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How to Respect Human Rights During the COVID-19 Crisis
Advice for the Energy and Extractives Sector

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In the fight against the COVID-19 global health pandemic, international experts and organizations have asked countries and companies to respect human rights in their actions and decisions.[1]

Across the globe in different regions, markets, and industries, companies are facing critical decisions about their strategy for business continuity or, in some cases, considering a temporary shutdown of their operations. The energy and extractives industry faces particularly difficult decisions as many of its operations cannot be completely suspended and, like other industries, is facing economic and operational impacts due to COVID-19. Companies in this sector must ensure that their practices and strategic and operational decisions ensure operational continuity, where needed, and minimize negative financial impacts while also prioritizing the health, safety, and human rights of people. This includes direct workforce, contractors, and other individuals who may be impacted in their supply chains, as well as workers' families and local communities. There should be an explicit emphasis and focus on the most vulnerable groups among workers, contractors, families, and communities.

This draft primer highlights the main risks to human rights for the energy and extractives industry during the COVID-19 crisis and offers key recommendations on how to prevent and mitigate these risks.

Human Rights Risks of COVID-19

The threat of COVID-19 is a reason to reaffirm – and not to abandon – the commitment to respect workers and local communities' human rights, with an emphasis on the most vulnerable groups. Companies need to prioritize health, safety, and wellbeing, while at the same time identifying and analyzing potential risks and impacts on human rights that could arise from the measures taken to respond to the pandemic. BSR has identified the following key human rights issues that may potentially be affected by the COVID-19 pandemic:

» **Right to safe and healthy working conditions**: The primary and most visible risk from the global pandemic is the transmission of the virus, potentially affecting the safety, wellbeing, and health (including mortality) of workers, contractors, supply chain workers, and members of local

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[1] http://www.oas.org/es/cidh/prensa/comunicados/2020/060.asp and https://www.aa.com.tr/en/latest-on-coronavirus-outbreak/un-calls-for-respecting-human-rights-in-covid-19-fight/1777604

communities. Inadequate safety measures, poor living conditions in worker camps, and unhygienic worker accommodations can also accelerate community transmission of COVID-19, undermining efforts by the authorities to contain the spread.

» **Right to work and to an adequate standard of living:** With the expansion of the COVID-19 crisis, there is also the growing risk of workers and contractors losing their salaries and r even their jobs. This threat is even greater when employers decide to terminate contracts or retain workers' payments due to absences related to illness, quarantine, or caring for a sick family member. Changes in working conditions, the risk of losing their jobs, and reduced earnings can seriously impact the right to an adequate standard of living by limiting access to basic human needs. In the energy and extractives sector, this is especially true for contractors, subcontractors and their families. Migrant workers are also especially at risk.

» **Right to work and the acceleration of automation impacts:** Social distancing requirements have reduced the number of workers who can be in close contact, and this – together with the possible delay of new hires - fosters a context where many companies are likely to turn to automation in the coming weeks and months and expand the use of technology in their operations. In this context, it is critical to identify and prevent negative human rights impacts, especially on workers' and contractors' right to work and to an adequate standard of living.

» **Right to privacy:** As a preventative measure against the spread of COVID-19, personal health-related data from workers is being collected in the workplace. Facial recognition and other biometric technologies, including temperature testing, are being used widely in operations. This raises concerns about data collection and storage, the rise of surveillance measures on workers, and possible misuse of personal data.

» **Right to health of local communities and marginalized groups:** Energy and extractives activities are embedded in the host communities where they operate; communities and local enterprises provide workers, services, and supplies to the operations both directly and indirectly. This close relationship between operations and host communities poses a particular risk if these communities, especially the remote or otherwise marginalized ones, become overrun with untreated COVID-19 cases. In the face of a global pandemic, it is critical that all local community members have timely, acceptable, and affordable access to quality healthcare services without discrimination to ensure continuity of operations.

Recommendations

The following recommendations were developed by BSR for energy and extractives companies to consider implementing in order to minimize the negative human rights impacts of their response to the COVID-19 crisis:

» **Prevent virus transmission and protect workers' and contractors' health, and the health of their families. While the global health emergency continues, the focus should be on the protection of workers and their families' health and wellbeing.** Based on international standards, companies should:
  - Facilitate working from home options for administrative staff and all non-essential personnel.
  - Reduce on-site workers to what is strictly needed to maintain operational continuity.

- Conduct a rapid assessment of existing health, safety, and social protection measures at the workplace and in workers' camps and accommodations (if relevant) and identify the most pressing needs of employees.
- Respect social distancing norms in accordance with World Health Organization (WHO) guidelines at operations, offices, and in worker accommodations.
- Implement strict hygienic measures for all employees and contractors at operations, offices, in camps, and in workers' accommodations by guaranteeing the availability of hand washing facilities, hand sanitizers, adequate quantity of water, and cleanliness of accommodation (in dormitories, kitchen, living and recreational areas etc.).
- Provide cleaning kits for vehicles.
- Restrict international and regional travel as well as external visits to operations and offices to help slow the introduction and spread of the virus.
- Implement preventive quarantine for high risk groups as defined by the most recent reports and recommendations of WHO or equivalent national authority.
- Provide information and guidance on self-isolation requirements and conditions following WHO guidelines and require workers to self-isolate at home or in a designated facility for 14 days when they have developed COVID-19 symptoms, have had contact with someone who was diagnosed, or as a result of having recently arrived from a high-risk area.
- Monitor workers' health on a continuous basis for COVID-19 symptoms.

» **Continue to ensure fair working conditions and engage in responsible human resources management:** Continue to ensure fair and adequate working conditions (hours, wages, and benefits) for employees and contractors. If or when extreme measures are required to manage business continuity, engage in responsible downsizing. Avoid haphazardly eliminating jobs and instead conduct in-depth explorations of alternatives; understand the hidden costs of downsizing prior to engaging in layoffs or cancelling contracts with suppliers and contractors.

» **Guarantee access to healthcare for employees and workers that are sick or exhibiting symptoms, and support those who have caretaking responsibilities:** Ensure that all direct and indirect workers, including workers in camps, who must remain on operational sites to ensure operational continuity have access to on-site emergency medical care. Also guarantee that all workers, including indirect workers and migrant workers, have access to paid sick leave and are allowed to take the necessary time-off to get well, or to care for family members, without losing their employment or any portion of their salaries. Companies should consider offering health insurance that covers the costs associated with testing and treatment.

» **Ensure protection of migrant workers' rights while fighting COVID-19:** As the spread of COVID-19 accelerates, individuals and groups who are already in vulnerable situations are the most likely to be negatively and immediately impacted. Migrant workers are among those most affected by the global pandemic as they are at a heightened risk of abuse, losing employment, lacking adequate protection as frontline workers, and, in many cases, of being unable to return home. Companies should ensure that migrant workers have access to their identification and travel documents. If migrant workers are not able to return home due to travel restrictions, companies should ensure that they have access to safe and hygienic accommodations, in accordance with WHO guidelines, as well as appropriate self-isolation facilities to contain the spread of the virus if they have developed COVID-19 symptoms.

» **Conduct due diligence on automation and new technologies:** Prior to rolling out new technological and automation solutions, conduct human rights due diligence to understand the potential risks. Put in place mitigation measures and continue to invest in new skills development opportunities for the workers most likely to be impacted.

» **Deliver psychosocial and mental health support:** It is important to keep in mind that all workers are working under difficult and stressful conditions. Companies should consider offering workers access to company resources or organizing relevant virtual groups, such as psychological support groups, to support those in need during and after the pandemic.

» **Protect the right to privacy of all workers and local community members**: Energy and extractives companies worldwide are adopting a host of measures to track and monitor infectious cases to prevent the spread of the virus. However, companies should ensure that those measures, as well as the digital technologies to track and monitor individuals and populations, are carried out in strict accordance with human rights. Demonstrate that measures implemented are provided for by law and are necessary, proportionate, time-bound, and implemented with transparency and adequate oversight. Protect the privacy of individuals by implementing privacy-preserving mechanisms and enhancing data standards. Also take action to avoid the broadcast of any personal information and protect those who may be targeted and attacked for being responsible for spreading COVID-19.

» **Guarantee access to information and freedom of expression:** Energy and extractives companies can play a vital role in improving access to critical information about the pandemic. Although governments are responsible for providing necessary information about COVID-19 to the public, not all people have access to timely, accurate, and up-to-date information about the pandemic. Companies can support public information campaigns and guarantee that information about COVID-19 is accessible to all workers and contractors, as well as to members of their host communities. This is particularly relevant to those who are working and/or living in more remote locations with less access to communication. Information must be prepared in multiple languages, accessible to intended populations, and considerate of the population's literacy levels. Energy and extractives companies should also protect freedom of expression, facilitating communication channels that allow the compilation, response, and dissemination of workers' and community members' questions and concerns about COVID-19. Implementing appropriate grievance mechanisms is also crucial to enable reporting of non-compliance with COVID-19 measures and guidelines, especially for isolated communities.

» **Protect the health of host communities and avoid negatively impacting access to public health in those communities:** Isolated host communities and indigenous communities that habitually lack access to health support are particularly at risk for COVID-19. The introduction of the virus to those communities would place a considerable burden on the people and their healthcare providers. Therefore, companies should consider preventative measures to guarantee that individuals in host communities that count on public health services can access them. Companies should liaise with regional and/or local health authorities to coordinate efforts and identify opportunities for public-private partnership in pandemic planning and response. It is also important to identify and evaluate the impacts on host communities caused by continuing operations. For example, more effort should be taken to understand the impacts from the transient worker population that resides, sleeps, and eats in the community on the spread of COVID-19 in these communities. Companies should consider strictly limiting or even suspending visits to indigenous

and host communities, as well as limiting traffic through these areas, and respecting the self-isolation of certain especially at-risk communities.

» **Offer socioeconomic support to impacted communities:** It is important to identify the local businesses within host communities most vulnerable to the reduction in economic activity or interruption of business operations, and to jointly consider what kind of support could be provided. One way to address this is to create a fund to support the socioeconomic resilience of impacted host communities.

» **Work collaboratively to mitigate negative impacts on human rights**: The COVID-19 crisis is shining a spotlight on the fact that collaboration is critical for companies seeking resiliency. Energy and extractives companies should consider developing joint action plans with their peers, their suppliers and contractors, their stakeholders, host communities, and government authorities in order to enhance their ability to act nimbly and to recover at scale.

Conclusion

Responsible energy and extractives companies are committed to operating in a way that protects the health and safety of workers and their families, contractors, and host communities. For these companies, health and safety concerns are central to their culture. Many companies have goals of zero fatal accidents as well as the prevention of occupational illnesses and catastrophic events. In light of the COVID-19 crisis, energy and extractives companies have the opportunity to renew their commitments to the preservation of the health and safety of their workers and their families, contractors, and local host communities through their strategic and immediate decisions in combatting the global pandemic. In making certain that their decisions respect human rights, companies will ensure that each day people will return home to their families and communities safely and in good health.

ABOUT BSR

BSR is a global nonprofit organization that works with its network of more than 250 member companies and other partners to build a just and sustainable world. From its offices in Asia, Europe, and North America, BSR develops sustainable business strategies and solutions through consulting, research, and cross-sector collaboration. Visit www.bsr.org for more information about BSR's 25 years of leadership in sustainability.

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