

**STRICTLY EMBARGOED UNTIL
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PROTECTING PEOPLE IN A PANDEMIC

Urgent collaboration is needed to protect
vulnerable workers and prevent exploitation



**WALK
FREE**



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The COVID-19 pandemic is a public health emergency — but it is far more. It is an economic crisis. A social crisis. And a human crisis that is fast becoming a human rights crisis.

António Guterres, Secretary-General,
 United Nations¹



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Hanoi, Vietnam, April 2020. People wear face masks amid concerns of the spread of the coronavirus disease (COVID-19) while queuing for free goods at a supermarket. Photo credit: Linh Pham via Getty Images.

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(Cover) Delhi, India, April 2020. Circles on the ground show where migrants can stand while waiting for food. The Indian government announced on 24 March that the country will go into lockdown with four hours' notice. This led to day labourers leaving major city hubs and returning to their communities, often on foot. Photo credit: Yawar Nazir via Getty Images.

CONTENTS

EXECUTIVE SUMMARY	1
Snapshot of Key Risks to Vulnerable Workers.....	3
Action Plan to Protect Vulnerable Workers.....	3
About Walk Free	4
Acknowledgements.....	4
KEY RISKS TO VULNERABLE WORKERS	5
SPECIFIC INDUSTRY RISKS.....	7
GUIDANCE FOR BUSINESS	10
GUIDANCE FOR GOVERNMENT	13
ANNEX A: GUIDELINES, RECOMMENDATIONS AND TOOLS FROM CIVIL SOCIETY ORGANISATIONS.....	17
ENDNOTES	18

EXECUTIVE SUMMARY

In responding to COVID-19 many have adopted the rallying cry of “we are all in this together”. But the stark reality is that we are not. Millions of vulnerable workers do not have access to COVID-19 testing, health care, sick leave or the physical or financial ability to isolate. Many have lost jobs and are stranded overseas, unable to support themselves or return home due to lockdowns and travel restrictions. The combination of these health, safety and economic risks creates the perfect storm for exploitation, forced labour and other forms of modern slavery to flourish.

Walk Free calls on business and government leaders to act urgently and collaboratively to address risks to vulnerable workers and protect lives. Whether that is migrant workers stranded, without means to support themselves, or crews on vessels prevented from accessing basic supplies in port – we must put human rights and human lives first.

We know that COVID-19 does not discriminate and yet governments continue to exclude vulnerable workers - including migrant workers, undocumented workers and those in the ‘informal’ economy - from accessing support. Many are expected to continue working through the pandemic and are yet excluded from access to health care, protective equipment, government COVID-19 relief packages and other social protections. As a result, many vulnerable workers cannot comply with social distancing and isolation measures, or are unable to access testing or health care when ill, thereby increasing the risk of COVID-19 transmission across the entire population. These gaps in protection are, therefore, directly in conflict with government efforts to “flatten the curve” and urgent business and government action is required to address them. As the UN Migration Network succinctly puts it, “COVID-19 does not discriminate, and nor should our response, if it is to succeed.”²



Cali, Colombia, April 2020. A Venezuelan migrant cries as she embraces her relatives before they board a bus to voluntarily return to Venezuela because of the novel coronavirus COVID-19 pandemic. The Mayor of Cali announced that a “humanitarian corridor” was opened for Venezuelans who wanted to return to their country. Photo credit: Luis Robayo / AFP via Getty Images.



●● COVID-19 does not discriminate, and nor should our response, if it is to succeed.

UN Migration Network

Beyond the COVID-19 health risks, the economic impacts of the crisis will not only threaten livelihoods, but in some cases, lives. An estimated 195 million full-time jobs could be lost as a result of the COVID-19 pandemic.³ The precarious financial situation of vulnerable workers, with little or no savings, large debts, and no social safety net will mean that many are unable to support themselves or their families. This is exacerbated by lockdowns and travel bans which make it impossible to find alternative sources of income. This will make many workers and their families highly vulnerable to exploitation, forced labour and modern slavery. Frontline organisations are already reporting on the devastating impacts that COVID-19 is having on vulnerable communities, including lack of access to food, water and shelter. Brands, suppliers, and governments must work together to ensure that lives are not lost.

From a corporate responsibility perspective, this was a disaster that was waiting to happen. Many brands and employers have long been aware of the gaps in protection for migrant and informal workforces, but are unwilling or unable to support those workers through the crisis. Walk Free applauds those who are doing what they can to assist, but many businesses fighting for their own financial survival will leave workers without jobs or other protections. This raises serious questions about the true cost of labour and the need for systemic change to address gaps in protection of workers' rights.

We believe this is a crucial time to share and learn from others – the health, safety, and livelihoods of millions of workers depends on it. We developed this guidance to highlight key risks to vulnerable workers and provide practical steps that business and government can take to mitigate those risks. The report is informed by a rapid assessment of immediate COVID-related risks, responses, and recommendations identified by civil society, international organisations, business and industry groups, and workers' rights networks. Many of the measures recommended in this report cannot be implemented by business or government alone, and require frequent and sustained engagement across government, brands, suppliers, unions, and civil society.

This crisis starkly illustrates what happens when we fail to safeguard the human rights of vulnerable populations. It also demonstrates the dangers of maintaining distinctions between citizens and non-citizens, and formal or informal workforces to determine access to social protections. It is often those who are excluded from the social safety net who need its protection the most. In the long term, the crisis presents an opportunity to rethink the systems and structures that have created these risks and address gaps in protection. While this report focuses on immediate risks and actions, Walk Free is committed to working with civil society, businesses, and governments to explore these longer-term challenges and solutions in the weeks and months ahead.



●● *Kampala, Uganda, April 2020. A Red Cross volunteer measures the temperature of a man before he can enter Nakasero market. Photo credit: Sumy Sadurni/AFP via Getty Images.*

Below is a snapshot of key risks to vulnerable workers followed by an “action plan” for business and government to protect vulnerable workers. The body of the report is set out in four sections: key risks to vulnerable workers, including specific industry risks; guidance for business action; guidance for government action; and reference tools and resources.

SNAPSHOT OF KEY RISKS TO VULNERABLE WORKERS

- Workers are stranded without means to support themselves or their families, resulting in grave health and humanitarian risks.
- Cramped living and working conditions and restricted access to testing, health care and sick leave, increases the risk of COVID-19 community transmission and poses health risks to workers
- Women are on the frontlines of the crisis and are at increased risk of exploitation.
- Xenophobia and discrimination against migrants may lead to increased violence and exploitation.
- Widespread job losses, the shutdown of regular migration pathways, and reduced scrutiny of labour standards increases vulnerability to forced labour, human trafficking and modern slavery.

ACTION PLAN TO PROTECT VULNERABLE WORKERS

Collaboration between business and government is essential to protect vulnerable workers. Business and government should work together, liaising with civil society and worker groups to:

- Clearly communicate, in accessible languages, information and policies relating to COVID-19, including symptoms, testing, how to access health care, isolation measures, and relevant government benefits and relief packages.
- Assess and respond to emergency situations as they arise, including the protection and/or repatriation of workers who are stranded and unable to support themselves or access basic necessities.

Business should:

- **Health:** Facilitate access to testing and health care. Provide personal protective equipment and ensure employer-provided accommodation and working conditions are hygienic and safe.
- **Pay, benefits and support:** Ensure pay, overtime, sick leave and other statutory benefits are paid to workers. Facilitate access to government support or consider emergency relief for those not covered.
- **Repatriation:** Ensure workers can return home if they wish to; ensure free access to passports and identity documents, fund travel costs, and liaise with host/destination country on travel restrictions and emergency repatriation.
- **Support suppliers:** Pay for goods that have already been produced or are in production, and provide support to enable suppliers to continue to employ and pay workers.

Government should:

- **Health:** Ensure access to testing and health care for all, regardless of citizenship or immigration status.
- **Financial support:** Provide emergency financial support to all vulnerable workers, including non-citizen workers – extending access to existing benefits or creating new emergency relief funds.
- **Immigration:** Automatically extend temporary visas and/or grant amnesty for vulnerable workers.
- **Combat exploitation, human trafficking and forced labour:** Uphold labour standards – including both living and working conditions - and take measures to combat increased vulnerability to exploitation and forced labour; protect victims and survivors.
- **Condemn xenophobia:** Strongly condemn xenophobic behaviour and discrimination.
- **Protect citizens working abroad:** Ensure borders are open to returning citizens; engage with governments in destination countries to facilitate return or ensure protection for those unable to return home; ensure funds can be remitted during lockdowns.



ABOUT WALK FREE

Walk Free, powered by Minderoo Foundation, is an independent, privately funded international human rights organisation based in Australia. We are working to end all forms of modern slavery in our generation. Walk Free uses modern slavery as an umbrella term covering a set of specific legal concepts with a common element – the inability to refuse or leave a situation of exploitation because of threats, violence, coercion, deception, and/or abuse of power. Modern slavery includes forced labour, debt bondage, forced marriage, slavery and slavery-like practices, and human trafficking.



New Delhi, India, April 2020. Migrant workers and homeless people take refuge under a bridge on the banks of the Yamuna River during a 21-day nationwide lockdown to slow the spreading of the coronavirus (Covid-19) pandemic. Photo credit: Amarjeet Kumar Singh / Anadolu Agency via Getty Images.

ACKNOWLEDGEMENTS

Finally, we have drawn heavily on the work of others in collating this report and would like to thank the business, government and civil society representatives who have either published recommendations or engaged with us to provide their input. We have referenced these inputs throughout and included, in the Annex below, a list of published recommendations, guidance and tools from civil society.

The measures that business and government are taking and the risks to vulnerable workers are changing daily, and we have included information and examples up to and including 23 April 2020.

KEY RISKS TO VULNERABLE WORKERS

Workers are stranded without means to support themselves

Lockdowns have affected demand for casual and temporary labour in industries such as apparel, retail, hospitality and other services, leaving vulnerable workers without access to income. Many migrant workers are unable to return to their country of citizenship due to indefinite closures of public transport and commercial flights, travel restrictions, or border closures.⁴ Some countries are not permitting citizens to return home.⁵ Vulnerable workers generally do not have savings or access to social security protections and are not able to rely on family support. Many of these individuals are now left with limited access to food, accommodation and health care, which poses huge health and humanitarian risks.⁶ This also increases vulnerability to human trafficking and modern slavery.

Living and working conditions pose health risks

Many industries, including construction, manufacturing, and agriculture are continuing operations during lockdowns, without adequate social distancing measures or personal protective equipment for workers. Accommodation for workers in industrial zones and labour camps often involves sleeping multiple people in dormitory-style rooms with shared communal spaces.⁷ Social distancing and isolation measures are difficult to implement in these environments, increasing the risk of COVID-19 spreading rapidly within these communities and beyond.

Restricted access to testing, health care and sick leave

The pandemic is exacerbating significant challenges that vulnerable workers already face in accessing health care and sick leave entitlements. Many workers cannot work remotely and are dependent on their regular wages for survival, making it more difficult to take time off to access testing and health care, or to comply with isolation requirements while ill.⁸ Undocumented or irregular workers face further barriers and may not access COVID-19 testing, or seek medical support due to fears that it will expose them to legal repercussions such as deportation or mandatory detention.⁹ Again, this increases the health risks to those workers and the risk of community transmission.

Increased vulnerability as economic downturn fuels irregular migration

Vulnerability to modern slavery is affected by a complex interaction of factors related to protection and respect for rights, physical safety and security, access to necessities such as food, water and health care, and patterns of migration, displacement and conflict.¹⁰ The economic and social impacts of COVID-19 will exacerbate the 'push factors' that lead to both increased migration and increased vulnerability to modern slavery such as poverty, inequality, and lack of opportunities for decent work.¹¹ At the same time, regular migration pathways around the world have been suddenly closed. This is likely to result in higher rates of irregular migration, thereby fuelling people smuggling and trafficking activities.¹²



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Rome, Italy, April 2020. People wearing face masks stand outside the Selam Palace, a structure occupied by migrants, in La Romanina district, on the outskirts of Rome, amid the novel coronavirus' crisis (COVID-19). Photo credit: Andreas Solaro / AFP via Getty Images.

Reduced government and private sector scrutiny

Social distancing and travel restrictions have made it harder to conduct human rights due diligence and audits. Workers' freedom of movement, freedom of association and right to organise have also been constrained as part of social distancing measures, and some have been subject to quarantine within employer-provided accommodation.¹³ This increased isolation reduces the ability of workers to seek assistance or leave abusive employers. The combination of increased isolation and reduced scrutiny increases vulnerability to exploitation, forced labour and other forms of modern slavery.

Xenophobia and discrimination against migrant workers

Xenophobia and racism have been on the rise since the start of the COVID-19 crisis.¹⁴ In some countries migrants are being denied health care in order to prioritise the needs of citizens as health infrastructure becomes overwhelmed.¹⁵ Migrant workers are also being excluded from social security and welfare benefit packages available to citizen workers. This exacerbates divisions between citizen and non-citizen workers, which may lead to exploitative labour practices targeting migrant workers and an increase in hate speech and racially motivated violence.

Remittances and welfare of families in countries of origin

The families of millions of migrant workers are reliant on remittances to cover the cost of daily living. Both migrant workers and their families have a heightened risk of exposure to modern slavery.¹⁶ The risk for those families is exacerbated by lockdowns that mean they are unable to find alternative livelihoods. Border closures and travel bans have also split families apart, with no clarity on when or how family reunification will occur.¹⁷ These families may have no means to support themselves for indefinite periods, and will be highly vulnerable to human trafficking and modern slavery.

Impact on women workers and the gender implications of the crisis

Women experience particular forms of marginalisation, exploitation, and discrimination in all forms of employment, and are disproportionately represented in jobs in the formal and informal care economy and health services industry, which are at the front line of responding to the pandemic.¹⁸ As gender-based violence is likely to increase during the crisis,¹⁹ many vulnerable women workers will be facing threats to their safety in addition to the health and economic risks posed by the pandemic.

SPECIFIC INDUSTRY RISKS

Fishing Industry

Fishing industry workers face specific risks, with travel restrictions preventing vessels and their crews from landing, and in some cases, preventing or limiting access to food, water and essential supplies. Travel restrictions also affect those contracted to work who are stranded in ports without employment, unable to board vessels.

In Iran, around 860 Indian fishermen have been stranded off the coast without access to adequate food or water since early April. A petition heard by the Indian Supreme Court on the 12th of April requested the government to instigate their immediate evacuation.²⁰

As many as 25,000 workers were reported to be stranded on fishing boats off the coast of Gujarat state in India.²¹ Worker representative associations reported difficulties sourcing and providing adequate water and food supplies to the trapped crews, with thousands still unable to return to shore.²² Officials have deferred responsibility for providing these supplies to employers.

Domestic Workers

Domestic workers, who are specifically excluded from the labour laws in many countries and subject to the control of employers by restrictive immigration policies, face increased vulnerability to abuse and exploitation as a result of isolation and lockdown measures.

In Lebanon, there have been reports of increased physical and sexual assault as a result of being 'trapped' with abusive employers.²³ The International Domestic Workers Federation has reported that some domestic workers are being subjected to increasingly stressful and hazardous working environments as a result of a "substantial increase in workload to ensure cleanliness and hygiene without overtime work compensation."²⁴ The remainder of the workforce are facing rapid job losses. In the USA, 70 per cent of domestic workers were out of work and did not know if they would be able to return to their jobs after the pandemic.²⁵



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Men fishing in
the Caspian Sea.
Photo credit:
Mansoreh Motamedi
via Getty Images.

Construction Workers

Construction workers in many countries live in crowded dormitories, facing unsanitary conditions and food shortages.

In Singapore, 20,000 workers under quarantine orders reported inadequate food, insufficient provision of cleaning services, and no face masks or personal protective equipment – despite government assurances that they would be provided with meals and would be able to socially isolate²⁶. Migrant workers were also excluded from a government initiative to distribute masks to households²⁷. Singapore's policies to limit the spread of the virus have been universally held up as good practice. However, in recent days they have had to extend lockdown measures with 3,000 new cases confirmed in just three days, and eighty per cent linked to migrant worker dormitories.²⁸ This clearly demonstrates the need to protect these vulnerable groups, and the risk it presents to the entire population.

In Qatar, after 238 migrant workers tested positive to COVID-19, Streets 1 to 32 of the Industrial Area near Doha, occupied by thousands of migrant workers, were placed under lockdown and barricaded by police.²⁹ Workers inside the lockdown zone report some employers have failed to provide food and basic supplies to their employees, and some workers have been asked to resign or have been placed on involuntary unpaid leave. The majority of these workers sleep in dormitory accommodation with up to 10 people per room.³⁰

Factory Workers

Garment industry workers, particularly in South-East Asia, have not been paid their wages due to global apparel brands cancelling orders for goods already manufactured. Some workers are stranded in foreign countries, unable to support themselves or their families.

In Thailand, the Issara Institute reports that factories scaling back production have been terminating workers without paying legal entitlements, reducing the number of hours for migrant workers, or pressuring workers to resign.³¹

In Cambodia, approximately 30,000 workers have had their jobs suspended as more than 70 factories respond to cancelled orders and reduced demand. The Garment Manufacturers Association in Cambodia reports that factory owners are unable to pay workers entitlements as many buyers are refusing to pay for goods that have already been manufactured and there are no new orders.³² A number of civil society organisations, including Human Rights Watch have condemned international clothing brands that have cancelled orders without making provision for workers in their supply chains.³³



●● Singapore, April 2020. Foreign workers are seen outside their dormitory rooms at Cochrane Lodge II, which was declared as an isolation area on April 16, 2020 after the nation experienced a second wave of infections linked to foreign worker dormitories. Photo credit: Suhaimi Abdullah via Getty Images.



●● Dhaka, Bangladesh, April 2020. Workers from the garment sector block a road during a protest to demand payment of due wages, saying they were more afraid of starving than contracting the coronavirus. Photo credit: Munir Uz Zaman / AFP via Getty Images.



Health Industry

Global demand for personal protective equipment and other essential products for the health industry has led to reduced scrutiny of suppliers and exploitative conditions for factory workers involved in manufacturing.

In March this year, the US lifted sanctions that it had placed on a company that manufactures medical gloves in Malaysia. A ban on products from this company had been put in place last September as a result of concerns over its use of forced labour.³⁴

The UK has received a large order from another medical glove manufacturer in Malaysia whose workers report paying high recruitment fees and working 12 hours per day with only one rest day per month.³⁵ While in South Africa, police closed down a factory that had locked workers inside and forced them to produce masks.³⁶

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 Florida, USA, April 2020. Farm workers harvest zucchini on the Sam Accursio & Son's Farm. Workers say they are worried about their jobs if the current reduced demand for produce continues. Photo credit: Joe Raedle via Getty Images.

Agricultural Industry

Travel ban exemptions for agricultural workers pose health and safety risks due to limited transportation routes and overcrowded accommodation.

After initially halting the processing of all routine visa services, the US State Department indicated it would continue processing H-2 visas as these are “essential to the economy and food security of the United States and is a national security priority.”³⁷ H-2 workers traveling in late March and early April have reported that transport and accommodation facilities are overcrowded and access to sanitation is limited.³⁸

Cruise Ship Industry

Cruise ship workers placed on the front lines.

Workers on cruise ships have been put on the front lines of the pandemic – with high infection rates onboard cruise ships and lack of personal protective equipment posing significant health risks. Reports indicate that some infected workers were not provided support to access treatment, and that many have lost their jobs without payment of their salary or benefit entitlements.³⁹

GUIDANCE FOR BUSINESS



Gulf Emirate of Dubai, April 2020. Migrant workers who have recovered from COVID-19 wait to be examined before being released from a centre in the Warsan neighbourhood, where people infected or suspected of being infected by the virus are quarantined. Photo credit: Karim Sahib / AFP via Getty Images.

The spread of COVID-19 has caused massive disruption to production and the provision of services in the global economy. Widespread job losses, gaps in social protection and increased restrictions on freedom of movement will have adverse human rights impacts for many vulnerable workers. Business must work alongside government to prevent or mitigate these impacts. This may involve emergency wage support or paid leave, facilitating repatriation, health & safety precautions or additional measure to safeguard worker welfare. It may also involve creative use of a business' assets to support government efforts to both contain the spread of COVID-19 and protect workers. The guidance below sets out key measures to address the specific risks that the pandemic poses to vulnerable workers, together with examples of good business practices from around the world. The guidance is not intended to replace or detract from businesses' ongoing commitments and obligations to uphold national and international labour standards and protect human rights. We encourage businesses to continue using frameworks such as the UN Guiding Principles on Business and Human Rights to inform their practices.⁴⁰

Ensure access to health care

Ensure all workers have access to testing and health care and clearly communicate procedures for seeking tests and medical help.⁴¹ Current barriers to workers obtaining testing and medical care include concerns around expense (due to lack of health insurance and/or sick leave) and fears around deportation and stigmatisation or discrimination if they test positive to COVID-19.⁴² Liaise with relevant government bodies to understand the legal entitlements of particular groups in your workforce (including migrant workers who have been made redundant, or those with undocumented or irregular immigration status).⁴³

Unilever are building field hospitals for their employees and local communities across multiple locations in Africa.⁴⁴ In Colombia, **South 32** are working with local authorities and NGOs to provide 20,000 health information books to the local community and to supply water, critical goods, hygiene, and medical supplies.⁴⁵



Protection at work and at home

Provide essential personal protective equipment to workers both at work and in their accommodation. This includes but is not limited to masks, gloves, soap, running water and alcohol-based hand rubs. Implement measures to ensure working and living conditions are as hygienic as possible and allow for social distancing and self-isolation.⁴⁶ For employer-provided accommodation, consider reorganising living arrangements to reduce the number of employees sharing the same room, and adjusting schedules to stagger the use of shared facilities such as kitchens or bathrooms. Where this cannot be done, consider renting additional temporary housing. It is paramount that employers ensure their workers continue to have access to food, potable water, electricity, and emergency health services during quarantine, isolation or lockdown.⁴⁷

Companies across the world are stepping up hygiene measures by providing personal protective equipment and increasing cleaning and sanitation schedules. Some businesses have arranged quarantine accommodation for workers required to self-isolate, while others organise emergency food provision to the public.

Mayapada Real Estate Group in Indonesia is supporting their suppliers by distributing 1000 free meals per day for the next three months, employing micro-businesses to prepare and distribute these meals via Mayapada's properties in Jakarta.⁴⁸

Communication on COVID-19 and health care

Provide frequent and timely information to all employees on COVID-19 in both local and migrant workers' languages, making use of WHO guidelines and visual aids produced by the ILO and IOM.⁴⁹ Information should cover COVID-19 symptoms, testing, how to access health care, social distancing, and isolation measures currently in place and information on relevant government benefits and relief packages.

Some businesses are translating government announcements into the local languages of migrant workers. Others, like Afghanistan's **Bayat Group**, have utilised their media assets to run TV and radio awareness raising campaigns.⁵⁰ **H&M** are lending their social media channels to the Red Cross to help spread news relating to the pandemic.⁵¹

Pay, overtime and sick leave

Ensure pay, overtime and other statutory benefits are paid to workers and that they can access paid sick leave.⁵² Facilitate access to government benefits and relief packages where relevant. Consider compensation packages for vulnerable workers who do not qualify for sick leave or are unable to work due to social distancing or isolation restrictions, particularly those not entitled to government benefits.⁵³ Ensure any recruitment fees or other costs paid by migrant workers are reimbursed.

Danone has announced all employment contracts are secured and wages guaranteed for its 100,000 workers until June 30.⁵⁴ **Unilever** has committed to protect the wages of employees, contractors, and other workers whose wages are not covered by government plans or their own employer. This includes security, cleaners, cafeteria staff and others working on their premises who are not on Unilever's direct payroll.⁵⁵ Indian companies **Reliance** and **Tata** have announced full payments will be made through April to temporary and day workers, even when work is halted due to the crisis.⁵⁶ **Ayala Group**, a publicly listed conglomerate in the Philippines, has adopted a P2.4 B (USD \$47.2 mil) emergency response package to support their extended workforce during the quarantine period.⁵⁷

Migrant workers returning home

Ensure migrant workers can access their passports and identity documents and are free to return home if they choose to.⁵⁸ Employers should fund travel costs for migrant workers returning home where required to do so and work with authorities in both host country and country of origin to negotiate travel restrictions. Where needed, engage recruiters, embassies and relevant authorities to explore use of bonds placed as guarantees for workers during recruitment and/or use of migrant welfare funds to support workers.⁵⁹ Where workers cannot return home (due to lack of commercial flights, travel restrictions or bans), ensure they have access to accommodation, food, and health care.

Collaboration between brands, suppliers and governments

Brands and suppliers should engage frequently with national and/or local governments to assess and respond to risks to vulnerable workers. Brands should work with suppliers to take responsibility and share the burden for measures to protect vulnerable workers, seeking government input and support where possible.⁶⁰ Both brands and suppliers should advocate for inclusion of vulnerable workers, including migrant workers, in government relief and stimulus measures.⁶¹

Many businesses are supporting their suppliers to enable them to continue operating and employing their workers. Investors have also voiced their support for these practices, with one group, representing \$4.7 trillion in assets under management, urging companies to make timely payments and maintain supplier relationships.⁶² Some businesses are providing alternative sales channels to enable smaller producers to continue to sell their goods when smaller businesses cannot open. **SPAR Croatia** have secured finance for small domestic farmers by allowing them to make produce available in their supermarkets while outdoor markets are temporarily closed.⁶³

Responsible sourcing

While businesses have responsibility for their direct employees, they also have responsibilities to assess the impacts of their activities on workers in their supply chain, and to use all available leverage to prevent or mitigate adverse human rights impacts.⁶⁴ Brands should consider the following measures to enable their suppliers to remain solvent and support payment of wages and benefits to workers:⁶⁵

- Waive cancellation rights (under force majeure provisions or otherwise) and commit to paying for goods that have already been produced or in production
- Pay suppliers up front to protect supply chain worker jobs
- Offer shorter payment terms
- Offer financial facility/low interest loans
- Allow delays in delivery dates
- Suspend penalties for not meeting contractual obligations
- Create a fund to assist with paying worker wages in your supply chain
- In all scenarios, brands should regularly communicate with suppliers to understand their needs and provide assistance where possible.⁶⁶



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Asulia, Bangladesh, April 2020. Garment labourers work in a garment factory during a government-imposed lockdown as a preventative measure against the spread of the COVID-19 coronavirus. Photo credit: Munir Uz Zaman / AFP via Getty Images.

While there has been widespread condemnation of brands that have cancelled orders already in production, there are many examples of companies honouring these commitments and taking other steps to support suppliers.

Many major brands such as **Adidas, H&M, Inditex (Zara), Marks & Spencer, Nike, Ralph Lauren, Target** and **Uniqlo** have committed to fulfil all payments on finished goods and goods in production.⁶⁷

BHP and **Tata Industries** have fast-tracked all outstanding payments to micro, small, and medium enterprises working with them.⁶⁸

Australian supermarket chain, **Woolworths**, have shortened payment terms of all suppliers to seven days.⁶⁹

Primark have set up a fund to cover the wage component of cancelled orders from suppliers in Bangladesh, Cambodia, India, Myanmar, Pakistan, Sri Lanka and Vietnam.⁷⁰ The company will work with local suppliers, factories, trade unions and NGOs to pay wages to workers for orders that were scheduled within 30 days after deliveries were cancelled.

Indonesian ride-hailing company, **Gojek**, launched an income support fund to ensure drivers can support their families.⁷¹

Financial support of €250m (USD \$270m) will go to **Danone's** 15,000 small suppliers including farmers and service providers.⁷²

Walmart is waiving the leases of business operating in their stores during April,⁷³ and the Philippines' **Ayala Malls** will not collect rent from merchants that must remain closed during the quarantine period.⁷⁴

GUIDANCE FOR GOVERNMENT

In responding to the pandemic, all States must respect, protect, and fulfil the human rights of all people within their borders under international human rights and labour rights conventions.⁷⁵ This may involve expanding access to health care, financial support or other COVID-19 relief packages or granting automatic visa extensions. It may also involve additional measures to monitor labour standards and worker welfare at a time when many are vulnerable to exploitation. While many governments are, quite rightly, focused on limiting the spread of COVID-19 and saving lives, they must be careful that their actions don't result in further risks to the fundamental human rights of vulnerable populations, or in fact their lives.

Below are key recommendations for government to protect the fundamental human rights of vulnerable workers.

Ensure access to health care for all

The right to the highest attainable standard of physical and mental health is a fundamental human right.⁷⁶

Governments should ensure vulnerable populations (including documented and undocumented migrant workers) have access to COVID-19 testing and health care. This may require governments to create processes to regularise the status of undocumented migrant workers and grant temporary residence permits – including the right to access health care – to migrant workers, asylum seekers, refugees and other non-citizens.⁷⁷ Clearly communicate that accessing COVID-19 testing or health care will not result in deportations or other repercussions. Put in place firewalls that shield undocumented and migrant workers from the transfer of their personal information to immigration services. Where possible, develop temporary COVID-19 testing facilities and hospitals within industrial zones for workers and their families.⁷⁸

Several countries have expanded access to health services for non-citizens, thereby offering better protection for migrants and strengthening the response to COVID-19.

Portugal, for example, has announced that migrants and asylum seekers will hold the same rights as permanent residents until at least July 1.⁷⁹ Other countries, such as **Malaysia** and **Tunisia**, have made testing for COVID-19 free for foreigners and citizens.⁸⁰ **New York** has enabled access to COVID-19 testing and treatment for all, including undocumented migrants.⁸¹

Authorities in **Ireland** have confirmed that health services will not share information with the Department of Justice and Equality, removing the fear of deportation.⁸²

South Korea also announced that authorities would not collect the details of undocumented migrants being tested for COVID-19.⁸³ In the **Maldives**, the government established a health clinic for migrant workers, where patients do not have to present documentation or a work permit.⁸⁴ The **United Kingdom** has also stated that immigration checks are not necessary for COVID-19 testing or treatment.⁸⁵

Others have excluded migrant or non-citizen populations from receiving treatment. For example, doctors in **Singapore** have reportedly been advised to defer or stop receiving non-resident patients, and free hygiene equipment made available to citizens was not extended to migrants.⁸⁶ In the **United States** (outside of New York and California), reports of undocumented migrants being refused hospital treatment for COVID-19 have emerged,⁸⁷ and Federal Government response measures to expand health benefits and free testing largely exclude migrants.⁸⁸ There are also reports of Qatari authorities detaining and then illegally deporting migrant workers, after telling them they were going to be tested for coronavirus.⁸⁹

Provide emergency financial support to workers

Consider impacts on vulnerable workers who are reliant on their wages to survive and unable to find alternative means to support themselves. Many are “stranded” due to widespread job losses, travel restrictions, lockdowns, and closure of major transportation routes. Provide emergency financial support to ensure vulnerable workers (including migrant workers from abroad and internal migrant workers) who have become unemployed or cannot work have continued access to food, water, accommodation, and health care. This may involve expanding access to existing benefits or creating relief funds for specific vulnerable groups.

Governments should also consider using international aid to provide relief to vulnerable workers, such as the aid package the EU has announced for workers in Myanmar.⁹⁰ Multilateral funding efforts are also critical to protect lives as the pandemic spreads to poorer countries without resources to support workers. For example, the International Trade Union Confederation (ITUC) has called for a “Global Fund for Universal Social Protection for the poorest countries to support health care and income support,” as well as action from the International Monetary Fund to coordinate fiscal policy and establish a Trust Fund for public health, social protections, and jobs, whereby advanced economies could reallocate holdings of IMF-issued special drawing rights.⁹¹ This will be critical as countries across Africa and Latin America, without resources to support workers start to feel the pandemic’s full impact.



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Bogotá, Colombia, April 2020. Venezuelan migrants walk with their belongings on the side of a highway out of Bogotá. Thousands of Venezuelan migrants living in Colombia have lost their jobs and in some cases been evicted from their homes due to the recession caused by the lock down to halt spread of COVID-19. Groups of Venezuelan gather in walking caravans and head the border crossing in Cúcuta, 550 km from Bogotá. Photo credit: Guillermo Legaría via Getty Images.

Some governments have made efforts to **expand access** to financial benefits and sick leave not only to their own formal workforce, but to informal workers and non-citizens. For example, New Zealand has extended its government-funded COVID-19 Wage Subsidy to any worker (including temporary visa holders) who was legally working in **New Zealand** at the time it went into lockdown.⁹² **Thailand** has extended economic support for those who cannot work due to COVID-19 to include migrant workers who have contributed to the Social Security Fund for at least six months and workers in Thailand’s informal sector.⁹³ The **Canada** Emergency Response Benefit covers permanent, temporary, casual, self-employed, gig,⁹⁴ and eligible temporary foreign workers and international students.⁹⁵ Argentina’s economic package includes singular payments to households depending on income from an informal labourer or self-employed worker.⁹⁶ **Colombia’s** support package targets vulnerable workers in the informal sector, however, there are concerns for the large Venezuelan migrant population who are excluded from this support.⁹⁷

Relief funds for specific vulnerable groups include **California’s** \$125 million relief fund that will provide a one-time payment of \$500 to approximately 150,000 undocumented migrants.⁹⁸

Looking beyond its borders, the **European Union** has created a €5 million emergency cash fund to support thousands of Myanmar garment workers who have lost their jobs due to the COVID-19 pandemic.⁹⁹ It’s estimated that up to 350,000 of the 700,000 predominantly female base of garment industry workers will lose their jobs or have employment suspended. Myanmar sells 70 per cent of its garment exports to Europe.

Despite calls for inclusive measures to protect the health and rights of migrants, refugees, and stateless people and slow the spread of COVID-19,¹⁰⁰ several countries have **excluded vulnerable populations** from financial and/or health benefits. This is a violation of State obligations under multiple international human rights conventions and declarations.¹⁰¹ **India’s** financial aid package has failed to include migrant workers and workers in unorganised sectors, such as day labourers.¹⁰² The **United States** stimulus excludes undocumented migrants from receiving financial relief.¹⁰³ While **Australia** has allowed limited financial relief for temporary migrants in the form of early superannuation access, it has not extended emergency relief or social security measures and recommended that those who cannot support themselves should return home.¹⁰⁴

Visa extensions and immigration measures

Grant automatic visa extensions and amnesty for all migrants including low-wage workers, survivors of modern slavery and asylum seekers. Suspend restrictions that limit employment of temporary workers to a particular industry or employer to enable workers to seek alternative employment until such a time as regular international travel resumes.

Several countries have automatically extended temporary visas or granted visa amnesty, such as in New Zealand,¹⁰⁵ Ireland,¹⁰⁶ Italy,¹⁰⁷ Thailand,¹⁰⁸ Japan,¹⁰⁹ and Indonesia.¹¹⁰

Collaborate with business and civil society to communicate effectively and protect workers

Work with both business and civil society leaders, including unions and migrant worker representatives to identify, inform, engage with, and respond to vulnerable migrant workers. Ensure that accessible languages are used in all communication. Engage with business and civil society to ensure:

- migrant workers have access to COVID-19 health information;
- migrant workers have access to information regarding quarantine, isolation, and lockdown measures and are aware of any changes to government policy that affect their visa status and access to services;
- employers facilitate workers' access to government support services where needed; and
- workers who are unable to support themselves are identified and emergency protection measures are discussed with relevant authorities, including measures for workers excluded from government support who may be stranded.

Countries such as Austria,¹¹¹ Germany,¹¹² Switzerland,¹¹³ Tunisia,¹¹⁴ and parts of Italy¹¹⁵ have made efforts at ensuring migrants have access to information about COVID-19 and/or the government's response by making information available in multiple languages.



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Bangkok, Thailand, April 2020. People stand in line to renew their visas at the Government Immigration Center in Bangkok on April 8, 2020. Photo credit: Lillian Suwanrumpha/AFP via Getty Images.

Uphold labour standards

Uphold labour standards to ensure compliance with national laws and meet obligations under International Labour Organization (ILO) Conventions, Protocols and Recommendations, in particular the ILO Declaration on Fundamental Principles and Rights at Work, and the ILO Conventions on Migration for Employment, Migrant Workers, and Forced Labour. Specifically, ensure:

- Employers pay workers their wages and other entitlements, including overtime, sick pay, and redundancy entitlements.
- Workers who lose their job due to COVID-19 can access unemployment assistance or emergency COVID-19 relief assistance. Ensure worker organisations are involved in case of bankruptcy or collective dismissals to minimise impact on workers.¹¹⁶
- Migrant workers' freedom of movement is only restricted to the extent necessary to prevent the spread of the virus, and that this is clearly communicated.¹¹⁷
- Workers are not discriminated against and face termination if they are unable to work due to illness, caring for sick relatives, or if they are at-risk of COVID-19.
- Employer-provided accommodation is safe and sanitary and measures are taken to reduce the risk of COVID-19 spreading.

Take measures to combat modern slavery and protect victims and survivors

Take measures to combat exploitation and modern slavery, including human trafficking and forced labour, noting increased vulnerability during the pandemic.¹¹⁸ Create or bolster mechanisms for workers to report exploitation using telephone services or websites and ensure that labour disputes tribunals, legal services, and other national labour resolution processes continue to operate remotely throughout the crisis. Include access to modern slavery hotlines in materials that are shared with migrant workers and ensure that these services continue to operate. Authorities in Jordan, for example, created an online platform where workers can report labour violations.¹¹⁹

Governments should continue to provide support services to victims of human trafficking and modern slavery, including access to health care, financial assistance, and accommodation as well as regular information on COVID-19. Providing resources to frontline support services, including personal protective equipment, is essential, as is scaling up remote assistance and sharing good practice from across sectors. It is also important that governments continue to conduct labour inspections or enable businesses to do so by making labour inspectors 'key' or 'essential' workers where necessary.¹²⁰

Examples of increased government support include Australia, which has boosted funding to its Trafficked People Program,¹²¹ while the UK Home Office has extended all accommodation for survivors for three months, regardless of status.¹²² Australia has also published information for entities reporting under the Modern Slavery Act. This includes guidance on mitigating the risks faced by vulnerable workers within business operations and supply chains and covering COVID-19 in modern slavery statements.¹²³



Condemn xenophobic behaviour and marginalisation of vulnerable groups

Strongly condemn xenophobic behaviour and discrimination against vulnerable workers and migrants linked to the origin and spread of COVID-19 in accordance with State obligations under the UN International Convention on the Elimination of All Forms of Racial Discrimination.¹²⁴ Adopt measures to combat this behaviour, including targeted enforcement of anti-discrimination laws.¹²⁵ In New York, a hotline was established to report COVID-19 hate crimes amid rising reports of xenophobic attacks and rhetoric.¹²⁶

Protect citizens working abroad

- **Allow citizens to return home:** While travel restrictions and border closures are widely being implemented to slow the spread of COVID-19, some countries such as Nepal,¹²⁷ Samoa,¹²⁸ Ecuador,¹²⁹ and Belize,¹³⁰ have restricted the entry of their own citizens, leaving vulnerable migrant workers stranded abroad. Other countries have organised flights in order to repatriate their citizens, including Australia,¹³¹ Canada,¹³² and Germany.¹³³
- **Bilateral engagement:** Work closely with host country governments to agree procedures and protections for citizens working abroad who cannot return home (due to lack of commercial flights, travel and isolation restrictions or border closures). In addition to repatriation assistance, this should include arrangements for migrant workers to access health care and other support services as well as visa and immigration provisions. Consider cost-sharing arrangements between host and destination countries and/or business where necessary.
- **Travel exemptions:** Provide travel ban exemptions to seafarers, migrant workers, and rescued victims of trafficking.
- **Communication through embassies:** Ensure missions and embassies provide accurate and timely information to migrant workers in transit and destination countries.¹³⁴ Ensure any information that is shared is protected and not passed onto immigration authorities in the host country to be used to support deportation or detention.
- **Keep remittance centres open:** Provide exemptions, where necessary, for remittance centres to remain open during lockdowns to enable the families of migrant workers to access funds.¹³⁵

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Nantong, China, February 2020. Migrant workers walk off a plane at the airport in Nantong city in east China's Jiangsu province. Two chartered planes brought back over 350 migrant workers from Hanzhong in Shaanxi province to their jobs in Nantong, as measures imposed to curb the spread of COVID-19 in China also affect the labour migration. Photo credit: Feature China / Barcroft Media via Getty Images.

ANNEX A:

GUIDELINES, RECOMMENDATIONS AND TOOLS FROM CIVIL SOCIETY ORGANISATIONS

Below is a list of resources that includes guidance, recommendations, and tools for business and/or government to protect vulnerable workers referenced in this report. There is a rapidly increasing amount of information being published and this is by no means an exhaustive list, but instead intended to provide further information for the recommendations reflected in the report. This list is current as at 23 April 2020.

<p>Recommendations and guidelines on protection of vulnerable workers</p>	<ul style="list-style-type: none"> • Civil Society Action Committee: First, Save Lives: Solutions for the COVID-19 Pandemic and New Solidarity with Migrants and Refugees • Coalition of civil society organisations and trade unions: Open letter • Coalition of rights groups: Open letter • Institute for Human Rights and Business: Respecting Human Rights in the Time of the COVID-19 Pandemic: Examining Companies' Responsibilities for Workers and Affected Communities • International Labour Organization: COVID-19 and the World of Work: Impact and Policy Responses • International Organization for Migration: Statement on COVID-19 and Mobility • International Organization for Migration, Corporate Responsibility in Eliminating Slavery and Trafficking: COVID-19: Guidance for Employers and Business to Enhance Migrant Worker Protection During the Current Health Crisis • Migrant Forum Asia: Uphold Migrants' Rights in Times of Crisis Situations • OHCHR, IOM, UNHCR and WHO: The Rights and Health of Refugees, Migrants and Stateless must be Protected in COVID-19 Response • United Nations Network on Migration: COVID-19 Does Not Discriminate; Nor Should Our Response • Focus on Labour Exploitation (FLEX): No Worker Left Behind: Protecting Vulnerable Workers from Exploitation During and After the Coronavirus (COVID-19) Pandemic
<p>Recommendations and guidelines on supply chains and ethical sourcing</p>	<ul style="list-style-type: none"> • Asia Floor Wage Alliance: Statement on Garment Workers' Demands in the face of COVID-19 Crisis • Better Buying Institute: Guidelines for Better Purchasing Practice Amidst the Coronavirus Crisis and Recovery • Ethical Trade Initiative: Guidance to apparel and textile members on payment of orders to workers *Full guidance available to members • Fair Labor Association: Protecting Workers During and After the Global Pandemic • Sedex: Response to coronavirus • Worker Rights Consortium: White Paper – Who will bail out the workers that make our clothes?
<p>Further tools and resources</p>	<ul style="list-style-type: none"> • Australian Border Force, Modern Slavery Act Information Sheet: Coronavirus • Business and Human Rights Resource Centre: COVID-19 (Coronavirus) Outbreak: In Depth Area • Business for Social Responsibility (BSR): COVID-19 Rapid Human Rights Due Diligence Tool for Companies • Fair Wear Foundation: COVID-19: External Resources • International Labour Organization's: COVID-19 and the World of Work • International Organization for Migration, Corporate Responsibility in Eliminating Slavery and Trafficking: COVID-19 Response • World Economic Forum: COVID Action Platform • Worker Rights Consortium: Covid-19 Tracker: Which Brands are Acting Responsibly toward Suppliers and Workers?

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