

# Respecting the Rights of Vulnerable Groups during the COVID-19 Pandemic

## INTRODUCTION

The COVID-19 pandemic is causing unprecedented and devastating socioeconomic impacts on a global scale. While these impacts are felt by all in varying degrees of severity, COVID-19, like many other health crises, is taking its greatest toll on the most vulnerable and marginalized groups in society. As the spread of COVID-19 accelerates and the social and economic crisis worsens, the business community has an opportunity to demonstrate leadership and a commitment to ensure respect for all human rights.

As companies grapple with the current crisis, special attention should be paid to vulnerable groups who are disproportionately affected and often invisible. According to the UN Guiding Principles on Business and Human Rights (UNGPs), companies are expected to pay particular attention to the rights and needs of vulnerable groups at all stages of their operations. Applying a vulnerable groups lens to a company's COVID-19 response is particularly critical given how disproportionately vulnerable populations have been affected by this pandemic.

How can companies identify their most vulnerable stakeholders in the workplace and across their supply chains and adapt responses to address their specific needs? To effectively respond to the unique attributes of each vulnerable group, BSR recommends a three-step approach to guide companies' responses and ensure respect for the rights of vulnerable groups during the pandemic.

## 1. IDENTIFY POTENTIALLY AFFECTED GROUPS AND UNDERSTAND THEIR SPECIFIC AREAS OF VULNERABILITY

Companies should identify vulnerable groups who are impacted directly and indirectly by their operations, supply chains, products, and services by mapping the stakeholder landscape. Depending on the sector, geographic location, and company profile, the ways in which vulnerable groups are directly and indirectly impacted will vary.

While there is no universal definition of the concept of “vulnerable groups,” a recently issued [UN framework for the immediate socio economic response to COVID-19 \(SERF\)](#),<sup>i</sup> “at-risk groups” are defined as “populations experiencing the highest degree of socio-economic marginalization, requiring specific attention.” BSR has developed a framework, based on the UNGPs and other international standards, to help companies to identify vulnerable groups through the following four dimensions:

**Practical Discrimination**

Those who face discrimination due to their life circumstances (e.g. homelessness, living in remote areas, illiteracy, speaking non-mainstream dialects/languages)



**Hidden Groups**

Those who have to hide their identity and consequently cannot be vocal about their rights (e.g. LGBTI, HIV/AIDS, undocumented workers/migrants)

**Formal Discrimination**

Those who experience discrimination due to laws or policies that prioritize one group over another (e.g. gender, political groups)

**Societal Discrimination**

Those who face discrimination due to cultural or societal practices or minority group identity (e.g. women and girls, racialized or religious groups, indigenous peoples)

An understanding of the above four dimensions will guide companies to formulate a targeted set of questions under each category to identify vulnerable groups who are differentially and disproportionately impacted by COVID-19 in their business operations and supply chains. BSR works with member companies to formulate and/or adapt questions to suit their operational reality and challenges. The answers to these types of questions may vary depending on the vulnerability profile of each group (e.g., geographic location, immigration status, race).

Some examples of potential questions may include:

- » Are morbidity and mortality rates higher in certain groups at the country level?
- » Do certain groups face more difficulties in accessing high-quality health care and medical insurance than others?
- » Are Indigenous communities living close to business operations and are they well included in the civil, political, and social life in the area, or are they living remotely? Are those Indigenous communities legally and/or culturally recognized at the country level?

**2. SEEK TO UNDERSTAND WAYS IN WHICH EACH VULNERABLE GROUP IS IMPACTED DIFFERENTLY BY THE COVID-19 PANDEMIC**

Identifying and engaging potentially affected vulnerable groups is an essential requirement for effective human rights due diligence. This is necessary in understanding how each group may be disproportionately impacted by COVID-19 so that effective responses to their specific needs can be developed during this crisis.

The following groups are particularly vulnerable to human rights impacts during the COVID-19 pandemic since they may be subject to heightened discrimination and exploitation, poor living conditions, or social exclusion, or they may be more acutely impacted by the pandemic than most for other reasons. This list, however, is not exhaustive.

**Black, Indigenous and People of Color (BIPOC):** BIPOC worldwide, from the US to the United Kingdom (UK) to Latin America, have been hit hardest by COVID-19.<sup>ii</sup> These communities are experiencing a heightened state of vulnerability, aggravated by systemic racism and historical exclusion in their respective contexts. At the time of writing, public health experts in the US, UK, and parts of Latin America, including Brazil, reported that BIPOC are at greater risk of contracting and dying of COVID-19.<sup>iii</sup> Many in these communities live in segregated and poorer neighborhoods with high population density, limited access to education, and higher unemployment rates. Those who are in low-income jobs tend to occupy frontline/essential worker positions and have limited work-from-home opportunities, increasing their exposure to the virus and the risk of job loss. These communities, therefore, fall within a high-risk category, leading them to much poorer health outcomes. This can be attributed to comorbidity factors, such as hypertension, obesity, and diabetes, that are linked to COVID-19 complications, but this extends beyond health disparities to deeply ingrained social exclusion and economic inequalities. Furthermore, these disparities are likely to play out in how these communities are targeted and policed.<sup>iv</sup> For example, a higher percentage of BIPOC are more likely to be summoned by police for alleged social distancing violations.<sup>v</sup>

**Indigenous Peoples in Remote Areas:**<sup>vi</sup> Indigenous peoples, including those who live in and alongside affected communities, are highly likely to be impacted most severely. Many already have weak immune systems given that some communities are isolated from mainstream societies. They often lack basic information and healthcare facilities as well as adequate water and sanitation, including lack of access to a water network, making their communities more vulnerable to the virus. Voluntary self-isolation in certain remote areas, like the Amazon basin, is crucial for survival. Alongside the very serious impacts that COVID-19 could have on their lives and livelihoods, Indigenous peoples living in remote areas are also facing two additional threats: the targeting and attack of their human rights defenders under the guise of scaling up of emergency measures and the illegal land seizure of their traditional lands as unavoidable effects of voluntary lockdowns in Indigenous villages. Violations of the rights of Indigenous peoples are increasing, putting their lives at risk, because impunity for these crimes is widespread during the global pandemic, and access to legitimate grievance mechanisms is almost impossible.

**Women:**<sup>vii</sup> Preliminary data shows a lower mortality rate in women than in men; however, the impacts of COVID-19 on women are felt more severely. Women face a higher risk of exposure to the infection given their overrepresentation in sectors where they are at the front line (such as health and social care, garment industry, etc.) and the informal economy. Women also face the additional burden of unpaid work, including caring for families, the sick, and the elderly, further reinforcing gendered stereotypes in society. Social distancing and mandatory lockdowns increase the risk of exposure to domestic violence due to prolonged coexistence with abusive partners at home which is especially brought on by elevated levels of stress and economic uncertainty. For more information on how women are impacted by COVID-19 and how business can support them during the crisis, please see this [memo](#) from BSR's Women's Empowerment Team.

**Elderly workers and people with underlying medical conditions:**<sup>viii</sup> The COVID-19 pandemic poses severe threats to older persons and people with underlying medical conditions. Available evidence has shown that people who are over 60 years of age are some of the most at-risk among workforces. Additionally, people with underlying medical conditions are more likely to experience serious and life-threatening complications from COVID-19. Consequently, companies are focusing efforts on taking urgent health and safety measures to protect those

vulnerable workers requiring social isolation or quarantine for those employees. However, those restrictive measures on freedom of movement put them at particular risk of physical and mental health consequences in the long term, particularly if they lack paid sick leave or adequate health insurance. Additionally, due to the economic fallout of COVID-19, older workers and people with underlying medical conditions may face the greatest risk of job loss and/or difficulty in accessing job opportunities due to age discrimination and social stigma.

**Migrant Workers:**<sup>ix</sup> Migrant workers (both documented and undocumented) are among those most negatively impacted by COVID-19 since they usually do not enjoy the same rights as citizens of their respective host countries. Commonly, many migrant workers already lack access to adequate health care and unemployment insurance, but the pandemic has exacerbated existing social inequalities and health risks. They now face a heightened risk of labor abuses, loss of income or employment, lack of adequate social protections, and unsafe and unsanitary working conditions due to the COVID-19 outbreak. Furthermore, migrant workers who are housed in crowded dormitories are at higher risk of contracting COVID-19. Due to loss of income, many migrant workers may also struggle to repay debts owed to recruitment agents or may face difficulties in sending remittances to their home countries to support their families. In many cases, some are also unable to return home due to border closures.

**Poor Communities:** COVID-19 has exposed the deep structural inequalities in societies across the world, making the impacts on poorer communities more pervasive. People in poor communities are more likely to have low-paying jobs and to live in densely populated or remote areas with inadequate infrastructure, making precautionary measures like social distancing nearly impossible. Many often make up a large proportion of the front line and essential workforce in some businesses that continue to remain open during the pandemic (such as supermarkets and food delivery services). Many must continue to work in order to make a living. Without social distancing measures, provision of adequate personal protective equipment in the workplace, and access to healthcare and paid family and sick leave, the risk of exposure to the virus will be amplified.

**Children and Adolescents:**<sup>x</sup> While earlier statistics showed that COVID-19 infection rates among children were much lower than adults, new studies have indicated that COVID-19 spreads among children more easily than previously reported. Children are not only at risk of infection but also of losing or being separated from parents and caregivers. Amid rising infection rates, children worldwide have not only been experiencing disruptions to education, family life, and access to healthcare, but continue to face the increased risk of poverty. Working parents and caregivers, especially those within the low-income bracket, risk losing their jobs, impacting their ability to cover basic needs and childcare. Women also face increasing pressure to take primary responsibility for childcare while juggling work and other duties. Added financial stress can also fuel interpersonal conflicts, putting children at risk of abuse at home. The ILO and UNICEF<sup>xi</sup> have estimated that 42-66 million children could fall into extreme poverty this year, increasing the risk of child labor and child marriage. Young workers (ages 15-17) are also at risk of job loss since many work in some of the most affected industries, such as restaurants and other service sector jobs.

**LGBTI People:**<sup>xii</sup> LGBTI (Lesbian, Gay, Bi-sexual, Transgender, and Intersex) people who have historically faced discrimination in the workplace because of their sexual orientation and/or gender identity are likely to be disproportionately impacted by the COVID-19 health crisis. Some people that identify as LGBTI may be living with compromised immune systems, including some persons living with HIV/AIDS, and are therefore in a high-risk category. Furthermore, many already lack basic rights to equal protections in the workplace and beyond and may not have access to workplace benefits, such as paid sick and family leave or have adequate health insurance. This is underpinned by recent statistics, which show that one out of five LGBTI people live in poverty and that 40

percent of LGBTI youth are homeless. These prohibitive factors are likely to affect their ability to access to healthcare and cover necessary basic expenses. According to a recent Human Rights Campaign report,<sup>xiii</sup> many are also likely to work in industries that have been hit hardest by the pandemic, such as retail and service industries, putting them at greater risk of economic insecurity and job losses while increasing their exposure to COVID-19.

### 3. TAKE APPROPRIATE ACTIONS TO MINIMIZE ADVERSE IMPACTS ON VULNERABLE GROUPS

Companies should consider the following recommended actions to minimize adverse impacts on human rights and protect the most vulnerable:

**Take a human rights approach to guide internal decision-making:** The UNGPs outline the expectation that companies will identify and assess actual or potential adverse human rights impacts and take appropriate actions to address them. Given the need for urgent decision-making during the current crisis, our publicly available [Rapid Human Rights Due Diligence Tool](#) can help guide companies in thinking through some of the most urgent challenges. For example, how can companies within the food industry ensure a steady food supply while also ensuring respect for their employees' right to health and not expose them to COVID-19? Taking a human rights approach will require balancing rights by protecting the health and safety of employees with continuing company operations, i.e., providing healthcare benefits, free access to testing, personal protective equipment in the workplace, hand sanitation stations, and paid time off if they are experiencing symptoms.

**Adapt corporate responses to each category of vulnerable group:** Companies should proactively engage potentially affected vulnerable groups and their representatives, while it is safe to do so and without putting them at further risk, to ensure that their voices are heard and included in decision-making processes as plans to address COVID-19 are being developed and enhanced. Understanding how each group is impacted is essential to developing and adapting responses that are inclusive, non-discriminatory, and sensitive to each group's unique needs.

**Work collaboratively to design responses to specific areas of impacts on human rights:** Companies should consider developing joint action plans with government, the business community, civil society, and affected stakeholders in order to enhance their ability to protect the rights of vulnerable groups. At BSR, we recognize that these challenges cannot be tackled in isolation but will require multi-stakeholder collaboration. Some of BSR's collaborative initiatives such as [Building Responsibly](#) and [Global Business Coalition Against Human Trafficking \(GBCAT\)](#) are now ramping up engagement around developing responses to COVID-19 since working hand in hand is becoming increasingly urgent.

### 4. CONCLUSION

Vulnerable groups are paying the highest price during these challenging times and are also most at risk of suffering devastating economic losses from COVID-19. The global pandemic continues to shine a spotlight on the

vast social and economic disparities in the world. From migrant workers in Singapore and the Gulf housed in overcrowded dormitories to children and poor families who are facing an uncertain future, companies will be judged not just by the way they shape their urgent responses to today's crisis but also on how they treat vulnerable groups and anticipate the recovery period and future disasters.

As we seek to negotiate a new social contract in these turbulent times, what is certain is that ensuring respect for human rights and taking care of the most vulnerable is foundational to achieving societal resilience. No one should be left behind during this crisis.

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<sup>i</sup> United Nations, [A UN framework for the immediate socio-economic response to COVID-19](#), April 2020

<sup>ii</sup> The Guardian UK, [Black Americans dying of Covid-19 at three times the rate of white people](#), 20 May 2020

<sup>iii</sup> Centers for Disease Control and Prevention (CDC), [Health Equity Considerations and Racial and Ethnic Minority Groups](#), 24 July 2020

<sup>iv</sup> Public Health England, [Beyond the Data: Understanding the impact of COVID-19 on BAME Groups](#), 17 June 2020

<sup>v</sup> Time Magazine, [Police Data Reveals Stark Racial Discrepancies in Social Distancing Enforcement Across New York City](#), 8 May 2020

<sup>vi</sup> The Food and Agriculture Organization (FAO), [Indigenous peoples' health and safety during Coronavirus \(COVID-19\): United Nations, Department of Economic and Social Affairs - Indigenous Peoples](#); Office of the High Commissioner for Human Rights (OHCHR) [Guidance - COVID-19 and Indigenous Peoples' Rights](#); National Indigenous Women's Resource Center, [COVID-19: Guidance for Tribal Programs](#)

<sup>vii</sup> The Lancet, [Covid-19: the gendered impacts of the outbreak](#), 6 March 2020

<sup>viii</sup> World Health Organization, [Coronavirus disease 2019 \(COVID-19\), Situation Report – 51](#), Data as reported by national authorities by 10 AM CET 11 March 2020

<sup>ix</sup> IOM/ International Recruitment Integrity System (IRIS), [COVID-19 Guidance for Employers and Business to Enhance Migrant Worker Protection During the Current Health Crisis](#), 2020

<sup>x</sup> UNICEF, [Family Friendly Policies and Other Good Workplace Practices in the Context of Covid-19: Key Steps Employers Can Take](#), 2020

<sup>xi</sup> ILO and UNICEF, [Covid-19 and Child Labour, A time of crisis, a time to act](#), June 2020

<sup>xii</sup> Human Rights Campaign, [The Lives and Livelihoods of Many in the LGBTQ Community Are At Risk Amidst the Covid-19 Crisis.](#), 2020 and Office of the High Commissioner for Human Rights (OHCHR), [Covid-19 and the Human Rights of LGBTI People](#), 2020

<sup>xiii</sup> Ibid.