



## 1. Introduction

Migrant workers have been acutely impacted by the global Covid-19 pandemic, with concerns arising with respect to deteriorating living and working conditions, increased levels of discrimination, significant job losses, and instances of migrants being left stranded and destitute. These issues are particularly affecting lower-skilled migrants across many sectors that rely on migrant workforces to deliver services and produce goods.

This briefing note provides guidance to European Bank for Reconstruction and Development (EBRD) and International Finance Corporation (IFC) clients on how to respond to the particular challenges experienced by migrant workers during the Covid-19 outbreak. It does not create any new or additional standards for clients, but rather provides guidance on the kinds of actions that clients might take to meet their obligations under EBRD Performance Requirements (PR) and IFC Performance Standards (PS) with respect to migrant workers employed directly by clients or by contractors and subcontractors to a client. It also sets out examples of good practice that go beyond compliance in response to the jobs-related impacts of the Covid-19 outbreak on migrant workers.

This briefing note complements other guidance and advice that has already been developed by the EBRD, IFC and others (see “Resources” below). This note is primarily focused on workforce management considerations and does not provide detailed guidance on occupational health and safety (OHS) measures.

For the purposes of this note, migrant workers are defined as those who have travelled either from one region to another within a country (internal migrants) or from one country to another (cross-border migrants) to pursue work.

### 1.1 Vulnerabilities of migrant workers during the Covid-19 pandemic

Prior to the Covid-19 outbreak, migrant workers were already a highly vulnerable group of workers. Many work in low-skilled, low-wage and hazardous jobs with little or no employment security, sometimes lacking protection under applicable labour law and access to public health services. They may not speak the local language in the region or country of work, may experience hostility or discrimination and, due to limited financial resources, may not be able to return home. The Covid-19 pandemic – and the economic consequences of public health measures to address the pandemic – has significantly heightened many of these vulnerabilities.

#### Vulnerabilities of migrant workers during the Covid-19 pandemic

##### In terms of health and risk of infection, migrant workers:

- may not be able to access public health services or information due to lack of formal eligibility, no available facilities (for example, in remote areas), or due to language barriers
- are likely to be at greater risk of discrimination, exacerbated by limited resources, such as little provision of or access to personal protective equipment (PPE) or insufficient Covid-19 testing
- may be at higher risk of exposure to Covid-19 as a result of workplace arrangements, such as a lack of PPE, unsafe transportation and working arrangements, or inadequate living conditions (such as crowded worker accommodation)
- may be more disposed to continue to work, particularly if they are ill, where safety is compromised (such as where hygiene arrangements are inadequate), where they have limited access to sick leave, where social protection measures are weak, or where they have little to no job security.

##### In terms of job protection, migrant workers:

- are more likely to be working in labour-intensive sectors or jobs that are vulnerable to the economic downturn and that experience subsequent job losses or reductions of working hours

## Vulnerabilities of migrant workers during the Covid-19 pandemic (continued)

- are likely to be employed in more precarious or informal arrangements affording fewer protections, and likely to be the first to be impacted by job losses as a result of Covid-19
- may be formally excluded from elements of protection afforded under labour law, particularly in the agricultural sector
- may be in an irregular/undocumented migration situation and therefore not able or disposed to exercise legal rights
- are unlikely to be represented by trade unions
- in the case of female migrant workers, may have increased exposure to gender-based violence and harassment (GBVH). (See “Migrant workers and gender” section below.)

### In terms of dependency on employers and lack of security, migrant workers:

- may be engaged or employed through a third party – and may be in debt to this third party, increasing their risk of being subject to forced labour
- are unlikely to be contributing to or covered by national social security in the country of work and may not have access to non-contributory social assistance in the event of job loss or reduced income
- are likely to have few resources, savings or means of support from family to act as a “buffer” to adverse conditions, and are less likely to have access to employer provision of accommodation, food or transport
- may have an employment status or right to work that is tied to a single employer and therefore have limited ability to transfer to alternative employment
- may find themselves stranded at their place of work and not able to travel home due to travel restrictions, or may be required to pay excessive agents’ fees or expensive transportation costs to travel home, potentially leading to debt
- are likely to be faced with pressures of increased family reliance on their remittances at the same time that they are facing growing economic insecurity, heightened vulnerabilities to exploitation, and forced labour risks during both recruitment and employment.

## 1.2 Client requirements

EBRD and IFC environmental and social standards include a specific requirement under PR1/PS1 that a client identify vulnerable individuals and groups that may be affected by the project and implement measures to prevent adverse impacts from disproportionately affecting these vulnerable groups. In many contexts – including that of the Covid-19 pandemic – migrant workers are likely to be identified as a vulnerable group.

In addition, EBRD and IFC standards include specific requirements related to labour and working conditions of direct and contractor/non-employee workers (PR2 and PS2). Clients are required to protect their workers in accordance with the applicable requirements of these standards and to ensure migrant workers are engaged under “substantially equivalent terms and conditions to non-migrant workers carrying out the same work.”<sup>1</sup> Considering the challenges experienced by migrant workers during the Covid-19 crisis, PR2 and PS2 requirements on non-discrimination, retrenchment, worker accommodation, and grievance mechanisms are particularly relevant.

In regard to migrant workers engaged through third parties (including contractor and subcontractor workers), clients are also required to meet the standards set out in PR2 and PS2, with the exception of the provisions on retrenchment.

In many cases, migrant workers are likely to be engaged on client projects through third parties. Any client initiatives that seek to avoid job losses and maintain income for migrant workers engaged through third parties will necessarily involve dialogue and coordination with contractors and subcontractors (along with lenders and public authorities). Because of the unprecedented circumstances of the Covid-19 pandemic, the demands on all parties to work together to address the issues faced by the most vulnerable are particularly significant at this time.

<sup>1</sup> See Paragraph 18 of EBRD PR2 and Paragraph 11 of IFC PS2. This means that migrant workers’ working conditions and terms of employment should be the same or substantially equivalent to those of non-migrant workers performing the same type of work, including terms related to remuneration, overtime, hours of work, weekly rest, holidays with pay, safety, health, termination of the employment relationship, and any other conditions of work which, according to national law and practice, are covered by these terms. Other terms of employment include minimum age of employment and restriction on work. This refers both to migrant workers engaged directly and those engaged through a third party.

## 2. Responding to risks

This section provides EBRD and IFC clients with examples of how employers may respond to particular risks experienced by migrant workers during the Covid-19 pandemic. It covers actions employers can consider across three common scenarios:

- 1. Migrant workers staying in their employment and continuing work:** Migrant workers remain in employment, and continue to perform work, despite the Covid-19 pandemic and national or international restrictions and lockdown measures.
- 2. Migrant workers in sectors vulnerable to economic downturn:** Many migrant workers are concentrated in low-wage jobs in sectors at risk of sharp economic downturn as a result of widespread lockdowns in response to the Covid-19 outbreak. These workers are at risk of not having their contracts renewed or being retrenched without the financial or practical means of returning home.
- 3. Recruitment of migrant workers:** Restrictions imposed on a worksite have relaxed and/or there is increased demand from customers, resulting in a need to employ migrant workers.

It also includes the key principles that employers should consider when thinking about how to respond to migrant workers' challenges during the Covid-19 pandemic, along with specific actions to consider regarding female migrant workers and migrant workers in a company's supply chain.<sup>2</sup>

### 2.1 Key principles

When considering how to respond to the challenges experienced by migrant workers (either employed directly or through third parties), clients may consider applying the following overarching principles for addressing adverse impacts on all workers regardless of origin.

Safety and protection	Equality of treatment	Livelihood support	Communication and transparency
Identifying, preventing and mitigating the risk of transmission of Covid-19 to migrant workers (and all other workers), and from migrant workers to other employees and local communities, in line with applicable law and best-practice public health advice.	Putting in place measures to prevent discrimination against migrant workers, to promote equality of treatment by employers among their workers, and to reduce any stigmatisation of migrant workers.	Taking steps to help meet migrant workers' livelihood needs, to preserve jobs and to safeguard incomes and living conditions.	Creating clear channels of communication with migrant workers, and providing regular information updates and access to appropriate grievance mechanisms.

### 2.2 Scenarios

Across all scenarios, there is a wide range of responses that employers can potentially deploy to address adverse impacts on migrant workers within their direct workforce and the workforce of third parties used on their sites, operations and projects. The tables below set out potential responses of employers to the risks migrant workers may be exposed to in three different scenarios. Any response should be tailored to the individual circumstances of the client and its workforce, and be carried out in line with applicable national and local law and EBRD PR2/IFC PS2.

<sup>2</sup> Supply Chain as defined in EBRD PR2 and IFC PS2.

## Scenario 1: Migrant workers stay in employment, with continued work

**Scenario:** Migrant workers remain in employment, continuing to perform work, despite the Covid-19 pandemic and national or international restrictions of movement and lockdown measures.

Migrant worker risks	Potential responses of employers
<p>Migrant workers may be at greater risk of exposure at work, during transport to and from work, or in accommodation (due to inadequate social distancing in the workplace, cramped transport and accommodation, and a lack of access to medical support, coronavirus testing or PPE).</p>	<p>Undertake a risk assessment to identify high-risk worker populations, high-risk activities, and potential transmission points. (For more information, see a <a href="#">detailed risk assessment</a> checklist developed by the EBRD and <a href="#">Interim Advice for IFC Clients on Preventing and Managing Health Risks of COVID-19 in the Workplace</a>.)</p>
	<p>Develop a Covid-19 emergency preparedness and response plan or update existing emergency response plans to address Covid-19-related risks (see specific <a href="#">Interim Advice for IFC Clients on Developing a COVID-19 Emergency Preparedness and Response Plan</a> for more details).</p>
	<p>Review shift practices and make adjustments to risks of contact on the worksite and in transport and accommodation facilities. Check that any high-risk workers are kept separate from the wider workforce and from local communities. Consider removing high-risk workers from work for the duration of the outbreak while still paying their salary.</p>
	<p>Adapt accommodation facilities and transport services to respect social distancing requirements. (See also additional <a href="#">advice on reorganising worker accommodation</a> to manage Covid-19 risks.)</p>
	<p>Regularly monitor health conditions of workers. Consider screening worker temperatures on entry to the workplace and at accommodation sites on a regular basis.</p>
	<p>Provide adequate PPE, based on level of exposure, and sanitation facilities to workers in the workplace and accommodation sites on a daily basis or as required by health authorities.</p>
	<p>Clearly signpost required distancing in workplaces and at accommodation sites, with demarcated floor markings and other signage appropriate to the context.</p>
	<p>Provide workers who exhibit symptoms of Covid-19 or infection with access to required medical support. During the quarantine period, provide paid sick leave as per national labour regulations or collective bargaining agreements. Work with local authorities and public health units where necessary.</p>
	<p>Where applicable, set up on-site medical facilities and equip them for responses to any cases or outbreaks among the workforce, including providing isolation facilities. Liaise closely with public health authorities.</p>
	<p>Collect and handle worker medical data in line with national provisions on personal data and privacy protection to maintain confidentiality of all health data.<sup>3</sup></p>
<p>Migrant workers may not have access to clear information about their rights or be consulted in relation to any contractual changes.</p>	<p>Regularly communicate with workers through training, daily updates and briefings, written information and visual material posted in the workplace. Communications with workers should include an explanation of any changes to working arrangements and policies, the accompanying rationale and – as relevant – any implications for workers’ rights and contracts of employment. Provide information to increase understanding of Covid-19 risks in line with applicable national and local law and WHO guidelines and a listing of measures for responding to risks, including how to utilise PPE, social distancing and hygiene requirements.</p>
	<p>In communications, use languages and other appropriate means that workers will be able to understand (for example, using verbal and visual tools for training illiterate workers).</p>
	<p>Review and strengthen grievance mechanisms in light of any changes to working arrangements in order to maintain effective access for migrant workers.</p>
	<p>Where applicable, engage with worker representatives to develop responses that are in line with workers’ concerns and expectations.</p>
<p>Migrant workers are employed through third parties.</p>	<p>Clearly communicate and enforce requirements related to Covid-19 to contractors, subcontractors and other third parties on site, monitor their adherence to these requirements and require these parties to report on how they are implementing the requirements.</p>

<sup>3</sup> The EBRD’s PR2, paragraph 9, requires that “Human resources management systems will ensure up-to-date employment records are kept that respect the rights of workers to privacy and data protection”.

Greater risks of Covid-19 transmission between local communities and migrant workers.	Consider allowing migrant workers to access local facilities at defined times and in small groups, with guidelines these workers should follow to limit risks of transmission between migrant workers and local communities. Where applicable and possible, work with local authorities to understand how migrant workers can safely access community amenities and services.
	Where possible, consult with migrants on the restrictions on free movement as a result of the outbreak. Clearly explain to all migrant workers why the restrictions are in place, and exactly what constitutes fair versus unfair restrictions on their movement.
	Raise awareness among migrant workers of, and provide access to, grievance mechanisms through which they can raise complaints if they feel their movement is being unduly restricted.
Migrant workers may not be included in national social insurance schemes.	Consider how to extend sick leave entitlements to all workers to discourage workers who are potentially infectious or are in self-isolation from continuing to work.
	Review government social security measures and consider how benefits afforded to citizen workers can also be extended by the employer to migrant workers.
Migrant workers may have to work additional hours to make up for fewer available workers.	Comply with applicable national and local law on overtime limits. Excessive working hours can cause sleep disturbance and fatigue, cardiovascular, gastro-intestinal and mental health disorders. Fatigue can contribute to a higher incidence of accidents and injuries, can weaken the immune system and can result in decreased productivity and poorer quality output.
	Prohibit mandatory excessive overtime across the worksite and among contractors and subcontractors and ensure that that all overtime work is within legal limits and is voluntary.
	Regularly monitor working hours. Monitoring should be proportionate to the risk, and information gathered should be confidential and used in an appropriate fashion.
Migrant workers may not be able to communicate with or send money home.	Provide migrant workers with access to financial service facilities so they can continue to remit earnings to family members.
	Provide free access to internet or other communication facilities to all migrant workers so they can maintain contact with their families.

## Scenario 2: Migrant workers in sectors vulnerable to economic downturn

**Scenario:** Many migrant workers are concentrated in low-skilled, low-wage jobs in sectors at risk of sharp economic downturn as a result of widespread lockdowns during the Covid-19 outbreak. These workers are at risk of not having their contracts renewed or of being retrenched, but may not have the financial or practical means of returning home or supporting themselves if they remain on site or in the vicinity of their work.

Before proceeding to any definitive course of action relating to retrenchment or collective dismissal of directly employed workers, clients should notify the lender.<sup>4</sup> It is a requirement of EBRD PR2 and IFC PS2 that clients first identify all alternative options to avoid retrenchment. As noted above, clients are also required to take a broader view of social risks and impacts under PR1/PS1 and should give full consideration to risks to migrant workers arising from significant potential job losses. For further information, see [Interim Advice for IFC Clients on Supporting Workers in the Context of COVID-19](#).

While contractors and subcontractors are not bound by PR2/PS2 requirements on retrenchment, clients are strongly encouraged to notify lenders where this does take place. Third parties are also strongly encouraged to follow the advice provided in the table below. Third parties, such as contractors and sub-contractors, remain bound by applicable national and local law – and by the provisions of any applicable collective agreement – on collective dismissals.

Migrant worker risks	Potential responses of employers
Migrant workers at risk of retrenchment or non-renewal of contracts.	Prioritise job protection and seek to identify alternatives to retrenchment or non-renewal of migrant worker contracts by considering how work can be reorganised or reoriented in a way that allows for continued employment.
	Consult with migrant workers and their representatives to develop and mutually agree on alternatives to retrenchment or non-renewal of contracts, such as temporary wage reductions or changes to work schedules. This should be in line with applicable legal requirements.
	Where alternatives cannot be identified, develop and implement retrenchment plans (or plans for how to renew migrant contracts) that address risks of discrimination against migrant workers during the process. This should include clearly defined skills, qualifications and performance-based requirements for selection. Retrenchment plans should also factor in the cost and feasibility for migrant workers to return to their home countries or regions, and support for immediate impacts on accommodation and basic needs.
	Pay and compensate migrant workers in full prior to retrenchment and seek their safe transportation back to their homes.
	Engage with contractors and subcontractors to identify measures they are taking to protect migrant workers' health and safety and to mitigate negative impacts of potential retrenchment, including immediate impacts on accommodation and basic needs. Highlight the importance of providing ongoing support to stranded migrants who are not currently able to work.
	Maintain regular contact with migrant workers and provide them with updates on new and existing health and protection measures and anticipated changes in their employment status.
	Actively identify and address false rumours and disinformation being spread among workers.
	Maintain and promote use of the company's grievance mechanisms to identify and help resolve new and emerging challenges experienced by migrant workers.
Where migrant workers' employment has been furloughed or temporarily suspended, they may be prevented from using local amenities, be prevented from leaving their accommodation site or be the subject of tensions in local communities.	Maintain and encourage the use of external grievance mechanisms to understand concerns from local community members regarding migrant workers, and respond to these concerns swiftly.
	Communicate with community leaders and groups to explain the situation of migrant workers, to highlight efforts being taken to manage health and transmission risks among migrant workers and to avoid the spread of misinformation.
	Put in place measures that keep migrant worker accommodation sites safe and secure throughout the Covid-19 pandemic and provide easy access to the grievance mechanism.
	Continue to provide migrant workers with accommodation, food, water, good hygiene and medical support where their employment has been temporarily suspended or where they are waiting to return to their home country or region.

<sup>4</sup> The EBRD's PR2, paragraph 20, requires that "The client will provide advance notification to the EBRD of the planned workforce reduction and, where requested by the EBRD, a copy of the proposed plan for collective dismissals".

<p>Temporary suspension of employment or changes to working hours and reduction of income may affect workers' ability to send remittances home. It may also lead to negative impacts on workers' mental health.</p>	<p>Maintain migrant workers' access to internet and communication facilities so they can keep in touch with their families.</p>
	<p>Provide migrant workers with access to financial service facilities so they can continue to remit earnings to family members where needed.</p>
	<p>Take steps to help migrant workers avoid stress and maintain their wellbeing. If not managed properly, the resulting negative impacts may include conflict within camps, problems with local communities or other negative implications for the project.</p>
	<p>Engage with businesses in other sectors to identify potential work opportunities where additional labour may be in high demand and consider offering migrant workers the opportunity to take on new positions in those businesses where possible. It is important to check that any transfer of workers is permitted under applicable law and workers' contracts.</p>
	<p>Liaise closely with local and national governments (and embassies where relevant) to facilitate workers' safe transport and return to their homes.</p>
	<p>Where migrant workers express a desire to return home, and transport options are available, take steps to provide transport that is safe and provide workers with adequate protective equipment. Where not already required by local or national governments, encourage returning migrants to quarantine for 14 days on arrival home.</p>
	<p>Raise awareness of the company grievance mechanisms among migrant workers and maintain access for migrant workers after their departure to raise issues relating to their employment, including unpaid wages. If not already the case, consider requiring that these procedures can be accessed online or remotely to help deal with complaints made by workers that have returned home.</p>

### Scenario 3: Recruitment of migrant workers

**Scenario:** Restrictions imposed on a worksite have relaxed or there is increased demand from customers and hence a need to employ migrant workers.

Migrant worker risks	Potential responses of employers
<p>Physical distancing at work may be hard to achieve, there may be limited space in accommodation, and new arrivals increase the risk of transmission during their journey and on arrival at the worksite.</p>	<p>Prior to recruiting workers, put in place measures so that the workplace is able to safely take on an increased number of workers. Take steps to make necessary changes. (See <a href="#">WHO</a>, <a href="#">EBRD</a> and <a href="#">IFC</a> advice on assessing workplace health risks.)</p>
	<p>Increase the number of worker accommodation facilities to reduce risks of overcrowding and to meet physical distancing requirements. (See also additional <a href="#">advice on reorganising worker accommodation</a> to manage Covid-19 risks.)</p>
	<p>During recruitment, where possible, reduce the need to travel, and make use of online or video technology to interview and contact migrant workers.</p>
	<p>Prior to departure, consider testing all migrant workers for Covid-19 through reputable health service providers. Employers should consider covering the costs of testing if not covered by social insurance, and these tests should be repeated on arrival.</p>
	<p>Provide clear information to migrant workers regarding the process for Covid-19 testing, measures for protecting the confidentiality of health data, the implications of positive tests before and after departure, and the procedure for quarantine on arrival.</p>
	<p>Provide safe transport service for migrant workers to use from their point of departure to the workplace or accommodation site in order to mitigate the risks of exposure to Covid-19.</p>
	<p>Examine how newly arrived workers can be quarantined in their accommodation facilities and be kept separate in the workplace from the existing workforce for a period of at least 14 days. When the workers arrive, consider paying them in full for the time they will be in quarantine, even if they are not working during this period. Assess available medical facilities on site or locally, and upgrade or provide support for upgrading.</p>
<p>Newly arrived migrant workers, existing workers, and local communities may be anxious about increased transmission risks.</p>	<p>Where applicable, communicate with existing workers, local communities, and their representatives on how they can best accommodate new migrant workers while using best efforts to protect health and safety and maintain business continuity. (For further guidance, refer to <a href="#">Interim Advice for IFC Clients on Safe Stakeholder Engagement in the Context of COVID-19</a>.)</p>
	<p>During recruitment, provide workers with clear information about the additional protective measures that have been put in place to mitigate Covid-19 risks at work and accommodation sites. This should be presented in their native language.</p>
	<p>Develop clear information on how to identify symptoms, procedures to respond to symptoms and steps to prevent transmission, such as hygiene practices and how to use PPE.</p>
	<p>Provide training to all staff and workers (new and existing) on new policies and procedures. Training should be conducted in the native languages of all migrants on site.</p>
	<p>Add supplementary provisions in worker contracts setting out employer obligations to provide PPE, and Covid-19-related paid sick leave provisions where not already included.</p>
	<p>Clearly communicate new restrictions that will be in place as a result of Covid-19 control measures, taking into account national laws and directives and company procedures. This should be done during recruitment and throughout employment.</p>
	<p>Disseminate new policies and procedures to all contractors and subcontractors so they can also follow new requirements.</p>
<p>Migrant workers may be discriminated against during recruitment.</p>	<p>When worksite restrictions are relaxed, prioritise for re-employment workers who were previously employed, pursuant to applicable national and local laws and the provisions of any binding collective agreements. Where there are fewer employment opportunities than there were before the site was closed, select candidates based on previous performance and ability.</p>
	<p>Provide returning migrant workers with the same level of health and employment protection at work as other locally based workers.</p>

Newly arrived migrant workers may be allocated to more hazardous, dangerous or less favourable jobs.	Carry out any changes to workplace practices in a manner that does not create disproportionate negative impacts for migrant workers (for example, shorter breaks or longer working hours). Allocate work solely on the basis of ability to perform tasks and ensure equivalent terms and conditions between migrant and non-migrant workers. In some instances, it may be possible to introduce job rotation to ensure a fairer allocation of tasks, subject to skills requirements and OHS measures to protect against Covid-19 transmission.
	Establish or reinforce grievance mechanisms, which migrant workers can use to report incidents of unequal treatment, discrimination or harassment.
Migrant workers are vulnerable to exploitation in the recruitment process, being potentially misled or charged fees by recruiters.	Plan early for the return to work. Where possible, reach out to migrant workers who were previously employed and identify how they can be transported to the site without the need for intermediaries.
	Where recruitment intermediaries are needed, conduct background checks to confirm they are fully licensed and have processes in place to mitigate risks of forced labour.
	Put in place measures to prevent migrant workers from paying for the costs of returning to work (for example, medical checks, visas or transport).

## Migrant workers and gender

Female migrant workers are particularly vulnerable as a result of the Covid-19 outbreak, facing a higher risk of losing their jobs, contracting coronavirus and having their rights violated.

Female migrant workers are more likely to work in the informal economy where economic repercussions of the outbreak are the greatest, and with insecure contracts and no paid leave or ability to work from home. They are also more likely to be engaged in short-term, part-time work. Their jobs are often excluded from contributory social insurance schemes, which means they have only limited or no social safety nets to compensate for lost income and have only limited or no access to health care and maternity protection. Under lockdown or quarantine conditions, female migrant workers are at greater risk of GBVH and may have limited access to police or other support services when experiencing abuse.

It is important for companies to take into account the particular challenges female migrant workers may experience, and to consider taking the following actions:

- Providing special leave dispensation or flexible working arrangements to female (or male) migrants with childcare responsibilities if schools and nurseries have been closed or where family members are ill.
- Establishing a specific female point of contact within the human resources department to support female migrants that may be experiencing GBVH in the workplace.
- Carrying out assessment of the safety and security of workplace accommodation, particularly where employment has been temporarily suspended and there are changes in workers' movements in and around worker accommodation. New personal safety concerns may also emerge where there are changes to working hours, and staggered shifts mean that workers are arriving or leaving in the dark.
- Widely promoting awareness of the company grievance mechanism among female workers. Any mechanism should be based on a survivor-centred approach,<sup>5</sup> and company-designated contacts should be trained to handle GBVH complaints in a sensitive, safe and confidential manner. The safety of those raising complaints should be paramount, along with protecting them from retaliation. Complainants should be able to lodge grievances anonymously.
- Engaging with local women's groups or nongovernmental organisations (NGOs) to understand what support these outside groups can provide to the female migrant workforce either in the migrant's home or other locations as necessary, in particular if there have been incidences of GBVH in the workplace or home.
- Maintaining access to health services, particularly sexual and reproductive health, for female migrant workers, particularly where local clinics may be stretched thin by Covid-19.

<sup>5</sup> The rights of GBVH survivors need to be consistently prioritised and used as the starting point for all decisions on efforts to assess, prevent, monitor and respond to GBVH. Maintaining confidentiality and checking who survivors want information to be shared with are important aspects of a survivor-centred approach. The importance of treating survivors with dignity and respect needs to be reinforced during the course of assessment and prevention efforts, including training and awareness-raising activities. When responding to reports of GBVH, it is important to listen to and respect survivors' wishes and decisions in order to help their recovery. In cases where the survivor is under the age of 18, the Convention on the Rights of the Child stipulates that "the best interests of the child" should be the primary consideration when making any decisions or providing support.

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## Migrant workers employed in company supply chains

Both EBRD PR2 and IFC PS2 include specific requirements related to labour in company supply chains. This includes the requirement that clients identify child labour, forced labour, and serious health and safety risks in their primary supply chains and take steps to mitigate these risks or remedy any identified negative instances.

Given the vulnerability of migrant workers to forced labour and to dangerous working conditions, and in light of the risk that the context of Covid-19 exacerbates these vulnerabilities, companies should consider carrying out assessments to identify where migrant workers are engaged in their supply chains and address the risks of forced labour and dangerous working conditions faced by these workers.

Companies should focus supply chain due-diligence activities on areas where there are migrant workers in known Covid-19 hotspots. To address risks companies can consider:

- communicating with suppliers to better understand the existing challenges they face in employing migrant workers and to re-emphasise the importance of meeting obligations by adhering to labour laws and any company codes of conduct
- engaging with suppliers to understand their financial situation and to consider maintaining existing orders or advancing payments to facilitate their payments to their migrant workforce
- participating in voluntary arrangements already established by international off-takers to support vulnerable workers, including migrant workers, in the supplier workforce, for example through maintaining provision of income, access to healthcare and health information, or support for meeting basic needs
- undertaking supplier due diligence through the use of remote worker engagement technologies to identify and address issues through direct worker input.

### 3. Case studies

#### Case study – Agribusiness

##### Background

A national agribusiness company in Asia that operates multiple fruit orchards across the country is heavily reliant on seasonal labour to pick fruit during harvests. Although many of the company's orchards use local labour from nearby villages, a few of their orchards are heavily reliant on thousands of migrant workers from different regions of the country. Many of these migrants are women, who travel with their families, including children, to the orchards.

##### Recruiting migrant workers

In March 2020, anticipating the forthcoming disruptions that would be caused by outbreaks of Covid-19, the company made the decision to recruit its migrant workforce well in advance of the harvest season to ensure that they had the workforce in place in the event of national travel restrictions. For those workers that were recruited this meant gaining an additional month and a half of employment and being paid prior to the beginning of the fruit harvest.

This approach entailed quickly reaching out to licensed intermediaries to help identify and recruit workers. The company also hired a consultancy specialising in health and safety to undertake free medical checks for all workers and their family members prior to their arrival on site. In addition, despite the significant increase in internal travel costs, the company also paid for all workers to be transported directly to the site. Additional arrangements were made to ensure continuation of education for their children at nearby schools or online as required by legislation. Access to kindergarten was arranged for children below school age.

##### On-site health measures

To reduce the risks of newly arrived workers transmitting Covid-19 to existing workers, the company required that all new arrivals and their families be in quarantine for an initial 14 days. This required housing them in separate accommodation, arranging shifts so they did not work on the same sites at the same time as existing workers and lengthening lunch hours to maximise proper distancing between workers. To help manage the large workforce and to keep the groups of workers separated, coloured wristbands were given to different groups based on when they had arrived at the site. All workers were also provided with face masks, other PPE, and regular training, and the workers were given information on Covid-19 and were kept informed about any changes in government policies and requirements. At the end of the 14-day period, additional medical checks were conducted to ensure that there were no Covid-19 cases. Regular temperature screening continued throughout the working period.

##### Movement off-site

As part of the company efforts to promote their migrant workforce's wellbeing, they permitted visits to local shops (though at strictly defined times and under supervision to help manage community tensions) so the workers could send money home and buy essential goods. All workers were permitted to leave their jobs if they wished, and the company provided assistance for safe transportation for workers who wanted to leave for personal reasons.

#### Key lessons

**Plan proactively**

**Engage with legitimate, trusted third parties in the recruitment process**

**Absorb increased costs of transport and additional employment**

**Segregate new arrivals for the initial quarantine period**

**Collaborate with local authorities on movement of migrant workers**

## Case study – manufacturing

### The challenge

A garment manufacturer that employs over 10,000 workers across multiple factories projected a 20 per cent decline in orders as a result of the Covid-19 pandemic. The factory was also required by the national government to close, and it ceased operations for two weeks, beyond which some exemptions to allow resumption of work were initially granted.

The majority of its workforce are international migrant workers, and because of the decline in orders and the forced closure, the manufacturer was concerned that it would have to make significant job cuts for both migrant and local workers alike.

### Restructuring production

However, by the time the period of enforced closure ended, the manufacturer had successfully reoriented its production line to also be able to produce PPE, thus enabling a sizeable number of new orders.

Though the change in production did not meet the same labour demands as previously required, many international migrant workers had already planned to voluntarily leave their positions at the end of their contract. The manufacturer identified some of the potential health and economic challenges that these returning workers might experience and then offered contract extensions until the end of the year. For those migrant workers who wanted or needed to travel home sooner, the manufacturer looked into chartering flights for them in collaboration with national authorities.

### Additional health protection

For workers remaining in employment in the company's factories, several measures were put in place to reduce risks of transmission and infection. This was done in consultation with worker representatives and included the following measures:

- All factories and accommodation sites were disinfected daily, and when a worker was found to have Covid-19, all areas that they had been in contact with were also disinfected.
- All workers were required to use hand sanitiser when entering the workplace or accommodation site. Face masks and gloves were also provided to all workers.
- Movement to and from the places of accommodation to the worksite was organised in a way that promoted social distancing by allowing workers from different accommodation rooms to go to work in intervals. Markers were also placed on the floor across the factory to reinforce social distancing.
- Awareness-raising campaigns and leaflets in workers' local languages were distributed to raise awareness of risks and behaviour related to Covid-19. This included hourly announcements, in the languages spoken by migrant workers, to reinforce good hygienic practices.
- Internet access was also provided so that migrant workers could maintain contact with their family members and could keep up to date on news.
- Workers were encouraged to exercise their right to paid sick leave if they were feeling unwell and to notify management in such cases.

## Key lessons

**Reorient production to meet new demand and preserve migrant jobs**

**Engage with migrant worker representatives to develop Covid-19 control measures in workplace and accommodation**

**Regularly communicate with migrant workers in their own languages**

**Offer contract extensions to migrants whose contracts are about to end**

**Collaborate with national authorities on repatriation of migrants**

## Case study – Construction

### The challenge

A large construction project in Asia was severely impacted by the Covid-19 outbreak and resulting lockdown measures imposed by local and national governments. A key issue arising as a result of the outbreak included how to respond to the challenges faced by the thousands of internal and foreign migrant workers on the site.

Prior to the lockdown, the workforce on the site consisted of roughly 5,000 internal migrants and workers from the local area in lower-skilled positions, along with an additional 1,000 foreign nationals in supervisory and management positions. The majority of the workforce were employed by four subcontractors.

### Covid-19 response planning

Anticipating the potential risks of Covid-19 spreading to and from the site prior to nationwide lockdowns, both the client and its engineering, procurement and construction (EPC) contractor developed Covid-19 response plans and operational procedures to mitigate transmission risks to, from and within the site. The EPC contractor's plan applied to all subcontractors. Some of the measures included mandatory quarantine of new international arrivals at a separate off-site location for two weeks and restricted movement off the site and within local communities. On site, training, toolbox talks and information campaigns were used to promote good hygienic practices and social distancing measures among the workforce.

Once lockdown measures were introduced, some parts of the site were ordered to suspend work immediately, resulting in a temporary loss of work for roughly 1,000 locally based workers employed by the subcontractors, but also several hundred foreign nationals.

### Job protection measures

At this point, the EPC contractor worked with the subcontractors to offer all national workers the opportunity to go home if they wished (with an offer to return once the lockdown measures had ended), or alternatively to stay working on those parts of the site that remained operational. All workers that left were promised a food allowance that would be provided when they returned to work.

Many of the workers who chose to leave were from the local area, while those from further away usually decided to stay because there was a lack of public transport in place to help them get home. All foreign nationals were also unable to leave due to the suspension of international travel from the country.

### Worker remittances

"Force majeure" was not called on the remaining sites, and workers could remain actively working on those sites. A key issue that arose for the remaining national workers was their inability to send home earnings to family members, which they usually did through local transfer points in neighbouring communities. This issue was brought to the EPC contractor's attention as part of regular meetings with worker representatives on the site and the contractor, subcontractors and the client then looked into measures to support workers in remitting their earnings.

## Key lessons

**Anticipate Covid-19 transmission risks at an early stage**

**Provide internal migrant workers with job guarantees after suspension of work**

**Reimburse food allowance to all returning workers after lockdown**

**Engage with worker council to put in place facilities allowing workers to remit earnings**

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For the purposes of this note, migrant workers are defined as those who have travelled either from one region to another within a country (internal migrants) or from one country to another (cross-border migrants) to pursue work.

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