

Human Rights Due Diligence Assessment of Business Sector in COVID-19 Response September 2020



Enhancing Access to Justice
through Institutional Reform Project



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FOREWORD

The COVID-19 pandemic has seriously affected the economies all over the world and Nepal is not an exception to it. On one hand, this has challenged sustaining business; while on the other, raised concerns for respecting human rights amidst harsh economic conditions and enormous public health crisis. In this background, the Enhancing Access to Justice through Institutional Reform Project (A2J Project), a joint undertaking of UNDP Nepal and Ministry of Law, Justice and Parliamentary Affairs (MoLJPA), in collaboration with the Federation of Nepalese Chambers of Commerce and Industry (FNCCI), initiated an assessment of human rights due diligence with an objective to assess the human right compliance situation in the business sector during the COVID-19 pandemic; and to develop strategic approach for necessary intervention.

Conducting an assessment of business sector from the human rights perspective is very crucial to understand the real situation, problems and challenges faced by the business sector and also their responsibilities towards respecting human rights; and to come up with possible solutions. This assessment is based on UNDP's Human Rights Due Diligence and COVID-19: Self-Assessment for Business and has assessed the key areas of human rights. The assessment has strived to assess the actual status of compliance of human rights standards by business sector during the pandemic.

The strategic collaboration with the FNCCI to carry out this assessment is really appreciable. On behalf of the A2J Project and MoLJPA, I would like to extend my sincere thanks to FNCCI for a wonderful collaboration. I am grateful to Mr. Kishore Pradhan, Vice President of FNCCI, for his leadership, guidance and coordination during the whole process of this assessment. I would also like to extend my sincere thanks to the entire team members of the assessment comprising Dr. Chakra Bahadur Chand, the Lead Consultant; and Advocate Mr. Ramesh Badal and Mr. Ishwar Kumar Shrestha for taking this responsibility during this difficult situation. In addition, I would like to extend my sincere thanks to Mr. Tek Tamata, Portfolio Manager of UNDP and Mr. Basant Adhikari, NPM, Mr. Prem

Bahadur Thapa, GESI Officer and the team of the A2J Project for their extensive engagement. Mr. Ratna Kaji Shrestha, Output Leader of the A2J Project, deserves special appreciation for his overall engagement and coordination in making this assessment a success.

It is my sincere belief that this assessment would be instrumental to know the present status of compliance of human rights standards by the business community, and to assess the priority areas of intervention to be made by the Government and business sector in the days to come in order to respond to the crisis like this.

Phanindra Gautam
National Project Director, A2J Project
Joint Secretary, MoLJPA

FOREWORD

Nepal has been hard-hit by unfolding COVID-19 pandemic, like many other countries in the world. The pandemic has worsened the human health and national economy. The pandemic has had unprecedented and serious impacts on all aspects of how people work, produce, trade, consume and live in the country. The economic ramifications of the pandemic became apparent immediately after the enforcement of lockdown by GoN on 24th March 2020, in the form of closing-down the businesses, loosing thousands of jobs and putting the business community under stress. The COVID-19 pandemic; particularly impacted the most vulnerable groups like micro and small enterprises (SMEs), hotel, tourism, transportation, education, informal sector workers, migrants and daily wage workers, women and other many more.

In this context, the FNCCI and A2J Project jointly conducted Human Rights Due Diligence Assessment of Business Sector in COVID-19 Response.

The assessment provides evidence-based analysis of eight specific areas of business and its practices in occupational health and safety; labour rights; environmental and community impacts; safeguarding privacy; preventing stigma and discrimination; corporate policy and management considerations; gender and social inclusion and coordination. The report has also analysed sector specific impacts and the response to deal with COVID-19 crisis along with coping strategies. I am copiously hopeful that the assessment report will provide a comprehensive policy options and recommendations to government, business community, stakeholders and development partners to leapfrog the businesses towards a more resilient and enduring community

Finally, I would like to express my special thanks to Ms. Bhawani Rana, President (FNCCI), Mr. Shekhar Golcha, Senior Vice President (FNCCI), other colleagues of the business community who directly or indirectly involved to support for this study. Similarly, I would also like to express my sincere thanks to Mr. Phanindra Gautam, Joint Secretary, MoLJPA, Mr. Tek Tamata, UNDP Nepal, Mr. Basant Adhikari, NPM, Mr. Ratna Kaji Shrestha,

A2J Project, Dr. Chakra Bahadur Chand (Lead Consultant), Advocate Mr. Ramesh Badal (Team Member) Mr. Ishwar Kumar Shrestha, (Consultant) and Mr. Madhav Mulmi, Deputy Director (FNCCI) for their high value contribution to the assessment.

Kishore Kumar Pradhan
Vice President, FNCCI

PREFACE

The purpose of the assessment is to provide enhanced understanding of the current and potential impact of business practices in tackling the Human rights concerns during COVID-19 pandemic and recommend the necessary measures to advance human rights during the response and recovery period of crisis.

The assessment terms of reference aim to provide independent views of the business organizations and entrepreneurs institutionalized under FNCCI. The assessment team was to assess the situation of occupational health and safety, labour rights, environmental and community impacts, safeguarding privacy, preventing stigma and discrimination, corporate policy and management considerations, gender and social inclusion and coordination in relation to ensuring rights of workers from human rights perspectives.

Health care services, hospitality management and transportation, manufacturing companies and industries related to essential services i.e. cleaning, construction, goods and service delivery and financial institution were among the prioritized sectors of the assessment.

The assessment methodology was participatory, consultative and inclusive, applying the universally agreed norms and principles. The assessment team has utilised review of existing policies, concept notes, and assessment questionnaires as the main data collection methods. A challenge was to get the responses on time due to lockdown. To validate the information and understand in greater depth the real scenario of the business sectors, virtual key informant interviews and FGDs were held at various levels.

The mission was carried out during July 01 to September 07, 2020. The Team reviewed apposite references (Annex III) and interviewed 53 people representing FNCCI, manufacturing companies, hospital, transportation, and financial institutions among others. The Team presented its initial findings to Ministry of Law, Justice and Parliamentary Affairs (MoLJPA) and

FNCCI through in-person and virtual meetings three times as scheduled. The interpretations, views and opinions presented in this report solely represent the views of the respondents consulted and are not to be considered individual statements of the assessment team, except the recommendations which are made based on the analysis of the findings. The assessment team comprises Dr. Chakra Bahadur Chand (Lead Consultant-Citizen Development Solution), Mr. Ramesh Badal (Advocate & Human Rights Expert) and Mr. Ishwar Kumar Shrestha (A. Professor, T.U. & Data Analyst). The Team wishes to thank the officials of FNCCI at Federal, Provincial and District level, respondents of the mission and Enhancing Access to Justice through Institutional Reform Project (A2J Project) for a wonderful cooperation in facilitating the assessment.

ABBREVIATIONS

A2J	Access to Justice
B+HR	Business and Human Rights
CLAC	Central Labour Advisory Committee
COVID-19	Novel coronavirus
FGD	Focus Group Discussion
FNCCI	Federation of Nepalese Chambers of Commerce and Industry
GDP	Gross Domestic Product
GEFONT	General Federation of Nepalese Trade Union
GESI	Gender Equality and Social Inclusion
GoN	Government of Nepal
GRM	Grievances Readdress Mechanism
JTUCC	Joint Trade Union Coordination Centre
KII	Key Informant Interviews
KQ	Key Question
MoLJPA	Ministry of Law, Justice and Parliamentary Affairs
NTUC	National Trade Union Congress
OHS	Occupational Health and Safety
PWD	Persons with disabilities
RAG	R-Red, A-Amber (Yellow), G-Green
RAHRDD	Rapid Assessment of Human Rights Due Diligence
SRSWOR	Simple Random Sampling without replacement
STATA	Statistical Software Package-STATA
UNDP	United Nations Development Programme

EXECUTIVE SUMMARY

Novel corona virus (COVID-19) pandemic has been severely disrupting health care system and economic activities worldwide. The pandemic coerced Government of Nepal (GoN) to lockdown the country, closing all businesses except those for life essentials and healthcare, since March 24, 2020. Most businesses experienced severe economic hardships posing life threatening challenges mostly to small private business owners, daily wage workers, women, marginalized people, and many more in one hand and challenges in maintaining human rights standards that offers a common framework for businesses to understand societies' expectations and deliver value to stakeholders in a more sustainable way¹ on the other.

Enhancing Access to Justice through Institutional Reform (A2J) Project, UNDP Nepal has been facilitating the implementation of human rights pursuing its basic principles and standards across a range of business sectors, issues, and geographical locations following the B+HR principles². The self-assessment is a part of it placed to appraise the operation of businesses and protection of human rights in coordination with FNCCI. A2J Project, through FNCCI, encouraged all businesses to take ownership over this issue and conduct the self-assessment by themselves facilitating others who lack resources.

The purpose of the assessment was to provide independent views of the business organizations and entrepreneurs for enhanced understanding of the current and potential impact of business practices in tackling the virus and recommend the necessary measures to advance human rights of the workers/employees during response and recovery period of crisis. Most influential 15 sub-sectors were selected from among the businesses. Assessed key thematic issues comprise 1) Occupational health and safety 2) Labour rights, 3) Environmental and community impacts 4) Safeguarding privacy 5) Preventing stigma

1. <https://www.ohchr.org/Documents/Publications/GuideHRBusinessen.pdf>

2. <https://bizhumanrights.asia-pacific.undp.org/content/bizhumanrights/en/home.html>

and discrimination 6) Corporate policy and management considerations 7) Gender and social inclusion and, 8) Coordination and communication among the stakeholders. The assessment also collected the views of the respondents on government support in resumption of the business sector.

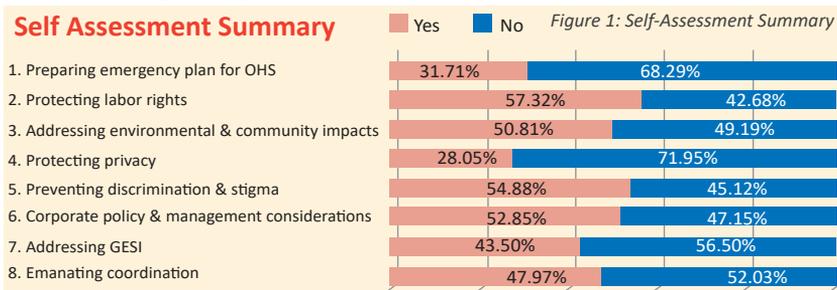
Google forms were created and sent to the respondents with both closed and open-ended questions. KII and FGDs were also organized during the assessment. Of the total (N=246), 34% were female from among 45% businesses operated with multiple ownership, 19% female ownership and that of 36% male ownership.

Key Assessment Findings

- ▶ The business sectors have been able to introduce some activities in response to COVID-19 in the form of an emergency plan for OHS, maintaining the privacy of the workers, gender and social inclusion and extending coordination among the stakeholders which is seemingly a good indication towards protecting the human rights compliance in business sectors.
- ▶ Considerable progress has been made with regard to policy considerations and consultations in response to COVID-19 crisis by the business community even during the lockdown period given that around half of the progress stands behind. The assessment also found the Trade Unions unanimously cooperating with the private sectors to ensure labour rights amid the crisis.
- ▶ The examination of the B+HR aspects in response to COVID-19 crisis revealed the gap in ensuring human rights in the business community as evidenced by the discorded results among many enlightened performance ratings.
- ▶ Despite the heavy adverse impact to the business due to pandemic, one-third of the businesses does not make any preparation to mitigate the problem, neither do they provide mask, sanitizer nor other PPEs to their employees at work challenging the spirit of labour laws.
- ▶ Protection of the rights of pregnant women and persons with

disabilities (PWD) at work is revealed distressing along with the prevention of discrimination and stigma amid COVID-19.

- ▶ Another big gap in the private sectors is the retrenchment of the employees where only 31% businesses are against it while the remaining may reduce its workforce in any form, permanently or partially creating a massive adverse impact on employment creation in the days to come.
- ▶ The highest number of the respondents among those who said failed to protect the labour rights is due to lack of financial resources. This clearly demands for the GoN's relief and recovery packages in business sectors to be resilient.
- ▶ There is a big number of respondents having a plan to safeguard the privacy of workers, consumers and general public. However, their responses to the supplements prevailed that they were not aware of privacy aspects. This means that they are not aware about safeguarding the privacy of workers.
- ▶ There are also cases that reveal the respondents being not able to address the B+HR aspects mostly either due to financial crisis or unwillingness as they did not feel the need. The findings of the assessment show these limitations as the most influential gaps to be fulfilled. All these facets conclude that business community requires special assistance in funding/ refunding the business, tax rebate and so on and thereby capacity building and advocacy in addressing the B+HR aspects in response to COVID-19 crisis. There seems also a clear room to harmonize the B+HR efforts among GoN and line ministries, departments and FNCCI to develop a framework and mobilize resources to address the deteriorating human rights in private sectors.



Key recommendations

The assessment team proposes some major recommendations for promoting human rights compliance in response to COVID-19 crisis, particularly on the issues related to job security, protective measures, health related precautions, rights of PWD, women and marginalized people, environment and community impact, and non-discrimination. The recommendations are largely based on the analysis of the self-assessment reflections and could contribute to reach SDG 8: promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all. Although, the recommendations are exclusively interlinked among the GoN, the business sector and civil society organizations, the assessment team has attempted to separate them as follows:

Government of Nepal

- ▶ Strengthen and mobilize labour inspection to implement the existing provision of labour related laws and directives issued during and before the pandemic.
- ▶ Develop OHS policy specific to the requirements of the nature of businesses which should integrate the COVID-19 safety protocols-ensuring health and safety of workers, customers and communities.
- ▶ Implement the labour audit system as prescribed under the labour laws and treat it as a tool for labour rights due diligence during the pandemic.
- ▶ Arrange loan or subsidy to the businesses, which may be utilized as a temporary/partial wage for the workers continuing the existing social security contribution till the end of the pandemic.
- ▶ Provide subsidy or special facility or soft loan or tax rebate to the businesses respecting labour rights and retaining workers during COVID-19.
- ▶ Ensure easy access to business loan/re-loan, tax rebate, discounts in utility consumption, availability of raw materials etc. irrespective of the size and nature of businesses and waiving the tariffs on

- ▶ medical goods: PPE, sanitizer, masks and hand globes etc.
- ▶ Ramp up the capacity of the business community to address the basic B+HR requirements within the business targeting the COVID-19 crisis.

The Business Community

- ▶ Develop OHS policy integrating to the COVID-19 safety protocols in line with the GoN policy-ensuring health and safety of workers, customers and communities.
- ▶ Form an OHS committee in line with Labour Act 2017 and Labour Rule 2018 and organize social dialogue including issues related to COVID-19.
- ▶ Consider the sensitivity of pregnant women while engaging them at work which may have harmful effects on their health.
- ▶ Safeguard the basic requirement of workers with illness history and PWD.
- ▶ Utilize the labour audit system mentioned under the existing labour law as a self-correction measure that may help find the level of implementation of labour rights in their own business.
- ▶ Ensure that the right to employment of the workers is not infringed during the pandemic.
- ▶ Provide mask, sanitizer and essential PPEs based on their job requirement without any cost to the workers.
- ▶ Maintain privacy of workers in case he/she gets infected by COVID-19.
- ▶ The business community should not retrench any employee. Rather, they may reduce working hours or arrange partial lay off with half pay or use other alternative ways during the pandemic.
- ▶ Initiate capacity building, collective social dialogue with union, government and other stakeholders to minimize the adverse impact of and extend mass awareness about COVID-19 safety protocols through citizen charter, flexes and electric media.
- ▶ Develop a mechanism to avoid all kind of discrimination based on gender, caste or any reason and ensure guarantee for equal treatment.

Civil societies including employer's organization and trade unions

- ▶ Raise public awareness through campaigns, advocacy and social dialogues, including the counterpart and government to minimize the risk of pandemic on businesses.
- ▶ Facilitate GoN and the business community in streamlining B+HR strategies to respond COVID-19 crisis.
- ▶ Support GoN and the private sectors in capacity building and advocacy/social dialogues on human rights which could be widely implemented in coordination with FNCCI and other stakeholders in all provinces side by side.

CHAPTER-ONE

PRELIMINARY

1.1. Background

COVID-19 has put a serious toll not only on healthcare system but on the wider economy of the societies around the world. The Government of Nepal (GoN) placed a nation-wide lockdown, closing all businesses except those for life essentials and healthcare, since March 24th, 2020. Most businesses encountered severe economic downturns; some on the verge of bankruptcy. These economic hardships pose life-threatening challenges to small private business owners, daily wage workers, women, marginalized people, and many more.

Given this situation, the private business sector of Nepal kept negotiating with the government for immediate economic relief and recovery plan on one hand, and they were not deviated from their responsibilities providing basic service delivery such as medical supplies and health care services, production and distribution of foods and essential goods on the other. They were equally concerned about implementing workers' well-being initiatives and offering support to the impacted communities. The real existence of any organization/sector is scrutinized in the difficult situation and therefore, the positive role played by the business sector in this crisis situation is indeed praiseworthy.

However, business sector should also know that they must go beyond contributions to the public good and address any negative impacts in their operations—may be having in the society. The private business sector should understand that demonstrating respect for human rights, especially in the midst of harsh economic circumstances, is a strong reflection on their core values. They understand that preventing, mitigating and addressing adverse human rights impacts is key to maintaining trust—with clients, consumers, employees, shareholders, and communities. At this moment, Enhancing Access to

Justice through Institutional Reform (A2J) Project, in coordination with Federation of Nepalese Chamber of Commerce and Industries (FNCCI), has assisted businesses to take self-assessment of the human right due diligence measures taken and impact of COVID-19 on the operation of businesses and protection of human rights. The assessment is based on UNDP's Human Rights Due Diligence and COVID-19: Rapid Self-Assessment for Business.³ Expecting that Human rights impact assessments would be critical in formulating a strategic approach both for businesses and government based on risks and opportunities, all the businesses were encouraged to take part in the self-assessment.

1.2 Business and Human Rights

Particularly in times of crisis that we are experiencing today, businesses have a larger responsibility to place appropriate measures to identify, prevent, mitigate, and account for their policies' impact on human rights. According to the UN Guiding Principles on Business and Human Rights, businesses should take human rights due diligence which: (a) should cover adverse human rights impacts that the business enterprise may cause or contribute to through its own activities, or which may be directly linked to its operations, products or services by its business relationships; (b) will vary in complexity with the size of the business enterprise, the risk of severe human rights impacts, and the nature and context of its operations; and (c) should be ongoing, recognizing that the human rights risks may change over time as the business enterprise's operations and operating context evolve.

1.3 Assessment Purpose

The overall objective of this assessment on Human Rights Due Diligence (RAHRDD) in COVID-19 context was to provide enhanced understanding of the current and potential impact of business practices in tackling the human rights concerns and recommend the necessary measures to advance human rights of the workers/employees during response and recovery period of crisis.

3. *Nepal's Economic Growth and Development: Asian Survey*; by Shankar Sharma: Vol.26, No.8, Aug., 1986.

Key Objectives

The specific objectives of the mission were as follows;

- ▶ Assess the capacity of private sectors in terms of human rights compliance in response to COVID-19, specially on the issues related to job security, protective measures, health related precautions, rights of differently able people, women and marginalized people, environment and community impact, and non-discrimination;
- ▶ Assess the actual and potential impact of COVID-19 response measures on the workers and employees;
- ▶ Assess the needs of the businesses in sustaining their businesses and protecting the rights of their employees, business partners, and other stakeholders;
- ▶ Communicate how businesses and governments are assessing and will be addressing the issues resulting from COVID-19 pandemic;
- ▶ Provide government a tool to work out further and support private sector to create amicable and conducive human rights environment
- ▶ Recommend the key measures and mechanisms to advance human rights at the private sectors and get well prepared during and post crisis period; and
- ▶ Strengthen internal awareness of the due diligence measures in response to COVID-19 crisis.

The assessment area covered Occupational Health & Safety, Labour Rights, Environmental and Community Impacts, Safeguarding Privacy, Preventing Stigma and Discrimination, Corporate Policy and Management Considerations, Gender and Social Inclusion and Coordination and Communication to enhance B+HR during and post COVID 19 crisis.

1.4. Business Sector in Nepal

1.4.1 Introduction

Nepal has exerted strenuous efforts to promote economic development in the decade of 1960s with the economic growth and development based on the neoclassical economic model. Economic growth was attributed to capital, entrepreneurship, and size of the market. Price-orientated adjustment mechanisms and productivity improvement

through technological change are also part of neoclassical theories of economic growth.⁴ By 1960 there were 63 registered industries, unsupported by adequate institutional organization or infrastructure,⁵ showing the country as one of the least industrialized countries in the world. In view to accelerate industrial growth, the FNCCI was established in 1965 to represent the interest of the private sectors and its involvement in the promotion of socio-economic development through private sector-led economic growth in the country. With the presence of FNCCI, there have been recent attempts to encourage investment and privatization through open economy adopting Industrial Policy 1992 and Foreign Investment and One Window Policy 1992, along with the creation of industrial zones, special economic zones with governmental land and buildings on lease for private ventures. In the course of industrial development, Nepal has reviewed and formulated new policies; Industrial Policy 2010, Supplies Policy 2012, commerce policy 2015, Labour Act 2017, Contributory Social Security Act 2017, Consumer Protection Act 2018, Foreign Investment and Technology Transfer Act 2019, and Industrial Enterprises Act 2020 among others.

Based on the Industrial Enterprises Act 2020, the general classification of industries are; (a) size of investment on the fixed assets, and (b) nature/sector of business. However, there have been changes in terms of threshold of fixed assets under; i) micro, ii) cottage, iii) small scale, iv) medium scale, and v) large scale industries. The classifications with these industries have covered almost all 15 major sub-sectors of the economic activities that have contributed to gross domestic product (GDP) of the country.

1.4.2 Institutional Arrangement

The Federation of Nepalese Chambers of Commerce and Industry (FNCCI) is the nationally and internationally recognized umbrella organization of businesses in Nepal. Organized as a representative body of business organizations in the country, it represents the interests

4. *Nepal's Economic Growth and Development: Asian Survey*; by Shankar Sharma: Vol.26, No.8, Aug., 1986.
5. <https://www.nationsencyclopedia.com/economies/Asia-and-the-Pacific/Nepal-INDUSTRY.html>.

of the private sector and is involved in promotion of socio-economic development of Nepal through private sector-led economic growth. At present, its membership comprised 112 Districts / Municipality Level Chambers in 77 Districts of Nepal, 103 Commodity / Sectoral Associations, 960 leading public and private sector undertakings and 20 bi-national Chambers. The FNCCI is represented in almost all national councils/boards/committees/ policy advisory bodies related to business and industry that promote socio-economic development, better realization of work-related instruments, like national laws and regulations, international conventions and treaties.

Trade unions and of employers' organizations are the integral part of any deliberations on industrial harmony and world of work. The government, employers' and workers' organizations work on tripartite mechanism to deal on social protection measures, amend labour laws, fix minimum wage, establish a social dialogue mechanism, and formation of Central Level Labour Advisory Council (CLAC). CLAC is a apex body to finalize the issues relating to labour based on the principle on social dialogue set forth by ILO.

1.4.3 Policy Environment

The Government of Nepal is highly supportive in all kind business and investments as prescribed by Industrial Policy 2010 and Industrial Enterprises Act 2020. It aims to create social and economic systems that could provide a reliable access to quality, time and basic necessities of human needs such as foods, health and education in the country. Employment generation, poverty reduction, protection of human rights, safety assurance of business and investment, and environmental sustainability are the fundamental aspects integrated into the government mission. The GoN and private sectors have been working in tandem exchanging corresponding requirements. Through sustainable economic development, the business community in the country is contributing to political stability, peace building, trade facilitation and corporate sustainability and most importantly ensuring human rights in businesses.

CHAPTER-TWO

ASSESSMENT INTERVENTION AND METHODOLOGY

2.1 Thematic Area for the Assessment

The thematic area for the assessment is based on the concept note developed by A2J project which guided the assessment methodology addressing the key elements of human rights as described in the key objectives, in particular, the private sectors' commitment to and governance of human rights risk management. The questions were,

Eight key questions followed by supplemental aspects from within the following thematic area:

- 1. Occupational Health & Safety:** COVID-19 pandemic response plan, protective gears such as masks and gloves (both in men and women's sizes), physical distancing, risk assessment and removal/reduction of risks.
- 2. Labour Rights:** No unjustified dismissal or change of contract, No child labour, Non-discrimination based on their history of work (returning migrant workers), gender or social status, sustained income for daily wage workers, paid leaves for quarantine or testing, flexible working hours and conditions mothers and parents with children, equal pay for equal work.
- 3. Environmental & Community Impacts:** Safe disposal of protective gears and materials including disinfecting chemicals, relevant information on the risk of COVID-19 pandemic are shared with consumers and the public, safeguarding privacy, disclosure of personal information to governments only for purpose of responding to the pandemic.
- 4. Protecting privacy:** safeguarding privacy of workers, consumers and general public regarding COVID-19 testing, identification, quarantine and dissemination of information of the infected cases, awareness about basic human rights aspects with the people involved in COVID-19 tracing.

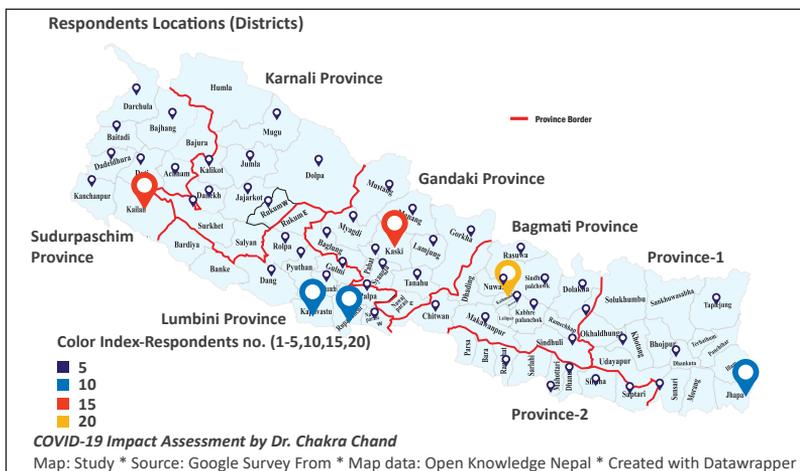
5. **Preventing Stigma & Discrimination:** Establishment of procedures, including awareness on responsible use of social media, to prevent the spread of false information, ensuring minorities, migrants and other vulnerable groups are not negatively affiliated with COVID-19.
6. **Corporate Policy & Management Considerations:** Clear communication with employees regarding COVID-19 pandemic related decisions, establishment of accessible grievances mechanisms for issues that may arise of the pandemic, timely payments or extension of credits to supplies and retailers to ensure their viability in the pandemic.
7. **Gender and Social Inclusion:** Equal treatment for men and women, adaptation of GESI principles following the prevailing national law, non-discrimination in any form and allowing the COVID-19 victims to re-join the work without discrimination.
8. **Role of GoN and other stakeholders:** Access to reliable information for safety of COVID-19 pandemic, support in business planning during and post COVID-19 pandemic, support in tax rebate and easy access to business loan/re-loan, price controlling of raw materials and regular advocacy and communication on B+HR among general public, consumers and other stakeholders.

One multiple choice question was asked to the respondents regarding the role of GoN and other stakeholders to select from among the following choices:

- ▶ Access to reliable information be safe from COVID-19
- ▶ Support on business plan during COVID-19
- ▶ Facilitate for harmonious IR during crisis.
- ▶ Tax rebate, refinancing and easy access to business loan
- ▶ Availability of raw materials and price controlling
- ▶ Reliable information on business and human rights.

2.2 Geographical Coverage of the Assessment

The geographical coverage of the assessment is 58 districts from seven provinces which is 75% representation of the districts as shown in the map below:



Map 1: Geographical Coverage of the Assessment

2.3 Assessment Methodology

Sampling Units

The study was designed to conduct self-assessment of the human right due diligence measures taken and impact of COVID-19 on the operation of businesses and protection of human rights. The assessment was based on UNDP's Human Rights Due Diligence and COVID-19. It covered a total of 246 sampling units for Google survey representing 15 different sectors under the umbrella of NSIC⁶ from all seven provinces. The detail sample size determination was based on probability sampling technique of simple random sampling without repetition (SRS_WOR).

6. Lazar, J. and Preece, J. (1999): Implementing Service Learning in an Online Communities Course. 14th Annual Conference, International Academy of Information Management. Charlotte: NA. 22-27.

$$\text{Sample } (n) = \frac{(z^2 \times pq)}{e^2} = 246$$

Where,

z = desired level of significant at $\alpha=5\%$.

pq = estimated population proportion = 0.5, the maximum sample size.

e = difference between true population parameters and sample statistics (error limit).

Data Collection and Analysis

The study was based on primary data collection through Google survey/Electronic survey which are increasingly common⁷ and results from electronic surveys can be the same as postal survey, with the advantages of speedy distribution and response cycles⁸ and web-based surveys are the most appropriate format for surveys when research cost is a constraint, timeliness is important, and the nature of the research requires comprehensive results⁹. A total of eight key questions (QK) with 53 supplemental questions were asked in the Google survey. Similarly, the assessment team organized 53 virtual Key Informant Interviews (KII) following the eight KQs which included 75% (n=40) business owners (involving 15% FNCCI executive members at different level) and 25% Executive professionals. The GESI representation was balanced with 34% (n=19) female and available other ethnicity in the interviews. The provincial representation was ensured at least from 9% (Karnali Province). The two virtual focus group discussions (FGDs) included consultations with i) business owners and ii) the executive employees.

Business houses, enterprises, traders and the employees were the units of samples to estimate population parameters. The collected data was cleaned, coded and analyzed by statistical software using STATA¹⁰ and excel. The supplemental responses are presented in percentages and the performance is indicated with RAG¹¹ rating.

6. *Nepal Standard Industrial Classification*

7. Lazar, J. and Preece, J. (1999); *Implementing Service Learning in an Online Communities Course*. 14th Annual Conference, International Academy of Information Management. Charlotte: NA. 22-27.

8. <https://www.researchgate.net/publication/220302348>

9. <https://www.researchgate.net/publication/228597952>

10. <https://guides.library.illinois.edu/STATA>

11. R= Red, respondents below 50% and more input needed for B+HR; A=Amber/Yellow, respondents between 50-60% and the performance of B+HR is moderately ok and G=Green, respondents above 60%, likely coming to a new normal

During the consultations, the views and concerns of the participants were seriously heard and recorded with their prior consent and are incorporated in the assessment report. The data collection took place during the period of 10 July 2020 to 20 August 2020.

Respondents Participated

Out of the total respondents participated in the Google survey, 34% were female, which is a significant number in terms of time they received amid both busy business and household schedule. Likewise, the respondent's mean age stands at 44.9 years with Std. Dev 9.6. The youngest respondent was 28 years and the oldest was 67 years old as shown in the figure below.

Respondents by Gender

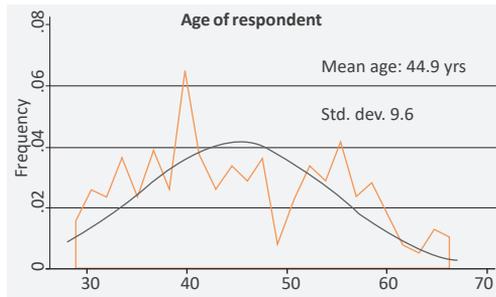
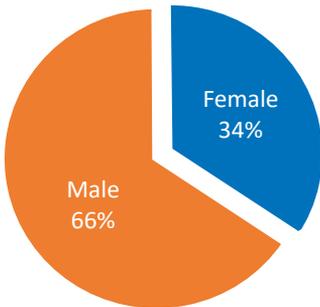


Figure 2: Respondents by Gender and Age

Distribution of the respondents by Province seems balanced ranging from 9% to 23%. Karnali Province has relatively less representation as it is not connected to Terai Area and has less business activities compared to other provinces. Highest number (23%) is represented by Bagmati Province having more business activities followed by Gandaki Province (15%) and Province 1 (14%) and Sudurpaschim Province (14%). Details could be seen in the Figure next page:

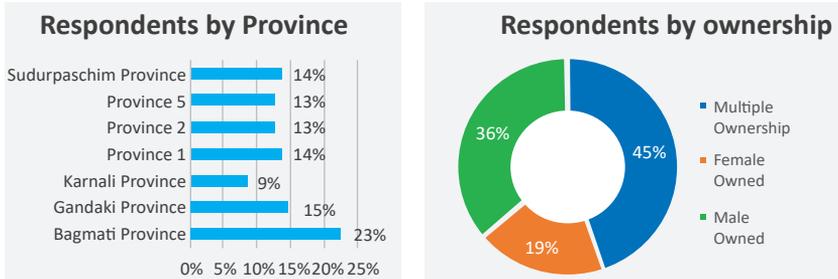


Figure 3: Respondents by Province & Business Ownership

The assessment included the businesses representing different ownership. As Shown in Figure 3, 19% of the businesses assessed are owned by female. Likewise, 36% of the businesses belong to male ownership whereas that of 45% who involved in the assessment belong to the businesses with miultiple/joint ownership.

Business Sectors Assessed

From among the list of the business sectors, the assessment covered 15 different sectors that were comparatively worse affected by the

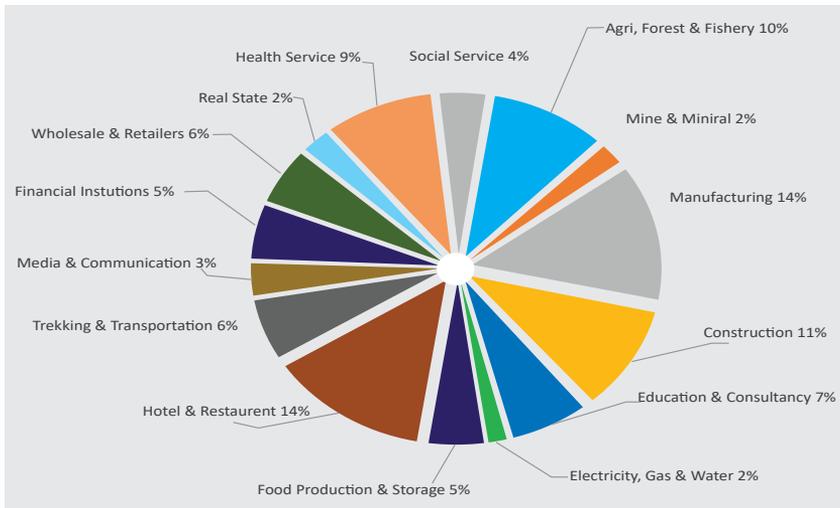


Figure 4: Representation of business sectors included in the assessment

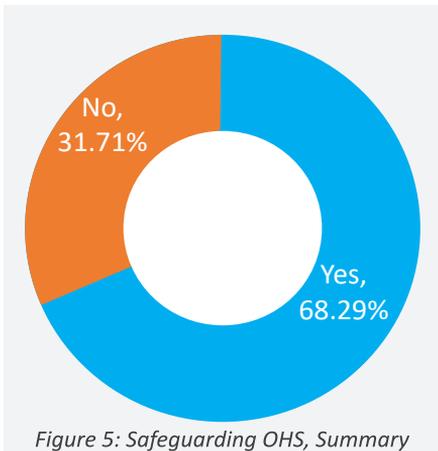
pandemic. Out of the total 246 respondents, the manufacturing industries and Hotel and Restaurant business represent the highest portion standing at 14% each, construction related business has represented 11% whereas that of agro, forest and fishery is 10%. Likewise, health service is represented by 9%, education and consultancy (7%), trekking & transportation and wholesales & retailers is 6% each. The representation is ensured by social services (4%), private financial institutions (5%), media and communication (3%), food production and storage (5%) among others as noticed in the figure.

CHAPTER-THREE

KEY QUESTIONS AND FINDINGS

3.1 Occupational Health & Safety

KQ 1: Have you prepared an effective emergency preparedness plan for responding COVID-19 effects that ensures OHS from B+HR perspectives?



The most comprehensive and relevant issue assessed during the COVID 19 crisis is the preparation of emergency preparedness plan to ensure OHS of the employees and workers. Of the total (n=246), 68.29% respondents said that they had emanated the emergency preparedness plan. Given that the figure (Figure 5) seems significantly high, remaining 31.71% of the businesses have yet to

initiate the OHS plan corresponding to the existing policies (Box 1) to addressing the COVID-19 crisis.

In addition, there were 11 supplemental questions asked to understand if all the basic requirements about OHS were addressed as a part of emergency preparedness plan. As exemplified in Table 1 below, more than 60% of the respondents said that their plan includes distribution of masks, sanitizer and PPEs to all the workers without discrimination in any form (1.1.1_a) and assessment of risk and elimination of potential hazards (1.1.1_e) scoring 'Green' level in RAG rating.

Table 1: Responses to Supplemental questions-OHS

Code	Questions	Yes, n=246	RAG
1.1.1_a	Ensure that the distribution of masks, Sanitizer and Personal Protective Equipment (PPEs) to all workers without any discrimination of caste, class or other social group.	62.60%	
1.1.1_b	Ensure that the bathroom, restroom, cafeterias and workplace is sanitized and disinfected regularly to ensure health and safety of workers as per the guidelines of WHO and Government of Nepal.	59.35%	
1.1.1_c	Ensure easy access of essential sanitary hygienic materials for women in the workplace.	52.84%	
1.1.1_d	Ensure the arrangement of paid work from home facility to those under high-risk groups including the elderly, pregnant women, persons with disabilities and workers with pre-existing health problems.	37.00%	
1.1.1_e	Assess workplace risk situation and take step to eliminate or reduce potential occupational hazards.	61.38%	
1.1.1_f	Assess workplace and COVID-19 risk for pregnant women and take measures to eliminate or reduce potential occupational risks.	48.37%	

1.1.1_g	Ensure that people, who are potentially at risk to be separated, isolate them if they are infected, provide adequate treatment, encouraging high morale and initiate health insurance of all workers from potential harm.	38.62%	
1.1.1_h	Ensure that physical distance is maintained inside the workplace and workers' quarter.	54.07%	
1.1.1_i	Ensure proper monitoring that workers in risky situations are working voluntarily on their own will.	56.91%	
1.1.1_j	Consult with trade unions, civil society or national human rights institutions on how to eliminate potential risks for workers and arrange for their health and safety.	43.91%	
1.1.1_k	Organize awareness programs, trainings or refreshment training to the workers regarding impacts of COVID-19.	50.41%	

Only 37% of the respondents said that they had managed paid work from home arrangement for elderly, pregnant women, persons with disabilities and workers with pre-existing health problems. This means that remaining 63% of the businesses have yet to address the flexibility in work place. Likewise, 48.37% of the respondents said that they had a resilient plan to reduce the potential risks of the workers. Only a total of 38.62% of the organizations are found prepared for separating, isolating and supporting in the treatment of the infected workers who are potentially at higher risk. About 44% of the respondents said that they had initiated consultations with trade unions, civil society organizations and human rights based institutions to reduce potential risks of the workers while remaining 56% did not organize

consultations. All the aforesaid aspects scored 'Red' in RAG rating. On the other hand, there is a Basic Legal provision on OHS: Formulation of Safety and Health Policy (Section 68, Labour Act 2017) as stated on the box below:

Basic legal provisions:

The Constitution of Nepal

Article 35 - Right relating to health: (1) Every citizen shall have the right to free basic health services from the State, and no one shall be deprived of emergency health services.

- (2) Every person shall have the right to get information about his or her medical treatment.
- (3) Every citizen shall have equal access to health services.
- (4) Every citizen shall have the right of access to clean drinking water and sanitation.

Labour Act 2017

Section 68 - Formulation of Safety and Health Policy:

Every employer shall formulate Safety and Health Policy and implement it.

The policy formed shall be registered in the Labour Office.

It is the duty of Labour Office to monitor the safety and health policy of the business regularly.

No employer shall discriminate any worker on the ground of religion, colour, sex, caste, tribe, origin, language, ideological conviction or any other similar ground.

Section 69 - Duties of employers towards workers in respect of Occupational Safety and Health:

1. Ensure safe environment by making appropriate safety and health provisions at the workplace;
2. Make necessary provision for the use, operation, storing or shifting of chemical, physical or bio-degradable material or

equipment so that the safety and health of workers are not affected adversely;

3. Provide necessary information, notice or training relating to the safety and health to workers;
4. Provide necessary training and information in an appropriate language to workers in relation to equipment and use or operation of chemical, physical or biodegradable material for the work;
5. Make proper arrangement for the safe entry and exit from the workplace;
6. Provide necessary personal safety equipment to workers; and
7. No fees may be imposed to the workers

Section 81 - Engage in simple work:

If any female worker is pregnant, she must inform the employer on this matter and the employer shall normally engage such female worker in the work which will not have any harmful effect on her health.

Section 74 - Formation of Safety and Health Committee:

Every employer having 20 or more workers including workers supplied by labour providers, shall constitute a Safety and Health Committee. The committee may be comprised of 8 members from employers and union side. (Clause 37 of Labour Rule 2050)

The committee may exercise following Powers, functions and duties:

- a) Advice to the employer regularly on the safety and health of workers and its effectiveness;
- b) Evaluate the arrangement of the safety and health in the workplace and advice for making it more effective
- c) Ask Labour Office to monitor if advice is not implemented &
- d) Review the Safety and Health Policy of the Company.

Box 1: Legal Provision on OHS

Compared to the above legal provision, the majority of the businesses do not have any emergency policy on Occupational Safety and Health to address the pandemic. Similarly, it is a clear violation of the provision of Labour Act 2074 which mandated employers to provide safety equipment to the workers without cost. Further, any kind of discrimination is prohibited in the Constitution of Nepal, Article 18.2 and Labour Act 2017, Section 6. Labour Act, Sec 81 mentions about the pregnant women who should be engaged only on the works that have no any harmful effect but during the COVID-19 crisis, only 38.62% of the businesses have adopted the policy.

There are five responses that scored ‘Amber’ in the RAG competition. The number of respondents for the ‘Amber’ stands between 50%-60% who said that they had ensured disinfections of critical places, sanitary materials for women, physical distance, willingness at work and capacity building on COVID 19 impacts. All those issues need to be fully adopted by the business community as provisioned in the policies.

There were respondents (n=78) who responded ‘No’ to the key question (QK) said that they were unable to manage emergency preparedness plan for OHS due to various reasons as mentioned in figure 6. A total of 27% of the respondents (n=22) said they had financial scarcity. Likewise, 24% of the respondents (n=19) said that they had limited space to manage things differently. Twenty two percent of the respondents said that they were unable to address the issues due to lack of information followed by 17% who said that they did not feel the need. On the other side, 10% of the respondents said that managing OHS within their organization was in the plan.

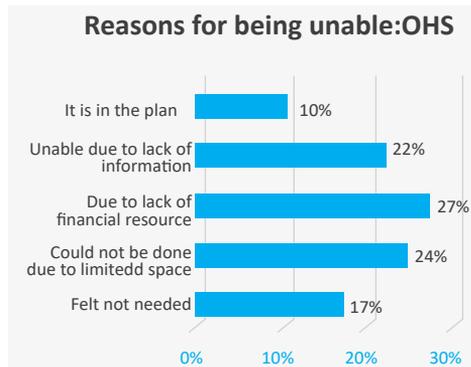


Figure 6: Reasons for being unable to manage OHS

Whatever the respondents presented reasons for not following the OHS protocols, the legal provisions do not allow them to operate the business without maintaining the basic requirement. Duties of employers towards workers in respect of OHS have been clearly mentioned in the Labour Act 2017, Section 69.

KII findings

The key informant interviews revealed different six responses. Saturated responses are merged. The interview quotations related to effective emergency preparedness plan for responding COVID-19 effects to OHS from B+HR is mentioned in the table below. The quotations are put on priority basis based on the number of frequencies repeated.

KII_KQ 1: Key Interview Quotations-OHS

Associated first level concept	Representative quotation from the interview
<p><i>Associated first level concept</i> <i>Emergency plan for OHS-PPEs, disinfection, work from home, consultations for crisis management and capacity building about COVID 19. (concepts repeated as requested)</i></p>	<p>Representative quotation from the interview</p> <ol style="list-style-type: none"> 1.1 Work from home is not possible in private businesses. 1.2 Disinfections is done every day before our work starts. 1.3 ...Needed sanitizers and masks are managed (employer) and we buy ourselves the masks (employees-few cases)... 1.4 Yet not initiated separate provision for pregnant female, people with disabilities and older employees/workers. 1.5 Always made aware on COVID 19 protocols, hand washing and risk assessment. 1.6 ...listen but don't come to action as consulted.

More on KII_KQ 2

‘Well, we have strictly followed OHS practices that we understand to be done in the province...provision of separate arrangement for women, PWD and elderly people is yet to be established...you know! We want to be much aware about human rights in business sector and need someone to capacitate our board members, staffs and key stakeholders on human rights....’-One of the Provincial Presidents, FNCCI. (July 19, 2020).

“...some businesses have maintained OHS practices...in some cases, labours themselves have managed with their own cost, but sometimes they don’t have money even to buy a sanitizer. ...PPE is not provided to all even it is essential...”, Ms Bishnu Thapa Magar, Women Committee Coordinator, JTUCC

“...OHS is a common concern and amid COVID-19, this is more essential... multinational companies have their own practices about OHS that should be good...employees at national, regional businesses have reported to have managed the OHS...Quality is always a question i.e cloth mask, reusing of the same mask for days, PPE etc...around 30% have managed basic OHS in business community.” Mr. Janak Chaudhary, General Secretary, GEFONT

FGD participants on OHS pointed out that despite having faced a lockdown and financial crisis, business community has been able to initiate at least some basic requirements of the OHS.

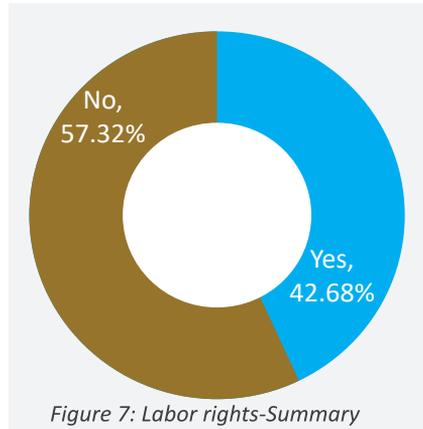
FGD participants on OHS pointed out that despite having faced a lockdown and financial crisis, business community has been able to **initiate at least some basic requirements of the OHS.**

3.2 Labour Rights

KQ2: Have you prepared a plan to protect the rights of workers including adjustment of workers who might be retrenched due to COVID-19?

The most concerned issue of the employees and the workers is ensuring labour rights during the pandemic. Of the total respondents (n=246)

participated in the assessment, only 42.68% said that they had guaranteed labour rights during the COVID 19 crisis. Remaining 57.32 % of the respondents said that they had not considered it simply saying 'No'.



Further, there were 14 supplemental questions to labour rights. The number of respondents standing between 28.05% to 39.02% said that they had addressed some B+HR issues

from among the assessment questions. All the responses scored 'Red' requiring immediate actions. The table below lists the responses to the respective questions:

Table 2: Responses to Supplemental questions-labour rights

Code	Questions	Yes, n=246	RAG
2.1.1_a	Ensure that workers are not retrenched.	31.71%	Red
	Ensure that the bathroom, restroom, cafeterias and workplace is sanitized and disinfected regularly to ensure health and safety of workers as per the guidelines of WHO and Government of Nepal.	59.35%	Red
2.1.1_b	In the circumstances where workers need to be retrenched, ensure the procedure to protect workers' rights including prior notice and retrenchment compensation.	36.99%	Red

	Ensure the arrangement of paid work from home facility to those under high-risk groups including the elderly, pregnant women, persons with disabilities and workers with pre-existing health problems.	37.00%	
2.1.1_c	Ensure that workers are paid their wages in accordance with national and international labor standards and that all benefits are provided between and after the transition during COVID-19.	35.37%	
	Assess workplace and COVID-19 risk for pregnant women and take measures to eliminate or reduce potential occupational risks.	48.37%	
2.1.1_d	In case of resumption of business, arrangements will be made to provide employment to the retrenched workers during the lockdown without any discrimination based on castes, class and social groups.	38.21%	
	Ensure that physical distance is maintained inside the workplace and workers' quarter.	54.07%	
2.1.1_e	Pay workers who have fallen ill or are unable to go to work due to lockdown or have been quarantined as per the government's guidelines on COVID-19.	33.74%	

	Consult with trade unions, civil society or national human rights institutions on how to eliminate potential risks for workers and arrange for their health and safety.	43.91%	
2.1.1_f	Ensure that no deduction is made in the salary and benefits of the workers in case of treatment of COVID-19 or other illnesses and in case need to be deducted ensure prior consent and information to be provided.	34.96%	
2.1.1_g	Ensure that workers or their family members are not discriminated against or abused if the worker is presumed to be infected with COVID-19 and is under quarantine.	36.99%	
2.1.1_h	Ensuring that child labor is not used under any circumstances even if shortage of workers due to COVID-19.	36.58%	
2.1.1_i	Ensure that workers are allowed to return home as per National Law or Emergency/Public Health notification.	36.18%	
2.1.1_j	Provide relief or other facility to the workers or their families who have become unemployed due to COVID-19.	32.11%	
2.1.1_k	Arrangement of access to basic health facilities for all in the workplace.	39.02%	

2.1.1_l	Ensure flexibility in the office for pregnant and lactating women with provision of separate rooms for breastfeeding. Maternity and paternity leave is granted to pregnant women and their husbands.	28.05%	
2.1.1_m	Arrangements for workers who take care of young children and the elderly person to work from home due to safety concerns.	29.67%	
2.1.1_n	Ensuring workers to have freedom of expression to protect their right and interest including right to organize and access to information.	35.77%	

The responses in Figure 7 where 57% of the businesses are ignoring the labour rights during the COVID-19 pandemic is the clear violation of Section 3 of Labour Act 2017, which clearly mentions that the provision of the Labour Act and Rule made there under are minimum standard and no employment contract shall be made that is contradictory to the provision of the minimum standard.

The supplements to additional labour rights also seem quite alarming that shows only 32% of the businesses not retrenching the employees during the pandemic. This means that about two-third of the businesses intended either retrenchment of workforce or reduce working hours or lay off them. It is a serious violation of an article 33 of Constitution of Nepal which guarantees the right to employment of citizens.

The implementation of Labour Law seems ineffective while analyzing the

I was deriving livelihood of my family from the salary I got before COVID-19... I am on unpaid leave for three months and have no secondary sources of income... just imagine the situation of the staffs like me whose livelihood is exclusively dependent on monthly salary-Staff nurse, one of the famous private hospitals

responses of the businesses re payment and leave provisions during the lockdown. Businesses did not follow the notification published during the lockdown due to pandemic in Nepal Rajpatra 2077 Baisak 15, Number-3. The Rajpatra clearly mentioned that the Lockdown period should be considered as paid public holiday. Leave should be granted by employer under that order as mentioned in Nepal Rajpatra Chairta 9, 2076, Additional Number-34. While compared with the response 2.1.1.c, only 35.37% business were found paying wages in accordance with the national and international labour standards during COVID-19 which is also against the Section 39 of Labour Act 2017.

Basic legal provisions:

The Constitution of Nepal

Article 34 - Right to labour: (1) Every labourer shall have the right to practice appropriate labour.

Explanation: For the purposes of this Article, “labourer” means a labourer or worker who does physical or mental work for an employer in consideration for remuneration.

(2) Every labourer shall have the right to appropriate remuneration, facilities and contributory social security.

(3) Every labourer shall have the right to form and join trade unions and to engage in collective bargaining, in accordance with law.

Labour Act 2017

Section 39 - Remuneration for reserve period:

Where a labour is held in reserve pursuant to this Act, the employer shall pay half the remuneration which he or she is entitled to until the work is resumed. Provided that such a labour shall not be required to make attendance in the workplace during the reserve period unless the requirement of attendance is mentioned in the notice on holding the labour in reserve

Section 139 - Employment security: Employment of any worker shall not be terminated in any other condition except in accordance with the Labour Act, Rules or by-law.

Section 144 - Notice to be provided:

Any employer or worker, while terminating an employment contract shall provide a written notice or notice pay in lieu of notice period as follow:

- a) at least before one day, in case of employment for a maximum period of four weeks;
- b) at least before seven days, in case of employment for a period of four weeks to one year;
- c) at least before 30 days, in case of employment for a period of more than one year.

Employer should follow the process mentioned in Retrenchment (Section 145 of Labour Act 2017) clause before making any retrenchment and paid compensation equivalent to one month's salary for each year of service in addition to the provident fund and gratuity mentioned under chapter 10 of labour Act.

Section 146 - Resumption of operation: Where any enterprise, after the workers are retrenched, resumes operation within two years or needs to hire more workers, the preference for employment shall be given to the workers retrenched.

Box 2: Legal Provisions on Labor Rights

The employer may declare lay off during COVID-19 period following the Section 15 and 39, Labour Act 2017. Further, the employers may stop the work and declare lay off workers in special situation where workplace can't be opened due to unavoidable circumstances. For the purpose, "special situation" includes lockdown period due to COVID-19. If any employer needs to lay off the workers for more than fifteen days, the employer shall be required to consult the authorized trade union or Labour Management Committee. In case partial laid off, employer should engage workers on rotation basis.

Despite the fact that the employer should follow the retrenchment procedure as provisioned in the Labour Act 2017 (Section 145), 61.79% of the businesses said that they had no plan for the provision during the assessment. Resumption of operation (Section 146, Labour Act 2017) has also defined the provision about retrenchment and resumption of the workers:

Ignorance of a plan to protect the rights of workers including their adjustment after the retrenchment due to COVID-19 is against the policy as mentioned above given that from among 141 respondents, 45% said that they had financial crisis while asked for being unable to address the labour rights issues during the pandemic. The option ‘Felt not needed’ stands at the second position counting 21% responses. Likewise, 15% of the respondents said that it was in their plan. All these responses represent the gap in awareness level of the businesses.

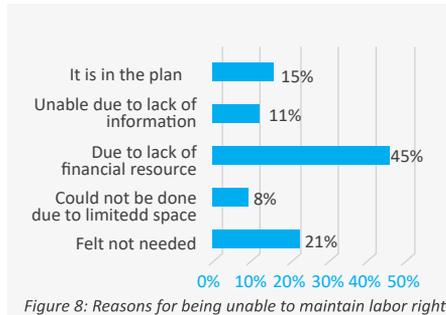


Figure 8: Reasons for being unable to maintain labor rights

KII findings

The key informant interviews showed different nine responses. Saturated responses are merged. The interview quotations related to protecting the rights of workers including adjustment of workers who might be retrenched due to COVID-19 is mentioned in the table below. The quotations are put on priority basis based on the number of frequencies repeated.

KII_Q2: Key Interview Quotations-Labour Rights

Associated first level concept/s	Representative quotation from the interview
<p><i>Assurance not to dismiss from the job; paid leave, standard wages payment, no discrimination in payment, hiring, re-hiring, illness, basic health facilities, providing maternity and paternity leave, work from home, child labour, freedom for complains during COVID 19.</i></p>	<p>1.1 Have paid good salary and wages ... it is reduced due to our own worse situation... .</p> <p>1.2 Can't manage paid leave to all employees ... there is no leave balance.</p> <p>1.3 ...you can ask our employees ... no discrimination in wages rate.</p> <p>1.4 We don't dismiss our employee working with us for long time ... have sent home and informed to re-join when the situation comes to a new normal.</p> <p>1.5 Have arranged maternity leave as GoN rules. Paternity leave is not in practice so far.</p> <p>1.6 There is first aid kit managed in the office ... public hospitals are not able to manage it as required, how could we do it in all places with all requirements?</p> <p>1.7 Not in practice the work from home for the employees having toddlers and elderly people at home ... all employee claim the facility ... business will be closed.</p> <p>1.8 We are aware about the child labour... some cases are practised though ...</p> <p>1.9 ... our staffs bring up specific concerns that they have ... they are free to speak up, but for COVID 19, we are at a position to wait and see and we ourselves don't know what to do</p>

During the interview, the team caught two different cases:

i) *Re supplemental question: Table 2, 2.1.1_f*

"...only about 30% of the requirements related to labour rights seem to be in place... employees/workers are compelled to go home, in some cases with half a month salary or no salary ... " Ms Bishnu Thapa Magar, Women Committee Coordinator, JTUCC

ii) *"...government has introduced principally a good policy to address the pain of the workers amid COVID-19 ... due improper implementation, monitoring of the policy and record keeping of employees, time bound and part time workers are much suffering ... " Mr. Janak Chaudhary, General Secretary, GEFONT*

"I am really inspired by a question that asks about the provision of a separate room for the breastfeeding women in the office ..., not only for the breastfeeding women ... please come to our office next time ... you will see the separate room for the women and elderly people in my office"-An Executive Female Banker

Virtual FGD with the entrepreneurs stressed the importance of the **implementation of government policy announced in response to COVID-19 pandemic** to ensure **labour rights and human rights**. FGD participants further committed that there would be **no discrimination among the workers** during the COVID-19 crisis.

“
Implementation of GoN commitment and NRB’s monetary policy helps us resume the businesses (...) we can follow the labor rights without any discrimination-FGD
”

The study organized by Nepal Rastra Bank revealed that 22.5% of the workers have lost their job due to lockdown period.¹²

12. <http://www.ratopati.com/story/141540/2020/8/5/lock-down->

3.3 Environmental & Community Impacts

KQ 3: Have you initiated any plan to reduce environmental and community risks due to COVID-19?

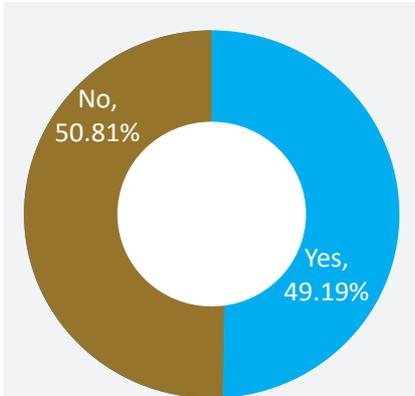


Figure 9: Environmental & Community Risk Summary

49.19% of the total respondents (n=246) said that they had considered the environmental and community risks to be addressed in response to the COVID19 impacts. The remaining (50.81%, n=125) said that they didn't.

All the respondents were also asked five more supplemental questions re if they had initiated any plan to reduce environmental and community risks amid the

crisis. The number of respondents didn't cross even 45%. The least considered question was 'the assessment of the impact on the community due to unemployment caused by COVID-19 and the post pandemic situation' which scored just 35.37% as shown in Table below:

Table 3: Responses to Supplemental questions-labour rights

Code	Questions	Yes, n=246	RAG
3.1.1_a	Arrangements be made to prevent or reduce the risk to the health of consumers or the general public while conducting business.	43.09%	◆
3.1.1_b	Disseminate information to consumers and the general public in a timely manner to prevent possible risks of COVID-19.	40.65%	◆

3.1.1_c	Adhere to all environmental procedures while disposing pesticides and hazardous materials, masks, PPE, gloves, etc.	43.90%	
3.1.1_d	Assess the impact on the community due to unemployment caused by COVID-19 and the post pandemic situation.	35.37%	
3.1.1_e	Ensure that the rights of the surrounding communities or public properties are not encroached during the pandemic.	43.50%	

Only 43.09% of the businesses have made an arrangement to prevent or reduce the risk to the health of consumers or the general public which does not meet the requirement of the Labour Act 2017 (section 70) which ensures the provision of protection of health and safety of none workers who come to the premises. Additionally, the employer should provide proper information to none workers regarding safety and health including sign of dangerous work, but in contrast, only 40.65% of the businesses have disseminated the information of COVID-19 in a timely manner. If we carefully examine the provision, this provision also includes the information re pandemic due to corona virus. Likewise, only 43.90% have adopted environmental procedures while disposing hazardous materials and the remaining 56.10% have violated the spirit of the Labour Act 2017, Section 70 (3).

Basic legal provisions:

The Constitution of Nepal

Article 30 - Right regarding clean environment (1) Each person shall have right to live in a healthy and clean environment.

Labour Act 2017

Section 70 - Duties of employer towards non-labour:

- (1) The employer shall make such provision as may be necessary to avoid any adverse effect on the safety and health of any non-labour who walks in and out of, or passes through, the workplace.
- (2) Where any operating system of the workplace is likely to cause any harmful effect or risk on the safety or health of any person, the employer shall make arrangement for giving, putting a signal or providing information in that respect.
- (3) Any enterprise that uses or manufactures chemical materials shall so manage that the chemical substance, gas or any other thing emitting during the operation of its business does not cause any adverse effect on the local animals, vegetation, human beings and environment.

Box 3: Legal Provision on Environmental and Community Impacts

In addition, there were 125 respondents who didn't have any plan to reduce environmental and community risks due to COVID-19. While asked about being unable to address the environmental and community risks, 32% of the respondents said that they did not feel the need.

Reason for being unable: Environmental & Community Impacts

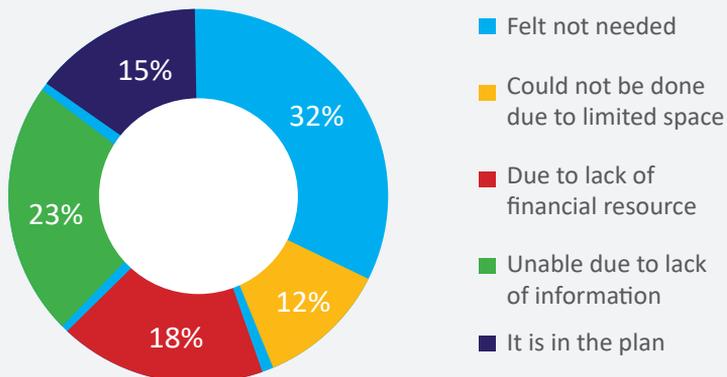


Figure 10: Reasons for being unable to maintain environmental & community impacts

Likewise, 23% said that they were unable due to lack of information about the issues followed by 18% who presented the financial scarcity as a major cause. 15% have put the issues in the plan whereas that of 12 % have limited space. All these justifications represent a big gap in understanding and communication among the business communities as presented in Figure 10.

KII findings

The key informant interviews revealed different five responses. Saturated responses are merged. The interview quotations related to addressing environmental and community risks due to COVID-19 is mentioned in the table below. The quotations are put on priority basis based on the number of frequencies repeated.

KII_Q3: Key Interview Quotations-Environmental and Community Impacts

Associated first level concept/s	Representative quotation from the interview
<i>Safe disposal of medical wastage: hazardous materials, masks, PPE, gloves; communication on risks, reducing risks caused by the businesses and assessing COVID impacts and encroachment of public property.</i>	1.1 Try to follow environmental procedures ... have limited space 1.2 Have started COVID communication with our consumers ... distance/queue system/sanitizer in outlet centres. 1.3 Have not used the public property benefitting the communities. 1.4 Its need was not felt in the beginning... and gradually getting momentum. 1.5 Our businesses are closed ... for new arrangement we need financial resources and awareness.

More on KII_Q3

"...We are trying to address the environmental risks ... safe disposal of medical wastage, advising the patients/customer about it. ... following all the prescribed protocols is very difficult to afford and manage ... You see! Environment at public hospitals... yards/ toilets/wastes. ...they are not able and how could we do?"-An Executive Officer, Private Hospital

Nonetheless, majority of the participants in FGD expressed concern that environmental and community health has yet to be realized even by the public offices and said that they had done what they considered it to be. Few participants pointed to the fact that they had maintained well compared to public offices in response to COVID-19 given that their businesses were partly or completely closed.

3.4 Safeguarding Privacy

KQ 4: Have you initiated a plan to protect the privacy of workers, consumers and the general public during the pandemic?

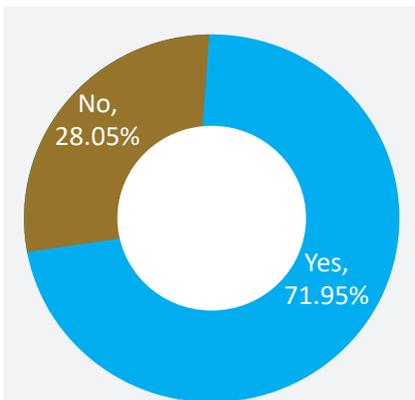


Figure 11: Safeguarding Privacy-Summary

‘Yes!’ 71.95% of the respondents (n=246) said that they had a plan to safeguard the privacy of workers, consumers and the general public during the pandemic. There are only 28.05% (n=69) businesses yet to initiate the privacy protection mechanism in their organization.

Regarding the four supplemental questions to safeguarding the privacy, there were three responses that levelled ‘Green;

in RAG rating scoring 65.45% (n=161) for dissemination of COVID 19 information timely and properly (4.1.1_b), 67.89% (n=167) for maintaining the WHO and GoN protocols in safeguarding the names and contact information of the workers found positive with COVID-19 (4.1.1_c) and 63.42% (n=156) for informing the security personnel involved in the COVID 19 testing about the basic human rights standards (4.1.1_d) as mentioned in table 4. All these performances seem to be in line with the the Public Health Service Act 2075, Section 14. One question that reads ‘disclosing personal information about workers, consumers or the general public (regarding testing, identification,

quarantine etc.) only to the government for the purpose of addressing COVID-19' levels 'Red' score at 49.60% violating the Public Health Service Act which mentions that without obtaining consent of patient, information regarding health status, treatment procedure and treatment related information cannot be disclosed to anyone.

Table 4: Responses to Supplemental questions-safeguarding privacy

Code	Questions	Yes, n=246	RAG
4.1.1_a	Disclosing personal information about workers, consumers or the general public (regarding testing, identification, quarantine etc.) only to the government for the purpose of addressing COVID-19.	49.60%	
4.1.1_b	Ensure that COVID-19 related information is disseminated timely and properly.	65.45%	
4.1.1_c	Ensure that names and contact information of the workers found positive with COVID-19 is not made public among the workers or to general public except in accordance with the consent given by the worker or the prevailing law.	67.89%	
4.1.1_d	Ensure that the security personnel involved in the testing of COVID-19 must be informed about the basic human rights standards.	63.42%	

Basic legal provisions:

The Constitution of Nepal

Article 28 - Right to privacy: (1) The privacy of any person, his or her residence, property, document, data, correspondence and matters relating to his or her character shall, except in accordance with law, be inviolable.

Privacy Act 2018

Section 3 - Privacy of body and personal life:

- (1) The privacy of the matters relating to physical and mental condition of every person shall be inviolable
- (2) The matters of privacy of body of any person shall be inviolable without the consent of the person concerned, except in cases of conducting his or her health examination, treatment or emergency relief work.

Public Health Service Act 2075

Section 14-To maintain confidentiality: (1) While providing health service, information including health condition of the service recipient, diagnosis or treatment obtained by him or her shall be kept confidential.

- (2) Notwithstanding anything contained in sub-section (1), nothing herein contained shall be deemed to prevent the information from being published, in any of the following circumstances:
 - (a) If the service recipient gives written consent to publish the information,
 - (b) If any information is to be published in accordance with the order of the court or prevailing law,
 - (c) If it appears to have serious impact in public health if information is not published.
- (3) For the purposes of clause (c) of sub-section (2), it shall be in accordance with the decision made by the prescribed official regarding whether serious impact is going to occur in the public health.

Box 4: Legal Provision on Safeguarding Privacy

Another facet of the mission was to make a diagnosis of the reasons of respondents who didn't consider safeguarding the privacy. Of the total 69 respondents who didn't consider safeguarding the privacy, 39% said that they didn't feel the need to consider, 36% said that they were unaware about aspect. The assessment noticed 13% of the respondents planning for the issue whereas 12% said that there was the lack of coordination among the concerned stakeholders. All

these responses indicate the violation of the Public Health Service Act 2075. The Figure below presents the highlights of the responses:

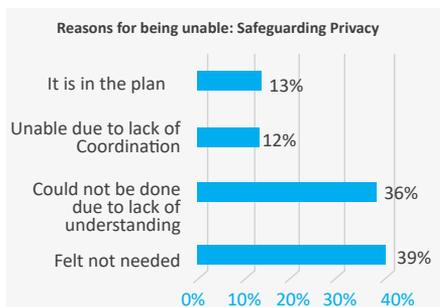


Figure 12: Reasons for being unable to safeguarding privacy

KII findings

The key informant interviews revealed six different responses. Saturated responses are merged. The interview quotations related to protection of the privacy of workers, consumers and the general public during the pandemic in presented in the table below. The quotations are put on priority basis based on the number of frequencies repeated.

KII_QK 4: Key Interview Quotations-Safeguarding Privacy

Associated first level concept/s	Representative quotation from the interview
<i>Protecting privacy of employees, workers and consumers, sharing of basic and timely information on COVID and Human rights.</i>	<ol style="list-style-type: none"> 1.1 ...maintained privacy about the information of staffs and COVID 19 1.2 No any staffs/workers affected by COVID. 1.3 Security personnel are trained on respecting the customers and human rights. ... 1.4 Don't have much knowledge about handling COVID 19 problems ... we should be trained on basic things about it. 1.5 ...well, I don't feel the need to consider the privacy differently than other time as used to be. ... 1.6 Need more knowledge about human rights and COVID

More on KII_KQ 4

“... We have shared COVID-19 privacy protocols within our province and keep regularly sharing the new updates...we don’t know much about COVID-19 related human rights. ...the government should capacitate us in COVID-19 handling as some privacy is related to the COVID-19 health office.”-One of the FNCCI Provincial Presidents

“

We have our own internal policy for privacy. COVID-19 is a new occurrence and we know more about through various media, and capacity building is needed. - FGD

”

FGD participants, on safeguarding privacy, in particular indicated that it was their principal area of priority and action following their own business policy and media communication. Few participants pointed to capacity building in maintaining COVID-19 privacy as one of their specific key focus.

3.5 Preventing Discrimination and Stigma

KQ 5: Have you initiated any plans to prevent discrimination and stigma against any worker and their families due to COVID-19?

One of the most key questions asked to the respondents was about preventing discrimination and stigma against any worker and their family re relation to COVID 19. Out of the total 246 respondents, 46.04% (n=113) said that they had initiated a strategy whereas 53.96% (n=133) of them

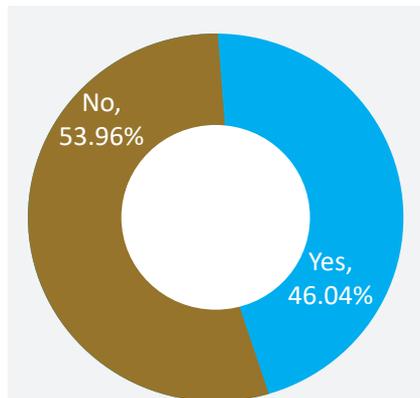


Figure 13: Discrimination & Stigma-Summary

said they didn't due to various reasons.

Another aspect of the assessment was to diagnose the performance of the supplements to preventing discrimination and stigma. All four questions level 'Red' ranging from 39.84% to 41.46% as noticed in Table below.

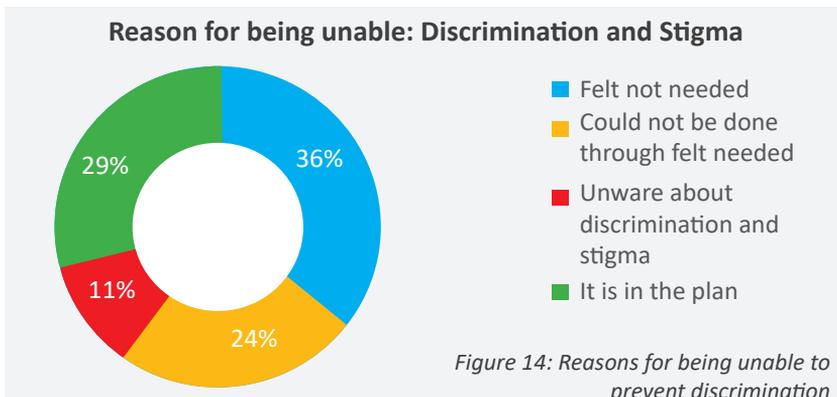
Table 5: Responses to Supplemental questions-discrimination and stigma

Code	Questions	Yes, n=246	RAG
5.1.1_a	Ensure that no discriminatory treatment is inflicted on workers when they return to work due to the condition created by COVID-19.	41.46%	
5.1.1_b	Ensure that the workplace is prevented from the spread of misleading information and the discriminatory treatment towards the workers of the marginalized community.	41.87%	
5.1.1_c	Aware the workers regarding the spread of misinformation causing discrimination, biasness, and stigma through social media.	43.09%	
5.1.1_d	Ensure that minorities, immigrants or other vulnerable groups are not negatively projected in advertising, commercial campaigns or in commercial communications during the pandemic.	39.84%	

Among the 246 businesses, only 41.46% were found ensuring non-discriminatory treatment on workers when they return to work. 41.87% of the businesses were found preventing the workplace from the spread of misleading information and discriminatory treatment towards the workers. Similarly, only 39.84% (5.1.1_d) of the businesses

were found preventing minorities, immigrants or other vulnerable groups from being negatively projected in advertising, commercial campaigns or in commercial communications during the pandemic.

The mission also asked the respondents on why they were not able to prevent discrimination and stigma. Of the total 133 respondents, 36% said that they didn't feel the need of considering discrimination and stigma within their business. Likewise, 24% said that they felt the need but could not do. From among the respondents, 11% said that they didn't know about issue whereas 29% said they have this issue in their plan for the implementation.



Basic legal provisions:

The Constitution of Nepal

Article 18 - Right to equality: (1) All citizens shall be equal before law. No person shall be denied the equal protection of law.

(2) No discrimination shall be made in the application of general laws on grounds of origin, religion, race, caste, tribe, sex, physical condition, condition of health, marital status, pregnancy, economic condition, language or region, ideology or on similar other grounds.

Article 38 (3): No woman shall be subjected to physical, mental, sexual, psychological or other form of violence or exploitation on grounds of religion, social, cultural tradition, practice or on any other grounds. Such act shall be punishable by law, and the victim shall have the right to obtain compensation in accordance with law.

The Country Penal (Code) Act, 2017 (2074)

Section 160 - Prohibition of making discriminatory treatment:

- (1) Except as otherwise provided by laws, no authority who exercises power under law shall, in the exercise of such power or a general law, intentionally make a discriminatory treatment against any citizen on grounds of origin, religion, color, race, caste/ethnicity, tribe, sex, physical condition, disability, condition of health, marital status, pregnancy, economic condition, language or region, ideology or on similar other grounds.

Labour Act 2017

Section 6: No employer shall discriminate any worker on the ground of religion, colour, sex, caste, tribe, origin, language, ideological conviction or any other similar ground.

Box 5: Legal Provision on Preventing Discrimination and Stigma

KII findings

The key informant interviews show five different responses. Saturated responses are merged. The interview quotations related to prevention of discrimination and stigma against any worker and their families due to COVID-19 is presented in table below. The quotations are put on priority basis based on the number of frequencies repeated.

KII_QQ 5:Key Interview Quotations- Preventing Discrimination and Stigma

Associated first level concept/s	Representative quotation from the interview
<p><i>Preventing discrimination and Stigma: treatment of COVID 19 affected staff and his/her family members; avoiding misleading information, utilization of minorities in promoting the business in any form.</i></p>	<p>1.1 ...no any staffs affected by COVID 19 so far ... will not have any discrimination...</p> <p>1.2 Number one priority would obviously be monitoring and eliminating discrimination</p> <p>1.3 Have internal rule/code of conduct for social media not to disclose any information regarding...</p> <p>1.4 ...never used minorities for business promotion and advertising, rather they are given opportunities to work...</p> <p>1.5 ...you need to see the government, discriminating the COVID patients...</p>

More on KII_QQ 5, quotation (1.5)

"...you need to see the government, discriminating the COVID 19 patients during the treatment based on relation, political power and ideology...this shows that poor people, and the people having no any kind of links with the politicians may not get timely treatment and their lives might be at risk... it's something you have never really experienced before in such a pandemic time..."-One of the participants.

“

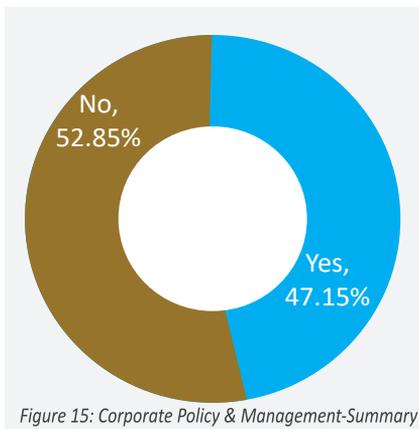
We have never thought about discriminating and stigmatizing our workers and employee in any form (...) COVID-19 is a new disease and we don't have any cases to experience so far however, we are planning to avoid any kind of discrimination for COVID-19 cases as we are aware of the fact that it may pose a challenge to our business in the days to come

-FGD

”

3.6 Corporate Policy & Management Considerations

KQ 6: Have you initiated the essential business policy or plan to address the adverse impact of COVID-19?



One of the apposite key questions was about emanating the essential business policies in line to addressing the adverse impact of COVID 19. 47.15% (n=116) of the respondents (n=246) said that they did initiate the policies in their organizations whereas 52.85% (n=130) responded that they had no any initiation re new policies and plans.

Another aspect of the assessment was to assess the seven supplemental questions to these considerations, ref table 6. Responses to all those questions scored 'Red' level in RAG rating ranging from 29.27% (6.1.1_f)-'establishment of a mechanism to study the enforcement of human rights and its violations to 43.09% (6.1.1_c) - 'regularly inform employees on business and COVID-19 related decisions'. The individual responses of the RAG rating are presented in the table.

Table 6: Responses to supplemental questions-corporate policy and management considerations

Code	Questions	Yes, n=246	RAG
6.1.1_a	Make public commitment to provide information on human rights in Citizen's Charter, websites or in Communication Materials.	39.84%	Red Diamond
6.1.1_b	Formulate human rights policy and inform such policies to internal as well as external stakeholders.	36.18%	Red Diamond

6.1.1_c	Regularly inform employees on business and COVID-19 related decisions.	43.09%	
6.1.1_d	Establish an effective mechanism to address grievances of human rights violations during COVID-19 and ensure that the mechanism investigates such violations and provides appropriate compensation to the victims.	31.30%	
6.1.1_e	Ensure easy access to established mechanism for redressing any discrimination and hearing complaints of human rights violations on employees and consumers.	36.99%	
6.1.1_f	Establishment of a mechanism to study the enforcement of human rights and its violations.	29.27%	
6.1.1_g	Provide human rights training or refresher training to workers involved in health, safety, sanitation and treatment during the pandemic.	32.52%	

Policy and management considerations on public commitment to provide information on human rights in Citizen’s Charter, websites or in Communication Materials stands at 39.84%, formulation of human rights policy and its dissemination among the stakeholders stands at only 36.18% while regular sharing of businesses and COVID-19 contexts stands at 43.09%. Likewise, operationalization of grievances readdress mechanism is considered by 31.30% only. There are other human rights issues that rank still below 40%.

Another aspect of the assessment team was to discover the facts among the respondents who simply denied the initiation of the policy considerations. Out of 130 respondents who had no any initiations about new policies and plans, 35% said that they could not do given that they felt the need. 31% said that they had this in their plan for the implementation. Similarly, 28% of the respondents said that they

did not feel the need to consider further strategy whereas 6% noticed that they were unaware about the crisis management as reflected in Figure 16.

KII findings

The key informant interviews revealed five different responses. Saturated responses are merged.

The interview quotations related to corporate business policy and planning to address the adverse impact of COVID-19 is presented in table below. The quotations are put on priority basis based on the number of frequencies repeated.

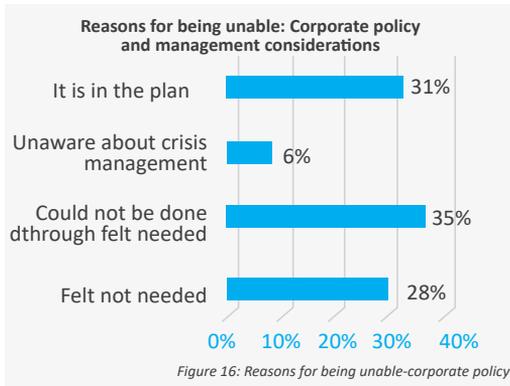


Figure 16: Reasons for being unable-corporate policy

KII_QK 6: Key Interview Quotations- Corporate Policy and Management Consideration

Associated first level concept/s	Representative quotation from the interview
<i>Reviewing corporate policy, sharing COVID 19 issues through various media, regular access to COVID information, grievances readdress mechanism, monitoring of HR violation, HR training to staffs involved in COVID 19 crisis.</i>	1.1 ...businesses are closed or partially closed for months due to lockdown... have fixed some flexes/meta-cards on the office and official circular with COVID 19 communication keys ... our corporate policy... have started which we feel is great....
	1.2 ... things need to be reviewed for COVID issues.... we are in the stage of managing what is right and needed for our business and employees. ...
	1.3 You know, it's hard to say 'No' but we have not provided training to the staffs on human rights separately.

- 1.4 Monitor staff performance...don't have HR violation monitoring mechanism as such...employees' concerns are heard and addressed though.
- 1.5 Have our mechanism to readdress the grievances which will be used for COVID 19 too.

"...the essential policies that is needed amid COVID-19 is how to ensure the retention of the part time and time bound workers who are exclusively dependent on wages...businesses have started some new practices amid COVID-19, though they do not qualify the WHO standards..." Mr. Janak Chaudhari, General Secretary, GEFONT (KII)

"We have mechanism to listen the grievances of workers, but don't highlight the term human rights and have not established monitoring HR violation due to COVID-19 crisis. We have initiated some practices to share COVID-19 related information (including in hoarding board...) , taking temperature of staffs and visitors, allowing staffs feel free to stay on leave..." –FGD participants

The performance of human rights situation in Nepal seems quite encouraging in general.....COVID-19 has badly affected the business sectors challenging the human rights of employees and workers and even employers...we need a strong and immediate support in ensuring business specific human rights considerations for both- rights of workers and rights of businesses in response to COVID-19 pandemic.-Mr. Kishor Kumar Pradhan, Vice President, FNCCI

3.7 Gender and Social Inclusion

KQ 7: Have you initiated any plans in order to maintain gender equality and social inclusion during the COVID-19 crisis?

Gender and social inclusion was one of the KQs separately asked to the respondents (N=246) to understand if they had maintained GESI in their organization during the pandemic. 56.50% (n=139) of the respondents said that they had maintained gender equality and social inclusion and that of 43.50% (n=107) said that they didn't. There were four supplemental questions to gender and social inclusion and from among them, three

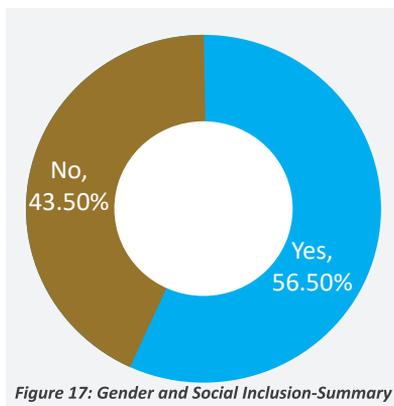


Figure 17: Gender and Social Inclusion-Summary

responses scored 'Amber' in RAG rating counting more than 50% of the respondents in each (7.1.1_a to 7.1.1_c) as mentioned in the table below. Only one, but essential, question that asks about 'special facilities for the entry or re-entry of people who became physically differently able due to infection from COVID-19' has ranked 'Red' score as the number of respondents with 'yes' falls below 50%.

Table 7: Responses to supplemental questions-gender and social inclusion

Code	Questions	Yes, n=246	RAG
7.1.1_a	Ensure that women receive equal pay for equal work as men during and post COVID-19 crisis.	50.41%	▲
7.1.1_b	Ensure adherence to the policy of gender equality and social inclusion in accordance with the Constitution of Nepal or the prevailing law when hiring workers after COVID-19 pandemic.	50.81%	▲
7.1.1_c	Ensure no discrimination on the basis of caste, race, class or group when re-employing or hiring new employees in case of resumption of business.	50.41%	▲

7.1.1_d	Ensure special facilities for the entry or re-entry of people who became physically differently able due to infection from COVID-19.	49.19%	
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Labour Act 2017 and Constitution of Nepal 2015 have prohibited the discrimination of any form among the employees. Given that the women and men are equally treated in payment by 50.41%, remaining 49.59% have still violated the policy consideration against the provision of the constitution of Nepal. Likewise, gender and social inclusion in line with the prevailing law (i.e. minimum 33% women and proportionate basis for other ethnicity) is considered by 50.81% only. Even though, the percentage is noteworthy, the remaining means they are still violating the policy.

Basic legal provisions:

The Constitution of Nepal

Article 18 - Right to equality: (2) No discrimination shall be made in the application of general laws on grounds of origin, religion, race, caste, tribe, sex, physical condition, condition of health, marital status, pregnancy, economic condition, language or region, ideology or on similar other grounds.

(4): No discrimination shall be made on the ground of gender with regard to remuneration and social security for the same work.

Labour Act 2017

Section 7 - Prohibition on discrimination in remuneration for equal work: (1) No discrimination shall be made between the labours in remuneration for equal value of work on the ground of sex. (2) For the purpose of sub-section (1), whether the work is of equal value shall be determined on the basis of the nature of the concerned work, the time required for its performance, labour, skill and productivity.

Section 81 - Engage in simple work: If a female worker is pregnant, she must inform the employer on this matter and the employer shall normally engage such female worker in the work which will not have any harmful effect on her health.

Box 6: Legal Provision on Gender and Social Inclusion

Another aspect that the mission discovered during the mission was the motives that discouraged the entrepreneur to consider GESI during the pandemic. Out of 107 respondents who said that they didn't have any GESI plan considering the pandemic crisis, 38% said that they could not do in spite of the need they felt. Likewise, 36% said that they didn't feel the need whereas 19% of the respondents have GESI in their plan. Only a small portion (6%) of the participants said that they were unaware about GESI. In spite of the fact that there are special policy provision about GESI, the assessment result clearly shows the gap of awareness among the business community that could empower them to address during the pandemic.

Reasons for being unable: GESI

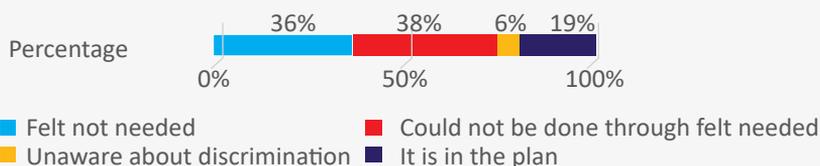


Figure 18: Reasons for being unable to maintain gender and social inclusion

KII findings

The key informant interviews revealed different responses. Saturated responses are merged. The interview quotations related to Equal payment to male and female workers for same work; GESI policy follow up, no discrimination in any- on the basis of caste, race, class or group when re-employing or hiring new employees, special provision for people with disabilities mentioned in the table below. The quotations are put on priority basis based on the number of frequencies repeated.

KII_KQ 7: Key Interview Quotations- Gender and Social Inclusion

Associated first level concept/s	Representative quotation from the interview
<i>Equal payment to male and female workers for same work; GESI policy follow up, no discrimination in any- on the basis of caste, race, class or group when re-employing or hiring new employees, special provision for people with disabilities</i>	1.1 No any kind of discrimination among male and female staffs and other castes, that too, amid COVID crisis...you can't do even you want.
	1.2 Have emphasized in hiring female staffs as they are available. ...
	1.3 Have not initiated any special provision for PWD

More on KII_KQ 5

"...the GESI is a priority theme for us and during the COVID-19, it needs to be favourably considered and we have discussed about... we can't promise anything though as we are in a frustrating situation..."-One of the Provincial Presidents, FNCCI.

“

GESI is our priority now days (...) and we are planning to participate them in COVID-19 related business concerns.

- FGD

”

FGD participants (Executive Officers) remarked that gender and social inclusion has been well discussed and prioritized for consideration. FGD participants (Entrepreneurs) in the same vein shade light on the importance of considering women, PWD and marginalized groups in business decisions

and operations related to COVID-19 issues without any form of discrimination.

3.8 Coordination with GoN and Other Stakeholders

KQ 8: Have you initiated any kind of coordination and cooperation with the stakeholders including the Government, National Human

Rights Institutions, Private Sector and other Organizations for the implementation of human rights during COVID-19 pandemic?

Extending coordination mechanism among the stakeholders mainly with GoN and Human Rights based organizations was asked to the participants. Of the total 246, 52.03% (n=128) said that they had initiated extending the coordination mechanism to ensure protection of human rights during the pandemic whereas 47.97% (n=118) said that they didn't.

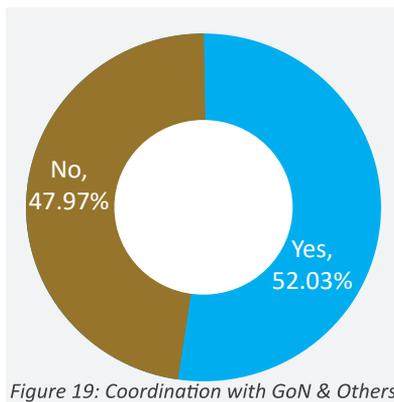


Figure 19: Coordination with GoN & Others

Another aspect of the assessment was to examine the performance of the supplements to KQ-extending the coordination mechanism among the stakeholders (table 8). All four responses fall under 'Red' in RAG rating with the score ranging from 41.46% (8.1.1-d) to 46.34% (8.1.1_b).

Table 8: Responses to supplemental questions-coordination with stakeholders

Code	Questions	Yes, n=246	RAG
8.1.1_a	Ensure that efforts are made by businesses to implement the government's commitment to address the problems caused by the COVID-19 (such as tax exemption, loan or any assistance).	44.31%	Red Diamond
8.1.1_b	Consultation and communication with the government or private sector to evaluate the impact of COVID-19 on the industry and business sector.	46.34%	Red Diamond

8.1.1_c	Consultation and Communication with the Government, National Human Rights Institution or the Private Sector and stakeholders to take necessary initiatives for the implementation of human rights in the field of Private Industry and Business.	42.68	◆
8.1.1_d	Collaborate and coordinate with national and international financial institutions, donors and, international non-governmental organizations to address and minimize COVID-19 transmission, and enforce human rights in the field of industry and business.	41.46%	◆

They have made efforts to implement the government’s commitments to address the problems caused by the COVID-19 as responded by 44.31% and efforts to evaluate its impact on business by 46.34%. Likewise, they have initiated consultation with human rights institutions and other stakeholders as represented by 42.68% and that of coordination with financial institutions and donor organizations by 41.46%. However the responses of the supplemental questions fall under the ‘Red’ category, the efforts made by the private sectors so far are satisfactory.

The assessment team also identified the grounds that discouraged the respondents (n=118) to extend coordination in responding to COVID-19 crisis. From among the 118 respondents, 41%

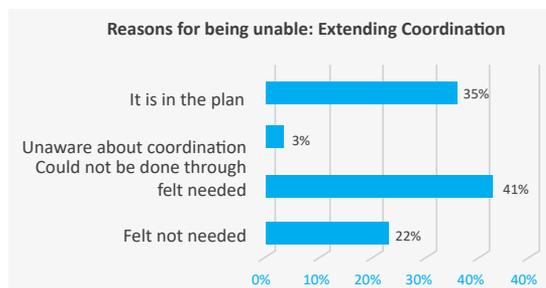


Figure 20: Reasons for being unable to extend coordination

said that they felt the need to extend the coordination but could not do. Likewise, 22% of the respondent did not feel the need to enhance coordination whereas 35% have this in the plan and 3% of the respondents said that they were not aware about coordination as noticed in figure 10

The findings indicate that there was a gap in understanding and extending coordination among the business community challenging a way forward in the resumption of the businesses safeguarding human rights.

KII findings

The key informant interviews revealed different responses. Saturated responses are merged. The interview quotations related to effective emergency preparedness plan for responding COVID-19 effects to OHS from B+HR is mentioned in the table below. The quotations are put on priority basis based on the number of frequencies repeated.

KII_QQ 8: Key Interview Quotations- Communication with Stakeholders

Associated first level concept/s	Representative quotation from the interview
<i>Consultation for tax exemption, loan and other support; impact evaluation and assistance, implementation of human rights in business controlling COVID 19 pandemic.</i>	<p>1.1 ...we need response to our consultations made time to time... government has announced short term relief packages for daily-wage workers and the business firms and assured for more long term commitments...and all you know about the implementation status...FNCCI and business communities have eminently urged government to take action...</p> <p>1.2 *...still fighting to implement the decision of NRB that barred the banks and financial institutions additional charges...</p> <p>1.3 FNCCI wants to run a whole gamut</p>

More on Table KII.KQ 8, quotation (1.2*)

“...given that the GoN has announced some relief packages and brought monetary policy with a good proposal for the private sector, we have not seen the directives yet. We have been charged penalty even for the lockdown period in transportation and electricity bills. Banks have imposed delayed charges ... you see! public transportation is declared opened ... there are no passengers to travel, rather, whole business system is being collapsed ... we have been fighting to implement the decision of NRB and the government ... they are responding to our consultations in a tantalizing way with no action

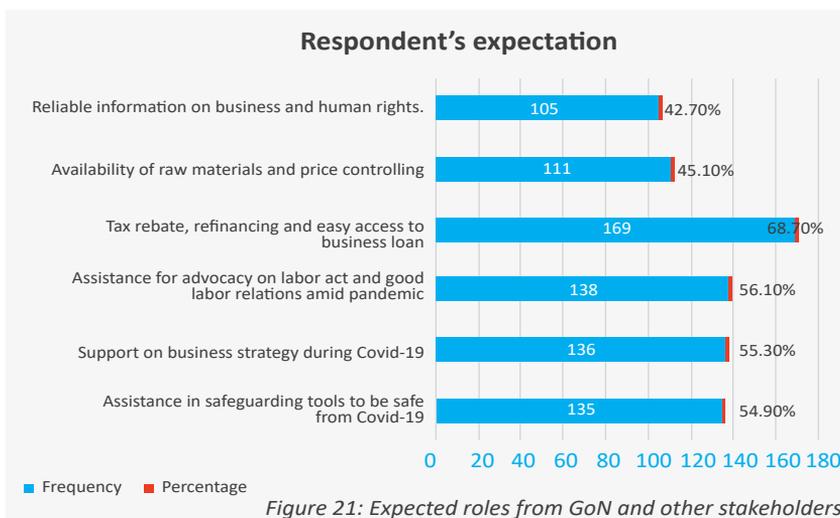
...the government should classify the businesses and provide rebates and other facilities to address the COVID-19 crisis and ensure human rights. No one can make impossible possible in a collapsed situation without implementation of the government commitment ... all affected and closed businesses should be classified and supported by the government in their resumption to ensure human rights”
- Mr. Pushpa Raj Kunwar, FNCCI, Kailali

Expected Role from GoN and Other Stakeholders

The assessment mission collected responses through a multiple-choice question where all the respondents were asked to select the three options of their priorities as “Select any of the three actions below which is expected from the Government of Nepal and other stakeholders in relation to the implementation of Human Rights in Business or workplace during the COVID-19 crisis.”

All respondents were asked Multi select Multiple Choices questions as stated in figure 21. The response rate was 100% (n=246) for this particular question. The most prominent result emerged from the data is that business community prioritizes the most ‘tax rebate, refinancing and easy access to business loan’ with 68.70%. It is interesting to note that ‘assistance for advocacy on Labour Act and good labour relationship amid pandemic’ has emerged as the second priority of

assistance for business community (n=138). The priority has further provided an evidence on the need of support to ensure human rights in business community during and post COVID-19 period. Support in business strategy during COVID-19 has totalled 55.30% whereas assistance in safeguarding tools to be safe from COVID-19 has resulted the forth priority.



CHAPTER-FOUR

CONCLUSIONS AND RECOMMENDATIONS

4.1 Conclusions

Over the past decade, Nepal has been improving the performance in Human Rights by enhancing access to justice comprising all the aspects of human rights. Business sector is not exceptional to this. However, the examination of the performance organized by A2J and FNCCI in response to COVID-19 pandemic revealed that the business sectors face a wider gap in ensuring human rights as evidenced by the discorded results among many enlightened performance rating.

Despite the heavily adverse impact on the business due to pandemic, one third businesses do not make any preparation to mitigate the problem. Only two third businesses make emergency plan to mitigate the impact of the pandemic. Legal provision asks for the compulsory provision of occupational safety and health policy in every business. Therefore, awareness regarding the mitigation of adverse impact of pandemic is required among the business community.

More efforts are essential to make the business community aware on basic requirement for the protection of the workers to fill the gap of a surprising results where one third businesses does not provide mask, sanitizer or other PPEs to its employees while they are at work. It is a clear violation of the provision of Labour Act which clearly states that the safety equipment should be provided by employer free of cost.

Similarly, the legal provision clearly states that pregnant women should be protected for work hazard, however only 48% business take measures to eliminate or reduce potential occupational risk of the pregnant women. Likewise, protection of rights of PWD are also found seemingly less considered despite the fact that the gender and social inclusion in general is addressed well. It is not only a violation of the law, but also may jeopardize the right to life of such women

and PWD and that is violation of the right which is guaranteed by the constitution of Nepal.

The evidences have led the mission to conclude that there is surprisingly a lower performance in the implementation of labour rights along with the prevention of discrimination and stigma and environmental health and community impacts. Only 43% respondents said that they had guaranteed the labour rights and the rest 57% seems disappointing. The report clearly requires the need of an immediate action.

The Labour Laws enforce the mandatory provision to secure basic rights of the workers by the business and provision of labour audit to be conducted every year. The provision of the Labour Act and rule made thereunder is minimum standard and no employment contract may be made between employer and workers contradictory to the provision of the law. In contrast, the assessment discovered 21% of the respondents who did not feel the need of protecting labour rights which is the violation of labour laws.

An alarming result is prevailed by the assessment where only 31% businesses do not have any plan to retrench the workers. It is distressing situation to the country that the remaining 69% business may reduce its workforce in any form, permanently or partially. It may create a massive adverse impact on employment creation in the days to come. Another disappointing facet of the retrenchment is that majority of the business did not pay retrenchment compensation, or did not provide (prior) notice to the workers.

Another facet of the assessment is framing the OHS policy in consultation with workers and trade unions. The result prevails that 44% businesses don't consult with them on how to eliminate potential risk for workers against the mandatory provision made in the Labour Act.

The highest number of the respondents among those who failed to protect the labour rights said that they were failed due to lack of financial resources. This clearly demands for the GoN's relief and

recovery packages in business sectors to be resilient in spite of the fact the NRB monetary policy has committed to support the businesses. Another aspect is that the businesses should ensure protection of labour rights with regular payment of wages and social security to the workers.

There is a big number of respondents having a plan to safeguard the privacy of workers, consumers and general public. However, their responses to the supplements prevailed that they were not aware on privacy aspects. This means that they need an immediate support in capacity building.

Considerable progress has been made with regard to emanating policy considerations and consultations in response to COVID-19 crisis by the business community even during the lockdown period given that around half of the progress stands behind. The assessment also found the Trade Unions unanimously cooperating with the private sectors to ensure labour rights amid COVID-19. There are also cases that reveal the respondents being not able to address the B+HR aspects mostly either due to financial crisis or unwillingness as they did not feel the need. The findings of the assessment shows these limitations as the most influential gaps to be fulfilled. All these facets conclude that business community needs special assistance in funding/ refunding the business, tax rebate and so on and thereby capacity building and advocacy in addressing the B+HR aspects in response to COVID-19 crisis. GoN and line ministries, departments and FNCCI should immediately develop a framework and harmonize the resources to ensure human rights in private sectors from tenterhooks to a new normal as reflected in the assessment.

4.2 Recommendations

The assessment team proposes some major recommendations for promoting human right compliance in response to COVID 19 pandemic, particularly on the issues related to job security, protective measures, health related precautions, PWD, women and marginalized people,

environment and community impact, and non-discrimination. The recommendations are largely based the analysis of the self-assessment reflections and could be an important instrument in supporting GoN and, particularly, FNCCI to achieve universal human right protection in the business sectors and also to contribute to reach SDG 8: promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all.

There should be an immediate response to addressing the needs of the workers, employees and employers amid COVID-19, including avoidance of retrenchment and none payment wage of workers. This also exclusively depends on the resumption and survival of the business. Therefore, it is suggested that the stakeholders i.e., Government of Nepal, Employers and civil society organizations including trade unions should take immediate action as follows:

Government of Nepal

- ▶ Strengthen and mobilize labour inspection system to implement the existing provision of labour related laws and directives issued during and before the pandemic.
- ▶ Develop OHS policy specific to the requirements of the nature of businesses which should integrate the COVID-19 safety protocols-ensuring health and safety of workers, customers and communities.
- ▶ Implement the labour audit system as prescribed under the labour laws and take it as a tool for labour rights due diligence.
- ▶ Provide loan or subsidy to the business, which may be utilized as a temporary/partial wages for the workers. Also continue existing social security contribution till the end of the pandemic.
- ▶ Provide the subsidy or facility or soft loan or tax rebate to the business which respect labour rights and retain workers during COVID-19.
- ▶ Ensure easy access to business loan/re-loan, tax rebate, discounts in utility consumption, availability of raw materials etc. irrespective of the size and nature of businesses.
- ▶ Waive the tariffs on medical goods: PPE, sanitizer, masks and hand globes etc.
- ▶ Ramp up the capacity of the business community to address

the basic B+HR requirements within the business targeting the COVID-19 crisis.

The Business Community

- ▶ Develop an OHS policy integrated with the COVID-19 safety protocols in line with the GoN policy-ensuring health and safety of workers, customers and communities.
- ▶ An OHS committee mentioned under Labour Act 2017 and Labour Rule 2018 should be formed to discuss the OHS policy including issues related to COVID-19.
- ▶ The business community should enhance the social dialogue among themselves, and the policies should be framed and implemented through the committee formed.
- ▶ The businesses should be aware about engaging the pregnant women at work which may have harmful effects on their health.
- ▶ Safeguard the basic requirement of workers with illness history and PWD.
- ▶ The labour audit system mentioned under the existing labour law should be utilized as a self-correction measure that may help to find level of implementation of labour rights in their own business.
- ▶ Ensure that the right to employment of the workers is not infringed during the pandemic.
- ▶ Provide mask, sanitizer and essential PPEs based on their job requirement without any cost to the workers.
- ▶ Maintain privacy of workers in case he/she becomes the victim of COVID-19.
- ▶ The business community should not retrench any employee. Rather, they may reduce working hours or arrange partial lay off with half pay or use other alternative ways during the pandemic.
- ▶ Initiate collective social dialogue with union, government and other stakeholders to minimize the adverse impact of and extend mass awareness about COVID-19 safety protocols through citizen charter, flexes and electric media.
- ▶ Develop a mechanism to avoid all kind of discrimination based on gender, cast or any reason and ensure guarantee for equal treatment.

Civil societies including employer's organization and trade unions

- ▶ Raise public awareness through campaigns, advocacy and social dialogues, including the counterpart and government to minimize the risk of pandemic on businesses.
- ▶ Facilitate GoN and the business community in streamlining B+HR strategies to respond COVID-19 crisis.
- ▶ Support GoN and the private sectors in capacity building and advocacy/social dialogues on human rights which could be widely implemented in coordination with FNCCI and other stakeholders in all provinces side by side.

ANNEXES

Annex I: Summary of the KQ by province

Table 1.1: Emergency preparedness plan to response COVID-19 to ensure OHS from HR perspective.

Provinces	Total (n=246)	
	Yes	No
Province 1	67.65%	32.35%
Province 2	66.67%	33.33%
Bagmati Province	69.64%	30.36%
Gandaki Province	54.05%	45.95%
Province 5	67.74%	32.26%
Karnali Province	76.19%	23.81%
Sudurpaschim Province	79.41%	20.59%
Average	68.29%	31.71%

Table 2.1: Prepared a plan to protect labour rights and retain workers within the organization; compensate workers if dismissed with procedural safeguards.

Province	Total (n=246)	
	Yes	No
Province 1	38.24%	61.76%
Province 2	33.33%	66.67%
Bagmati Province	41.07%	58.93%
Gandaki Province	32.43%	67.57%
Province 5	51.61%	48.39%
Karnali Province	42.86%	57.14%
Sudurpaschim Province	61.76%	38.24%
Average	42.68%	57.32%

Table 3.1: Take initiatives to reduce environmental and community risks due to COVID-19 effects.

Province	Total (n=246)	
	Yes	No
Province 1	50.00%	50.00%
Province 2	48.48%	51.52%
Bagmati Province	42.86%	57.14%
Gandaki Province	45.95%	54.05%
Province 5	61.29%	38.71%
Karnali Province	47.62%	52.38%
Sudurpaschim Province	52.94%	47.06%
Average	49.19%	50.81%

Table 4.1: Initiatives taken to safeguard the information related to workers and general public amid COVID-19 crisis.

Province	Total (n=246)	
	Yes	No
Province 1	67.65%	32.35%
Province 2	72.73%	27.27%
Bagmati Province	69.64%	30.36%
Gandaki Province	72.97%	27.03%
Province 5	67.74%	32.26%
Karnali Province	76.19%	23.81%
Sudurpaschim Province	79.41%	20.59%
Average	71.95%	28.05%

Table 5.1: Planning to safeguard workers/employees or their families from being discriminated or otherwise stigmatized.

Province	Total (n=246)	
	Yes	No
Province 1	44.12%	55.88%
Province 2	42.42%	57.58%
Bagmati Province	37.50%	62.50%
Gandaki Province	37.84%	62.16%
Province 5	45.16%	54.84%
Karnali Province	47.62%	52.38%
Sudurpaschim Province	67.65%	32.35%
Average	45.12%	54.88%

Table 6.1: Ensure launching new business policy and management approach to address COVID-19 pandemic.

Province	Total (n=246)	
	Yes	No
Province 1	44.12%	55.88%
Province 2	45.45%	54.55%
Bagmati Province	39.29%	60.71%
Gandaki Province	45.95%	54.05%
Province 5	64.52%	35.48%
Karnali Province	38.10%	61.90%
Sudurpaschim Province	55.88%	44.12%
Average	47.15%	52.85%

Table 7.1: Planning for gender equality and social inclusion amid COVID-19 pandemic.

Province	Total (n=246)	
	Yes	No
Province 1	38.24%	61.76%

Province 2	57.58%	42.42%
Bagmati Province	55.36%	44.64%
Gandaki Province	43.24%	56.76%
Province 5	64.52%	35.48%
Karnali Province	66.67%	33.33%
Sudurpaschim Province	76.47%	23.53%
Average	56.50%	43.50%

Table 8.1: Developed a coordination mechanism among the GoN, CBOs, private sectors and other stakeholders to maintain the human rights issues.

Province	Total (n=246)	
	Yes	No
Province 1	50.00%	50.00%
Province 2	45.45%	54.55%
Bagmati Province	46.43%	53.57%
Gandaki Province	48.65%	51.35%
Province 5	58.06%	41.94%
Karnali Province	61.90%	38.10%
Sudurpaschim Province	61.76%	38.24%
Average	52.03%	47.97%

Annex II: Response details-Supplemental questions

1. Preparing Emergency Plan for OHS

SN	Activities/sub-questions	Responses (n=168)		RAG rating (n =246)	
		Yes	No	Yes	No
1.1.1_a	Ensure that the distribution of masks, Sanitizer and Personal Protective Equipment (PPEs) to all workers without any discrimination of caste, class or other social group.	91.67%	8.33%	62.60%	37.40%
1.1.1_b	Ensure that the bathroom, restroom, cafeterias and workplace is sanitized and disinfected regularly to ensure health and safety of workers as per the guidelines of WHO and Government of Nepal.	86.90%	13.10%	59.35%	40.65%
1.1.1_c	Ensure easy access of essential sanitary hygienic materials for women in the workplace.	77.38%	22.62%	52.84%	47.16%
1.1.1_d	Ensure the arrangement of paid work from home facility to those under high-risk groups including the elderly, pregnant women, persons with disabilities and workers with pre-existing health problems.	54.17%	45.83%	37.00%	63.00%

1.1.1_e	Assess workplace risk situation and take step to eliminate or reduce potential occupational hazards.	89.88%	10.12%	61.38%	38.62%
1.1.1_f	Assess workplace and COVID-19 risk for pregnant women and take measures to eliminate or reduce potential occupational risks.	70.83%	29.17%	48.37%	51.63%
1.1.1_g	Ensure that people, who are potentially at risk to be separated, isolate them if they are infected provide adequate treatment, encouraging high morale and initiate health insurance of all workers from potential harm.	56.55%	43.45%	38.62%	61.38%
1.1.1_h	Ensure that physical distance is maintained inside the workplace and workers' quarter.	79.17%	20.83%	54.07%	45.93%
1.1.1_i	Ensure proper monitoring that workers in risky situations are working voluntarily on their own will.	83.33%	16.67%	56.91%	43.09%
1.1.1_j	Consult with trade unions, civil society or national human rights institutions on how to eliminate potential risks for workers and arrange for their health and safety.	64.29%	35.71%	43.91%	56.09%
1.1.1_k	Organize awareness programs, trainings or refreshment training to the workers regarding impacts of COVID-19.	73.81%	26.19%	50.41%	49.59%

2. Labour Rights

SN	Activities/sub-questions	Responses (n=105)		RAG rating (n =246)	
		Yes	No	Yes	No
2.1.1_a	Ensure that workers are not retrenched.	74.29%	25.71%	31.71%	68.29%
2.1.1_b	In the circumstances where workers need to be retrenched, ensure the procedure to protect workers' rights including prior notice and retrenchment compensation.	86.67%	13.33%	36.99%	63.01%
2.1.1_c	Ensure that workers are paid their wages in accordance with national and international labour standards and that all benefits are provided between and after the transition during COVID-19.	82.86%	17.14%	35.37%	64.63%
2.1.1_d	In case of resumption of business, arrangements will be made to provide employment to the retrenched workers during the lockdown without any discrimination based on castes, class and social groups.	89.52%	10.48%	38.21%	61.79%
2.1.1_e	Pay workers who have fallen ill or are unable to go to work due to lockdown or have been quarantined as per the government's guidelines on COVID-19.	79.05%	20.95%	33.74%	66.26%
2.1.1_f	Ensure that no deduction is made in the salary and benefits of the workers in case of treatment of COVID-19 or other illnesses and in case need to be deducted ensure prior consent and information to be provided.	81.90%	18.10%	34.96%	65.04%

2.1.1_g	Ensure that workers or their family members are not discriminated against or abused if the worker is presumed to be infected with COVID-19 and is under quarantine.	86.67%	13.33%	36.99%	63.01%
2.1.1_h	Ensuring that child labour is not used under any circumstances even if shortage of workers due to COVID-19.	85.71%	14.29%	36.58%	63.42%
2.1.1_i	Ensure that workers are allowed to return home as per National Law or Emergency/Public Health notification.	84.76%	15.24%	36.18%	63.82%
2.1.1_j	Provide relief or other facility to the workers or their families who have become unemployed due to COVID-19.	75.24%	24.76%	32.11%	67.89%
2.1.1_k	Arrangement of access to basic health facilities for all in the workplace.	91.43%	8.57%	39.02%	60.98%
2.1.1_l	Ensure flexibility in the office for pregnant and lactating women with provision of separate rooms for breastfeeding. Maternity and paternity leave is granted to pregnant women and their husbands.	65.71%	34.29%	28.05%	71.95%
2.1.1_m	Arrangements for workers who take care of young children and the elderly person to work from home due to safety concerns.	69.52%	30.48%	29.67%	70.33%
2.1.1_n	Ensuring workers to have freedom of expression to protect their right and interest including right to organize and access to information.	83.81%	16.19%	35.77%	64.23%

3. Environmental & Community Impacts

SN	Activities/sub-questions	Responses (n=121)		RAG rating (n =246)	
		Yes	No	Yes	No
3.1.1_a	Arrangements be made to prevent or reduce the risk to the health of consumers or the general public while conducting business.	87.60%	12.40%	43.09%	56.91%
3.1.1_b	Disseminate information to consumers and the general public in a timely manner to prevent possible risks of COVID-19.	82.64%	17.36%	40.65%	59.35%
3.1.1_c	Adhere to all environmental procedures while disposing pesticides and hazardous materials, masks, PPE, gloves, etc.	89.26%	10.74%	43.90%	56.10%
3.1.1_d	Assess the impact on the community due to unemployment caused by COVID-19 and the post pandemic situation.	71.90%	28.10%	35.37%	64.63%
3.1.1_e	Ensure that the rights of the surrounding communities or public properties are not encroached during the pandemic.	88.43%	11.57%	43.50%	56.50%

4. Safeguarding Privacy

SN	Activities/sub-questions	Responses (n=177)		RAG rating (n =246)	
		Yes	No	Yes	No
4.1.1_a	Disclosing personal information about workers, consumers or the general public (regarding testing, identification, quarantine etc.) only to the government for the purpose of addressing COVID-19.	68.93%	31.07%	49.60%	50.40%
4.1.1_b	Ensure that COVID-19 related information is disseminated timely and properly.	90.96%	9.04%	65.45%	34.55%
4.1.1_c	Ensure that names and contact information of the workers found positive with COVID-19 is not made public among the workers or to general public except in accordance with the consent given by the worker or the prevailing law.	94.35%	5.65%	67.89%	32.11%
4.1.1_d	Ensure that the security personnel involved in the testing of COVID-19 must be informed about the basic human rights standards.	88.14%	11.86%	63.42%	36.58%

5. Preventing Discrimination and Stigma

SN	Activities/sub-questions	Responses (n=111)		RAG rating (n =246)	
		Yes	No	Yes	No
5.1.1_a	Ensure that no discriminatory treatment is inflicted on workers when they return to work due to the condition created by COVID-19.	91.89%	8.11%	41.46%	58.54%
5.1.1_b	Ensure that the workplace is prevented from the spread of misleading information and the discriminatory treatment towards the workers of the marginalized community.	92.79%	7.21%	41.87%	58.13%
5.1.1_c	Aware the workers regarding the spread of misinformation causing discrimination, biasness, and stigma through social media.	95.50%	4.50%	43.09%	56.91%
5.1.1_d	Ensure that minorities, immigrants or other vulnerable groups are not negatively projected in advertising, commercial campaigns or in commercial communications during the pandemic.	88.29%	11.71%	39.84%	60.16%

6. Corporate Policy and Management Considerations

SN	Activities/sub-questions	Responses (n=116)		RAG rating (n =246)	
		Yes	No	Yes	No
6.1.1_a	Make public commitment to provide information on human rights in Citizen's Charter, websites or in Communication Materials.	84.48%	15.52%	39.84%	60.16%
6.1.1_b	Formulate human rights policy and inform such policies to internal as well as external stakeholders.	76.72%	23.28%	36.18%	63.82%
6.1.1_c	Regularly inform employees on business and COVID-19 related decisions.	91.38%	8.62%	43.09%	56.91%
6.1.1_d	Establish an effective mechanism to address grievances of human rights violations during COVID-19 and ensure that the mechanism investigates such violations and provides appropriate compensation to the victims.	66.38%	33.62%	31.3%	68.70%
6.1.1_e	Ensure easy access to established mechanism for redressing any discrimination and hearing complaints of human rights violations on employees and consumers.	78.45%	21.55%	36.99%	63.01%
6.1.1_f	Establishment of a mechanism to study the enforcement of human rights and its violations.	62.07%	37.93%	29.27%	70.73%
6.1.1_g	Provide human rights training or refresher training to workers involved in health, safety, sanitation and treatment during the pandemic.	68.97%	31.03%	32.52%	67.48%

7. Gender and Social Inclusion

SN	Activities/sub-questions	Responses (n= 139)		RAG rating (n =246)	
		Yes	No	Yes	No
7.1.1_a	Ensure that women receive equal pay for equal work as men during and post COVID-19 crisis.	89.21%	10.79%	50.41%	49.59%
7.1.1_b	Ensure adherence to the policy of gender equality and social inclusion in accordance with the Constitution of Nepal or the prevailing law when hiring workers after COVID-19 pandemic.	89.93%	10.07%	50.81%	49.19%
7.1.1_c	Ensure no discrimination on the basis of caste, race, class or group when re-employing or hiring new employees in case of resumption of business.	89.21%	10.79%	50.41%	49.59%
7.1.1_d	Ensure special facilities for the entry or re-entry of people who became physically differently able due to infection from COVID-19.	87.05%	12.95%	49.19%	50.81%

8. Coordination with GoN and Other Stakeholders

SN	Activities/sub-questions	Responses (n=128)		RAG rating (n =246)	
		Yes	No	Yes	No
8.1.1_a	Ensure that efforts are made by businesses to implement the government's commitment to address the problems caused by the COVID-19 (such as tax exemption, loan or any assistance).	85.16%	14.84%	44.31%	55.69%
8.1.1_b	Consultation and communication with the government or private sector to evaluate the impact of COVID-19 on the industry and business sector.	89.06%	10.94%	46.34%	53.66%
8.1.1_c	Consultation and Communication with the Government, National Human Rights Institution or the Private Sector and stakeholders to take necessary initiatives for the implementation of human rights in the field of Private Industry and Business.	82.03%	17.97%	42.68%	57.32%
8.1.1_d	Collabourate and coordinate with national and international financial institutions, donors and international non-governmental organizations to address and minimize COVID-19 transmission, and enforce human rights in the field of industry and business.	79.69%	20.31%	41.46%	58.54%

Annex III: Documents/references

1. Business Leaders Initiative on Human Rights: United Nations Global Compact and the Office of the High Commissioner for Human Rights
2. Concept Note on Human Rights Due Diligence Rapid Assessment in COVID-19 Response; Enhancing Access to Justice (A2J) through Institutional Reform Project, UNDP Nepal
3. Human Rights Due Diligence and Covid-19: A Rapid Self-Assessment For Business, UNDP
4. COVID-19 Impact Analysis: Business and Human Rights/Access to Remedy in Asia
5. <http://www.fncci.org/>

