

Joint Statement Calling on the Business Community to Ensure Corporate Accountability in Covid-19 Response



May 14, 2020

The undersigned organizations, who are committed to advancing corporate accountability and business respect for human rights, have come together to urge immediate action from the business community in response to the Covid-19 pandemic that promotes respect for human rights and the environment, and will ultimately contribute to a more just society. Beyond immediate actions, businesses must ensure that efforts to rebuild from the upheaval caused by the Covid-19 pandemic are focused on transitioning to a more just economic and social order.

Companies should uphold and further invest in their human rights and environmental commitments and responsibilities, as encompassed by the [UN Guiding Principles on Business and Human Rights](#) (UNGPs) the [OECD Guidelines for Multinational Enterprises](#), and the [Paris Agreement](#). The international standards and norms detailed in the UNGPs expect business enterprises to comply with all applicable laws, and to respect human rights. The human rights referred to include, at a minimum, those in the [International Bill of Human Rights](#) and the International Labor Organization's [Declaration on Fundamental Principles and Rights at Work](#). Specifically, under the UNGPs, businesses have a responsibility to:

- “Avoid causing or contributing to adverse human rights impacts through their own activities, and address such impacts when they occur;
- Seek to prevent or mitigate adverse human rights impacts that are directly linked to their operations, products or services by their business relationships, even if they have not contributed to those impacts.”

In order to identify, prevent, mitigate, and remediate adverse impacts, businesses must conduct due diligence processes, which vary according to the needs of the enterprise. Human rights and environmental due diligence includes “assessing actual and potential human rights impacts,” including those directly linked to the business’s operations, products, or services; integrate and respond to findings; “tracking responses;” and “communicating how impacts are addressed.” Furthermore, risks and impacts should include “meaningful consultation with potentially affected groups and other relevant stakeholders.” Today especially, companies should consider the impact of their policies and processes on the public health of each community in which they operate in order to minimize the risk of spreading the disease.

As the crisis continues, and to offer immediate relief to those suffering as a result of Covid-19, it is imperative that all businesses meet their responsibility to respect human rights and the environment. **We call on businesses to take the following immediate measures:**

Uphold the business responsibility to respect internationally recognized human rights:

- 1) Provide paid leave.** Company response plans should include paid leave for workers, including for those who become sick, need to care for sick loved ones, or who have child or other care responsibilities. Paid leave should be granted without requiring employees to use time accrued for paid vacation. Companies that are able should consider providing financial support for childcare or other care needs to their employees during the pandemic.
- 2) Provide PPE, basic equipment, and safe operating procedures.** Companies should ensure that workers who must be present in the workplace are provided with adequate personal protective equipment (PPE), at no personal cost, to protect their health and the health of their families.

Workers who interact with the public should additionally receive training to mitigate their exposure to the virus. Companies should endeavor to create and implement policies to ensure that workers can practice safe social distancing while in the workplace.

- 3) Amend work schedules.** Companies should change working structures and schedules to follow the most up-to-date government public health and safety guidelines for limiting exposure to the virus. Companies should consider implementing remote work whenever possible, such as rotating or limited shifts, or other flexible work options that best protect their employees. Employers should bear the cost of providing specialized tools, including software and protective gear, to accommodate the needs of all workers, including those with disabilities. Any adjustments to work schedules or arrangements should not negatively impact access to healthcare benefits.
- 4) Honor CBAs and relationships with union workers.** Companies should honor unions and collective bargaining agreements (CBAs), and support entities in their supply chains to do the same. Companies should also use union relationships to engage with workers to best understand worker needs when designing response plans and processes. Companies should not retaliate against worker organization efforts or workers who raise concerns about workplace safety, availability of PPE, or other related issues, nor should they tolerate it in their supply chain.
- 5) Respect the rights of Indigenous Peoples.** Companies should respect the rights of Indigenous Peoples in all company activities including seeking free, prior, and informed consent from Indigenous communities affected by their business operations in accordance with the Human Rights Standards encompassed in the [UN Declaration on the Rights of Indigenous Peoples](#) and the UN Guiding Principles. During the Covid-19 outbreak, companies should ensure they are not endangering Indigenous Peoples and local communities by increasing the risk of infection to those communities.

Strengthen policies and practices to respect human rights and the environment:

- 6) Enhance human rights and environmental due diligence and related commitments.** Corporations should identify, prevent, and mitigate human rights and environmental risks throughout their business operations and supply chains to ensure that they endure the crisis without causing additional harm to people and the planet. Business should make use of the detailed international guidance available, such as the [UN Guiding Principles on Business and Human Rights](#), the [OECD Guidelines for Multinational Enterprises](#), and the [Paris Agreement](#). While developing policies, procedures, and organizational responses, companies should proactively seek input from stakeholders impacted by their business operations, including trade unions and communities, and investors. In the interest of transparency, companies should publicly disclose, through their websites, their policies and practices regarding human rights and the environment.
- 7) Honor contracts with global suppliers.** Companies should honor existing supply chain contracts, particularly when work has already commenced or has been completed, and should ensure on-time payment of suppliers whenever practicable. Businesses should also utilize their purchasing leverage to ensure that workers in supply chains are being paid and protected, including through the sharing of any government monetary assistance down the supply chain.
- 8) Respect obstacles faced by customers, and refrain from unfair gain.** Companies should commit to not using the Covid-19 crisis to profiteer or undercut government functions in any way.

Businesses should refrain from price-gouging, especially for essential items, for both wholesale and retail buyers. Corporations, particularly those in finance, should provide additional mechanisms to address acute economic hardship such as waiving late fees and developing deferred payment plans, and suspending debt collection, wage, and bank account garnishments.

Mitigate business-related adverse impacts on human rights and the environment:

9) Maintain employment and minimize benefit loss. Companies should take every practicable measure to avoid major layoffs and retain as many of their employees as possible. Companies should endeavor to continue paying wages and providing benefits, especially those related to accessing healthcare. Retaining employees will not only help companies to resume business activities more quickly when it is safe to do so but will also limit contributing to broader unemployment and economic hardship on the workforce. Should job losses result, companies should offer specialized support to those who are not eligible for government assistance, such as independent contractors and immigrants.

10) Exercise financial responsibility and disseminate cuts equitably. Companies should undertake financial decisions—with either private or governmental funding—with the goal of maintaining decent living standards for every worker and safeguarding worker benefits and pay. Corporations should enact moratoriums on or deprioritize stock buybacks, the payment of dividends, and executive pay increases.

11) Provide remedy for harm caused to those negatively impacted by business operations. Companies should provide redress for harm resulting from their business practices, as per international standards. Workers are now more vulnerable than ever before, and in the event that risks to their health have not been prevented or properly mitigated, businesses should bear the cost of remedying that harm. In the words of [the UN Working Group on Business & Human Rights](#), “enabling access to remedy is not optional” in these times.

12) Pay particular attention to the threats facing human rights defenders: With governments focused on combatting the spread of Covid-19, those standing up for their rights or speaking out against corporate activities or harms are even more vulnerable than usual to threats, harassment and attacks. Corporations should speak out to emphasize that the role of a free civil society is as important as ever, dedicate resources to identifying increased reprisals-related risks across their operations and along their supply chains, and take action to prevent and mitigate any risks identified.

This pandemic has laid bare a reality that our organizations work to highlight every day: societies cannot thrive when our most at-risk groups are exploited. We urge businesses to recognize how our economies and systems of government are broken, and to work to rebuild those structures to protect human dignity, promote corporate accountability, and ensure that governments are free from corruption and corporate influence. As long as public actors and private entities prioritize profit maximization over sustainable ecosystems and the rights of individuals and communities, large segments of our society will be left behind.

The current crisis provides an opportunity to transition to a more just economy and social order, guided by the principles of participation, human and environmental rights, and democratic governance. This involves, among other things, promoting forms of business governance that center on workers and

communities, committing to a social purpose that considers the wellbeing of all stakeholders and maximizes social good, and adhering to international human rights principles, such as the [UN Guiding Principles on Business and Human Rights](#), the [OECD Guidelines for Multinational Enterprises](#), and the [Paris Agreement](#).

Going back to business as usual after Covid-19 is not an option. As a community of business and human rights and corporate accountability organizations, we call upon the business community to act immediately upon the recommendations above and to do its part as we work to rebuild from this pandemic.

Sincerely,

Accountability Counsel

Accountability Lab

Advocacy for Principled Action in Government

AFL-CIO

Amnesty International

Boston Common Asset Management

Business & Human Rights Resource Centre

Canadian Lawyers for International Human Rights

Corporate Accountability Lab

Danish Institute for Human Rights

Earthworks

ECNL- European Center for Not-for-Profit Law Stichting

European Coalition for Corporate Justice (ECCJ)

Forest Peoples Programme

Global Legal Action Network

Global Witness

Greenpeace

Heartland Initiative

Human Rights Law Centre

Human Rights Watch

Human Trafficking Search

Humanity United

Inclusive Development International

Interfaith Center on Corporate Responsibility

International Accountability Project (IAP)

International Corporate Accountability Roundtable (ICAR)

International Federation for Human Rights (FIDH)

International Labor Rights Forum

International Service for Human Rights (ISHR)

Publish What You Pay (PWYP)
Responsible Sourcing Network
Rights and Accountability in Development (RAID)
MSI Integrity