



# HUMAN RIGHTS DUE DILIGENCE AND COVID-19

## Assessment of Public Buyers' ICT Supply Chains

This assessment tool supports public buyers in their efforts to ensure human rights due diligence in their supply chains in the context of the Covid-19 pandemic. The tool consists of questions public buyers can pose to their suppliers about occupational health and safety, labour rights, and other supply chain issues that Covid-19 impact. Public buyer can use the tool as a self-assessment questionnaire for suppliers and/or a guidance for human rights due diligence.

The questions are based on the United Nation's Development Programme's, [Human Rights Due Diligence and COVID-19: Rapid Self-Assessment for Business](#). We have adapted the questions in the UNDP tool to the labour and health and safety conditions in electronics supply chains of public buyers. We are grateful to the UNDP for their collaboration in this initiative.

### Introduction

Social, economic, political and other shocks resulting from the spread of Covid-19 are impacting workers and their livelihoods worldwide. Complex and global supply chains such as those of the electronics industry are hit particularly hard.

Public buyers face increased demand for ICT products that allow some public employees to work from home but also a supply chain under strain that requires longer lead times. Brands and resellers seek to handle severe disruptions of manufacturing and logistics due to lockdowns.

Final assembly and component factories face challenges meeting basic hygiene and distance requirements for workers at production lines in order to curb potential infections. Some workers are required to work excessive hours as return-to-work ratios have plummeted, while others may have lost income as their employers face economic duress or do not pay workers on time for other reasons. Yet others must contend with job insecurity or have already lost their jobs. Migrant workers, who play an indispensable role in electronics supply chains, are particularly vulnerable as they often face risks of debt bondage and forced labour and cannot leave a workplace that is not safe.

Both brands and public buyers need to focus on essential functions to keep their operations going. Human rights due diligence is not just an ethical or legal imperative, but also an essential function to protect the resilience of supply chains and keeping them operational in the coming months of this crisis. If workers fall sick, do not feel safe at work, do not return to work, or cannot guarantee their livelihood, and if communities are infected by workers who live among them, and suppliers go bankrupt, then supply chains risk breaking down.

### **Instructions for public buyers**

The aim of the questions is to support public buyers and their supply chain partners to understand the actions they should take to protect workers' rights in the context of the Covid-19 crisis. However, this is not a comprehensive due diligence tool.

The questions in this tool relate only to factories that are part of supply chains producing the subject matter of the contract, i.e. the specific product models the contracting authorities are procuring.

You can send the questions directly to your suppliers and request them to fill out the questionnaire. Setting a realistic deadline, for example, 25 working days, will help in managing timelines.

You can also use the questionnaire in your next direct engagement with your supplier as a guideline, filling in the answers yourself.

Please share results from either type of engagement with Electronics Watch as you are able. Affiliates to Electronics Watch can request follow-up on issues you think should be addressed further.

### **Instructions for suppliers**

Suppliers should take into account tier one final assembly as well as high-risk tier two component suppliers and their factories in their answers. The answers should focus on concrete actions taken or planned rather than policies.

## Occupational Health & Safety

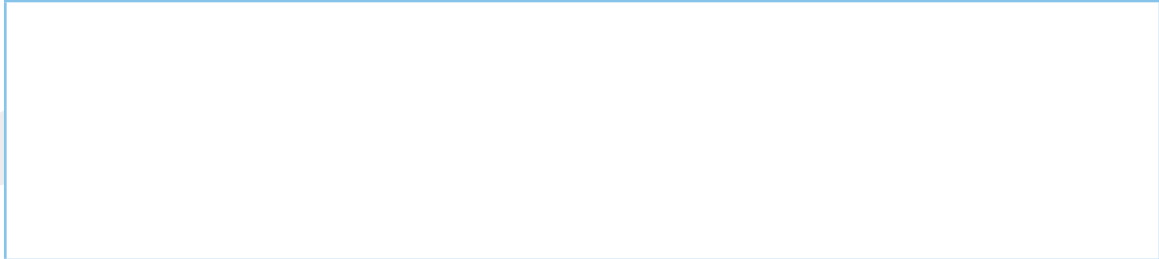
1. Have you designed, tested, and initiated an effective emergency preparedness plan that incorporates COVID-19 response protocols focusing on your supply chains, especially your tier 1 and high-risk tier 2 suppliers<sup>1</sup>?

2. Which steps have you taken to ensure that workers at your suppliers have access to health care and medical supplies including protective material such as facemasks without any discrimination on the basis of sex, race, religion, language, nationality, disability, migrant status, sexual orientation, gender identity or membership in a social group facing marginalization/stigma<sup>2</sup>?

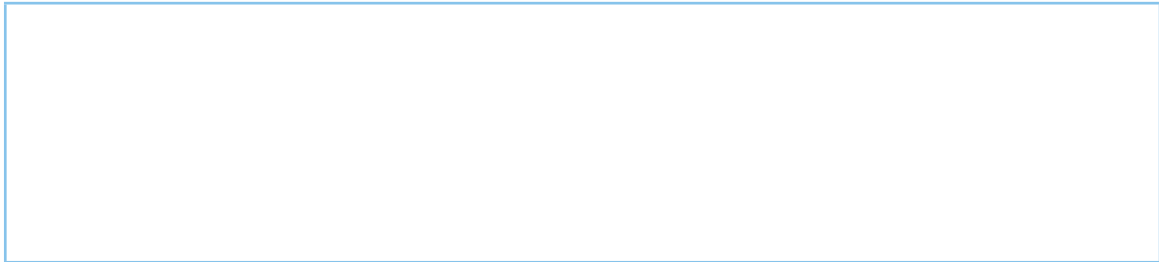
3. Which steps have you taken to ensure that your suppliers warrant at their factories for all workplace environments and public spaces, bathrooms, dormitories, cafeterias to be regularly cleaned and disinfected to ensure health and safety of all workers<sup>3</sup>?

4. Which steps have you taken to ensure that your suppliers provide for use by all personnel, access to clean toilet facilities, soap, access to portable water, and where applicable, sanitary facilities for food storage<sup>4</sup>?

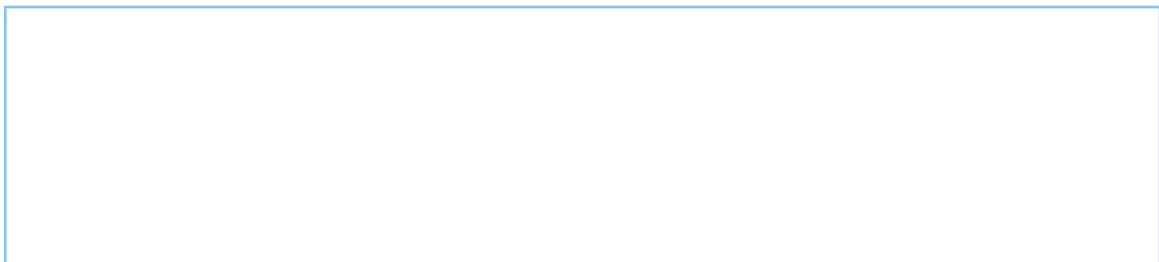
5. Which steps have you taken to ensure that your suppliers provide health and safety equipment that meets relevant OHS standards including masks and protective equipment<sup>5</sup>?



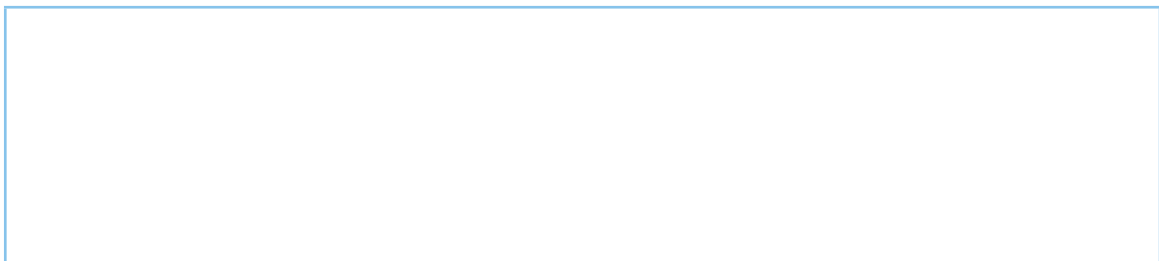
6. Which steps have you taken to ensure that your suppliers provide women with proper safety equipment tailored to their needs (for example, protective gear in women's sizes) and ensure access to hygiene products and gender-sensitive facilities<sup>6</sup>?



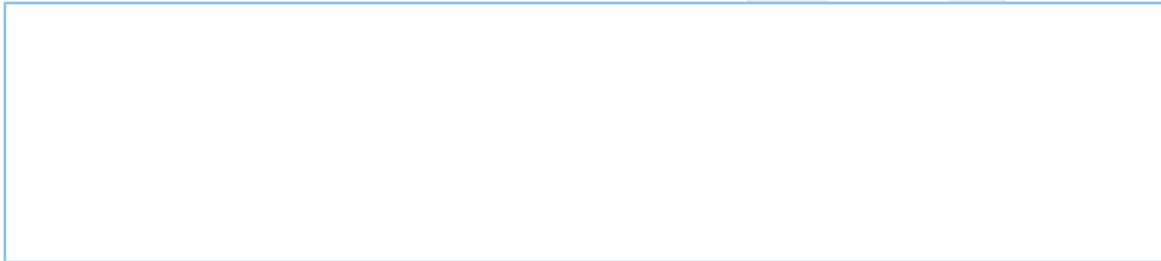
7. Which steps have you taken to ensure that your suppliers protect workers – particularly elderly workers, pregnant workers, or workers with pre-existing medical conditions – from exposure to unsafe or harmful working environments, including areas where risk is high for COVID-19 exposure<sup>7</sup>?



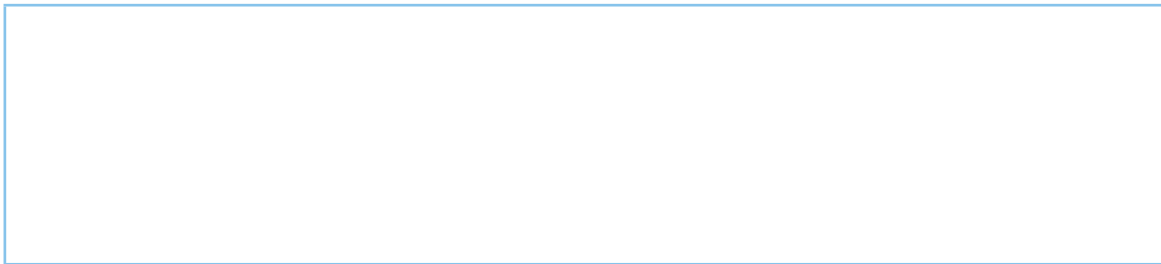
8. Which steps have you taken to ensure that your suppliers have conducted risk assessments and begun initiatives to remove or reduce occupational risks to new and expectant mothers, including exposure to infection of COVID-19<sup>8</sup>?



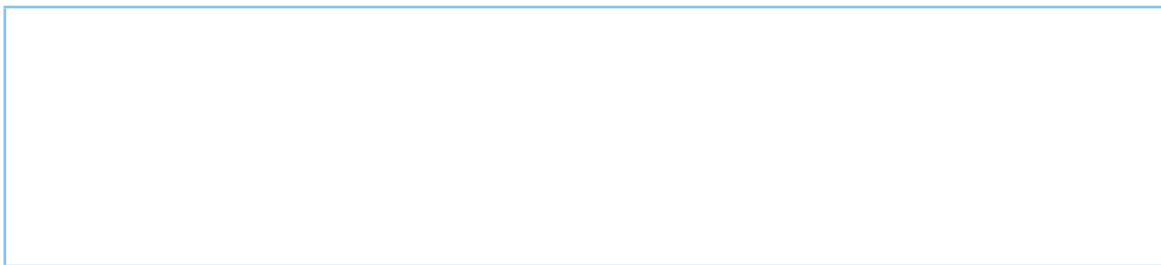
9. Which steps have you taken to ensure that your suppliers allow workers to contact family and friends in native towns/cities and ensure workers are not otherwise isolated from their support network<sup>9</sup>?



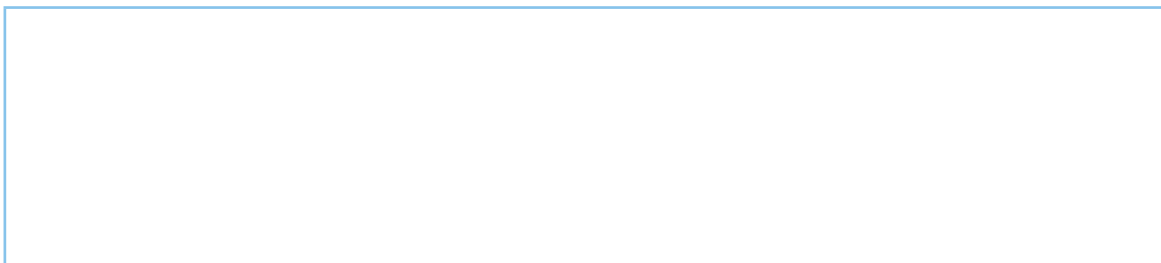
10. Which steps have you taken to ensure that workers at your suppliers can exercise their right to remove themselves from imminent serious danger without seeking permission from the employer and without suffering undue consequences<sup>10</sup>?



11. Which steps have you taken to ensure that your suppliers monitor measures to ensure young workers and others limited in their ability to give informed consent, are not engaged in hazardous working conditions, including where exposure to infection of COVID-19 is likely<sup>11</sup>?



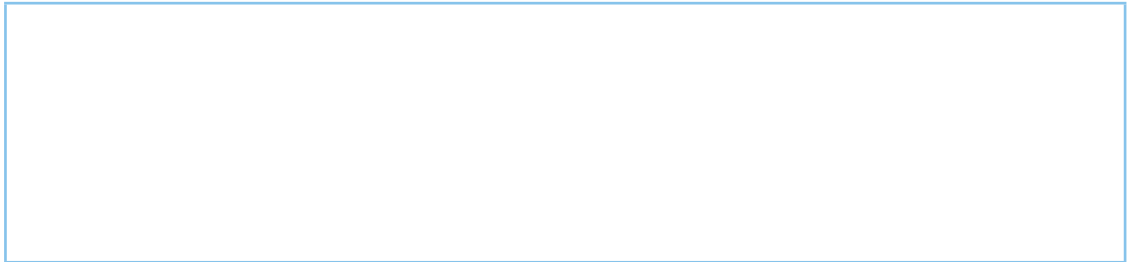
12. Which measures have you and your suppliers put in place to ensure that work premises and any worker housing facilities allow for workers to practice physical distancing<sup>12</sup>?



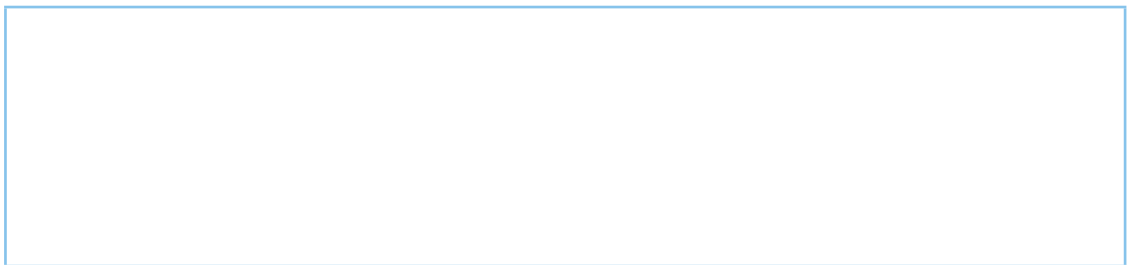
- a. Have you discussed and planned with your suppliers for changes in shift work organisation to have more space and time to accommodate for physical distancing practices?



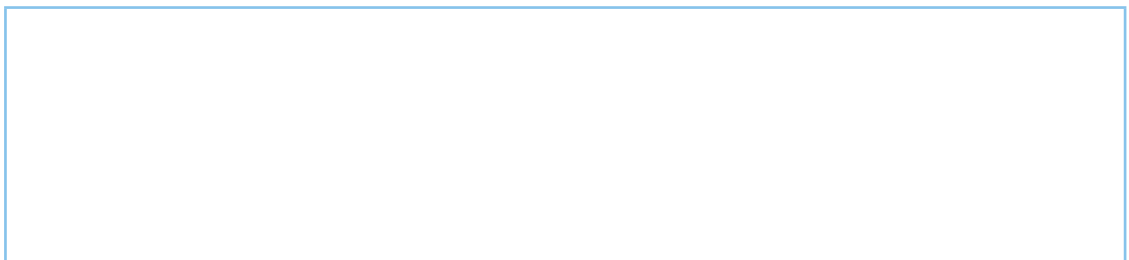
- b. Have you discussed and planned with your suppliers for changes in daily output and work quota to allow workers to use higher standards of PPE and physical distancing practices and take other protective measures that may decrease work speed?



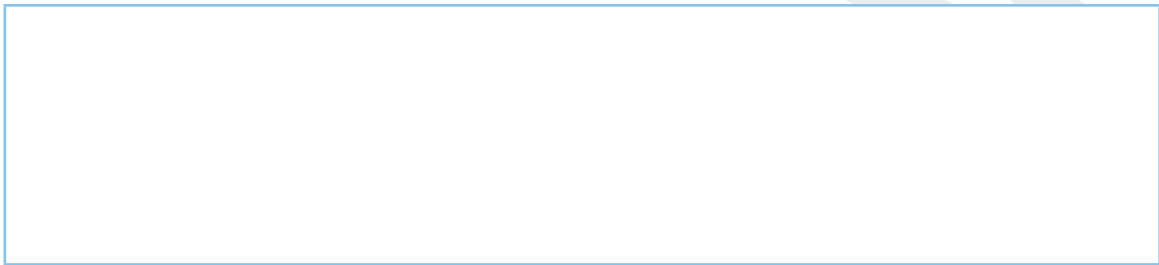
- c. Have you discussed and planned with your suppliers changes in production set-up to support physical distance possibilities for production workers (such as appropriate distances between production lines and appropriate distances between workers of a single production line)?



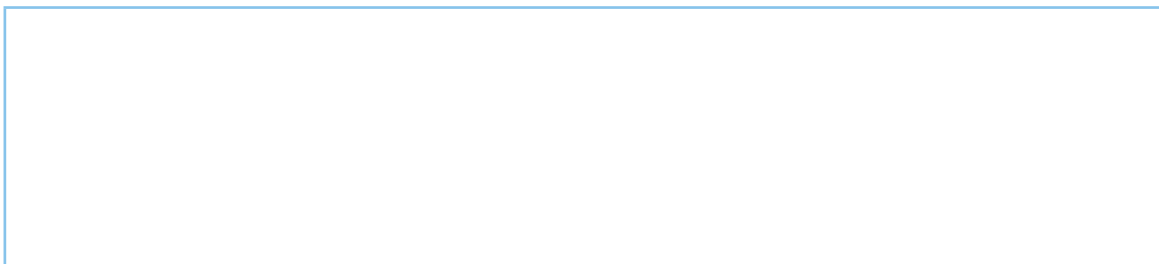
- d. Have you discussed and planned with your suppliers more flexible delivery dates to accommodate for changes due to (a), (b) and (c)?



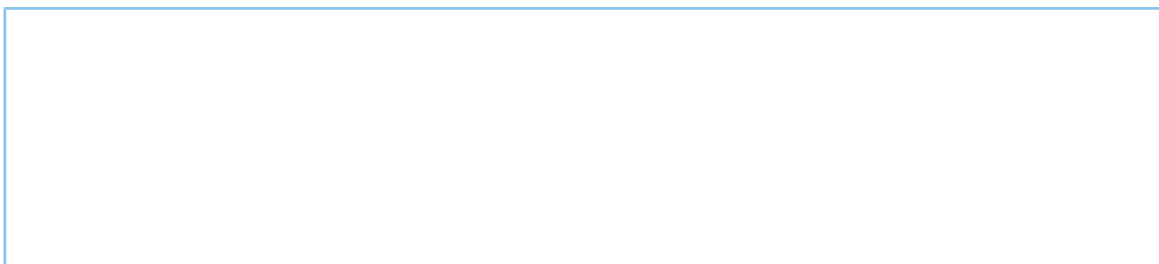
13. Which steps have you taken to ensure that your suppliers have taken all reasonable steps to remove or reduce risks to workers in consultation with workers, including recommendations made by workers and/or health and safety committees (or representatives) during the COVID-19 crisis? Have you and your suppliers consulted with trade unions, CSOs, NHRIs and other stakeholders<sup>13</sup>?



14. Which steps have you taken to ensure that your suppliers provide regular awareness raising and training on Occupational Health and Safety policies and practices related to COVID-19 for all workers, including contractual and agency labour<sup>14</sup>?



15. Which steps have you taken to ensure that you and your suppliers have medical professionals to conduct health and safety monitoring in workplaces, examine worker health records for preconditions, and provide continuous health checks of workers to identify risk groups with underlying conditions as well as symptoms indicative of COVID-19?



## Labour Rights

1. Which steps have you taken to ensure that your suppliers prepare a plan to ensure that workers are not dismissed? If workers must be dismissed, how do your suppliers ensure that they are not dismissed without compensation and without procedural safeguards, particularly daily wage workers<sup>15</sup>?

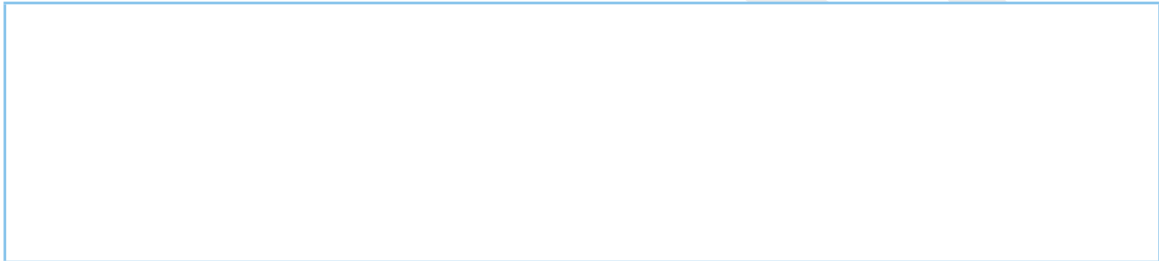
- a. Have you discussed and implemented with your suppliers a division of cost in relating to non-dismissal and compensation between the particular supplier and its customers?

2. Which steps have you taken to ensure that you and your suppliers pay workers pursuant to the terms of their contract, including overtime as required, under terms consistent with local and international labour standards and, when applicable, in connection to government stimulus plans during and after the COVID-19 crisis period<sup>16</sup>?

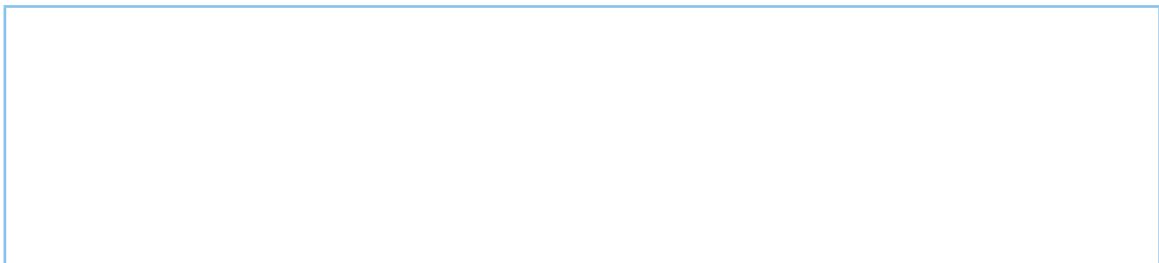
3. When business operations scale up again, have you discussed and planned with your suppliers considerations to rehire workers who were laid off during the crisis, or if hiring new workers, ensuring that they are not discriminated against on the basis of sex, race, religion, language, nationality, disability, migrant status, sexual orientation, gender identity or membership in a social group facing marginalization/stigma<sup>17</sup>?



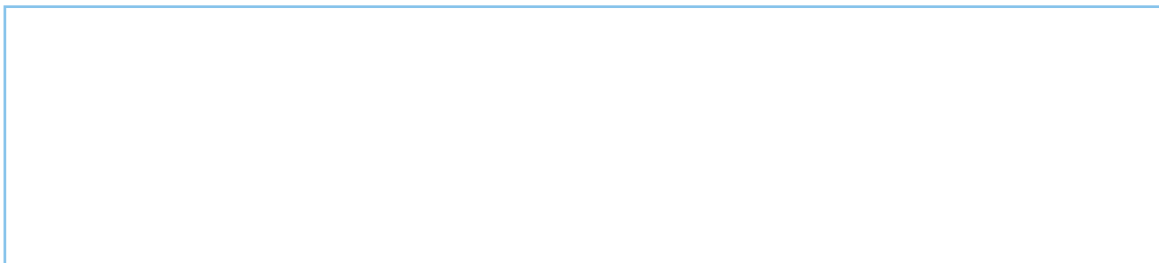
4. Which steps have you taken to ensure that your suppliers' workers found to have been infected by COVID-19 during a period of unemployment or illness are not discriminated against during the recruitment period<sup>18</sup>?



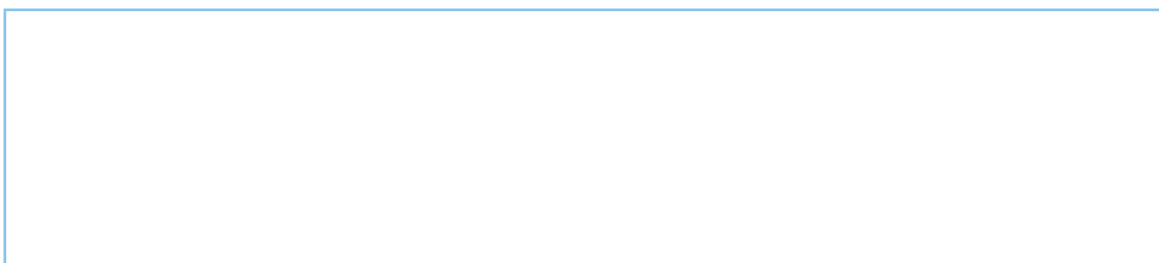
5. Which steps have you taken to ensure that your suppliers pay workers during periods while they are ill and unable to go to work, including during self-quarantine periods<sup>19</sup>?



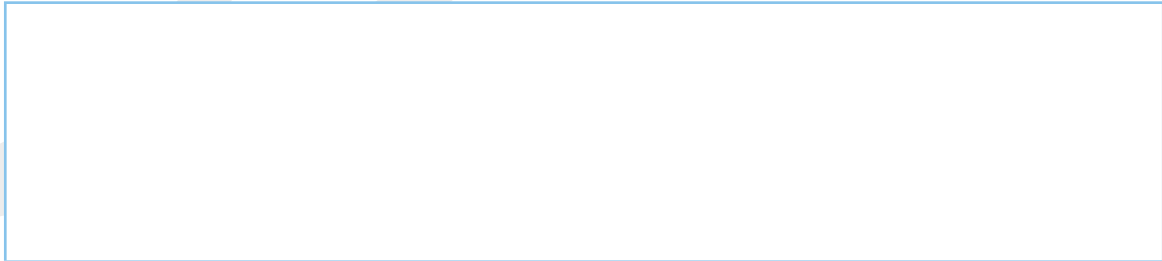
6. Which steps have you taken to ensure that you and/or your suppliers support workers with their healthcare cost payments during the period of COVID-19 in countries where the health system is not providing free services?



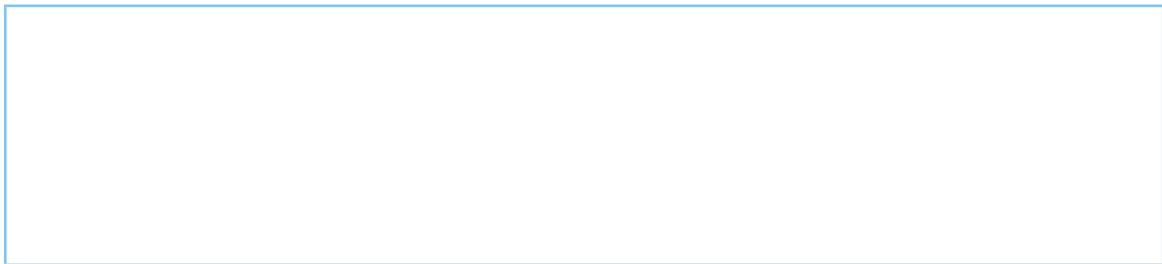
7. Which steps have you taken to ensure that your suppliers prevent salary deductions for testing and treatment of COVID-19 or related illness<sup>20</sup>?



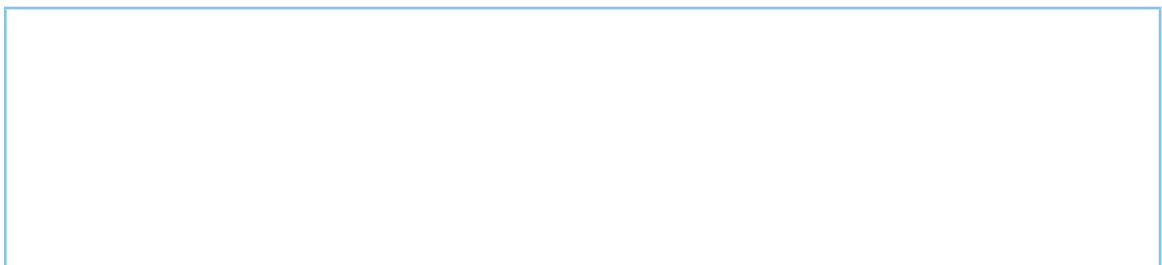
8. Which steps have you taken to ensure that your suppliers ensure women receive equal pay for equal work both during the COVID-19 crisis and in the post-crisis environment<sup>21</sup>?



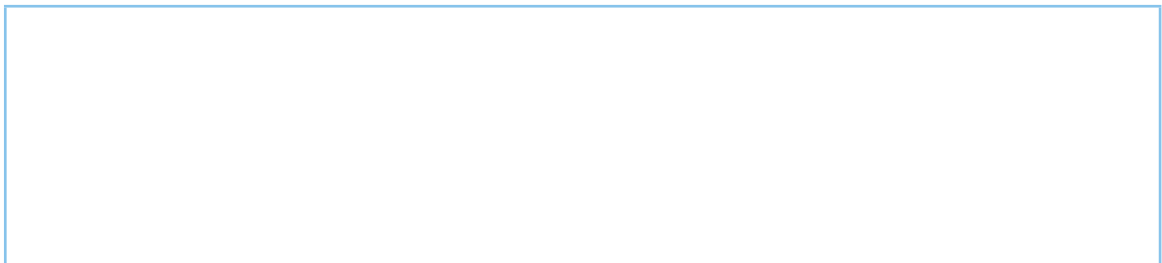
9. Which steps have you taken to ensure that your suppliers recognize women as unpaid caregivers and accommodate their needs and requests for flexible work or part-time work when ramping up production<sup>22</sup>?



10. Which steps have you taken to ensure that your suppliers prevent child labour from being used to fill gaps resulting from the absence or reduction in the number of a healthy adult workers available due to COVID-19 circumstances<sup>23</sup>?



11. Which steps have you taken to ensure that your suppliers provide people with disabilities who have also suffered COVID-19 with special considerations to ensure their entry or re-entry into the workforce<sup>24</sup>?



12. Which steps have you taken to ensure that your suppliers ensure that worker identification, travel papers and/or other documents are not withheld? Do your suppliers allow for workers to return home, as permitted by national laws, decrees or public health/emergency measures<sup>25</sup>?

## Management Systems Considerations

1. Which steps have you taken to support you suppliers' costs for measures that safeguard workers' health, safety and livelihoods in your supply chains<sup>26</sup>?

2. Which steps have you taken to make timely payments and ensure your suppliers make timely payments and/or extend credit to small and medium-sized companies to ensure their viability through the COVID-19 crisis in line with applicable government stimulus policies<sup>27</sup>?

3. Which steps have you taken to retain contracts with suppliers, particularly small and medium-sized enterprises whenever possible<sup>28</sup>?

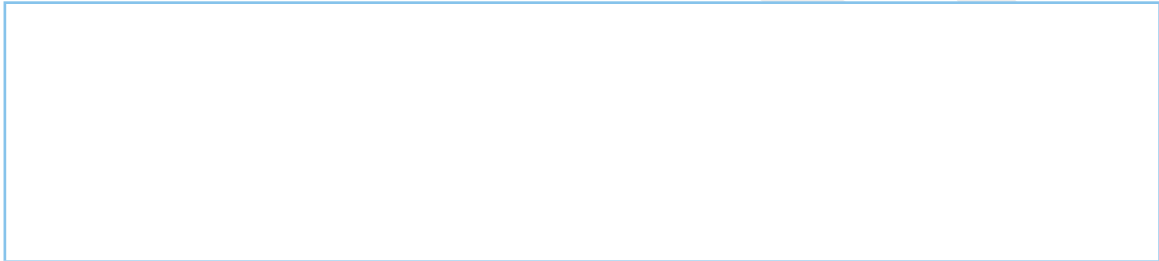
4. Which steps have you taken to establish and to ensure that your suppliers establish an accessible grievance mechanism and/or ensure existing accessible grievance mechanisms such as hotlines, have options for reporting issues that arise out of COVID- 19 and are available to all workers<sup>29</sup>?

5. How are you conducting human rights due diligence on any new suppliers in the supply chain<sup>30</sup>?

## Environmental & Community Impacts

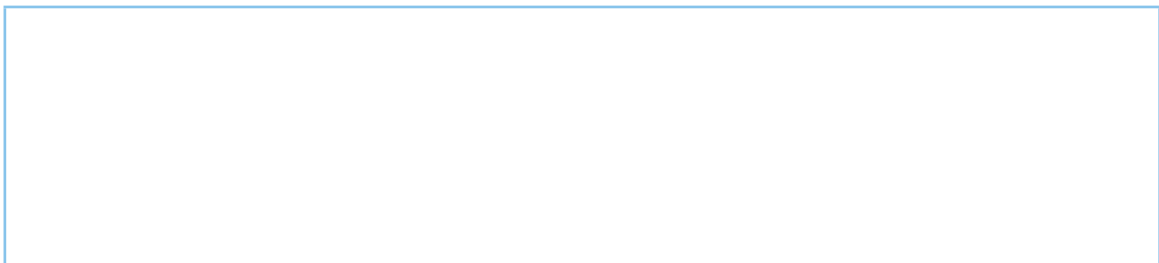
1. Which steps have you taken to ensure that your suppliers ensure all environmental protocols are followed in the discharge of toxic and hazardous materials, including facemasks, PPE, and gloves; and communicate to workers that improper disposal remains a priority even in times of crisis<sup>31</sup>?

2. Which steps have you taken to conduct post-crisis assessment on how communities near your suppliers or sub-suppliers have been impacted by redundancies and take mitigating or remedial action as required<sup>32</sup>?

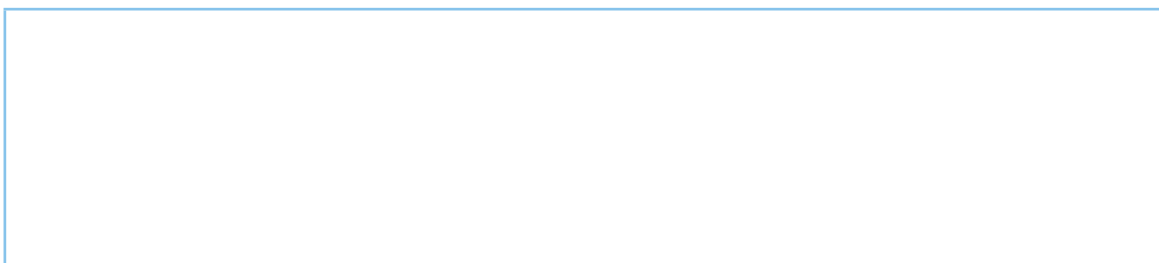


## Safeguarding Privacy

1. Which steps have you taken to ensure that your suppliers have developed policies to ensure names and contact information of workers found to have been infected by COVID-19 are not revealed to the workforce or the public at large, unless the worker consents or is required by the government as per applicable laws<sup>33</sup>?



2. Which steps have you taken to ensure that your suppliers train or provide refresher trainings to private security staff on respect for human rights in standard operating procedures, especially for those staff involved in COVID-19 screening procedures<sup>34</sup>?



## Preventing Stigma & Discrimination

1. Which steps have you taken to ensure that your suppliers prevent discrimination against or stigmatization of workers who return to the workplace after an illness such as Covid-19<sup>35</sup>?

2. Which steps have you taken to ensure that your suppliers establish procedures to counter the spread of false or misleading information so as to prevent fear and prejudice towards marginalized groups in the workforce<sup>36</sup>?

3. Which steps have you taken to ensure that your suppliers and workers of suppliers or sub-suppliers use social media responsibly to counter the spread of misinformation, fear, and prejudice in the workplace<sup>37</sup>?

4. Which steps have you taken to ensure that your suppliers do not associate migrants or other vulnerable groups negatively with COVID-19 in advertising, marketing campaigns or corporate communications, to prevent the promotion of stereotypes, misinformation or stigma against marginalized groups<sup>38</sup>?

1. ILO Occupational Safety and Healthy Convention (No. 155), 1951
2. ILO Occupational Safety and Healthy Convention (No. 155), 1951
3. International Covenant on Economic, Social, and Cultural Rights, 1976, Article 7; ILO Occupational Safety and Healthy Convention (No. 155), 1951
4. *ibid.*
5. *ibid.*
6. International Covenant on Economic, Social, and Cultural Rights, 1976, Article 7; ILO Occupational Safety and Healthy Convention (No. 155), 1951; Convention on the Elimination of Discrimination Against Women, 18 December 1979
7. International Covenant on Economic, Social, and Cultural Rights, 1976, Article 7; ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up, 1998
8. ILO Convention on the Elimination of all Forms of Forced or Compulsory Labour (105), 1957
9. ILO, Minimum Age Convention, 1973 (NO 138); ILO, Worst Forms of Child Labour Convention, 1951 (No. 100); ILO, Improving the Safety and Health of Young Employees, 28 April 2018, [available here](#)
10. ILO Occupational Safety and Healthy Convention (No. 155), 1951; ILO, Safety and Health in Mines Convention (No. 176); ILO, Recommendation 183 on Safety and Health in Mines, 1995; ILO, Recommendation 172 on Asbestos, 1986; ILO, Recommendation 177 on Chemicals, 1990; Social Accountability 8000 International Standard, 3.10
11. International Covenant on Economic, Social, and Cultural Rights, 1976, Art. 12; OHCHR, Human Rights Guidelines for Pharmaceutical Companies in relation to Access to Medicines, 27 July 2015
12. International Convention of the Protection of the Rights of All Migrant Employees and Members of Their Families, 19 December 1990
13. ILO Occupational Safety and Healthy Convention (No. 155), 1951
14. *ibid.*
15. ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up, 1998; ILO, Fundamental Conventions, 2003, [available here](#)
16. *ibid.*
17. ILO, Discrimination (Employment and Occupation) Convention, 1958 (No. 111)
18. ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up, 1998; ILO, Fundamental Conventions, 2003, [available here](#)
19. *ibid.*
20. International Covenant on Economic, Social, and Cultural Rights, 1976, Article 7; ILO, Equal Remuneration Convention, 1951 (No. 100)
21. International Covenant on Economic, Social, and Cultural Rights, 1976, Article 7; ILO, Equal Remuneration Convention, 1951 (No. 100)
22. Convention on the Elimination of Discrimination Against Women, 18 December 1979
23. xxvi ILO, Minimum Age Convention, 1973 (NO 138); ILO, Worst Forms of Child Labour Convention, 1951 (No. 100)
24. Convention on the Rights of Persons with Disabilities, 2008
25. International Convention of the Protection of the Rights of All Migrant Employees and Members of Their Families, 19 December 1990; ILO Convention on the Elimination of all Forms of Forced or Compulsory Labour (105), 1957
26. UN Guiding Principles on Business and Human Rights, 2011
27. *ibid.*
28. *ibid.*
29. *ibid.*
30. *ibid.*
31. ILO Occupational Safety and Healthy Convention (No. 155), 1951; International Convention of the Protection of the Rights of All Migrant Employees and Members of Their Families, 19 December 1990
32. UN Guiding Principles on Business and Human Rights, 2011
33. ILO, Protection of Employees' personal data, An ILO Code of Practice, 1997, [available here](#)
34. UN Guiding Principles on Business and Human Rights, 2011; ILO, Protection of Employees' personal data, An ILO Code of Practice, 1997, [available here](#)
35. ILO, Discrimination (Employment and Occupation) Convention, 1958 (No. 111)
36. *ibid.*
37. *ibid.*
38. *ibid.*



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