

**COVID-19, BUSINESS AND HUMAN RIGHTS:
CHALLENGES AND BEHAVIORAL STRATEGIES
(ANALYTICAL NOTE)**

March 30, 2020

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This document proposes to consider the balance of business and human interests in the context of the COVID-19 pandemic. The document provides an analysis of the main factors influencing the search for such balance, as well as an overview of the main behavioral strategies and some specific measures that are important for business as an employer and as a producer of goods and services, strategies as well important for the state as a regulator and which allow to protect a person as an individual, who possess rights, being at the same time the basis of modern economic growth. The document was compiled taking into account the recommendations of the ILO, WHO, OHCHR, the International Chamber of Commerce, Belarusian and foreign practice.

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The authors are grateful to colleagues (and, especially, to Y. Khlashchankova) for discussions and a number of practical examples provided.

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1. International human rights obligations and business.

The state, as a subject with direct legal obligations, is the main duty-bearer of the human rights obligations. The state has duties to respect, protect and fulfil human rights.

As a result of the transnationalization of the economy, the change in the social role of business, the strengthening of its position as a key stakeholder along with the state and the general «human orientation» in the development of all processes, the business and human rights agenda has been formed. Its essence is that business², while carrying out commercial activities, should comply with universal, generally recognized standards of human rights, and the state, for its part, should provide all conditions needed. When we are talking about business and human rights, it is not only a matter of charity and social initiatives; it is a matter of non-violation of human rights in the process of making a profit (including the «purity» of business' ties in this regard). The business and human rights agenda and the responsibility of business enterprises³ to respect human rights are not only enshrined in various international documents, but are also recognized by all key stakeholders (including international financial institutions, international business associations and global business). Today it is business practice's generally recognized standard.⁴

The human rights framework is a challenge for business in «peaceful times», in unstable time it is even more of a challenge. For Belarusian business it is even harder since the topic of business and human rights has not yet become familiar to the Belarusian business community and is only coming to Belarus. The situation of the unpredictable widespread pandemic COVID-19 has become an additional «stress» in this respect and has posed a serious threat to the «survival» of business not only in Belarus, but throughout the world.

At the same time, now more than ever business has an important and, in some cases, a key role in respecting human rights.

The United Nations (hereafter – UN) in Belarus has published recommendations for Belarus on the respect of human rights in the context of the coronavirus, in which it notes the special role and responsibility of business enterprises in the context of the flexible response to the adverse impact of the pandemic on its employees⁵. The United Nations Development Program's initiative «Business call to Action»⁶ and participating companies are also actively responding to the pandemic through their products and services, supporting the government's response to combat the spread of COVID-19⁷.

On 16th March 2020, the World Health Organization (hereafter – WHO) and the International Chamber of Commerce (hereafter - ICC) issued a joint statement calling on the private sector to take action to fight COVID-19. The statement, in particular, states that all business enterprises

² The term «Business» here and after should be understood as all business enterprises, both transnational and others, regardless of their size, sector, location, ownership and structure.

³ Here and after «business» and «business enterprises», «companies» are used interchangeably.

⁴ More details about the framework of business and human rights can be found in the Country Guide for the state, business and civil society "Belarus: Human Rights and Business" (E. Deikalo, 2019), prepared by the Belarusian Helsinki Committee: <https://biz.belhelcom.org/>

⁵ Human rights during the spread of coronavirus / UN in Belarus: <https://un.by/novosti-oon/prava-cheloveka/4951-prava-cheloveka-vo-vremya-rasprostraneniya-koronavirusa>

⁶ An initiative was launched in 2008 by the UNDP to drive progress towards the Sustainable Development Goals through inclusive business models which include people with daily incomes of less than \$ 10 in business processes: www.businesscalltoaction.org

⁷ The companies of the initiative «Business call to Action» are moving to the forefront of the fight against COVID-19: https://www.by.undp.org/content/belarus/ru/home/presscenter/pressreleases/private_sector_respond_COVID19.html

have an essential role to play in minimizing the likelihood of further circulation of the virus and negative consequences for society⁸. On 18th March 2020, the International Labour Organization (hereafter – ILO) published the Analytical Note on the impact of COVID-19 on the labor market and respect for workers' labor rights.⁹

The Belarusian business community, seeking to get involved in the global business processes, does not have any choice but to adapt to the business and human rights framework. The task for the state in this case is to effectively fulfill its duties as a regulator and the largest owner and employer, as well as to help business enterprises (thereby helping itself to survive the consequences of the economic crisis).

2. COVID-19 as «proposed circumstances» and human rights: major challenges for business and a state.

In our opinion, there are **eight main factors** that from one side influence the effectiveness of the respect of human rights by business enterprises in the current situation and from another side – these factors are additional challenges for it. At the present time these factors should be taken into account by any business when planning and developing the behavioral strategy, and by any state - when developing a set of measures to create conditions for business that would allow it to respond to economic challenges while caring for people:

a. The seriousness of the threat does not replace the obligation to respect human rights.

Despite different understanding of the level of the threat, the classification of this situation by the WHO as a pandemic, its scale, dynamics of development¹⁰, already obvious consequences and impact on social systems, as well as the practice of measures taken by majority of the states, it indicates that the situation is serious. It is not the reason for panic, it is an objective factor, the non-acceptance and denial of which significantly reduces the effectiveness of the measures taken. In the context of human rights, in the situation of the serious threat, as COVID-19, there is an objective need to take measures related to restrictions of human rights not only in the health sector, but others as well. Moreover, the criteria for the justification of such restrictions are legality, real necessity, proportionality and temporality. In such a situation, it becomes even more difficult to find the balance between the interests of the individual and the society. All in all, in the time of emergency it is much more difficult to respect human rights than in «peaceful time».

b. The complexity and globality of the consequences, the connection between the economy and human rights. Due to its severity and dimensions, the spread of the coronavirus is a global problem. This means:

a) that its solution requires the coordination of efforts of the entire community, including at the local level of members of the society of a particular state;

⁸ ICC-WHO Joint Statement: An unprecedented private sector call to action to tackle COVID-19: <https://www.who.int/ru/news-room/detail/16-03-2020-icc-who-joint-statement-an-unprecedented-private-sector-call-to-action-to-tackle-covid-19>

⁹ COVID-19 and the world of work: Impact and policy responses / ILO note: https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/documents/briefingnote/wcms_738753.pdf

¹⁰ The first 100 000 cases were registered 67 days after the first case, the second 100 000 cases - in 11 days, the third 100 000 cases - in 4 days. On March 23, 2020, the WHO Director General announced an accelerating pandemic: <https://www.who.int/dg/speeches/detail/who-director-general-s-opening-remarks-at-the-media-briefing-on-covid-19---23-march-2020>; Koch Institute's online forecasting of the situation: http://rocs.hu-berlin.de/corona/docs/forecast/results_by_country/

b) such a problem affects not only issues related to the maintenance of health and life of individuals, but practically it affects all spheres of the society (again, both - at the international level and within each state on the ground).

It is obvious that the economic crisis is one of the main consequences that the community will face, both at the global and local levels. The question is how quickly, how strongly and how long the society will feel its consequences and live in it¹¹. This is a major challenge for business, for which (in some cases) it is a matter of survival. This situation will inevitably affect the individual (both the employee and the customer). However, at the same time, individual is the main resource of any organization in an «knowledge economy», and due to this fact taking into account the interests of the individual and realizing his/her rights is an important instrument for overcoming the crisis of the particular business enterprise and the economy of the state as a whole.

c. The need to adapt to new circumstances. Any situation of the serious threat is extraordinary in its nature and requires adaptation. The ability to adapt to the new conditions is a powerful factor for survival. In this case, public trust to the state directly depends on the state's ability to respond to the new challenges. This is a chance for the state to strengthen it and at the same time it is the risk of losing it. The loyalty of personnel, reputation, retention (or attraction) of customers and other factors, which have an effect on the sustainability of the development of the business both in the pandemic time and in the post-crisis period, directly depend on the ability of the business to adapt to the new circumstances we live in. It is a chance to strengthen all stated above and it is a risk to weaken it or even lose.

d. The need for the efficient response. The efficiency of actions in this situation is the main factor that determines the effectiveness of the measures taken. In the conditions when the situation changes not daily, but hourly, even the most effective measures taken with a delay will not be able to fully help the beneficiaries. Efficiency is especially important and is directly related to the provision of reliable and up-to-date information.

e. Inadmissibility of the informational «vacuum» or «downtime» and informational hygiene. In any extraordinary situation, the effectiveness and efficiency of the measures taken depends on how complete and reliable information is in the hands of those who make the decisions, and as well of those who are the addressees of these decisions and measures – the society. It is the reliability and comprehensiveness of the information which is the driving force for the content of the necessary measures taken. Informational «vacuum» or «downtime», the provision of incomplete and / or inaccurate information (especially in the conditions when there is no officially introduced quarantine and state's borders are not closed) is unacceptable, because:

1. This does not allow people to make balanced and systemic decisions related to their health, life and well-being in the case when the measures taken by the state and business enterprises are insufficient and ineffective.
2. In the conditions we live in, when there is the access to the diverse and sometimes controversial and contradictory information related to the coronavirus every hour, in the absence

¹¹ Economics in the time of COVID-19 (Ed. by R. Baldwin and B. Weder di Mauro, 2020): <https://voxeu.org/content/economics-time-covid-19>

of comprehensive and reliable information from the official sources, people begin to fill these «gaps» in their own, what could harm themselves and others.

Therefore, on the one hand, ensuring the realization of the right to information in the extreme situation is closely related to the realization of a number of other rights - the right to life, the right to health, the right to liberty and security of person, freedom of speech, freedom of movement, etc. On the other hand, in order to ensure informational hygiene and prevent the incitement of panic in the society, in some cases the question arises about limiting the right to information as well as the freedom of expression. At the same time, we reiterate, such restrictions must be legal, temporary, necessary and proportional.

f. Cumulative effect of unsuccessful measures. Ineffective, inadequate measures taken by state or business enterprises (or both) in the extraordinary situation like COVID-19, when they «cross over» and interact with each other, make an already vulnerable position of an individual even worse. As a result, certain groups of people may struggle to survive. So, for example, the failure to make a decision on official quarantine on the one hand, the impossibility of obtaining social guarantees (paid leave for the period of self-isolation) on the other hand, and the decision by Belarusian banks to increase loan rates, on the third¹², create one of the situations of «ideal storm» in the context of an opportunity to provide livelihoods for oneself and one's family, including an increased risk to health (both to oneself and to others). Many people (including those at risk of the consequences of infection) cannot afford, due to their financial situation, to take a leave at their own expenses and ensure social isolation, they are forced to go to work in order not to lose money, which is now needed even more to pay off the loan at higher rates.

g. Low readiness of the society for responsible behavior, low level of health culture, information and legal culture in society. The main problems that make an already vulnerable person even more vulnerable, reduce the effectiveness of measures taken and create additional risks of violations of rights in this regard:

1. People don't take COVID-19 seriously. People often do not react to doctors' appeal to stay at home, continue to visit public places, go to bars, restaurants, and do not use disposable gloves and masks when going outside. People hide from doctors their poor health, the presence of abnormal temperature, in order not to get to the hospital. People do not realize that the health and life of another person can depend on their behavior. This situation develops, among other things, due to the lack of comprehensive and reliable information from the official sources¹³, which is superimposed on the low level of information culture, the habit of trusting a «neighbor», «word of mouth» as the main source of information, etc. According to the study conducted in March 2020 by the international marketing and social research agency MASMI - only 59% of respondents try to avoid crowds of people, only 40% have restricted visits to shopping malls, only 30% began to use public transport less often and use antiseptic to clean their phones and other surfaces, and only 25% - have limited any visits to their elderly relatives and parents¹⁴.

2. Stigma and stereotypes. The society is full of negative attitudes, starting with the fears of the period of «early coronavirus» regarding people of Asian appearance and communicating with them, ending with insults or inquiries involving interference with the privacy of people, whose analysis turned out to be positive at the present time. This creates grounds for discrimination.

¹² Banks suspend lending and revise interest rates on loans: <https://finance.tut.by/news677654.html>

¹³ For more details, look at the section 5 of this document.

¹⁴ The online survey was conducted in March 2020, and 500 people from Minsk and regional cities of Belarus took part in it. The age of the participants is from 18 to 64 years old: <https://news.tut.by/society/678201.html>

3. *People often do not know their rights* and are simply not aware and do not understand what behavior in relation to them is appropriate and what is not.

h. Uncertainty and unpredictability. With the most professional forecasting, it is impossible to accurately calculate: a) when it all will end, b) the real scale of the consequences.

3. Business - person: balance of interests in the context of COVID-19.

Business survives and the first thing that business enterprises worry about right now is how to minimize its risks associated with the coming crisis. And that's normal.

At the same time, the survival of business sector is directly connected with the development of such business model that allows the business sector to demonstrate its safety to those who are around: the safety of the workplace, the safety of the services provided, the product and the safety of the form of their provision (as the result – the loyalty of personnel, retention of clients and attraction of new expansion of markets, reputation in general, which provides all of the above, etc.). The human rights framework is, in this case, one of the tools to ensure that safety.

Ensuring human rights on the one hand is additional requirements for business enterprises, on the other - a model of business survival both in «peaceful time»¹⁵ and, moreover, in the time of emergency. This situation, in addition to all the negative consequences, has one big advantage - now something that would not work in «peaceful time» could work with an economic effect. **Therefore, the viability of any business, regardless of its their size, sector, location, ownership and structure, now largely depends on its flexibility and ability to adapt not only to the challenges of the economic crisis, but also to take into account the threats the COVID-19 pandemic poses to its clients and employees in terms of enjoyment of their rights.**

The ICC, in the joint statement with the WHO, emphasizes that measures taken by the private sector to minimize the likelihood of further circulation of the virus and negative consequences for society will reduce short-term risks for employers, as well as long-term costs for business enterprises and the economy¹⁶. The ILO also suggests that workers' labor rights standards in this situation allow for a human-centred approach to growth and development, including through by triggering policy levers that simultaneously protect both workers and business enterprises¹⁷.

Belarusian experts-economists, as well as international experts¹⁸, speak about the importance of having a person «in focus» in the conditions of an impending business crisis, calling the first principle of anti-crisis measures – «people are in priority»¹⁹.

Undoubtedly, the set of specific measures depends on the size of the business, its financial and production capabilities. Here we are not talking about «reaching for the stars» to ensure the

¹⁵ For more information about the benefits for business from including human rights in the company's agenda, see the analytical review "Why does business need human rights? Benefits for the company" (E. Deikalo, O. Gulak, J. Khlashchenkova, E. Vorobieva, 2019): <https://biz.belhelcom.org/>

¹⁶ ICC-WHO Joint Statement: An unprecedented private sector call to action to tackle COVID-19: <https://www.who.int/ru/news-room/detail/16-03-2020-icc-who-joint-statement-an-unprecedented-private-sector-call-to-action-to-tackle-covid-19>

¹⁷ COVID-19 and the world of work: Impact and policy responses / ILO note, p. 7: https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/documents/briefingnote/wcms_738753.pdf

¹⁸ GDP or people's lives (S. Guriev): <https://www.vedomosti.ru/opinion/articles/2020/03/27/826385-vvp-lyudei>

¹⁹ Prevent the perfect storm (D. Kruk, K. Bornukova) / BEROC Policy Brief №78, p.5: http://www.beroc.by/webroot/delivery/files/ideal_storm_beroc_pp78.pdf

impossible. At the same time, the strategies we propose and taking into account the abovementioned factors will let any company's action plan, model of «survival» to be human-oriented, to keep a human «in focus», it will help not to miss important things concerning the respect and enjoyment of his/her rights.

Key concept under the business and human rights agenda is the concept of **due diligence**²⁰, which defines the general pattern of business behavior in the context of respect of human rights and which is especially relevant in the current situation. It means that the company:

a) should take all possible measures **to identify** risks of violations of international human rights standards in the course of its activities; and

b) should take all possible measures **to avoid** these risks or (if it cannot be avoided) **to minimize** them as much as possible.

4. Behavioral strategy: «employer-employee»²¹.

The strategy of business behavior, as an employer in this situation in order to ensure respect for human rights, on the one hand, and to maintain the highest possible economic stability, on the other, should be based on two main directions²²: **ensuring safety at the workplace and supporting the employment and income of workers**. The main measures in this direction are:

a. Maximum integration of flexible working hours, remote work. Despite the fact that everyone is talking about «remote work», in Belarus one can observe certain problems with such an opportunity. For example, a poll conducted in the public chat of TUT.BY media on March 26th 2020 showed that out of 5,765 people who participated in it, 79% (4.5 thousand) cannot self-isolate themselves because work does not allow it²³. At the same time, according to the results of another survey (mentioned above) - 66% of the respondents cannot switch to «remote work» because work does not allow it²⁴. There is no doubt that the specific character of production does not always allow you to completely switch to remote work, and the so-called *teleworking*. Even if we assume that these figures (79% and 66%) are figures that more or less reflect the real number of those who really cannot, due to the specifics of production, work remotely, the employer should be as flexible as possible when it comes to the work schedule and employees' stay at the workplace. In addition, it is necessary to take into account the factor concerning the attitude of people to the problem, noted by us in the sub-section 2g of this document.

²⁰ The main meaning of the term is the standard of behavior of the subject, under which it takes all possible, reasonable and currently available measures in order not to violate the law.

²¹ All examples in the section 4 are from the personal experience of the authors.

²² Based on the ILO recommendations: COVID-19 and the world of work: Impact and policy responses / ILO note, pp. 9-12: https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/documents/briefingnote/wcms_738753.pdf

²³ It is not clear from this survey whether the employer or the specifics of the job does not allow, but for the reasons of rationality, it is difficult to assume that all these 79% work “near the machine” (at the factory) that cannot be brought home.

²⁴ “How the behavior of Belarusians is changing due to the coronavirus”: <https://news.tut.by/society/678201.html>. At the same time, the material notes that the percentage of cases when the employer is against “remote work” is not high. Moreover, there is no access to the primary source of these data and it is difficult to say what it means “not high”. In addition, whatever this percentage may be, it must be minimized as much as possible if it is possible to work remotely.

If it is impossible to provide remote work for all employees, the employer should provide such an opportunity at least to employees who need self-isolation due to the contact / possible contact (for example, second-level contacts) with those people who have been COVID-19 positive, moreover the most vulnerable employees in this situation should have the opportunity for remote work as well (see sub-section 4d below). Many employees, while not understanding / not considering the current epidemiological situation as a serious threat, do not consider it necessary to isolate themselves, and such a situation may well suit the employer. At the same time, according to the principle of due diligence, acting with due precaution, the employer (in case of production capability) should insist on self-isolation, explain to the employee the need for this measure.

b. Maximum health safety at the stationary workplace. If it is impossible to completely transfer work to a remote mode, it is necessary to minimize the possibility of a threat to the health of an employee at the workplace as much as possible: creating distance between workplaces; providing the necessary protective equipment, including antiseptics, taking into account the WHO recommendations; providing information campaigns constantly to remind workers of the need to follow all precautions and hygiene procedures. This is especially true of the business enterprises operating in the service industry, since its employees, in addition to contacting each other, are constantly in contact with many other people. At the same time, for example, right now *the employees of the Euroopt delivery service* come to deliver orders without any means of protection, endangering both their own health and the health of the company's customers. Many catering companies which have reoriented themselves to delivering food for medical personnel are also at additional risk in this regard, and their employees must be provided with additional protective equipment. In addition to delivery services and restaurants / cafes, a special group of companies whose employees are at risk are pharmacies. An illustrative example is *the network of pharmacies ADEL and «Dobryya Leki»*. The network has programs for employment of older personnel (which support one of the vulnerable groups in the labor market), however, in the current situation, the personnel (among whom, accordingly, there are many people at risk) work without gloves.

This group of measures also includes the maximum possible identification and prevention of an employee with signs of acute viral respiratory infections in the team.

c. Prevention of discrimination and bullying against workers with COVID-19. Again, taking into account the factors mentioned in section 2g of this document, the employer (in particular the HR manager / HR department) needs to pay special attention to avoid discriminatory actions against employees who test positive for coronavirus. It is also important not to forget about those workers who got sick and recovered from the coronavirus and then returned to work. They may also be subject to prejudice and stigma.

d. Taking into account and prioritizing the interests of employees who are the most vulnerable in these circumstances. In these circumstances, the most vulnerable will be:

Workers 50+²⁵: firstly, they are at risk for the severity of the consequences of infection. Workers who live with such people are also indirectly vulnerable in this regard. The interests of these

²⁵ Based on the statistics of mortality from coronavirus, the age "risk zone" can be determined starting from 50 years old (the age group "50-59 years old" is the first in which the mortality rate in the most epidemiologically unfavorable countries significantly exceeds the result of the previous group (40-49 years)). At the same time, the employer must carry out age differentiation among employees of pre-retirement and retirement age when determining the degree of risk (if there is a risk for an employee of 50 years old, but the situation is not critical, then for an employee 65 years old - based on the mortality rate in the group "60-69 years "Compared with the

groups of people in such a situation should be prioritized since the maximum reduction in the likelihood of getting coronavirus for a person of pre-retirement and retirement age is not just a matter of minimizing damage to health, but a matter of saving life. Therefore, for example, if the employer cannot organize the possibility of remote work for everyone, for these categories of persons such an opportunity should be offered first of all, both in general and in specific situations. For example, if it is not possible to hold a meeting on-line, it is necessary to ensure the possibility of remote participation at least for these categories of persons. Otherwise it is needed to ensure their safety at the meeting. Secondly, in addition to the health factor, workers of pre-retirement and retirement age are vulnerable in economic terms - in the event of a downsizing, it will be much more difficult for them to find a new job than for others. Especially considering the fact that ageism (discrimination on the basis of age) is one of the key grounds of discrimination on the labor market in Belarus²⁶.

Employees with children of preschool, primary and secondary school age (especially single parents): given the fact that on the one hand, there is no official quarantine in educational institutions, on the other hand, it is impossible to obtain social protection guarantees (in order to sit with the child there is an opportunity to go only on vacation at their own expense), many parents (despite having the opportunity to write a statement at school) do not leave their children at home. At the same time, as we know, in the case of coronavirus, children, although they are not included in the risk group for the disease, are often carriers of the virus in the absence of any symptoms of the disease. Therefore, it is especially important for children now to provide the possibility of social isolation, since they can infect, without knowing it, a lot of people (including through their classmates). To implement it, one of the parents must be able to be at home with children of the indicated age as it is dangerous to leave children alone at home (including because it is necessary to control their visits to other public places). In this regard, the employer must also take into account the priority of the interests of the abovementioned group of employees.

Women: firstly, women make up the majority of personnel in the service industry (catering, beauty industry, medicine, trade, etc.), whose employees, in principle, are in a greater risk due to the forced contact with a huge number of people; secondly, due to the distribution of gender roles in Belarusian society, even with the officially introduced quarantine in schools and preschool institutions, in most cases a woman will have to stay with her child at home. In the absence of social guarantees, she will be in much more vulnerable economic position than a man; thirdly, an additional factor of her economic vulnerability will be the same as in the case of older workers – if a woman with a child of preschool, primary and secondary school age loses her job, she will find it more difficult to get a job than a man and a woman with older children (taking into account trends of discrimination on the labor market in Belarus²⁷).

Workers of all ages with chronic diseases (especially heart or respiratory diseases, immune and cancer diseases).

In the current circumstances the first thing that is useful to do for the an HR manager / HR service of any organization is to make a list of the most vulnerable employees in this situation according to the highlighted indicators and keep them «in focus» when planning a set of

previous group - the situation can be critical). Statistics source: Coronavirus Disease (COVID-19) - Statistics and Research: <https://ourworldindata.org/coronavirus>).

²⁶ Results of the sociological study of the situation in the field of gender discrimination in the labor market and employment in Belarus in 2018: <https://www.genderperspectives.by/novosti/527-rezultaty-sotsiologicheskogo-issledovaniya-situatsii-v-sfere-gendernoj-diskriminatsii>

²⁷ Ibid.

measures to counter the spread of COVID-19. At the same time, it is important to remember about possible «intersections» of vulnerability criteria (for example, a single mother with a child of primary school age, living with elderly relatives).

e. Provision of social guarantees for workers in self-isolation. If it is impossible to provide remote work and when quarantine is declared at the enterprise, or it is impossible to provide the employee with the opportunity to provide the necessary self-isolation for herself/himself or the child, the employer should try to provide social guarantees (at least partially) to the employees. This is especially important in conditions when such guarantees are not provided by the state. Again, when business enterprise's resources are limited, they should be allocated taking into account the priority of the interests of vulnerable groups.

f. Provision of the necessary information and prevention of «infodemic» in the team. Regardless of how conscientiously the state fulfills its obligations to ensure the access to comprehensive and reliable information during the pandemic, any business as an autonomous system must also ensure transparency of all processes and the access to comprehensive information. It is important to understand that, in the context of the prohibition of discrimination against employees who have infected with COVID-19, the concealment of the employee's illness and information about it to other employees is inappropriate and is not a way out of the situation or an adequate measure. In this scenario, the employer should take measures aimed at establishing the balance between the interests and rights of the sick employee not to be discriminated against, his right to privacy and the interests and rights of other employees who need to have reliable information to make adequate decisions regarding their safety. At the same time, it is necessary to ensure that unreliable, unverified information, which could spread panic, does not circulate within the company.

g. Layoffs should be used as the last resort. It is important to understand that in the current situation one of the key factors preventing layoffs is a change, reorientation of the forms of activity. At the same time, the ability to quickly navigate can help business enterprises to reduce the possibility of the layoffs and also help to create additional working places while respecting human rights and protecting itself.

The ILO emphasizes **the role of trade unions** in the context of protecting workers' rights in the current environment²⁸. Currently the Federation of Trade Unions of Belarus' website contains only general information about the number of cases, scientists' opinions on symptoms, preventive measures, etc., international news²⁹. It was not possible to find any specific and comprehensive information on the protection for workers, strategies of behavior for the employer in connection with the spread of COVID-19.

5. Behavioral strategy: «producer-customer».³⁰

As part of the impact of business activities on the customer, the main strategy in the context of COVID-2019 is **to ensure the safety of products, services and forms of their provision**. In

²⁸ COVID-19 and the world of work: Impact and policy responses / ILO note, p. 7, 10: https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/documents/briefingnote/wcms_738753.pdf

²⁹ Federation of Trade Unions of Belarus website: <https://1prof.by/>

³⁰ All examples in the section 5 are taken from mass media websites (<https://afisha.tut.by/news/anews/677926.html>; <https://silverscreen.by/>; <https://news.tut.by/society/677093.html>; <https://www.mts.by/news/81163/>; https://primepress.by/news/kompanii/operator_a1_sdelal_besplatnymi_zvonki_v_rouminge_na_goryachie_linii_b_elorusskikh_dippredstavitelstv-18726/; https://primepress.by/news/kompanii/operator_life_otmenyaet_platu_za_zvonki_na_goryachie_linii_po_voprosu_m_koronavirusa_v_belarusi_i_za_-18571/) and from the personal experience of the authors.

this context, it is important to take into account the scope of activity of a particular business enterprise and the dependence of the set of specific measures on its scope of activity. Due to the limited scope of this document, we have identified a number of the most effective measures for the provision of services, as one of the spheres of activity where there is an elevated risk of the infection for clients:

a. Customer's safety through the employee's safety. As mentioned above, the service industry is especially vulnerable at the moment in the sense that the safety of services, products and the forms of their receiving (i.e., the safety of clients) is in direct proportion to the extent to which the employer has ensured the safety of the worker's working conditions (the same example with *the delivery service Euroopt* or *the network of pharmacies ADEL* and «*Dobryya Leki*» - the insecurity of the employee entails the insecurity of the client).

b. Ensuring safe distance between clients. For instance, the chains *McDonald's* and *Dominos Pizza* have organized safe distancing at the checkout area and made it impossible to order tables near each other to help maintain distance between people. *The Silver Screen* movie theater chain sells tickets through the venue for the same purpose.

c. Reorientation to the home delivery or closer to the client's place of residence. As can be seen from the practice of the last month, a number of catering companies have reoriented themselves to home delivering of their products. At the same time, this is the decision not only for cafes and restaurants but for other business enterprises as well. For example, *the network of pharmacies ADEL* and «*Dobryya Leki*» have launched the possibility of online ordering of drugs with the delivery to the nearest pharmacy. The example of this network of pharmacies is very indicative: while caring about their clients on the one hand, the safety of employees (see section 4d), and therefore of the other part of customers (who come to the pharmacy), also «sags». This once again proves the need for an integrated and systematic business approach to the development of measures to prevent COVID-19 from spreading.

d. Providing clients with protective equipment (sanitizer, germicidal wipes, disposable gloves at least).

e. Temporary cancellation of client's engagement promotions aimed to the physical presence of clients. A relevant example is *the cleaning company «Chistiy Kit»*, which directly notified its clients via e-mail (with the reference to the recommendations of the WHO and the Ministry of Health) that it would not hold promotions in order to stimulate demand and sales in March-early April due to the current epidemiological situation. At the same time, the company is simultaneously taking another «human-centered» measure - changing the cancellation policy (now they can be canceled free of charge).

In this context, one of the negative examples is the flash mob of Russian catering companies called *#ресторанамбыть* (eng. - *#restaurantsshouldbe*), which was joined by a number of Belarusian cafes and restaurants. The idea of the flash mob is to urge people not to buy buckwheat, but to visit their restaurant / cafe³¹. While exhausted doctors with bruises on their faces from protective masks and glasses try to appeal to people to stay home, joining this flash mob is inadequate, inappropriate and unreasonable measure by businesses. Despite the fact that the state has not introduced a ban on visiting public places (including restaurants / cafes), the principle of due diligence (behavior with due precaution) obviously requires businesses in this situation to reorient themselves to other strategies of attracting customers (not related with their

³¹ See what the restaurants have come up with so that guests do not ignore them due to the coronavirus:
<https://afisha.tut.by/news/anevs/677254.html>

physical presence in the restaurant). The example provided above indicates that the business does not see its client as a person, does not realize his/her desire for safety.

f. Providing clients with accurate and comprehensive information. First of all, this means that the information about the measures taken by a company to ensure the safety of customers should be the first measure taken by the company. It is important that the client knows whether the company is taking measures to ensure his/her safety (which measures in particular) in connection with the current situation. This will help build clients' trust to the company. As examples of such measures we could highlight an advertisement on a storefront listing the measures that are being taken in this regard (for example, *the Svoi store* on Nemiga str.), e-mailing to clients (for example, *the Chistiy Kit cleaning company* with reference to the WHO recommendations and The Ministry of Health, where the company honestly warns that there are no technologies for «anti-virus» cleaning, and that they provide the necessary means of protection to their employees, says that, nevertheless, they work and, if necessary, cleaning can be ordered).

g. Consideration and priority of the interests of persons most vulnerable in this situation.

Vulnerable groups in the relationships «producer-customer» are the same as those described in the section 4d above in the context of employer-employee relationships.

It is also important to note the need to take into account the risk of infection contamination when providing clients with consumer goods. The production process for such products should be designed in such a way as to exclude the possibility of infection contamination through the product, taking into account the viability of the virus on different surfaces.

It is also necessary to highlight some important points concerning such business as mass media and communications / services (Internet, telephone) due to their special importance at the present time.

With regard to the **mass media** in the current situation, first of all, it is important to understand the risk of violation of the right to privacy (especially considering the stigma factor described in the section 2g of this document). When the mass media takes photos or buys images of people who are hospitalized / discharged from the hospital, etc. it is necessary to understand that it is one thing to use an image of a doctor in a protective suit when it is not possible to find out who it is, or to use an image of a patient in an isolated portable box, when it is also impossible to recognize a person under any circumstances; and it is completely different - to use an image of a person wearing only a medical mask, where he/she could be perfectly recognized. The use of the image without his/her written consent, as well as the use of such image as the illustration for materials with different names (including those who are new infected), could lead to the impression that he/she is infected: a) which constitutes a violation of his/her right to privacy and a violation of the procedure for storing and using personal data, enshrined in the legislation of the Republic of Belarus; b) could lead to the emergence of stigma towards this person among his acquaintances, which, in turn, could harm both the person and his/her family.

With regard to business in the field of **communications/services**, it is important to understand that in the current situation, high-quality and accessible communication plays a huge role and is associated with ensuring at least such rights as: the right to health, the right to life, the right to access to information, the right to education (forced transition for online education), etc. In times of the financial crisis, if a person is not able to pay for communication at some point, it should not lead to the impossibility of taking the necessary measures promptly, gaining access to certain resources, etc. In this regard, the measure taken by *AI* to provide unlimited free access to the

Internet by the end of the summer-2020 is seen as important, relevant and in time. *MTS, life :)* and *AI* have also provided subscribers with the opportunity to make free roaming calls to hot lines of Belarusian diplomatic missions.

6. The role of the state, business associations, the National Chamber of Commerce.

a. Providing information to business and society. Considering the importance of receiving timely, comprehensive and reliable information in any situation of this level, **the primary measure that the state should take is to inform business and society.** The main responsibility in this context lies with the state, firstly, because it has direct legal obligations to ensure the right to access to information³², and secondly, because the state has access to those sources of information, which others do not have access to.

The WHO and the ICC emphasize that state's actions should be coordinated with the private sector and civil society to ensure the broadest possible informational outreach and effectiveness³³.

Today, unfortunately, it can be stated that the state is not coping with this role. It is obvious that the society is not satisfied with the comprehensiveness, reliability and efficiency of the information provided by the state, therefore, it tries in every possible way to find it in other various sources. The authorities, however, do not draw proper conclusions from this.

For example, among the arguments put forwarded by the state to justify the failure to provide more accurate information is protection of the privacy of citizens from interference and prevention of panic. So, during the stream of the Ministry of Health and the Ministry of Education, held on 25th March 2020, the Minister of Health, V. Karanik, explained that the attempts of the Ministry of Health to provide more accurate information had led to the fact that «many media and representatives of the blogosphere began to actively interfere in the personal life of citizens, find out how their companies work, what is happening in the city. Thus, they played havoc. In addition, people had become less willing to talk about their contacts with virus positive people, and later began to turn to doctors.»³⁴

In this regard, firstly, it is important to clarify that the working hours of business enterprises and the conditions in which citizens work and, moreover, what happens in their city, are not personal data and do not relate to the private life of citizens. Therefore, there is no legal basis to suppress the dissemination of such information. And, secondly, informing society without interfering with their privacy is a matter of the professionalism and quality of work of the civil servants and journalists responsible for this, as well as the understanding that the best tool to prevent panic is to provide society with the most comprehensive and reliable information.

Such state's attitude toward the epidemiological situation gives rise to public distrust of the state's activities in this area and the information provided by state. Thus, the stream «Your question to the Ministry of Health and the Ministry of Education about the situation with COVID-19 in Belarus» held on 25th March 2020, gained 1400 «likes» and 7000 «dislikes» at the

³² Art. 19 of the International Covenant on Civil and Political Rights 1966, Art. 34 of the Constitution of the Republic of Belarus, art. 6, 16 of the Law "On Information, Informatization and Protection of Information" 2008.

³³ ICC-WHO Joint Statement: An unprecedented private sector call to action to tackle COVID-19: <https://www.who.int/ru/news-room/detail/16-03-2020-icc-who-joint-statement-an-unprecedented-private-sector-call-to-action-to-tackle-covid-19>

³⁴ Why is there no quarantine in Belarus? The Minister of Health answered questions about the coronavirus online: <https://news.tut.by/society/677873.html>

end. This, of course, should not be considered as the only argument, but these numbers cannot be ignored. According to the results of a survey conducted on 29th March 2020 in the public chat of TUT.BY regarding the trust to the information about COVID-19 (including the number of infected people) provided by the Ministry of Health: out of 6,948 people who took part in the survey, 3% trust (222 people), those, who do not trust and believe that state's officials hide reliable information from them - 86% (6,000 people), those, who found it difficult to answer this question - 10% (725 people).

In addition to the availability of information on the actual picture associated with the spread of the virus, there is also an obvious *lack of information regarding the framework and strategies for business behavior* in this situation. For example, on 23^d March 2020, the information appeared in the official telegram channel of the Ministry of Health, where during a press conference it was announced that «the recommendations have been developed on the operation of catering in the new conditions, which are sent to all owners of restaurants and cafes». Moreover, it was stated that «the action plan has been developed in connection with the spread of COVID-19, which has been joined by the business communities». No one of these documents is currently on the website of the Ministry of Health. It means that other actors are not able to get acquainted with these documents, such as: a) other business (to study experience and examples of possible measures), b) civil society, c) customers who must understand what he/she can and should now expect from the business.

At the same time, there is a positive moment. It should be noted that the website of the Ministry of Health contains quite detailed «*Recommendations on social distancing during the period of registration of the cases of COVID-19 infection*»³⁵, which, among other things, contain several recommendations for the employer and for the employee about behavior in the team. There is the «*Rules of conduct for citizens in self-isolation*»³⁶. These documents can be used by business enterprises to develop their own recommendations and rules of conduct.

Moreover, in the current situation, it is extremely important *to have relevant and accessible clarifications of certain legal information and frameworks for business* related, for example, to the criteria for legal restrictions on the rights and freedoms of citizens, to the concept of discrimination, and for people (workers, customers) – to the information on legal remedies. However, no such information has been provided by the competent state authorities. For example, the Ministry of Justice of Japan has created a separate web page with all the necessary links to hotlines regarding discrimination and bullying in relation to COVID-19³⁷.

The role of business associations, the National Chamber of Commerce in this context is significant, and especially in the situation when the measures taken by the state are insufficient. For example, the ICC will regularly send updated guidance to more than 45 million businesses in its network to help them take evidence-based, effective actions to protect workers, clients and local communities. In doing so, the ICC and WHO urge national chambers of commerce to work closely with the UN country offices, including the WHO country offices, if any, and to appoint the coordinators to discuss potential cooperation with them³⁸. The participation of the Belarusian Chamber of Commerce and Industry (hereafter - BelCCI) in this process was limited to posting on the website (25th March 2020) some clarifications on the qualification of the situation of force

³⁵ Recommendations on social distancing during the period of registration of the cases of COVID-19 infection: <http://minzdrav.gov.by/ru/dlya-belorusskikh-grazhdan/COVID-19/>

³⁶ Rules of conduct for citizens in self-isolation: <http://minzdrav.gov.by/ru/dlya-belorusskikh-grazhdan/COVID-19/>

³⁷ COVID-19 and the world of work: Impact and policy responses / ILO note, p. 10:

https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/documents/briefingnote/wcms_738753.pdf

³⁸ Ibid.

majeure in connection with the coronavirus³⁹. So far, there has been no recommendations and materials for business related to the prevention of COVID-19 found on the BelCCI website.

In the context of informing, the huge role of both the state and the business associations consists in non-reducing the level of understanding of the seriousness of the problem within the society.

b. Taking other subject related measures. To support business and ensure the most effective realization of the strategies described above, the state needs to take certain measures. In this case, we focus not on general economic measures aimed to support companies⁴⁰, rather we focus on the main «human-centered» measures related to the maintenance of the standard of living and reduction of the risk of human infection. The list of measures presented below is certainly not exhaustive one but it is taking into account the recommendations of the ILO and the practice of other states⁴¹:

- *ensuring the provision of a paid leave or a sick leave for parents with children of preschool, junior, secondary school age.* This measure will be most effective if it is introduced at the government policy level and not at the level of a certain business enterprise. This measure is necessary to ensure self-isolation of a child without harming the health of elderly relatives. It is important to understand that self-isolation of children is extremely important to prevent the spread of the virus. For instance, in the Czech Republic, parents, whose children study in the 4th grade and younger, can take the sick leave during quarantine. In Poland, one of the parents who have children under the age of 12 and who cannot work remotely are released from work with 80% of their salary retained.

- *ensuring the provision of a paid leave or a sick leave for people forced to be in quarantine outside a medical institution or self-isolating (if they cannot work remotely).* In the UK and China, those who must self-isolate receive a paid sick leave.

- *prohibition on the dismissal of persons in situations of particular vulnerability.* In Spain, companies were prohibited from layoffs of employees who had to stay at home to look after their children or other dependents (such as a non-working spouse, elderly or sick relative).

- *allowing certain categories of workers to change their work schedule.* In Spain, certain categories of workers were allowed to change their work schedule or reduce the number of working hours due to circumstances caused by the coronavirus. This includes caring for someone diagnosed with the virus or caring for children under 12 years of age. At the same time, their salaries will be reduced in proportion to the number of reduced hours.

- *ensuring a safe workplace.* Measures in this group may include the organization of hot lines for employees, where they can turn to if they believe that the employer has not provided them with a safe workplace. Among the positive measures taken by our state to ensure the safety of workplaces, there is the Recommendation of the Ministry of Health to business enterprises licensed for pharmaceutical activities at wholesale and retail sales of drugs to sell a number of antiseptics and disinfectants without a prescription until 31st May 2020.⁴²

- *combating discrimination and stigma.* Development and distribution of checklists for HR departments can also be cited as examples of such measures. Moreover, the organization of hot

³⁹ What is important to know about force majeure. Hotlines. https://www.cci.by/ru/content/fors_major_beltpp

⁴⁰ For economic measures, please, turn to works of economists, it is out of the scope of the paper.

⁴¹ Examples of state practice were taken from the analytical note of the ILO (COVID-19 and the world of work: Impact and policy responses / ILO note, pp. 9-12: https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/documents/briefingnote/wcms_738753.pdf), mass media (<https://news.tut.by/society/676455.html>, <https://finance.tut.by/news677732.html>).

⁴² Recommendation on retail sales of antiseptics and disinfectants: <http://minzdrav.gov.by/ru/novoe-na-sayte/o-roznichnoy-realizatsii-dezinfitsiruyushchikh-i-antisepticheskikh-leksredstv/>

lines for reporting such cases could be an example how to combat discrimination and stigma around COVID-19.

- *benefits on loan payments.* In this context, we could highlight a significant measure that was taken by our state, in particular the recommendation of the National Bank of Belarus to Belarusian banks to provide "credit holidays". On 20th March 2020, the National Bank sent a letter No. 04-14 / 322 "On the return (repayment) of the loan" to credit and financial institutions. Speaking about the likelihood of a reduction in the income of business enterprises due to the limitation or impossibility to operate, which may entail, first of all, the need to provide employees with a social leave with partial pay and secondly, it could entail the conditions when many citizens may be forced to be on the social leave without pay. Therefore, the National Bank recommended to consider the possibility of deferring of the return and payment of interest on the loan.⁴³

The role of business associations. The significant role of business associations in the current situation is to accumulate and analyze the best practices, to develop on this basis lists of recommended measures for business enterprises (taking into account the specifics of some areas of commercial activity). For instance, the Japan Business Federation has developed and sent to its members the checklist to verify workplace safety in the context of the spread of COVID-19. Moreover, business associations, while representing the interests of business before the state, could develop recommendations for the relevant state bodies in order to improve the state policy in this area.

c. Responding to inappropriate practices. The main strategy in the business and human rights agenda in this regard is **the «blaming & shaming» strategy**, which means drawing public attention and publicly responding to inappropriate business practices (such as, for example, the flash mob *#restaurantsshouldbe*). This is one of the most important measures that can and should be taken not only by the state, but also by the professional community (including business associations). It's important to stress, that in this case we are not talking about breaking the law and taking some legislative measures. Besides formal legislative measures, it is essential to form a «social norm» of responsible, «human-centered» business behavior in any circumstances, which, in turn, will help to form demand on reputation of business enterprises, which today is one of the main intangible assets of any business aiming for development.

⁴³ The National Bank of the Republic of Belarus "is asking" Belarusian banks to go on "credit holidays"! Due to COVID-19: <https://infobank.by/infolineview/nacbank-prosit-banki-nachatj-kreditnye-kanikuly-iz-za-koronavirusa/>