



# How to Respect Human Rights During the COVID-19 Crisis

## Recommendations for the Food, Beverage and Agriculture 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.<sup>1</sup>

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 food, beverage and agriculture (FBA) sector faces particularly difficult decisions as many of these businesses provide critical goods to the broader community while facing serious disruptions to their operations, supply chains and overall demand. That impact will be felt acutely by restaurant workers, delivery people, grocery store employees, workers in food processing and manufacturing, and farm-level workers, who may be some of the hardest hit demographics by this crisis. Companies in this sector are faced with the difficulty of balancing operational continuity and the needs of the public at large against the health, safety, and human rights of their employees and workers in their supply chains, not to mention the financial impacts on those employees during shutdowns. In weighing these considerations, companies should utilize a human rights-based approach by identifying all relevant rightsholders across their value chain. This includes their direct workforce, contractors, supply chain workers, including farmers and pickers, customers, and the broader communities these companies serve. There should also be an explicit emphasis and focus on the most vulnerable groups among workers, contractors, families, and communities, in an effort to understand how operational disruptions, health and safety risks, and other impacts of COVID-19 may disproportionately affect vulnerable populations.

This primer highlights the main risks to human rights for the FBA sector during the COVID-19 crisis and offers 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 also identifying and analyzing potential risks and impacts on human rights that could arise from the measures taken to respond to the pandemic.

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<sup>1</sup> <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>

BSR has identified the following key human rights issues within the FBA sector that may potentially be affected by the COVID-19 pandemic:

- » **Right to safe and healthy working conditions:**<sup>2</sup> 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 front-line workers, contractors, supply chain workers, farm-level workers, and members of local communities. Many FBA sector jobs require engagement with customers or co-workers at close range: from grocery store employees and food service workers, to processing facility employees and farm-level workers, whether in the fields or in agricultural housing camps. These situations can 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:**<sup>3</sup> As the COVID-19 crisis continues, the number of workers and contractors losing their salaries, benefits, and jobs across the FBA sector – either for temporary furlough periods or permanent job loss, has skyrocketed. The FBA sector has been hit particularly hard, with an unprecedented number of restaurants, school cafeterias, and other food service venues closed, resulting in a butterfly effect impacting suppliers, producers, farmers, and their employees. This impact is exacerbated by the fact that many workers in the FBA sector, particularly in the United States, do not have health insurance, paid sick leave or time off, or other benefits that might dull the impact of a layoff or temporary furlough. 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.
- » **Right to Food:**<sup>4</sup> The FBA sector is faced with the challenge of balancing the human rights risks to the workers across value chains against the need to ensure food security for the broader community. As many food operations are forced to shut down due to health risks, what is the impact on the accessibility and affordability of food for the broader community? Balancing these two risks is indeed a complex one, requiring careful consideration of the impacts on rightsholders and vulnerable populations.

## Recommendations

The following recommendations were developed by BSR for food, beverage and agriculture 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.

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<sup>2</sup> Universal Declaration of Human Rights (UDHR), Articles 3 and 23; ILO Occupational Health and Safety Convention 155 (1981) and Recommendation 164.

<sup>3</sup> UDHR Art. 23; International Covenant on Economic, Social, and Cultural Rights (ICESCR), Articles 1 and 7.

<sup>4</sup> UDHR Art. 25; ICESCR Art. 11.

- Conduct a rapid assessment of existing health, safety, and social protection measures at the workplace, restaurants, groceries, delivery infrastructure, processing facilities, and at the farm level and identify the most pressing needs of employees.
  - Respect social distancing norms in accordance with World Health Organization (WHO) guidelines across all sites – from customer-facing food delivery locations to the farm level.
  - Implement strict hygienic measures for all employees and contractors at restaurants, groceries, delivery infrastructure, processing facilities, and at the farm level by guaranteeing the availability of all necessary personal protective equipment (PPE), hand washing facilities, hand sanitizers, adequate quantity of water, and cleanliness of facilities.
  - Provide cleaning kits for delivery 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. Bear in mind how quarantine requirements may impact vulnerable populations, such as migrant farm workers, differently and address their needs accordingly.
  - 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, in particular those who must remain on the job (delivery workers, processing facility employees, farm-level workers) 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. This is especially relevant in the U.S. context, where most FBA sector employees are not covered by paid sick leave. Companies should also consider offering free testing for employees where possible.
- » **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, who make up a significant portion of FBA sector employees, 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.

- » **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:** As FBA sector companies adjust to this new environment, many are considering implementing measures such as employee temperature checks or COVID-19 tests in order for workers to return to their jobs. This includes restaurant workers, processing facility workers, and even farm-level workers. 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.
- » **Protect the health of host communities and avoid negatively impacting access to public health in those communities:** Host communities, particularly around farms and processing facilities, are often in more rural locations with less access to healthcare facilities, putting host communities 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 a migrant worker population such as farm-level workers that resides, sleeps, and eats in the community on the spread of COVID-19 in these 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. FBA sector companies should consider developing joint action plans with their peers, their suppliers, customers, contractors, their stakeholders, host communities, and government authorities in order to enhance their ability to act nimbly and to recover at scale.

## Conclusion

Responsible food, beverage and agriculture companies are committed to operating in a way that protects the health and safety of workers and their families, those of their suppliers, and the customers and communities which they serve. For these companies, health and safety concerns are central to their culture. Cultures of food safety and hospitality go hand in hand with ensuring the health and safety of the people that pick, make, deliver and serve our food, which are critical even in normal circumstances. In light of the COVID-19 crisis, food, beverage and agriculture companies have the opportunity to renew their commitments to protecting the wellbeing of their employees and workers throughout their extended value chains, as well as the communities which they serve 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](http://www.bsr.org) for more information about BSR's 25 years of leadership in sustainability.

## FOR MORE INFORMATION

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