



How to Respect Human Rights During the COVID-19 Crisis

Advice for the Transport and Logistics 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. During the pandemic, transport and logistics (T&L) has been one of the sectors hit the hardest by the lockdowns, such as in aviation and public transport networks, and yet at the same time, transport workers on land and sea have been recognized as essential in ensuring the continued global and local provision of essential goods, medical supplies, and food. The diversity within the sector has led to different economic and operational impacts of COVID-19, and companies in this sector must ensure that their practices, strategies, and operational decisions – while focusing on operational continuity – minimize the negative impacts on 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 primer highlights the main risks to human rights for the transport and logistics 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 in the transport and logistics sector 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, well-being, and health

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>

(including mortality) of workers, contractors, supply chain workers, and members of local communities. T&L workers, particularly those employed in land transport and personal deliveries, engage with customers or co-workers at close range, including employees in retail stores; terminal, warehouse, and postal service employees; and private citizens. Sanitation facilities, personal protective equipment (PPE), and cleaning kits may be insufficient or not provided by the employer. These situations can accelerate community transmission of COVID-19, undermining efforts by the authorities to contain the spread. Many T&L workers are also experiencing stress and poor mental health due to the working conditions imposed by the pandemic, including prolonged work schedules for seafarers, truckers, and drivers; the inability of seafarers to return home to their families or to start new contracts and join new vessels due to closed borders and challenges with crew changes; as well as loss of income across all T&L workers. Access to medical treatment in ports has become a challenge as seafarers may be rejected by port authorities due to strict national COVID-19 prevention plans.

- » **Right to work and to an adequate standard of living:** Even if some countries are lifting lockdowns, transport continues to be heavily impacted by COVID-19. Many workers and contractors in the aviation, public transport, and cruising industries continue to lose their salaries, benefits, and jobs. Furloughs and dismissals may impact access to health insurance schemes, leaving workers and their families without protection and negatively impacting their right to health. Dismissals of low-skilled staff may lead to situations of debt and modern slavery, when workers resort to recruitment agents for employment and to return to their home countries. While many road transport, seafarers, and logistics workers are staying employed, they face excessive and mandatory overtime without adequate compensation, are forced into poor and unhygienic accommodation when living in dormitories or their vehicles, and can be subject to thefts and accidents in very congested transport hubs. These cumulative changes can seriously impact the right to an adequate standard of living by limiting access to basic human needs.
- » **Rights of vulnerable groups:** T&L workers are often migrant, seasonal, or temporary workers employed predominantly in ships, terminals, docks, and warehouses. Migrant and temporary workers 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. Gig- or self-employed workers are at the frontline of road and delivery services, but their status limits their job security and access to sector representation. Women form a large majority of workers in the aviation and cruise industries, as well as in services such as cleaning, and are impacted heavily by furloughs and dismissals. These groups are all disproportionately impacted by the loss of jobs and wages, consequent changes in visa or work permits, inadequate health and safety measures, and the lack of medical and health insurance. Additionally, women are overwhelmingly carrying the burden of unpaid childcare work and face increased domestic violence during the pandemic.
- » **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 workplaces are likely to turn to automation in the coming weeks and months, e.g. to support warehousing and port inspections. 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.

Recommendations

The following recommendations were developed by BSR for T&L 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 well-being.** Based on international standards, companies should:
- Facilitate work-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' 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, terminals and docks, warehouses, in vehicles and aboard ships, 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.). Organize and rearrange workers' accommodations and facilities to ensure hygiene and distancing.
 - Provide cleaning kits for vehicles free of charge, including for self-employed staff.
 - As possible, 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, particularly those who must remain in employment to ensure operational continuity (e.g. drivers, seafarers, warehouse and terminal workers) have access to on-site or remote emergency medical care. Also guarantee that all workers, including indirect workers, self-employed staff 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. Whenever possible, maintain healthcare insurance schemes even after dismissals, especially in markets without public healthcare services.
- » **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. Also, internet access should be made available in all workers' accommodation and for all workers to facilitate communication with families and friends.

- » **Ensure protection of the rights of vulnerable groups while fighting COVID-19:** As the spread of COVID-19 continues, individuals and groups who are already in vulnerable situations are the most likely to be negatively and immediately impacted. Companies should ensure that migrant workers have access to their identification and travel documents. If migrant workers or seafarers are not able to return home or join their workplace due to travel restrictions or border closures, companies should ensure that they continue to have access to safe and hygienic accommodations, in accordance with WHO guidelines, as well as appropriate self-isolation facilities if they have developed COVID-19 symptoms. Whenever possible, companies should work together with peers, seafarer organizations, and local authorities to lobby to allow crew changes for seafarers. Job protection, safety, and benefits should be ensured and maintained for all self-employed staff. Finally, companies should evaluate how their female workforce is impacted and put in place policies to support family care leave, reduced working schedules, or furlough to avoid dismissals, and support channels for victims of domestic violence.
- » **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.
- » **Protect the right to privacy of all workers and local community members:** As large portions of the sector have continued to operate and are ready to resume operations, measures such as employee and customer temperature checks or COVID-19 tests have been used or are being implemented as a condition for work and travel. This includes road transport workers, warehouse and docks workers, seafarers, and passengers. 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. Companies must ensure that measures implemented are provided for by law and are necessary, proportionate, time-bound, and implemented with transparency and adequate oversight. Companies should also protect the privacy of individuals by implementing privacy-preserving mechanisms and enhancing data standards, as well as 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 customers:** The nature of the sector makes T&L workers naturally at risk of spreading the virus to co-workers, workers along the supply chain, customers, and passengers. Therefore, companies should consider all preventative measures to guarantee that its staff and contractors are equipped to work safely and hygienically to reduce the risk of contagion. This includes information materials, PPE, sanitation facilities, and cleaning kits in vehicles. Particularly in the passenger travel industries, 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. These can include physical distancing policies and infrastructural upgrades to vehicles, terminals, and stations, and joint plans with local health authorities to prevent and manage outbreaks more effectively.
- » **Offer socioeconomic support to impacted communities:** Donations and philanthropic efforts should be directed whenever possible to host communities and neighboring businesses which rely on transport networks for their livelihoods, including rest areas, restaurants, kiosks and stations, and facility management providers. Companies should 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.

- » **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. Companies in the sector 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, as well as to act collectively to address systemic vulnerabilities (e.g. low wages, lack of paid sick leave) that both increase the likelihood of negative human rights impacts during crisis and undermine business continuity. Particularly in maritime shipping, companies should support joint action on protocols on joining and leaving a ship, and safe repatriation.
- » **Guarantee access to information and freedom of expression:** T&L 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 passengers, customers, and neighboring communities. This is particularly relevant to those who are working and/or living in more remote locations. Implementing appropriate grievance mechanisms is also crucial to enable reporting of non-compliance with COVID-19 measures and guidelines.

Conclusion

T&L companies are committed to operating in a way that protects the health and safety of workers, contractors, customers, and passengers. Health and safety concerns are put at the center of their business culture: many have goals of zero fatal accidents as well as the prevention of occupational illnesses and catastrophic events. In light of the COVID-19 crisis, T&L companies have shown resilience and fulfilled an essential role in delivering food, medical supplies, and primary goods to institutions and citizens. They have the opportunity to renew their commitments to the health and safety of their workers, contractors, customers, passengers, and communities at large, while making certain that their decisions and actions respect human rights, and ensure that at the end of their journeys, 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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