 41 RADIO FREE ASIA 'Myanmar Workers Leave China Without Pay, Fearing Virus' 5 February 2020 <https://www.rfa.org/english/news/myanmar/workers-02052020164000.html>
- 42 IDLE Tom 'What the Coronavirus Outbreak reveals about the current corporate response to human rights' Sustainable Brands <https://sustainablebrands.com/read/organizational-change/what-the-Coronavirus-outbreak-reveals-about-the-current-corporate-response-to-human-rights>
- 43 FRAYER Lauren 'Coronavirus Lockdown Sends Migrant Workers On A Long And Risky Trip Home' National Public Radio 31 March 2020 <https://www.npr.org/sections/goatsandsoda/2020/03/31/822642382/coronavirus-lockdown-sends-migrant-workers-on-a-long-and-risky-trip-home>

relations with their partners or within their families⁴⁴ may be at heightened risk when they are forced to stay at home for longer hours, increasing their vulnerability. There has been an alarming surge in domestic violence⁴⁵ against women during the current COVID-19 outbreak. Furthermore, being primary caregivers, they are more prone to be exposed to the virus and fall sick. There are also other concerns, including their access to healthcare and services. The fact that 70% of the world's health and social workers worldwide are women means they are more exposed to the virus at hospitals. Traditional hierarchy roles where men enjoy more privileges means that even if a household has access to a personal computer, the woman working from home may get access to it for fewer hours than her male partner or children.⁴⁶ Concerns have been raised that the statistical data of COVID-19-affected patients does not distinguish between men and women, making it harder to devise policy responses that affect women. Some illnesses, for example, are more severe for pregnant women.⁴⁷

Business should assess all consequences, even though they may be unintended, of all actions they take in the context of COVID-19 as these may impact women disproportionately.

The Poor

The virus is indiscriminate and affects everyone. Wealth, religion, dietary habits, gender, physical fitness, or social status offer no immunity to individuals or groups. But it is already clear that COVID-19 disproportionately impacts the poor, in part because they lack the resources to take adequate precautions.

In *A World At Risk*,⁴⁸ the WHO's Global Preparedness Monitoring Board has shown how the poor suffer the most during a massive disease outbreak. *"Disease outbreaks disrupt the entire health system, reducing access to health services for all diseases and conditions, which leads to even greater mortality and further economic depression. Negative impacts are particularly profound in fragile and vulnerable settings, where poverty, poor governance, weak health systems, lack of trust in health services, specific cultural and religious aspects and sometimes ongoing armed conflict greatly complicate outbreak preparedness and response,"* the WHO report said.

Businesses offering consumer credit, or essential products and services through groceries and supermarkets should be particularly mindful of consumers from economically weaker sections of the society as well as the newly-unemployed and create special facilities and solutions for them to manage their debt or purchasing power.

44 HARIDASANI GUPTA Alisha and STAHL Aviva 'For Abused Women, a Pandemic Lockdown Holds Dangers of Its Own' New York Times 24 March 2020 <https://www.nytimes.com/2020/03/24/us/coronavirus-lockdown-domestic-violence.html>

45 NEUMAN Scott 'Global Lockdowns Resulting In 'Horrorful Surge' In Domestic Violence, U.N. Warns' National Public Radio 6 April 2020 <https://www.npr.org/sections/coronavirus-live-updates/2020/04/06/827908402/global-lockdowns-resulting-in-horrifying-surge-in-domestic-violence-u-n-warns>

46 MORROW Amanda 'Not just a health issue': How Covid-19 is quietly eroding women's rights' National Public Radio 26 March 2020 <http://www.rfi.fr/en/france/20200326-coronavirus-domestic-violence-gender-perspectives>

47 HARIDASANI GUPTA Alisha Does Covid-19 Hit Women and Men Differently? U.S. Isn't Keeping Track New York Times 3 April 2020. <https://www.nytimes.com/2020/04/03/us/coronavirus-male-female-data-bias.html>

48 Global Preparedness Monitoring Board *A World At Risk* Sept 2019. https://apps.who.int/gpmb/assets/annual_report/GPMB_annualreport_2019.pdf

All Rights are Important

In conclusion, it is worth remembering that human rights are universal, interdependent, inalienable, interrelated and indivisible.⁴⁹ The COVID-19 crisis has shown that in addition to the right to health and life, other important rights, including the rights to equality, livelihood, safety, security, housing and food, are also at stake. As some of these rights are not easily enforceable, and jurisprudence on economic, social, and cultural rights depends on progressive realisation, there is the risk of disaggregating the rights, implying that some are more important than others. In such situations, human rights groups have no choice but to appeal to the state to offer more generous benefits and relief packages, or urge companies and wealthy individuals to make philanthropic contributions. What are in actuality rights are too often seen in terms of needs, and the state grants them as privileges.

That is wrong.

Not all governments have similar resources and not all societies are at a similar stage of development. Consequently, companies which have the capacity to act (because of their assets or the resources at their command) are often expected to play a larger role in helping the state meet its objectives to protect human rights, even if they may not have any legal obligation to do so. It is also true that governments in some cases are in fact unable to meet their obligations (due to lack of resources or the nature of the crisis) while in others they are simply unwilling to do so, which too raises expectations among some that companies must do more.

Companies have clear responsibilities towards their employees. But it is also the case that they have a responsibility towards contractors and their employees (in particular those who work on premises) as well as suppliers, associates, and other partners, consumers, and wider society and the general public who are affected by a company's presence and operations.

49 Office of the High Commissioner for Human Rights 'What Are Human Rights?' <https://www.ohchr.org/en/issues/pages/whatarehumanrights.aspx>

PART II:

The Corporate Responsibility to Respect Human Rights



Customer temperature checks in Wuhan, China

Wikimedia/Painjet

PART II:

Corporate Responsibility to Respect Human Rights 2

The UN Guiding Principles on Business and Human Rights (UNGPs)⁵⁰ do not make explicit mention of specific rights such as the right to health or to responsibilities of business in emergency or other crisis situations. However, read as a whole, it is clear that the UNGPs expect businesses to undertake due diligence and assess impacts of their operations and conduct in terms of respect for all rights, including the right to health; to take all possible steps to mitigate any harms; to ensure that conduct does not cause or contribute towards harms; address risks identified as salient; and to enable the realisation of all rights, including the right to health, by using all forms of available leverage.⁵¹

Knowing and Showing

Addressing adverse human rights impacts requires taking adequate measures for their prevention, mitigation and, where appropriate, remediation. Under the UNGPs, this encompasses:

- Making a **public commitment** to human rights by developing a human rights policy
- **Embedding** the policy in the business culture by making the policy known within the organisation and to partners, affiliates, associates, and sub-contractors
- Undertaking **due diligence** to ensure that the policy is implemented throughout the organisation. Due diligence⁵² includes:
 - **identifying and assessing** actual and potential impacts of business operations and relationships on enjoyment of rights;
 - **integrating and acting on** the findings across relevant functions within the organisation;
 - **tracking** the effectiveness of measures and processes to know if they are working;

50 Office of the High Commissioner for Human Rights 'Guiding Principles for Business and Human Rights' 2011. https://www.ohchr.org/documents/publications/guidingprinciplesbusinesshr_en.pdf

51 For an analysis examining the applicability of the UNGPs in the context of COVID19, see SUBASINGHE Ruwan and BREESE Helen, 'COVID and the corporate duty to respect human rights: It's time for the business community to step up' Cambridge Core Blog 8 April 2020: <https://www.cambridge.org/core/blog/2020/04/08/covid-19-and-the-corporate-duty-to-respect-human-rights-its-time-for-the-business-community-to-step-up/>

52 The UN Working Group for Business and Human Rights surveyed the human rights due diligence scenario in this report - <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N18/224/87/PDF/N1822487.pdf?OpenElement>. While there are several toolkits available to conduct due diligence, Business for Social Responsibility has developed one specifically to deal with the COVID19 crisis <https://www.bsr.org/en/our-insights/blog-view/covid-19-a-rapid-human-rights-due-diligence-tool-for-companies>. UNDP: 'Human Rights Due Diligence And COVID-19: A Rapid Self-Assessment for Business' April 2020 <https://www.undp.org/content/undp/en/home/librarypage/democratic-governance/human-rights-due-diligence-and-covid-19-rapid-self-assessment-for-business.html>

- **communicating** to stakeholders how the impacts are being addressed and what measures are taken to address adverse impacts; and developing a remedy to address grievances.⁵³

The corporate responsibility to respect human rights as set out in the UNGPs becomes more acute when companies operate in contexts where governments are unable to meet their obligations or are unwilling to do so. While companies may lack a mandate to address specific human rights concerns, and may not have authority, capacity, mandate, or expertise to address complex challenges, they nevertheless often have resources and the ability to act quickly in ways that can make a positive difference in people's lives during emergency situations.

Operationalising the Corporate Responsibility to Respect Human Rights



Foundational Principle:

Business enterprises should respect human rights. This means that they should avoid infringing on the human rights of others and should address adverse human rights impacts with which they are involved.

53 UN GENERAL ASSEMBLY Report of the Working Group on Business and Human Rights 16 July 2018: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N18/224/87/PDF/N1822487.pdf>

Duty of Care

Business should be guided by the principle of duty of care in responding to emergencies like COVID-19. Under human rights law, every individual is entitled to the protection of her/his human rights, making them rights holders. State actors who have a specific obligation to respect, protect, and fulfil those rights are commonly referred to as duty bearers. Duty of care is a concept from tort law, indicating where a party has a legal duty to act reasonably so as to avoid causing injury to other people who have reasonable expectation that the party will act responsibly. Failure to adhere to the duty of care may expose the party to civil or criminal liability.

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Duty of care is a concept from tort law, indicating where a party has a legal duty to act reasonably so as to avoid causing injury to other people who have reasonable expectation that the party will act responsibly.
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In the current context, companies operating in countries where COVID-19 is virulent have a special duty of care towards their staff and others impacted by their activities. But in societies without adequate resources, they face enhanced expectations and bear a bigger responsibility to offer assistance to those who are affected. Past experience of companies that have had to deal with sudden, unexpected crises offer lessons for what can be done at present. These experiences include responding to natural disasters, outbreaks of disease, and armed conflict – none of which may be the result of business action but in each situation companies are expected to or called upon by governments and stakeholders to cooperate and assist by taking decisions that alleviate suffering and mitigate harm to human rights. (See Part III and Appendices 1-3).

It must be stressed that all companies bear responsibilities towards their staff during emergency situations like the COVID-19 pandemic. That means a range of measures including providing safe and sanitary work conditions in situations where workers have no choice but to work from an office, workplace or any other facility other than their home. It means protecting workers from exposure to the virus by offering necessary tools, including equipment such as face-masks and disinfectants for staff members likely to encounter the general public as part of their work. It also means taking reasonable care to protect staff from contracting the virus through direct physical exposure to visitors and customers. This is particularly relevant for workers making deliveries for courier companies, workers in customer-facing situations, such as banks, supermarkets, and pharmacies, and workers in restaurants, including those offering takeout deliveries, besides many other businesses that require human interaction. Such protections should be offered to all workers, even those who are sub-contractors or employees of sub-contractors.

Where it is possible to work from home, and where a worker has the means and technology to work from home, companies should enable their staff to do so during the current crisis. That includes appropriate efforts to make available resources to work from home, and assisting with steps needed to ensure safe areas to work from.

In Practice

One of the largest employers in the world is Walmart, the giant American retailer. Its workforce is 1.5 million people. In response to the COVID-19 crisis, it has taken several measures⁵⁴ to protect employees. These include: emergency leave policy to encourage workers who suspect they may be ill to stay at home; offering telehealth facility for staff; enhancing sanitary measures including installing plexiglass to prevent inadvertent or accidental sneezing by customers or employees to infect anyone when they are near the cash register; sanitisation of shopping carts; temperature measurement; masks and gloves for staff who want them; cash bonuses to hourly-wage workers, and other measures to protect customers and communities.

Where workers are sick, companies should grant paid leave where possible, taking measures to ensure that access to healthcare is not disrupted and ensuring adequate health coverage. Some companies have been forced to reduce staff during the ongoing COVID-19 outbreak, but in so doing, have chosen to furlough staff (which ensures their health coverage for a limited period) and not laid them off (in which case they might lose such coverage). Some company chief executives have decided to reduce or forego their salaries this year as a sign of leadership and commitment to the welfare of staff. In this context, companies also need to re-examine their severance policies. While it may not be legally obligatory, and it may even be financially difficult, larger companies in particular should consider how to enhance such packages in the event their operations close down, since during an economic downturn it takes much longer for people to find new jobs. Other companies should take steps to prioritise recruitment of recently unemployed individuals so that fewer lives are disrupted.

Companies will also face enhanced expectations over coming months concerning their responsibilities in countries where public healthcare facilities are insufficient, and governments are unwilling or unable to provide adequate care in response to the COVID-19 pandemic. Wealth is not a good proxy for such decisions as even in wealthier countries like the United States, many people do not have guaranteed access to healthcare because of the absence of a public system. This means if employees' insurance plans do not cover treatment related to such outbreaks, they may be without coverage. Equally important, companies need to consider the implications for individuals who may need time off work to be tested medically, and related issues concerning affordability of such tests. In countries without adequate social protection, other issues will need to factor into companies' duty of care for employees during emergency situations such as school closures, which may mean parents have no choice but to work from home. This is another reason why companies should make every effort to put in place generous and flexible working hours policies during public emergencies of this kind.

54 <https://corporate.walmart.com/here-for-you>

Owning the Cure

One sector of obvious relevance to the current crisis is the pharmaceutical industry. The UN Office of High Commissioner for Human Rights and the World Health Organization have published a fact sheet⁵⁵ which speaks of pharmaceutical companies' responsibility towards the right to health. Some companies, the publication notes, *"have developed their own human rights policies, programmes and tools, to incorporate human rights into business operations, some of which deal with the right to health."* While not specific to situations such as an outbreak of disease, the publication reiterates that companies should take effective measures to reduce harm, and where practical, to alleviate suffering.

In the present context, it means pharmaceutical companies in the race to develop a COVID-19 vaccine must be guided by international standards, and make their discoveries publicly available so that all individuals affected by the crisis can benefit, and not only a select few, due to their nationality, ethnicity, religion, wealth, or any other status. The joint call by 60 UN human rights mandate holders specifically states, *"When the vaccine for COVID19 comes, it should be provided without discrimination. Meanwhile as it is still to come, the human rights-based approach is already known as another effective pathway in the prevention of major public health threats."*

There are legitimate concerns that wealthy countries will attempt to acquire controlling stake in the intellectual property of discoveries made in the private sector to treat COVID-19. It should be noted however that most pharmaceutical inventions, even in the private sector, rely on extensive contacts with public bodies, including sharing of intellectual knowledge and research, and depend on publicly-available resources and research. While companies have the right to earn profits from their intellectual property, governments around the world must work together to make a vaccine to combat COVID-19 universally accessible at low or no cost. To be sure, there will be a gap between what private companies expect and what states are prepared to pay, which will need to be filled through international cooperation.

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When the vaccine for COVID19 comes, it should be provided without discrimination. Meanwhile... the human rights-based approach is already known as another effective pathway in the prevention of major public health threats.

Joint call from 60 United Nations
Human Rights Mandate Holders

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55 Office of the High Commissioner for Human Rights 'The Right To Health: Factsheet 31' <https://www.ohchr.org/Documents/Publications/Factsheet31.pdf>

PART III:

Getting the Response Right

3



Migrant workers flee Maesot, Thailand after lockdown announcement

Flickr/Prachatai

PART III:

Getting the Response Right

3

Companies have been driven by a range of factors in responding to the ongoing COVID-19 crisis. These include laws and regulations, including international standards, as well as expectations from employees, customers, investors and wider society. Responses have also been based on known good practices,⁵⁶ companies' own codes of conduct and policies, and the values of senior executives and boards. Noteworthy is the absence of a clear set of rules or a common framework from the international level aimed at guiding company responses. That is not surprising; a pandemic is a unique situation, and there are no off-the-shelf solutions. But companies can learn from one another about what to do and what not to do. This section – while not exhaustive – outlines some responses broadly viewed as being consistent with recognised responsible business practices and relevant international human rights principles and standards.

It should be noted however that some of the measures identified, recommended and proposed are easier for large companies with presence in many countries and significant resources. Implementing many of these recommendations would impose costs on companies. It may not be feasible, practical, or reasonable to expect every company to implement each of these recommendations, particularly since the crisis is as much economic as human, and the survival of many companies is at stake. Companies constantly make trade-offs between different options. In so doing, they must bear in mind the consequences on people's lives and human rights impacts on their employees, those who work for their suppliers, customers, and the society at large, and take decisions that cause the least harm to human rights and make every effort to enable individuals reliant on and affected by the company to live their lives with dignity.

In All Cases and Contexts

Companies should have as the basis of all policies in emergency situations the following:

Be Prepared

Under the UNGPs companies are expected to undertake rigorous human rights risk and impact assessments, which involve identifying risks posed to the company and its staff but also risks linked

⁵⁶ Some good practices can be found here <https://businessfightspoverty.org/business-and-covid-19/> and some resources are available here: <https://www.pillar-two.com/featured-insights/2020/3/31/managing-human-rights-risks-during-and-after-covid-19-what-resources-are-out-there-for-businesses>

with its presence to the community around its area of operations and business relationships, as well as customers.

Do No Harm

Companies should examine their practices to determine if their conduct risks in any way contributing to the spread of the pandemic. They should also investigate if their conduct increases pressure on the health systems where they operate. Some business operations have to continue during the crisis, but doing so requires adapting the workplace responsibly. Creating or maintaining an environment where employees, contractors, or suppliers feel threatened unless they deliver, or if they are compelled to work even if they feel unwell, or cannot leave work if needed for medical testing, risks both the dangers identified. Individuals have the responsibility not to spread the virus and companies have the responsibility not to enable its spread.

Ensure Non-Discrimination

As the coronavirus outbreak has widened, there has been an increase in incidents of racism against Asians,⁵⁷ people of Asian origin,⁵⁸ or people who look different from the mainstream population⁵⁹ in some countries. Cases of violence, and even non-violent discrimination, have been reported in a number of countries.⁶⁰ This can happen to companies' employees at workplace or in encounters with partners, associates, suppliers, and consumers. Companies must take all reasonable steps to protect employees being stigmatised or attacked, physically or verbally. Companies must have a zero-tolerance policy regarding such discrimination, aggression, bullying, or harassment of employees, sub-contractors, consumers, visitors, or associates, by anyone – colleagues, visitors, or consumers. Strict disciplinary action should be taken in cases involving a company's own staff, and appropriate authorities informed, if a company's employee or employees are being discriminated against or threatened by others. In determining who is likely to be exposed to the virus, companies should follow scientific information and evidence, and not assumptions or conjecture about who is likely to be infected, and companies should not make any decisions regarding risks to individuals based on ethnicity, faith,⁶¹ gender, country of origin, or dietary practices.

Subsequent sections also focus on some very specific measures companies can take in response to the crisis, including: improving workplace practices, protecting workers, dealing with sickness, communicating clearly, engaging unions, supporting supply chain responses, reassuring customers and users, being creative with strengths, protecting those without full rights, and working with authorities.

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- 57 ARATANI Lauren 'Coughing while Asian: living in fear as racism feeds off coronavirus panic' Guardian 24 March 2020 <https://www.theguardian.com/world/2020/mar/24/coronavirus-us-asian-americans-racism>
- 58 TAVERNISE Sabrina and OPPEL (jr) Richard, 'Spit On, Yelled At, Attacked: Chinese-Americans Fear for Their Safety' New York Times 23 March 2020 <https://www.nytimes.com/2020/03/23/us/chinese-coronavirus-racist-attacks.html>
- 59 COLNEY Kimi Indians from the northeast face intensified racism as coronavirus fears grow Caravan 3 April 2020 <https://caravanmagazine.in/communities/coronavirus-increases-racism-against-indians-from-northeast>
- 60 RUSSELL Anna 'The Rise of Coronavirus Hate Crimes' New Yorker 17 March 2020 <https://www.newyorker.com/news/letter-from-the-uk/the-rise-of-coronavirus-hate-crimes>
- 61 JHA Nishita and DIXIT Pranav 'Cluster Of Coronavirus Cases Can Be Traced Back To A Single Mosque And Now 200 Million Muslims Are Being Vilified' Buzzfeed News 3 April 2020 <https://www.buzzfeednews.com/article/nishitajha/coronavirus-india-muslims-tablighi-jamaat>

Improve Workplace Practices

Companies should take steps to protect and reassure those in the workplace including by:

Monitoring Premises

- Preparing employees and visitors by providing **clear instructions** to ensure they remain healthy and steps they should take to protect their health. There is a wide range of information available about what individuals should do. Some instructions vary across countries and cultures. Companies should rely on the guidance offered by the World Health Organization.⁶² The Center for Disease Control and Prevention of the United States⁶³ and the National Health Service of the UK⁶⁴ have user-friendly, plain-English guidance available.
- **Monitoring the health** of each employee and visitor, providing hand-washing facilities at entry and exit points from the building, as well as making hand-sanitisers widely available throughout the premises.
- **Maintaining a record** of visitor arrivals and departures, should visits to the company's premises be essential. Companies should check visitors' symptoms on arrival and keep such data accessible only to the company's medical officers or others who need to know, and destroy the data after two weeks.

In Practice

During the early days of the outbreak, the broadcaster Sky screened visitors at its European offices and barred visitors who may have visited countries that were severely affected by the disease from entering the premises.⁶⁵ Another early precautionary step was taken by Andreessen Horowitz, which banned physical contact, such as handshakes.⁶⁶

Redesigning the Workplace

- **Making essential hygiene products available** widely and freely, including hand sanitisers, disposable wipes, masks, and contactless, infrared thermometers.
- **Routinely and regularly cleaning premises**, in particular places where traffic is likely to be high. This includes common areas such as gyms, rest rooms, cafeterias, halls, but also workstations, kitchen countertops, and doorknobs.

62 World Health Organization 'Coronavirus disease (COVID-19) technical guidance: Infection prevention and control / WASH' <https://www.who.int/emergencies/diseases/novel-coronavirus-2019/technical-guidance/infection-prevention-and-control>

63 Center for Disease Control and Prevention 'How to Protect Yourself and others' <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/prevention.html>

64 National Health Service 'Advice for Everyone' <https://www.nhs.uk/conditions/coronavirus-covid-19/>

65 YAFFE-BELLANY David '1,000 Workers, Go Home: Companies Act to Ward Off Coronavirus' New York Times 26 February 2020 <https://www.nytimes.com/2020/02/26/business/coronavirus-businesses.html>

66 HARTMANS Avery 'Silicon Valley VC firm Andreessen Horowitz is asking visitors to avoid handshakes due to the coronavirus outbreak' Business Insider 7 February 2020 <https://www.businessinsider.com/andreessen-horowitz-coronavirus-fears-handshake-ban-2020-2>

- **Disabling recirculation of internal air** in air-conditioned offices.
- Ensuring that **no elevator carries more than half its required capacity** at a given time.
- Increasing the **space and distance between workers** to prevent any spread of the infection, including repositioning furniture and seating arrangements so that a large number of people do not in close proximity.
- **Staggering dining hours** so that long queues are not formed, and encouraging meal **consumption at desk** rather than in common areas.
- **Rethinking the customer interface:** In businesses with high personal contact, companies will have to think of new ways of minimising potential interface between employees and customers. Companies should ensure these workers have the necessary protective gear, such as gloves, sanitisers, and masks, and they should invest in technological solutions to prevent the possibility of proximity. Products being offered for delivery, or exchange of currency notes or credit card authorisation should be without direct touch. It may mean establishing walk-up windows for picking up and dropping off products, installing plexiglass at cash registers, drive-by services where feasible, and no-contact home delivery.

In Practice

Companies that deliver products such as DHL, UPS, and Federal Express, have done away with the need to take signatures of recipients to avoid physical contact during the COVID-19 outbreak.

Companies that deliver groceries such as Amazon, Instacart, and Ocado have a no-contact option available, where the groceries are left at the doorstep or on the ground outside the customer's premises. Uber Eats customers have the option of 'leave at door'⁶⁷ delivery. Some grocers in India who sell foodgrain in bulk are using funnels to fill customers' bags, to prevent direct physical contact between customers and staff.

CVS Pharmacy⁶⁸ in the United States has waived charges for home delivery to discourage customers from coming to its pharmacies. Walgreens,⁶⁹ another pharmacy, offers face-masks to all employees. In April, Amazon said all its workers were to receive face-masks soon.⁷⁰

In contrast, some companies are not offering face-masks to their staff out of concern that it might worry customers.⁷¹ That is dangerous and wrong, and such companies must stop such practices.

67 <https://www.uber.com/us/en/coronavirus/>

68 <https://cvshealth.com/newsroom/press-releases/cvs-health-provide-bonuses-add-benefits-and-hire-50000-response-pandemic>

69 JONES Charisse 'Face masks at Walgreens: Retailer is latest to give workers face covers amid COVID-19' USA Today 6 April 2020 <https://www.usatoday.com/story/money/2020/04/03/face-masks-walgreens-workers-receive-them-midst-covid-19/2944859001/>

70 IVANOVA Irina 'Amazon says all warehouse workers will have face masks by next week' CBS News 2 April 2020 <https://www.cbsnews.com/news/amazon-face-masks-warehouse-workers-next-week/>

71 DAVENPORT Christian, BHATTARAI Abha, and MCGREGOR Jena 'As coronavirus spreads, so do reports of companies mistreating workers' Washington Post 31 March 2020 <https://www.washingtonpost.com/business/2020/03/31/worker-retaliation-mistreatment-coronavirus/>

Reviewing Wider Operations

- **Reduce non-essential travel:** Companies should discourage and stop non-essential travel, international or domestic, in line with international guidance and in some cases prohibit travel to particularly high-risk areas identified by the WHO or appropriate national disease control bodies. They should also explore ways of working without requiring a large group of people to gather at the same place, such as conferences and large meetings.

In Practice

Many companies decided to curb and even cancel non-essential travel early in the response to COVID-19. This was partly due to travel bans imposed by some governments, travel advisories from home governments, and airline cancellations. Regardless, it is a prudent policy in such situations. While many countries have imposed travel restrictions, some haven't, and it would be prudent for companies in countries that do not have such restrictions to adopt such policies in response to the COVID19 outbreak.

- **Suspending operations** where the outbreak is severe and offering full pay and benefits to affected staff where reasonable and practical if resources permit.
- **Rethink production practices:** If in agribusiness, in particular the handling of meat products, companies should aim to eliminate the possibility of transmission of coronavirus or other similar microbes/organisms to humans by improving processes in slaughterhouses and enhancing hygienic practices.

Protect and Support Workers

- Putting in place where possible and appropriate childcare services and other **caring assistance** for staff.
- **Reassuring employees** that they will not be penalised if they report sick.
- Offering **flexible working hours** and staggered arrival times for those employees who need to travel to work.
- **Rethinking how employees commute** to the office, including steps to avoid mass transportation and familiarising employees with simple rules such as not touching poles and pillars.
- Taking steps in the event of conditions requiring reductions in staff to furlough employees and not terminate, so that **existing health care benefits are not undermined** and continue for a period, particularly in countries which do not have universal health coverage.
- **Enabling work from home where feasible:** Many jobs cannot be done from home, but some are possible to carry out from remote locations. In countries where lockdowns have not been announced and business goes on, even if at a reduced pace, many employees may be rightly concerned about potential exposure to the COVID-19 virus and may choose to stay away from work and ask for facilities to work from remote locations. Companies should consider technological options and offer creative and innovative ways for people to work without having to travel to an office.

In Practice

Chevron was among the earliest companies to encourage staff at its London offices to work from home. Later the Japanese advertising agency Dentsu and Italian fashion brand Armani too followed suit.⁷²

- **Protecting workers who do not have the option of working from home:** All jobs cannot be performed from home. Vulnerable groups include farmworkers,⁷³ workers in delivery services, at warehouses, hospitals, sewage and cleaning services,⁷⁴ and many other sectors that home-workers take for granted. Redesigning workplaces to protect them while maintaining operations is not an easy task, but extra-ordinary situations require extra-ordinary imagination and effort.
- **Prioritising essential workers:** Modern economies operate through a complex interplay of individual and group efforts to build chains that connect goods and services from producers to consumers. Many of those activities are important and essential. During a crisis like the COVID-19 pandemic, some services and work are critical for the survival of the economy and for people to live with dignity. The list of such activities can vary according to societal needs and priorities, but healthcare, delivery providers of essential services, and those who work in businesses permitted to remain open during lock downs all constitute essential work.⁷⁵

According to the International Labour Organization, essential services are *“those the interruption of which would endanger the life, personal safety or health of the whole or part of the population”*.⁷⁶ International law allows states to withhold the right to strike from professions such as the armed forces or police, although to do so for the fire brigade or medical services is much more contested. However, there are situations when the fire brigade is absolutely essential, at the time of a national emergency for example, and so what is ‘essential’ is context specific. The current situation in relation to COVID-19 is unprecedented and testing the boundaries of that definition’s implications. A recent British list of ‘key workers’ includes schoolteachers, to supermarket⁷⁷ workers, cemetery officials, and medical staff and care-givers. The US Department of Homeland Security has produced a list which includes workers in the agricultural supply chain and energy sectors amongst others.

In Practice

Telecom companies like BT, Verizon and Virgin Media increased the pay of their frontline staff,⁷⁸ as well as retailers like Walmart, Target, and Amazon.

72 All examples YAFFE-BELLANY (Fn 66).

73 CASTILLO Andrea ‘Farmworkers face coronavirus risk: You can’t pick strawberries over Zoom’ Los Angeles Times 1 April 2020 <https://www.latimes.com/california/story/2020-04-01/california-farmworkers-coronavirus>

74 POONAM ‘Cleaners are our frontline defence’ Cleaning Accountability 1 April 2020 <https://www.cleaningaccountability.org.au/news/cleaners-are-our-frontline-defence/>

75 MORRISON John and WILKINS Neill, ‘Who is an “Essential Worker” in Times of Crisis?’ Institute for Human Rights and Business 23 March 2020 <https://www.ihrb.org/focus-areas/migrant-workers/commentary-who-is-an-essential-worker-in-times-of-crisis>

76 International Labour Organization: <https://www.ilo.org/legacy/english/dialogue/ifpdial/IIg/ch5/ex4.htm>

77 ANON ‘COVID19: Safeguarding essential workers in our supermarkets’ Oxfam America 6 April 2020 <https://politicsofpoverty.oxfamamerica.org/2020/04/covid19-safeguarding-essential-workers-in-our-supermarkets/>

78 FILDES Nick BT, Verizon and Virgin Media raise pay for frontline workers Financial Times 6 April 2020 <https://www.ft.com/>

There are many vulnerable workers hidden from view. Workers who keep supply chain moving are not only in factories but also on ships,⁷⁹ and their vulnerability is two-fold – they spend long periods in close proximity, heightening the likelihood of the spread of the disease, and they are sometimes prevented from landing at ports because of fears that they may be infected. The ILO has called for seafarers to be treated with respect.⁸⁰ Migrant fish-workers, who are often not working for companies, have been stranded during the crisis.⁸¹ Farm workers,⁸² in particular, not only face risks but are often not organised. But neither do they receive high remuneration nor are their jobs or conditions protected.⁸³

- **Gig workers:** Equally vulnerable are the so-called 'gig workers,' i.e. workers in the informal services sector who are self-employed and not recognised as employees by companies.⁸⁴ While companies have taken steps to ensure some income support, including offering leave in some instances, these efforts are few and far between, and it is crucial for companies to reevaluate how they obtain services from people who perform tasks in the company's name.

Deal with Sickness

- **Encourage and require sick employees to stay at home:** Since it is difficult for a person to know during the early stages of infection if s/he has been infected, companies should have clear policies⁸⁵ that reassure employees that there will be no adverse consequences if they choose to stay away from work due to a perception that they are ill or if they report feeling unwell. Companies should make every effort to keep their sick leave policies during the crisis flexible and consistent with public health guidance. Companies' leave policies should be compassionate and not punitive. Trust should be the cornerstone, and employees who believe they have COVID-19 should not be compelled to provide notes from a healthcare provider or doctor to validate their leave, nor be required to return to work in the absence of such a note unless there are legitimate reasons for such steps. It is clear that during times of extreme stress on public health systems, health-care staff may not be in a position to prioritise such paperwork or other administrative tasks. There have been disturbing reports⁸⁶ of workers who are sick reporting to work, and companies must discourage them from working while reassuring them of their employment.
- **Be generous with sick leave:** Academic evidence shows that the spread of illness is reduced

content/d31e6627-1cc3-4f10-b96e-2b9e2670aaac?segmentId=3f81fe28-ba5d-8a93-616e-4859191fabd8

- 79 HOUSE Frances 'The Invisible Transport Workforce Keeping Supply Chains Moving' Institute for Human Rights and Business 31 March 2020 <https://www.ihrb.org/other/supply-chains/commentary-invisible-transport-workforce-keeping-supply-chains-moving>
- 80 'ILO: Treat Seafarers with "Dignity and Respect' - 1 April 2020 <https://www.maritime-executive.com/article/ilo-treat-seafarers-with-dignity-and-respect>
- 81 VOHRA Supriya 'Migrant fish workers stranded during COVID-19 lockdown, need more government support' Caravan 3 April 2020 <https://caravanmagazine.in/health/migrant-fish-workers-stranded-during-covid-lockdown>
- 82 CASTILLO Andrea 'Farmworkers face coronavirus risk: You can't pick strawberries over Zoom' Los Angeles Times 1 April 2020 <https://www.latimes.com/california/story/2020-04-01/california-farmworkers-coronavirus>
- 83 GREENHOUSE Steven 'Is Your Grocery Delivery Worth a Worker's Life?' New York Times 30 March 2020 <https://www.nytimes.com/2020/03/30/opinion/coronavirus-worker-strike.html>
- 84 MARSHALL Aarian 'The Covid-19 Pandemic Aggravates Disputes Around Gig Work' Wired 30 March 2020 <https://www.wired.com/story/covid-19-pandemic-aggravates-disputes-gig-work/>
- 85 HILTZICK Michael 'Some Employers are doing the right thing in the Coronavirus, some aren't' Los Angeles Times 16 March 2020 <https://www.latimes.com/business/story/2020-03-16/coronavirus-employers-sick-leave>
- 86 ABRAMS Rachel SILVER-GREENBERG Jessica 'Terrified Package Delivery Employees Are Going to Work Sick' New York Times 21 March 2020 <https://www.nytimes.com/2020/03/21/business/coronavirus-ups-fedex-xpo-workers.html>

where companies offer paid sick leave. According to one study in the US, statewide influenza infections have fallen by 11% in the first year after laws were passed requiring employers to offer paid sick leave compared to states where paid sick leave was not mandatory.⁸⁷ In countries without universal healthcare, employees may be reluctant to get tested for exposure to the virus, or may not be able to afford the test.⁸⁸ For workers reliant on daily wages, sick leave is not an option. White collar workers are more likely to be able to take sick leave than those working in services that require constant contact with consumers. This is particularly important for companies that run large warehouses (or fulfilment centres), some of which have recently seen a spread of the virus. While it may not be possible for companies to close such centres, as their supplies may include essential products for customers, steps to protect employees are critical, including access to products that offer protection at no cost to the worker, safe and secure transport to and from the workplace, and generous health benefits to workers who are sick.

Some companies have recently changed policies or made one-time exceptions to offer more generous sick pay benefits during the ongoing COVID-19 crisis. On the other hand, some have asked thousands of employees to go on eight-week unpaid leave,⁸⁹ citing adverse market conditions while others have asked healthy employees to donate⁹⁰ their surplus leave to sick colleagues. Such policies should be ended and workers should instead be given a direct voice in discussions with management in the development of arrangements that are fair and reasonable in the context of the current business environment.

- **Offer psychological support where necessary:** Working alone at home or another remote location is not easy for many individuals. It can cause stress, anxiety, and depression.⁹¹ Companies should provide access to counseling and other forms of assistance, including access to competent professional psychological care, to affected individuals who need it. There should be additional effort to destigmatise⁹² mental health issues.

In Practice

Many company executives⁹³ have begun to pay greater attention to workers' mental health during the crisis, as anxiety levels rise over concerns relating to continued employment, isolation, questions about the viability of the company, and so on. Healthcare workers,⁹⁴ who

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- 87 CAIN MILLER Claire, CLIFF Sarah, SANGER-KATZ Margot 'Avoiding Coronavirus May Be a Luxury Some Workers Can't Afford' New York Times 1 March 2020 <https://www.nytimes.com/2020/03/01/upshot/coronavirus-sick-days-service-workers.html>
- 88 In a recent case, a patient in Miami was charged \$3,270 for CoVid-19 test. The Miami Herald reported that hospital officials said he will only be responsible for \$1,400, thanks to his limited insurance plan from National General Insurance. However, he will have to provide three years of medical records to prove that the flu, which he tested positive for, didn't relate to a pre-existing condition.
- 89 ALLASSAN Fadel 'Virgin Atlantic asks staff to take 8 weeks unpaid leave amid coronavirus cuts' Axios 16 March 2020 <https://www.axios.com/virgin-atlantic-coronavirus-unpaid-leave-344726e8-193e-4b91-bb03-75d31834d295.html>
- 90 GURLEY Lauren Kaori 'Whole Foods Suggests That Workers Share Paid Time Off During Coronavirus' Vice News 13 March 2020 https://www.vice.com/en_us/article/93988v/whole-foods-suggests-that-workers-share-paid-time-off-during-coronavirus
- 91 REYES Jo 'COVID-19: The mental health considerations for responsible business' Global Business Initiative on Human Rights 13 March 2020 <https://gbih.org/updates/covid-19-the-mental-health-considerations-for-responsible-business>
- 92 Global Business Initiative on Human Rights 'COVID-19 and combatting stigma: the role of responsible business' 25 March 2020 <https://gbih.org/updates/covid-19-and-combatting-social-stigma-the-role-of-responsible-business>
- 93 RAJA Pavitra 'Experts explain how to manage mental wellbeing during COVID-19' World Economic Forum 1 April 2020 <https://www.weforum.org/agenda/2020/04/covid-19-mental-health/>
- 94 GOLD Jessica 'The Covid-19 crisis too few are talking about: health care workers' mental health' Stat 3 April 2020 <https://www.statnews.com/2020/04/03/the-covid-19-crisis-too-few-are-talking-about-health-care-workers-mental-health/>

are constantly exposed to grave risks, are particularly vulnerable. The World Health Organization has provided guidance,⁹⁵ and the Center for Disease Control and Prevention,⁹⁶ the World Economic Forum,⁹⁷ and the American Medical Association⁹⁸ have offered useful resources.

Communicate Clearly

- **Be transparent:** Considerable information is now available about what individuals should do to take steps to protect themselves from COVID-19. Companies should not assume that their staff has access to all the latest and most accurate information. While online sources provide useful context and guidance, there is also a great deal of incorrect information and conspiracy theories that can shape opinions if not effectively addressed. Some political, entertainment and religious leaders too have been spreading alarming information which is often misleading and can cause harm to health. Companies should therefore provide scientifically accurate information in clear language to their staff and other affected communities to reduce the transmission of the virus among staff, minimise health risks, and mitigate harm to those affected through interactions with the company and its staff. Information about appropriate respiratory etiquette and hygiene should be disseminated widely.

In Practice

VISA, the card-issuing company, has been proactive in its communication with employees and card users, ensuring continued support, offering financial assistance, waiving charges, and committing to retain employees.⁹⁹

Establishing a clear communication strategy within a company is important through a centralised team that meets often and monitors the situation, communicating transparently to employees, customers, shareholders, and communities.¹⁰⁰ Where appropriate, companies should establish an emergency operations centre. This should include senior management, and it should consult

95 World Health Organization 'Mental health and psychosocial considerations during the COVID-19 outbreak' 18 March 2020 https://www.who.int/docs/default-source/coronaviruse/mental-health-considerations.pdf?sfvrsn=6d3578af_2

96 Center for Disease Control and Prevention 'Stress and Coping' <https://www.cdc.gov/coronavirus/2019-ncov/daily-life-coping/managing-stress-anxiety.html>

97 SCOTT John 'This is the human impact of COVID-19 – and how business can help' World Economic Forum 17 March 2020 <https://www.weforum.org/agenda/2020/03/this-is-the-human-impact-of-covid-19-and-how-business-can-help/>

98 American Medical Association 'Managing mental health during COVID-19' 3 April 2020 <https://www.ama-assn.org/delivering-care/public-health/managing-mental-health-during-covid-19>

99 <https://usa.visa.com/visa-everywhere/blog/bdp/2020/04/03/visa-is-committed-1585927227688.html>

100 The centre should be at the level of the plant or operations with pre-established protocols for communication and decision-making, with autonomy granted to local managers to react to situations. This would include granting authority at different levels to trigger specific responses and to initiate procedures to take quick decisions affecting operations, which may include temporary suspension of work. See: ARGENTI Paul in Harvard Business Review, 13 March 2020 <https://hbr.org/2020/03/communicating-through-the-coronavirus-crisis>.

In the article Prof Paul Argenti of the Amos Tuck School of Business at Dartmouth College recommends giving regular updates to key constituencies, acting transparently (including saying what you don't know), and being succinct. To employees, providing regular information from a regular spot, describing how policies are decided, communicating at least once daily, and offering timely information. With customers, focusing on what the customer wants to know, offering relief where possible, and empathising. To investors and external stakeholders, communicating what the company is doing about the problem. And with communities where the company operates (or which are affected by its operations, providing resources like cleaning supplies or food to those in quarantine. He cites the examples of Target (as well as many airlines) which informed its customers of the enhanced cleaning procedures and JetBlue which became the first US airline to waive cancellation fees. Insurance companies, he notes, don't consider the virus a valid reason to cancel flights.

regularly with health authorities and regulators, as well as its suppliers, service providers, sub-contractors, and appropriate local communities.

- **Be consistent:** Proliferation of advice can confuse employees, communities, and sub-contractors. Companies should ensure their communication is consistent with the best-available professional advice from relevant authorities. It is important that companies reinforce accurate information from authorities on steps to slow the transmission of disease and prepare health systems when demand rises. Trust is important, and sugar-coating the truth, in the name of reducing panic, may become counter-productive.

Engage Unions

- **Vulnerable workers who are not unionised:**¹⁰¹ These workers face severe hardship as work evaporates. Organised workers also face crisis. Mass layoffs without social protection are increasing in frequency.¹⁰² Reports from Myanmar¹⁰³ suggest some companies are using the COVID-19 crisis to avoid dealing with longer term disputes. Some companies are actively discouraging unionisation, a practice they must stop. They must reinstate workers who have been whistle-blowers pointing out risks to health and safety and who have attempted to unionise.

In Practice

While many companies are engaging their workforce even if they are not unionised, some companies have continued pursuing aggressive tactics to prevent the forming of unions. Amazon in particular, has faced criticism¹⁰⁴ for dismissing an employee¹⁰⁵ because he attempted to organise workers at one of its fulfilment centres. Amazon's response explained that the worker was dismissed because he broke the quarantine regulation imposed on him because he had been exposed to another worker who had been infected with COVID-19.

The International Trades Union Confederation (ITUC) is urging¹⁰⁶ the international community to ensure that stimulus packages should learn from the 2008/2009 financial crisis and design income support that working families need and business will benefit from, rather than merely bailing out banks and financial institutions. Such moves can help ensure the redesigning of the

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- 101 BOERSMA Martijn and NOLAN Justin 'The real economic victims of coronavirus are those we can't see' The Conversation 16 March 2020 <https://theconversation.com/the-real-economic-victims-of-coronavirus-are-those-we-cant-see-133620>
- 102 BURROW Sharan 'COVID-19 – time for governments, brands and employers to protect supply chain and precarious workers from hardship and infection' Business and Human Rights Resource Centre 9 March 2020 <https://www.business-humanrights.org/en/covid-19-%E2%80%93-time-for-governments-brands-and-employers-to-protect-supply-chain-and-precarious-workers-from-hardship-and-infection>
- 103 MIN Wathon 'Workers say Yangon garment factories using virus outbreak to dodge disputes' Myanmar Times 2 March 2020 <https://www.mmmtimes.com/news/workers-say-factories-using-virus-outbreak-dodge-disputes.html>
- 104 CARRIE-WONG Julia 'Amazon execs labeled fired worker 'not smart or articulate' in leaked PR notes' Guardian 2 April 2020 <https://www.theguardian.com/technology/2020/apr/02/amazon-chris-smalls-smart-articulate-leaked-memo>
- 105 SMALLS Christians "'Amazon Is a Breeding Ground'" Jacobin 29 March 2020 <https://jacobinmag.com/2020/03/amazon-warehouse-staten-island-strike-coronavirus>
- 106 BURROW Sharan 'COVID-19 – time for governments, brands and employers to protect supply chain and precarious workers from hardship and infection' Business and Human Rights Resource Centre 9 March 2020 <https://www.business-humanrights.org/en/covid-19-%E2%80%93-time-for-governments-brands-and-employers-to-protect-supply-chain-and-precarious-workers-from-hardship-and-infection>

way the world works to redesign “*more sustainable and equitable economies.*”¹⁰⁷

Support and Strengthen the Supply Chain

Economic globalisation rests on the assumption that companies should invest where resources exist and assemble production and processes that bring goods and services produced cheaply to consumers at a low cost. Supply chains are critical in that intricate choreography, and those chains are now severely disrupted. Some governments and manufacturers are taking steps to redesign supply chains, including by bringing production closer to the market, which, if it were to become a trend, could among other impacts potentially accelerate jobs away from the developing world and back to where the major markets are – the developed world. This would have severe consequences on the lives of the poor in the developing world, and decelerate the reduction of global poverty.

Redesigning supply chains should not only mean disinvestment from the developing world; rather, to spread risks and investments over a wider range of countries.¹⁰⁸ This may increase some costs and may be less than efficient, but it would reduce the risk of relying heavily on one region or a few countries. Sliced production processes and cheaper shipping costs have enabled companies and countries to specialise in niches and made the world smaller and brought people closer.

- **Know the supply chain and diversify suppliers:** While companies should know who their suppliers are in all circumstances (for quality control, for ensuring compliance with standards, including health and safety), during a health crisis oversight becomes even more important. Knowing the supply chain removes uncertainties and helps companies to anticipate operational issues that may emerge, as well as take proactive corrective steps to work with suppliers in managing the crisis.

This is not the first time businesses have faced a supply disruption, though none on such a massive scale. For example, after the 2011 Sendai earthquake in Japan, some companies understood the complex nature of their supply chain only weeks later, because they did not have a record of their upstream suppliers. During an outbreak, waiting for so long may be a luxury. Similarly, companies relying on critical components from a single source may be particularly vulnerable, if they are reliant on a specific location or a company.

- **Protect workers in the supply chain:** As global markets collapse, fewer orders are placed, which leads to job losses. The spread of the disease too increases unemployment. The number of people dependent on employment from a large company is often a significant multiple of the workforce the company employs directly. These workers in a company's supply chain are not direct employees, and as such they do not have the same benefits and rights that the company's directly-employed staff have, although they are among the most vulnerable given their minimal wages and benefits and often working in countries lacking a social safety net adequate for their protection during a crisis of this scale.

Aware of these risks, some large companies have committed to continuing to pay vendors and

107 Ibid.

108 O'NEIL Shannon K 'How to Pandemic-Proof Globalization' Foreign Affairs 1 April 2020 <https://www.foreignaffairs.com/articles/2020-04-01/how-pandemic-proof-globalization>

to offer other forms of support even while offices are closed. Some companies are paying their self-employed associates if they need to take time off because of the virus while others are paying small suppliers in advance so they can tide over the liquidity crunch. Companies should not be expected to take full responsibility of this kind in perpetuity but they should explore creative solutions beyond legal responsibilities.

In Practice

Microsoft¹⁰⁹ has said it would continue to pay its vendors, including those who service its cafes or drive its vehicles, and offer support to them even while its offices are closed. Other companies in the tech sector are doing the same. Hermes Parcelnet, Deliveroo, Uber and Lyft are paying their self-employed associates if they need to take time off because of the virus. Morrisons, a budget supermarket in the UK, has committed¹¹⁰ to paying its suppliers in advance of delivery of goods, to ensure they have liquidity during the crisis. Unilever has offered EU500m of cash flow relief to support livelihoods across its extended value chain, through early payment for its vulnerable small and medium sized suppliers, and extended credit to selected small-scale retail customers whose business relies on Unilever, to help them manage and protect jobs.¹¹¹ Unilever is also paying its small suppliers early¹¹² to ease their liquidity. L'Oréal is paying suppliers early¹¹³ so that they don't go out of business.

In contrast, Facebook is offering certain benefits only to its own employees, not its subcontractors,¹¹⁴ a practice it should change.

Beyond liquidity support, companies need to examine other options for durable and sustainable longer term solutions. This means cancelling orders only as the last resort, and accepting the supply of products already manufactured under contract. It also means using leverage to encourage suppliers to use retrenchment as the last resort.¹¹⁵

In Practice

Garment workers¹¹⁶ are particularly vulnerable, and nowhere more so than in Bangladesh. Some three million people, of whom 85% are women, work in more than 4,000 garment exporting factories in Bangladesh. More than half of Bangladesh's suppliers¹¹⁷ have seen many of their

109 Engage For Good 10 March 2020 <https://engageforgood.com/march-10-2020-newsletter/>

110 GRATAN Michelle 'Morrison tells big business to show 'patriotism' as COVID-19 threatens to hit harder than GFC' Conversation 9 March 2020 <https://theconversation.com/morrison-tells-big-business-to-show-patriotism-as-covid-19-threatens-to-hit-harder-than-gfc-133255>

111 <https://www.unilever.com/news/press-releases/2020/helping-to-protect-lives-and-livelihoods-from-the-covid-19-pandemic.html>

112 <https://www.unilever.com/news/news-and-features/Feature-article/2020/from-our-ceo-we-will-fight-this-pandemic-together.html>

113 https://mediaroom.loreal.com/wp-content/uploads/2020/03/PR_LOreal-Europe-wide-coronavirus-solidarity.pdf

114 SHU Catherine 'Facebook's \$1,000 bonus only applies to full-time employees working from home, not contractors' Tech Crunch 19 March 2020 <https://techcrunch.com/2020/03/18/facebook-s-1000-bonus-only-applies-to-full-time-employees-working-from-home-not-contractors/>

115 <https://www.fairlabor.org/report/protecting-workers-during-and-after-global-pandemic>. Fair Labor Association's other specific recommendations include: order cancellations as the last resort; pay for orders started or completed without renegotiation; reallocating orders to factories that have lost work; insisting on legally mandated severance pay where workers have to be retrenched; communicating consistently with suppliers; providing access to grievance mechanism to workers; assist in worker re-employment; recognizing worker seniority at the time of re-employment.

116 <https://cleanclothes.org/news/2020/live-blog-on-how-the-coronavirus-influences-workers-in-supply-chains>

117 <https://www.workersrights.org/wp-content/uploads/2020/03/Abandoned-Penn-State-WRC-Report-March-27-2020.pdf>

orders cancelled by international buyers even though they were contractually obliged to pay. They are using force majeure clauses to avoid honouring their contracts. In nearly 70% of cancelled orders, some buyers have refused to pay for the raw material already bought by suppliers. Three-fifths of the factories in Bangladesh have shut down as a result of the ongoing pandemic.¹¹⁸ Bangladesh's exporters have appealed to their buyers to honour contracts already signed. Workers are in a flux, with factories having suspended production. The situation in Cambodia¹¹⁹ is no different, with factory closures, risking jobs of 17,000 workers.

Not all companies have reneged from contractual obligations. H&M¹²⁰ has received praise for its good conduct because it has decided not to invoke force majeure¹²¹ clauses and committed to pay for the products it is contracted to buy. The International Chamber of Commerce has provided guidance¹²² to businesses with model clauses with regard to declaring a force majeure. However, its language is limited in its scope. It takes a legal view of what can be done by a company to protect its interests, and not what ought to be done.¹²³ Clearly, more companies should emulate the kind of example H&M offers.¹²⁴

- **Offer jobs for the newly-unemployed:** With airline and hospitality sectors laying off hundreds of thousands of employees around the world, other companies are taking proactive steps to hire those employees, especially in areas where skills are comparable. Retail, in particular supermarkets, pharmacies, and delivery services are expected to have more jobs, and companies should prioritise offering work to those furloughed or laid off from sectors that have seen job losses, such as hospitality, tourism, and airlines.

In Practice

Some companies have begun hiring the newly-unemployed. Amazon, which accounts for 37 percent¹²⁵ of online retail in the US, announced it was hiring 100,000 additional workers¹²⁶ to meet rising demand and that it would prioritise recently laid off workers. Walmart, too, is looking for another 150,000 workers.¹²⁷ Several companies have also increased the hourly pay they offer, although not all companies are offering similar healthcare or other benefits.

118 <https://www.workersrights.org/wp-content/uploads/2020/03/Who-Will-Bail-Out-the-Workers-March-2020.pdf>

119 Reuters 'Cambodia says 200 factories face production halt from coronavirus' 27 February 2020 <https://uk.reuters.com/article/us-china-health-cambodia-factories/cambodia-says-200-factories-face-production-halt-from-coronavirus-idUKKCN20L1GJ>

120 TRIPONEL Anna and SHERMAN John 'Moral bankruptcy during times of crisis: H&M just thought twice before triggering force majeure clauses with suppliers, and here's why you should too' Business and Human Rights Resource Centre 1 April 2020 <https://www.business-humanrights.org/en/moral-bankruptcy-during-times-of-crisis-hm-just-thought-twice-before-triggering-force-majeure-clauses-with-suppliers-and-here%E2%80%99s-why-you-should-too>

121 An unanticipated or unforeseen circumstance which prevents one (or more) party to from meeting contractual obligations.

122 <https://iccwbo.org/publication/general-considerations-force-majeure-clauses-in-commercial-contracts/>

123 It is worth noting that in endorsing the UNGPs, the ICC had called the principles "a transformational roadmap to a future where human beings and businesses alike can thrive and prosper," and this guidance does not appear to be consistent with such a view.

124 <https://sway.office.com/Z3Hw7HLlgCroStsn?ref=Link>

125 <https://www.statista.com/statistics/788109/amazon-retail-market-share-usa/>

126 MATTIOLI Dana 'Amazon to Hire 100,000 Warehouse and Delivery Workers Amid Coronavirus Shutdowns' Wall Street Journal 17 March 2020 <https://www.wsj.com/articles/amazon-to-hire-100-000-warehouse-and-delivery-workers-amid-coronavirus-shutdowns-11584387833>

127 LYLES Taylor 'Walmart wants to hire 150,000 workers to meet demand during coronavirus pandemic' The Verge 20 March 2020 <https://www.theverge.com/2020/3/20/21188093/walmart-hiring-employees-bonuses-coronavirus-demand>

- **Build capacity of suppliers to make them more resilient:** Companies should think of ways in which they can deepen their relationship with their suppliers by paying them promptly, meeting their obligations, widening the number of suppliers, and training their workforce to create a mutually-beneficial scenario.
- **Lobby host governments to protect workers' rights:** One reason suppliers do not have an incentive to invest in health and safety measures or improve wages is because host governments do not require local companies to raise their standards. Companies relying on local companies for supplies should utilise their leverage with governments to improve safety and security, including social security, for the workforce. This would raise costs for suppliers, and companies should ensure that their negotiations with suppliers do not provide an excuse for the suppliers to squeeze expenses at the cost of health and safety standards or human rights.
- **Other ways companies can help suppliers** include offering them loans and grants to weather the crisis; lobbying for social protection; requiring that workers being laid off are furloughed and not dismissed summarily; enable workers to reskill themselves and get employment in expanding sectors.

Respect and Reassure Customers and Users

- **Maintain access:** Many customers may have recently lost jobs, either because of their own ill-health or because the companies where they worked have closed operations. They may find it hard to settle their bills for utilities or other payments. Companies should consider all non-payments compassionately during this period and make all efforts to ensure continued service. Other products and services, once deemed luxurious, are now considered essential – in particular telecommunications and Internet access, which should be seen as a public utility and high-speed Internet should be made accessible at reasonable cost to everyone, as an essential service. Companies offering such services should have similar universal service obligations as those that apply to water, gas, heating, and electricity, which means a certain basic supply must continue, even if the individual is unable to pay bills.
- **Do not evict those in need:** Landlords, property owners, and other real estate businesses should consider offering rent waivers and avoid imposing penalty clauses to those who are sick or those who have lost jobs during the current crisis. Similarly, while universities have suspended classes and sent students living in university accommodation home, urging them to continue to study from their homes, their action presupposes that students have access to high speed Internet at their homes; that they are able to travel to and stay at their home and study; and that they have the means to travel to their homes. This has been a particular problem for foreign students, where even those who are able to fly back may not be able to do so because of lockdowns in their home countries.
- **Offer early access to vulnerable customers:** Retail companies, in particular supermarkets and large online retailers, face the challenge at present of some customers cornering supplies and hoarding essential goods at a time where inventories are lean and supply lines are uncertain. This has happened particularly in the case of hand sanitisers, facial masks, and toilet paper. Supermarkets and grocery stores have since limited certain product ranges¹²⁸ and announced specific opening

128 JACK Simon 'Coronavirus: Supermarkets 'drastically' cutting product ranges' British Broadcasting Corp 19 March 2020

hours where only senior citizens or other vulnerable customers can shop. This helps decongest the area and ensures that older consumers, pregnant women, or customers with disabilities, who may find it hard to compete with younger, able-bodied consumers, are able to shop more easily. Some online retailers have announced that they will provide immediate delivery only for essential supplies during the COVID-19 crisis. Other ideas include limiting the number of items that can be ordered online.¹²⁹ These are good practices and more companies should do the same.

- **Target false claims and price gouging:** Following the initial rush on hand sanitisers, which saw the product disappear from many store shelves and even from online retailers, some retailers have limited the quantity individual customers can buy, which is a good step. Online retailers that offer their 'marketplace' to third party vendors, have acted against vendors who have amassed large stocks of essential goods and priced them at exorbitant levels and have rightly removed these vendors from their service.¹³⁰ Some news publishers have proactively decided to remove advertising¹³¹ that gratuitously adds 'coronavirus' or associated terms to increase traffic. But retailers need to be constantly vigilant for abuses relating to COVID-19 as affiliate websites elsewhere in the world have been found offering spurious products that claimed to 'cure' patients infected by coronavirus.¹³²
- **Ensure online accuracy:** With COVID-19 disinformation and conspiracy theories being disseminated online and dubious cures, and unscientific remedies being offered, companies that provide space for user-generated content have additional responsibilities to monitor data online. Companies retain the power to take down content but experience indicates many continue to make such decisions arbitrarily, often with errors of judgment. They also fail to apply an even standard across the world, acceding to authority in powerful countries that have weak protection of free speech, while permitting unrestrained freedom for offensive content to flourish in jurisdictions that are more lax. The spread of COVID-19 has meant that some companies, including major social networking platforms, have not been able to monitor posted content closely because staff members who act as content monitors are no longer able to come to work due to the ongoing crisis. This has led to arbitrary decisions being made to censor content, as these companies have increasingly relied on artificial intelligence.¹³³ Human intervention has been reinstated in many cases, but a more credible and sustainable strategy is needed.

<https://www.bbc.com/news/business-51961624>

- 129 BBC 'Coronavirus: Tesco restricts online orders to 80 items each' 27 March 2020 <https://www.bbc.com/news/business-52051498>
- 130 NICAS Jack 'He has 17,700 bottles of hand sanitizer and nowhere to sell them' New York Times 14 March 2020 <https://www.nytimes.com/2020/03/14/technology/coronavirus-purell-wipes-amazon-sellers.html>
- 131 SOUTHERN Lucinda 'From bidets to meat thermometers, how publishers' commerce businesses adapt' Digiday 18 March 2020 <https://digiday.com/media/bidets-meat-thermometers-publishers-commerce-businesses-adapt/>
- 132 In India, Amazon's website offered some questionable products such as Nirogmaya Nacorona drops, Prasadhak Coronavirus Essential Oils, Kridha Anticoronavirus potli (bag) with three types of oils, and Ambrosial anti-corona oil. None of those were scientifically proven, but they were on sale on Amazon's site in India. After these were exposed in the following tweet, the company moved promptly to remove the products from its site. https://twitter.com/threader_app/status/1243003377036013568?s=20.
- 133 ROBERTS Sarah 'Digital Humanity: Social Media Content Moderation and the Global Tech Workforce in the COVID-19 Era' Flow Journal 19 March 2020 <https://www.flowjournal.org/2020/03/digital-humanity/>

In Practice

Twitter is taking steps to remove disinformation from its service.¹³⁴ Facebook and other social media companies prominently display accurate information on COVID-19. Google has developed a dedicated website¹³⁵ to ensure dissemination of accurate information. However, instant messaging services like WhatsApp¹³⁶ continue to allow the viral exchange of messages which contain disinformation. The plastic industry has been criticised¹³⁷ for claiming that reusable containers are more likely to be contaminated than plastic products.

Be Creative with Strengths

Retool plant or offer resources to address the crisis: A growing number of examples show how companies can take steps to assist in response to the COVID-19 outbreak. For example, some are redesigning facilities to make urgently needed medical equipment such as surgical masks and ventilators or hand sanitiser products. Some hotels, like the Four Seasons in New York¹³⁸ and Taj group in Mumbai¹³⁹ have announced commitments to providing free rooms for doctors, nurses, and other essential workers in the health sector who are working long hours or may not be able to return safely to their homes during the crisis. Universities¹⁴⁰ are also offering to house patients during the outbreak as campuses are now largely closed. All companies in a position to do so should consider how they can take similar steps to assist during the crisis.

In Practice

Unilever¹⁴¹ is adapting its current manufacturing lines to produce sanitiser for use in hospitals, schools and other institutional settings. New Balance,¹⁴² the sports and apparel company, and Brooks Brothers,¹⁴³ the business outfitters, are making surgical masks. Indian automaker Mahindra¹⁴⁴ and British manufacturer Dyson¹⁴⁵ are making ventilators. Some Bangladeshi garment manufacturers have switched production lines to make PPEs.

134 https://blog.twitter.com/en_us/topics/company/2020/An-update-on-our-continuity-strategy-during-COVID-19.html

135 <https://www.google.com/covid19/>

136 DAVIES Guy 'Coronavirus misinformation on WhatsApp is going viral, despite steps to combat its spread' ABC News 24 March 2020 <https://abcnews.go.com/Health/coronavirus-misinformation-whatsapp-viral-steps-combat-spread/story?id=69688321>

137 <https://www.greenpeace.org/usa/research/how-the-plastic-industry-exploited-anxiety-about-covid-19/>

138 CLARK Patrick 'Four Seasons Provides Free Rooms to NYC Coronavirus Doctors' Bloomberg 25 March 2020 <https://www.bloomberg.com/news/articles/2020-03-25/four-seasons-to-provide-free-rooms-to-nyc-coronavirus-doctors>.

139 TIWARI Vaibhav 'Mumbai's Iconic Taj Hotel Provides Free Stay To COVID-19 Health Workers' NDTV 4 April 2020 <https://www.ndtv.com/india-news/mumbais-iconic-taj-hotel-provides-free-stay-to-covid-19-health-workers-2206180>

140 MONACO Tony 'Higher Education's Role in Fighting the Coronavirus' Boston Globe 18 March 2020 <https://fletcher.tufts.edu/news-events/news/higher-educations-role-fighting-coronavirus>

141 <https://www.unilever.com/news/press-releases/2020/helping-to-protect-lives-and-livelihoods-from-the-covid-19-pandemic.html>

142 <https://www.newbalance.com/made-medical-letter-landing-page/>

143 <https://www.brooksbrothers.com/masks-press-release/masks-press-release,default,pg.html>

144 PANDAY Amit 'Covid-19: Mahindra's indigenously developed ventilator to cost less than 7,500' Mint 27 March 2020 <https://www.livemint.com/companies/news/coronavirus-m-m-ready-with-ventilator-prototype-to-cost-less-than-rs-7-500-11585228399566.html>

145 BASHIR Nada 'James Dyson designed a new ventilator in 10 days. He's making 15,000 for the pandemic fight' CNN 27 March 2020 <https://www.cnn.com/2020/03/26/tech/dyson-ventilators-coronavirus/index.html>

While the emphasis on producing protective equipment in short supply is commendable and necessary, attention must be paid to the human rights of the workers employed at such factories. For example, makers of disposable gloves in Malaysia are seeing a surge in demand for the product, and campaigning groups have long challenged Malaysian companies, alleging their use of forced labour.¹⁴⁶ It is important that the European Union and the United States, which have urged Malaysia to ramp up production, require manufacturers to adhere to internationally-recognised labour standards.

- **Donate medical supplies and essential services where needed:** The COVID-19 crisis has shown the impact of panic buying and hoarding. Supermarkets are running out of tinned food, and pharmacies are short of disinfectants, face-masks, and gloves. A sudden rush for such products by the general public can cripple hospitals, where the need for gowns, masks, oxygen and drugs is greater. Direct assistance by companies of relevant products to hospitals and care facilities, particularly in under-resourced regions, is desirable. In some cases, companies can offer logistical, legal, or technological capabilities to improve healthcare and service delivery. Many businesses are known for effective implementation, good management, innovative solutions, strategic thinking, innovative solutions and strategic thinking with long-term perspective. They should deploy those skills in cooperation with governments to restore economic well-being and assist efforts to boost healthcare.

In Practice

Unilever is contributing EU100m worth of soap, sanitiser, bleach and food. This includes donation of soaps and sanitiser of at least EU50m to the COVID Action Platform of the World Economic Forum, which is supporting global health organisations and agencies with their response to the emergency. H&M¹⁴⁷ has arranged its supply chain to produce personal protective equipment, including masks for Italy and Spain. Companies from different industries¹⁴⁸ have offered logistical and service-oriented support to a vast number of civil society groups, communities, local governments, and other associations. The contributions¹⁴⁹ range from offering cloud-computing support, transportation, products and services, 3D printing, providing data freely, computer time, free access to the Internet, producing face-masks and surgical masks, making sanitisers, making personal protection equipment including hospital gowns, and suspending rent. In India, Zomato, a food delivery company, has opened a food bank¹⁵⁰ to provide food to daily wage migrant labourers. Other food companies¹⁵¹ too are providing donations. On the technology front, Axial has donated an artificial intelligence-driven platform to the UK's National Health Service that automates the analysis of CT scan images in 10 seconds (as opposed to the 30 minutes usually required by doctors). Volunteers from Apple, Amazon, and Google helped Boston Children's Hospital and Harvard Medical School have designed a web-based service,¹⁵² that allows for immediate reporting. Amazon has set up a relief fund for independent drivers and seasonal workers.

146 Business and Human Rights Resource Centre 'Malaysia: Medical glove manufacturers see surge in orders due to COVID-19, amid forced labour concerns' 29 March 2020 <https://www.business-humanrights.org/en/malaysia-medical-glove-manufacturers-see-surge-in-orders-due-to-covid-19-amid-forced-labour-concerns>

147 <https://sway.office.com/Z3Hw7HLlgCroStsn?ref=Link>

148 BALCH Oliver 'Covid-19 roundup: Companies rally as pandemic takes escalating toll' Ethical Corporation 27 March 2020 <http://www.ethicalcorp.com/covid-19-roundup-companies-rally-pandemic-takes-escalating-toll>

149 <https://triponelconsulting.com/this-week/#23-march-2020>

150 <https://www.zomato.com/blog/feed-daily-wager>

151 GUNO Nina 'Food brands join coronavirus fight with donations to frontliners' Philippine Daily Inquirer 25 March 2020 <https://newsinfo.inquirer.net/1248192/food-brands-join-coronavirus-fight-with-donations-to-frontliners>

152 <https://covidnearyou.org/#/>

Protect Undocumented People and Prisoners

- **Those without full rights:** A joint statement¹⁵³ by the Office of High Commissioner for Human Rights, UN High Commissioner for Refugees, the International Organization for Migration, and the WHO calls for ensuring equal access to healthcare to those without full rights and underscores the need to remember our common humanity. *"We cannot allow fear or intolerance to undermine rights or compromise the effectiveness of responses to the global pandemic. We are all in this together. We can only defeat this virus when each and every one of us is protected,"* it concludes.

Many jails around the world are crowded, and COVID-19 can cause havoc in such congested places. In some cases, prisoners serving time have been released (which may raise a different set of risks). The challenge is great for companies maintaining or administering prisons, refugee camps or other facilities with large numbers of people.

Similar challenges apply to companies that run correctional facilities, or prisons.¹⁵⁴

Consult and Work with Authorities

- **Maintain consistent dialogue:** Even as the primary responsibility to protect human rights rests with the state, companies should, including initiatives aimed at assisting wider communities, take all steps needed to maintain regular consultation with appropriate authorities, including on where coordination can be improved.

There have been times when uncoordinated activities within a particular country or region have resulted in some areas receiving disproportionate attention and supplies of essential services, while other areas remain under-served. This requires effective government planning and coordination, and companies should work with other stakeholders, including other companies, civil society groups, relief organisations, and governments, in implementing initiatives that support fair distribution of essential goods. It is also an area where companies with logistical expertise can offer their services to the state where appropriate.

In Practice

One effective role companies can play is to amplify public health messages more widely. H&M¹⁵⁵ has done that by rebroadcasting WHO and International Federation of Red Cross and Red Crescent societies messages during this crisis.

153 <https://www.who.int/news-room/detail/31-03-2020-ohchr-iom-unhcr-and-who-joint-press-release-the-rights-and-health-of-refugees-migrants-and-stateless-must-be-protected-in-covid-19-response>

154 See the submissions of the Canadian civil society. <http://www.aidslaw.ca/site/open-letter-to-government-CoVid-19-protecting-prisoner-health/?lang=en>. The recommendations state that the government should [a] prevent the virus from entering federal institutions, [b] find alternatives to custody, [c] ensure medical staff availability, [d] reduce transmission risk, [e] permit access to communication facilities so that prisoners can talk to their families/doctors/lawyers, and [f] offer tests to those likely to have been affected.

155 <https://sway.office.com/Z3Hw7HLlgCroStsn?ref=Link>

- **Support under-resourced regions:** COVID-19 is impacting health budgets of many countries in ways that were not anticipated. Companies have resources and expertise to play a meaningful role to alleviate suffering in the short term as authorities try to manage responses to the crisis. In areas where local authorities lack resources, due to under-staffing or lack of infrastructure, or lack of adequately trained professionals, companies should help provide innovative solutions including support through volunteer staff or in helping perform functions where they have expertise.
- **Prepare for evacuation, if necessary:** Companies should make adequate preparations for evacuation, if it becomes necessary. This includes creating and maintaining a database of employees and their dependents, as well as maintaining a register by their nationality should it become necessary to evacuate staff, and liaising with home embassies of employees. Should evacuation become necessary in specific circumstances, companies should be guided by the principle of protecting human life. While a company does not have an obligation to evacuate local nationals (even if they are its employees), or to ensure family unity, during a crisis it should make every effort to evacuate affected individuals to safety wherever lives are at risk. (For a more detailed discussion on evacuation, see Appendix 3).

PART IV:

Longer-Term Implications

4

Estbalishing an expeditionary medical facility in Guam to support the region.

Flickr/U.S. Pacific Fleet

PART IV:

Longer-Term Implications

4

The COVID-19 outbreak goes beyond the capacity of any single government, sector, industry, or organisation to address and mitigate. Collective endeavour is necessary.

International financial institutions (IFIs) have begun setting aside vast amounts of money to rebuild the global economy:

- The International Monetary Fund has said it is prepared to set aside \$1 trillion¹⁵⁶ to assist economic recovery, although conditions would apply, since the IMF provides monetary support for countries to improve their balance sheets or policy advice, and does not offer development finance, nor capital for infrastructure.
- The World Bank's broad economic support over the next 15 months will be around \$60 billion,¹⁵⁷ and it has immediately offered \$12 billion.¹⁵⁸
- The Asian Development Bank¹⁵⁹ has set aside \$6.5 billion¹⁶⁰ and a vast range of other programmes, including immediate food aid in the Philippines.
- The new Asian Infrastructure Investment Bank has pledged¹⁶¹ to focus on public health and may commit \$5 billion.¹⁶²
- The European Bank for Reconstruction and Development has set aside¹⁶³ € 1 billion to assist countries in transition.
- The International Finance Corporation, which is the private sector lending arm of the World Bank Group, says it is not 'a first responder' and is examining needs, offering liquidity to companies in the developing world.¹⁶⁴

These are large, reassuring figures, although the devil is, as always, in the details.

156 <https://www.imf.org/en/News/Articles/2020/04/03/sp040320-opening-remarks-for-joint-imf-who-press-conference>

157 <https://www.worldbank.org/en/news/feature/2020/04/02/the-world-bank-group-moves-quickly-to-help-countries-respond-to-covid-19>

158 <https://www.worldbank.org/en/news/press-release/2020/03/03/world-bank-group-announces-up-to-12-billion-immediate-support-for-covid-19-country-response>

159 <https://www.adb.org/what-we-do/covid19-coronavirus>

160 <https://www.adb.org/news/adb-announces-6-5-billion-initial-response-covid-19-pandemic>

161 <https://www.aiib.org/en/news-events/news/2020/AIIB-To-Scale-Up-Public-Health-Infrastructure-in-Wake-of-COVID-19.html>

162 <https://www.aiib.org/en/news-events/news/2020/AIIB-Looks-to-Launch-USD5-Billion-COVID-19-Crisis-Recovery-Facility.html>

163 <https://www.ebrd.com/news/2020/ebd-monitor-assesses-resilience-of-emerging-economies-to-covid19.html>

164 https://www.ifc.org/wps/wcm/connect/news_ext_content/ifc_external_corporate_site/news+and+events/news/amid-an-outbreak

As global trade unions have pointed out,¹⁶⁵ it is critically important for such assistance to be consistent with making the response:

- equitable,
- commensurate with needs,
- protecting jobs in the real economy,
- scaling up social protection for health coverage,
- eliminating barriers for precarious or informal workers, and
- avoiding narrow targeting of benefits that leave many behind.

Unions also argue that recovery and stimulus measures should include public investments in the care economy to reduce unpaid work burdens and create quality jobs. They have also called for substantial debt relief, including debt write-off, and making assistance align with the UN SDGs.

Beyond the immediate, unions have also critiqued the IFIs' reliance on efficiency measures outlined in the *Doing Business* reports, which measure a country's economic policies by examining if those are good for business from a narrow perspective, which place a premium on procedural efficiency while disregarding or undermining social and environmental protections. This is the moment to focus on the S in ESG (environment, social, governance) criteria, to which many investors claim to adhere.

Disruptions caused by COVID-19 are affecting many sectors. But the scenario remains uncertain. The UN Security Council has, as of April 2020, taken only initial steps to address the crisis and what it might mean for global peace and security, although restrictions on trade, rising unemployment, emergence of a new underclass, can all raise social tensions, and the erection of barriers and rhetoric against foreigners could lead to conflict. The global governmental backlash against human rights is real.

There are other emerging crises, the effects of which will be known only in a few months' time: Collapsing consumer demand in wealthy countries and spread of disease has led to concerned countries stockpiling food,¹⁶⁶ which can have adverse impacts on global food markets.¹⁶⁷ Restrictions on agricultural trade¹⁶⁸ would harm not only poor farmers in the developing world, but also poor consumers everywhere. Kenyan farm workers are being sent home; rice exports have been stopped from Vietnam. If migrant workers cannot travel to work, it will have serious implications for global food security. If countries hoard food, that too would adversely impact global food security. Global inequality would increase.

Restrictions on the movement of people is on the agenda of many right-wing and right-leaning politicians. Not only would racism and xenophobia rise more, it would embolden such governments to pass laws that restrict human rights even further. Severe restrictions would increase the prevalence of modern forms of slavery and human trafficking.¹⁶⁹

165 https://www.ituc-csi.org/IMG/pdf/global_unions_statement_imf-wb_4-2020.pdf

166 THUKRAL Naveen and EL DAHAN Maha 'Food security concerns stoked as exporters curb sales, importers buy more' Reuters 26 March 2020 <https://www.reuters.com/article/us-health-coronavirus-food-security/food-security-concerns-stoked-as-exporters-curb-sales-importers-buy-more-idUSKBN21D0YV>

167 Reuters 'World food security at risk, fresh produce in Europe set to be more scarce' 26 March 2020 <https://cyprus-mail.com/2020/03/26/world-food-security-at-risk-as-exporters-curb-sales-importers-buy-more/>

168 ALMEIDA Isis and DE SOUSA Agnieszka 'Countries Starting to Hoard Food, Threatening Global Trade' Bloomberg 25 March 2020 <https://finance.yahoo.com/news/countries-starting-hoard-food-threatening-233000095.html>

169 YAYBOKE Erol 'Five Ways COVID-19 Is Changing Global Migration' Center for Strategic and International Studies 25 March 2020 <https://www.csis.org/analysis/five-ways-covid-19-changing-global-migration>

Restriction on trade¹⁷⁰ of medical supplies and medicines, which some governments have already implemented, has adverse human rights consequences as well. Such practices would lead to increased smuggling and make it harder for patients in countries where supplies are in shortage to access the same. Maintaining open trade is crucial to ensuring necessary supplies can go where needed.

While the rules¹⁷¹ of the World Trade Organization permit restricting trade during health emergencies, governments must be judicious in invoking those clauses. Rather than hoarding masks, sanitisers, ventilators, medicines, and PPEs, governments should encourage businesses to manufacture more of these products and increase the global supply, which, in effect may reduce the price, if not stabilise it. Restrictions the European Union¹⁷² has placed can undercut efforts to fight the virus and may prolong the crisis.

Just as attempts by some countries to buy strategic stakes in companies developing the vaccine are wrong, so are restrictions being placed on trade. Some restrictions are 'fear-driven' and 'counter-productive.'¹⁷³ WTO Director-General Roberto Azevedo rightly welcomed¹⁷⁴ the world's leading economies pledging to ensure that the 'flow of vital medical supplies, critical agricultural products, and other goods and services across borders' will continue.

When a massive disruption occurs on such a scale, there is the risk that governments may want to put in place measures to attract more investments and restart businesses that have suffered. There is also the risk of what the Canadian writer Naomi Klein describes as 'disaster capitalism,' where she fears 'the global elite' and governments would exploit the pandemic¹⁷⁵ to put in place policies that benefit the few, not the many. The Indian writer Arundhati Roy too has sounded caution about business-as-usual, urging¹⁷⁶ us to imagine a different world.

What is to be Done?

What might a different world look like? As the situation changes by the hour, it would be ambitious and hubristic to outline the architecture of what might be. But it is possible to start focusing on the building blocks.

The long term response to COVID-19 should move us to a shared understanding of what essential products and services are and of who an essential worker is. The response should develop ways to ensure that these are produced in ways consistent with international human rights and environmental standards and those undertaking the tasks receive fair compensation and decent working conditions.

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- 170 PINCHIS PAULSEN Mona 'COVID-19 Symposium: Thinking Creatively and Learning from COVID-19- How the WTO can Maintain Open Trade on Critical Supplies' *OpinioJuris* 2 April 2020 <http://opiniojuris.org/2020/04/02/covid-19-symposium-thinking-creatively-and-learning-from-covid-19-how-the-wto-can-maintain-open-trade-on-critical-supplies/#>
- 171 Article XX of the General Agreement on Tariffs and Trade (GATT) provides for exceptions for measures 'necessary to protect human animal or plant life or health'.
- 172 BROWN Chad 'EU limits on medical gear exports put poor countries and Europeans at risk' *Pacific Institute for International Economics* 19 March 2020 <https://www.piie.com/blogs/trade-and-investment-policy-watch/eu-limits-medical-gear-exports-put-poor-countries-and>
- 173 EVENETT Simon 'Tackling COVID-19 Together - The Trade Policy Dimension' *Washington International Trade Association* 23 March 2020 <https://www.wita.org/atp-research/tackling-covid-19-together-the-trade-policy-dimension/>
- 174 https://www.wto.org/english/news_e/news20_e/dgra_26mar20_e.htm
- 175 SOLIS Marie 'Coronavirus Is the Perfect Disaster for 'Disaster Capitalism'' *Vice News* 13 March 2020 https://www.vice.com/en_us/article/5dmqyk/naomi-klein-interview-on-coronavirus-and-disaster-capitalism-shock-doctrine
- 176 ROY Arundhati 'The Pandemic is a Portal' *Financial Times* 3 April 2020 <https://www.ft.com/content/10d8f5e8-74eb-11ea-95fe-fcd274e920ca>

Economies will have to become more resilient. Companies and governments now have an opportunity to explore different ways of producing energy, to protect the planet from the climate crisis and undertake structural and policy changes to move away from business-as-usual or operations-as-usual. It is true that the initial shock of COVID-19 has affected prosperous societies of the industrial and global north, with some exceptions, but it is right to apprehend what might happen when poorer countries face the crisis. There are genuine concerns about the potential impacts on countries in Africa and large countries in Asia.

What kind of transitions will occur? Will those transitions be just? Will new ways of working (such as working from home) be beneficial? Would that mean we redesign our cities? Would responses lead to further restrictions on the movement of migrant labourers? Would human rights defenders, women, other minorities, including the disabled, those of different ethnicity, class, colour, faith, language, or sexual orientation face further restrictions when there is a clampdown on human rights?

We at IHRB do not claim to have the answers. But we have been examining structural challenges and systemic risks posed by these challenges – of just transition, of built environment, of migrant workers, of the impact of technology on society, of the rights of human rights defenders, and of combating discrimination against disempowered groups, and we will continue to work on these issues through the lens of COVID-19. We will play our role in convening collective action on some of these issues. Our own developing work on Just Transitions will look at how all actors need to follow low-carbon pathways as well as adapting existing social and economic activities towards much greater resilience. COVID-19 has not changed, but rather expedited, this need.

Looking Ahead

Responding to the COVID-19 outbreak is the number one priority for the entire world today. A united global effort is needed to work together and weigh costs and benefits of available options to slow the spread of the outbreak, while scientists work hard towards developing the vaccine that can defeat the virus over the long term. Until then, the international community faces a moment where responsible leadership is needed at every level of society in order to protect the inherent dignity and equal rights of all those who are affected, offering support to those who are vulnerable, and comforting those who are hurt.

After the crisis subsides, the world will undoubtedly have to adopt new ways of working, travelling, and living. It will mean redesigning supply chains while ensuring that efforts to support the most vulnerable workers and communities are not set back.

The COVID-19 pandemic is posing a significant test to the current model of economic globalisation and to international governance itself. The challenge is to ensure the crisis response leads to positive outcomes, including as part of ongoing efforts to address the climate crisis and drastically reduce carbon emissions while fostering sustainable development for all. At the same time, the international community must combat negative outcomes linked to the virus outbreak, such as increased xenophobia and fear of the outsider, as people retreat into narrower identities in these times of crisis and economic uncertainty. Human imagination will be tested as never before: we will need collective endeavour to conceive of solutions that can reduce and eventually eliminate the harms that a virus can cause by spreading at lightning speed and we must do so without tearing the world apart, but instead by finding new ways for all people to stay closer together as one.

APPENDIX I:

1 Providing Healthcare During an Epidemic



Tubmanburg Ebola
treatment unit
takes shape

Flickr/DVIDSHUB

APPENDIX I:

Providing Healthcare During an Epidemic

1

The Ebola virus was first identified in 1976, and the disease was virulent in West Africa between 2014-2016. From the time of its discovery till 2013, fewer than 2,000 people had died from the disease, although it had broken out 28 times. But the outbreak which began in December 2013, lasting until June 2016, killed six times the number in a relatively short time. By the 2010s, West Africa had become more urbanised, making it easier for the virus to travel in concentrated population centres where healthcare systems were stretched.

The Malaysian plantations company, Sime Darby, had been operating in Liberia since 2010, where Ebola struck in 2014. Liberia was just emerging out of a decades-long civil war and rebuilding infrastructure. Resources were limited and stretched beyond the capacity of an emerging economy. The country relied on foreign aid as the main source of revenue for its budget.

Sime Darby had a 63-year concession to develop 220,000 hectares of land into oil palm and rubber plantations. The company employed 3,000 people at the time of the crisis, of whom 25 were expatriates, three of whom were from Cameroon and one from India. (In late 2019 it sold its operations to a local company).¹⁷⁷

Sime Darby was aware of Ebola's spread, and had been monitoring the situation since it was first reported in Guinea. It sent out its social team to engage with local communities to speak of the dangers of the disease and take necessary preventive action. While Sime Darby had not experienced such a health crisis before, it had dealt with instances of force majeure in the past, due to natural disasters.

The company's team engaged with employees, their families, surrounding communities and local leaders. The company set up a task force including local managers and a team from the group headquarters in Malaysia. A special response and contingency plan was developed to enhance the company's existing standard operating procedures, which included operational governance, security and staff evacuation, paying wages, maintaining communication, and running operations. Employees were assured that their jobs would remain. The company's clinic¹⁷⁸ offered substantial medical assistance to the communities.

177 Reuters 'Sime Darby to sell Liberia plantation to local manufacturer' 6 December 2019 <https://www.reuters.com/article/us-sime-darby-liberia/sime-darby-to-sell-liberia-plantation-to-local-manufacturer-idUSKBN1YA00P>

178 The annual budget for the clinic in 2014 was \$280,000, and all patients received free treatment. The clinic had a local staff of 40, including a Liberian doctor, and it served 2,000-2,500 patients per month, and serviced surrounding communities, numbering 30,000 people, even those who had no relationship with the company

In August 2014, Sime Darby evacuated its expatriate staff and Malaysian contractors first to Ghana, and then relocated the majority of them to their home countries. A team remained in Ghana to guide operations in Liberia. Sime Darby also contributed RM 500,000 (about \$152,000 in March 2014) to the International Federation of Red Cross & Red Crescent Societies (IFRC) to help with the expansion of its education and outreach programmes in the areas where the company operated. The company also trained its own staff to offer 'psychosocial support' to affected individuals.

The company undertook door-to-door campaigns. *"Admittedly, managing a clinic for a large population is costly. However, we have not turned anyone down, neither do we plan to, especially those in need of medical assistance and care,"* according to a senior Sime Darby official.¹⁷⁹

He added: *"The Ebola crisis reaffirmed that risk management is key in any business operation. It is important to be well-prepared and ready. Our response and contingency plan helped to guide us throughout the crisis."*

Among the other lessons the company has learned are that *"engagement with relevant stakeholders should be done from the beginning, and the company's own efforts should be aligned with those of the government. The company should also be sensitive to local concerns."*

In developing its response, among the international standards Sime Darby considered were the Universal Declaration of Human Rights, the UN Convention on the Rights of the Child, Child Rights in Business Principles, WHO protocols and guidance on Ebola, the laws of Liberia and Ghana, and the company's own environmental, safety, and health protocols.

179 IHRB interview with Sime Darby executives.

A satellite image of Hurricane Harvey, showing a well-defined eye and a dense, swirling cloud structure over the Gulf of Mexico. The hurricane is the central focus, with its eye clearly visible. The surrounding clouds are thick and white, contrasting with the darker blue of the ocean. The image is taken from a high angle, looking down at the storm.

APPENDIX II:

Offering Relief During a Natural Disaster

Hurricane Harvey
intensifies.

Flickr/NASA

APPENDIX II:

Offering Relief During a Natural Disaster

2

On August 25, 2017, a Category 4 storm, Hurricane Harvey, made landfall in Texas, United States. The winds were ferocious and destructive and flooded vast parts of the coast. Estimated cost of the damage was about \$125 billion. The oil company ExxonMobil has major facilities in the area and it acted to ensure safety for its employees and to assist affected communities.

As there were early warnings from meteorological departments that a major storm was headed in its direction, ExxonMobil began preparations early. It had two refineries in the area, in Baytown and Beaumont. ExxonMobil began shutting down its operations to prevent any accidental industrial disaster and began to bring fuel from areas not affected to the areas likely to be affected to assist with recovery efforts. Critical supplies were essential, and the company set up an emergency toll-free number to help with response for fuel needs.

One priority for the company was to minimise adverse environmental impacts due to the storm and the power loss that would follow. The company established a protocol to report impacts to authorities and its employees worked with the authorities to help safely shut down operations. The company monitored the storm's movement and tracked forecasts, set up an incident command at its facilities, established a supply response team and an emergency support group. Communications were established, disseminating information to staff, regulators, customers, suppliers, media, and the community. Experience shows that companies that recovered the fastest after Hurricane Katrina in 2005 were those that tracked down all their employees who had dispersed across the southeastern United States. At that time, companies like Procter & Gamble had created a local employee village on high ground with housing, foodstuff and cash advances for employees and their families.

In Texas in 2017 when Harvey struck, some employee homes were flooded by the storm, and the company helped clean up and repair their homes. Some 760 employees suffered water damage, and 550 employees used the home clean-up facilities the company offered. ExxonMobil also granted emergency loans of \$7.5 million to employees and contributed \$7 million towards recovery efforts. It also provided 30,000 bottles of water and 15,000 gallons of bleach, supplied 14,000 gallons of gas or diesel to first responders, and volunteers to assist recovery efforts. The hurricane had left 100,000 homes without running water, and 60 ExxonMobil employees worked with the Beaumont city government to restore its municipal water system.

The company also helped remediate 85 homes through a local charity, and transported 60,000 pounds of cargo by helicopter to stranded personnel and community members in the area. In a report¹⁸⁰, the company said:

"The ability to respond promptly during a disaster — regardless of where it strikes — is critical. ExxonMobil conducts extensive training and drills to prepare for such situations. We design our facilities to withstand a variety of extreme conditions. Regardless of the size, severity or cause of an event, each ExxonMobil facility and business unit has access to trained responders and resources. We practice emergency response strategies and routinely test our emergency response teams in accordance with regulatory requirements and our own system."

180 <https://corporate.exxonmobil.com/-/media/Global/Files/sustainability-report/publication/2017-Sustainability-Report.pdf>

APPENDIX III:

The Challenge of Safe Evacuation and Repatriation During Crisis



Facilitating the evacuation of third country migrants from Libya.

Flickr/Civilian Security At State

APPENDIX III:

The Challenge of Safe Repatriation and Evacuation During Crisis

3

Companies operating in Libya were caught off-guard when conflict erupted in 2011. It was a troubled time in North Africa, where the Arab Spring had ushered in expectations of change, and there were spontaneous uprisings against governments in Egypt, Algeria, and Tunisia. The civil war in Libya was brutal and led to many human rights abuses. Libya is a major oil producer, and many companies had employed hundreds of workers, working either in the oil sector, or in supporting services or maintaining the infrastructure.

The unrest in the region affected businesses which closed their operations, leaving many workers helpless and penniless. Many workers were migrants from Bangladesh. Of the six million Bangladeshis who work abroad (forming 4% of its population), some 70,000-80,000 people worked in Libya; the International Organization of Migration had assisted some 36,500 to return to Bangladesh.

One eyewitness in Bangladesh described the returning workers as looking forlorn and unhappy. *"When they meet their families there is no joy on their faces,"* she said.¹⁸¹ The dreams of many of the migrant workers and their families – financial security – lay shattered. Airport staff mistreated the workers.¹⁸²

Many workers had taken on large amounts of debt to secure their jobs which they could have paid back only after years of working abroad, making their burden insurmountable.¹⁸³ The Bangladesh Government took a \$40 million loan from the World Bank to cover a rehabilitation package for the workers, and each returnee was getting a cash grant of 50,000 taka.¹⁸⁴ Many workers had complained of not having been paid for months.¹⁸⁵ This has severe consequences for Bangladesh's economy –

181 IHRB Interview with a Bangladeshi woman returning from Bangkok in June 2011.

182 Drawn from IHRB interviews with several Bangladeshis who had returned in 2011.

183 The Refugee and Migrant Movements Research Unit at the Dhaka University estimated that 85% of Bangladeshi workers who have gone abroad have taken on debt.

184 The \$40 million World Bank supported Repatriation and Livelihood Restoration for Migrant Workers Project will finance part of the cost of transporting returnees and provide a one-time \$775 cash grant upon arrival in Bangladesh to support their immediate needs while helping returning workers seek available employment opportunities at home and abroad to commence the process of livelihood restoration.

185 A report in The Guardian talks of several cases in the town, Bashail, in Barisal district, where the story of Faruk Sikder is typical. He worked as a bricklayer in Tripoli. His Chinese manager fled leaving him without six months' wages. He went from Libya to Tunisia with other workers, and Libyan forces strip-searched them and took their belongings, leaving them with nothing. His father had mortgaged the family land so that he could go abroad to work; now he has no assets, and no way to pay back his creditors. See AL-MAHMOOD Saeed Zain, 'Bangladesh feels economic backlash from Middle East crisis' Guardian 20 June 2011 <https://www.theguardian.com/world/2011/jun/20/bangladesh-economic-backlash-libya-crisis>

workers' remittances account for 12% of the gross domestic product.¹⁸⁶ According to the Dhaka-based Policy Research Institute, remittances formed six times the official development assistance and 11 times the foreign direct investment Bangladesh received, making remittances an important, stable source of income, and its decline represented a serious crisis for Bangladesh's economy.

Some companies repatriate their own staff, and in some cases, their sub-contractors' staff. But applicable laws were unclear. The oil company BP moved its own staff and made its leased plane available to the UK Government, which was not able to bring back stranded British nationals immediately. The Korean conglomerate Daewoo sent its ships to Libyan ports and took on board hundreds of Thai workers who worked on Daewoo's construction projects, and brought them back to Thailand. Other large companies, too, managed to get their expatriate employees out in the first weeks.

But some companies closed their factory doors or construction sites and turned migrant workers away without access to food or water, and in some cases, without paying them back wages.

186 The sum total of goods and services produced in a given year.

Resources

Information in relation to COVID-19 is fast-moving. A host of resources have already emerged to support organisations responding to the crisis. Below are some of those specifically oriented around business and human rights, though it is by no means an exhaustive list.

Information Portals

World Health Organization: “Coronavirus disease (COVID-19) Pandemic” at <https://www.who.int/emergencies/diseases/novel-coronavirus-2019>

International Labour Organization: “COVID-19 and the world of work” at <https://www.ilo.org/global/topics/coronavirus/lang--en/index.htm>

United Nations Human Rights Office: “COVID-19 and its human rights dimensions” at <https://www.ohchr.org/EN/NewsEvents/Pages/COVID-19.aspx>

International Trade Union Confederation: “COVID-19 Pandemic: News From Unions” at <https://www.ituc-csi.org/covid-19-responses>

International Chamber of Commerce: “COVID-19 Business Continuity Guide” at <https://iccwbo.org/media-wall/news-speeches/icc-publishes-covid-19-business-continuity-guide/>

International Organization of Employers: “COVID Platform” at <https://www.ioe-emp.org/en/policy-priorities/covid-19/>

Business and Human Rights Resource Centre: “COVID-19 Outbreak Portal” at <https://www.business-humanrights.org/en/covid-19-coronavirus-outbreak>

Due Diligence Tools

United Nations Development Programme: “Human Rights Due Diligence and COVID-19: Rapid Self-Assessment for Business” at <https://www.undp.org/content/undp/en/home/librarypage/democratic-governance/human-rights-due-diligence-and-covid-19-rapid-self-assessment-for-business.html>

BSR: “A Rapid Human Rights Due Diligence Tool for Companies “ at <https://www.bsr.org/en/our-insights/blog-view/covid-19-a-rapid-human-rights-due-diligence-tool-for-companies>

Business Fights Poverty: “Response Framework and Action Mapping Tool” at <https://businessfightspoverty.org/business-and-covid-19/>



The spread of Coronavirus Disease 2019 (COVID-19), the respiratory illness from the latest known variant of Coronavirus, has in just a few short months been relentless and its impacts exponential.

Given the scale and severity of the unfolding crisis, companies of all sizes and operating in all contexts are now faced with a range of unprecedented challenges that will require clarity of thinking, sharp focus on goals, commitment to adhere to international standards and norms, creativity, and a concerted effort toward collective action.

This paper is divided into four parts. Part I provides an overview of the human rights impacts of the pandemic. Part II outlines the importance of the corporate responsibility to respect human rights in the current context. Part III identifies where change is needed and where good practices are being implemented. It concludes with a series of recommendations to businesses. Part IV looks ahead, to the extent that is possible, and reflects on the longer-term implications. Three appendices show instructive examples from the past – how Sime Darby handled the outbreak of Ebola in Liberia, how ExxonMobil dealt with the aftermath of Hurricane Harvey in the USA, and how companies like BP and Daewoo responded to armed conflict in Libya.