



Report

Policy Dialogue

The private sector in the context of the pandemic: The pending challenge of social inclusion in the Americas

Tuesday, July 27, 2021

I. Background

As part of the preparations for the Ninth Summit of the Americas, the Summits of the Americas Secretariat, in coordination with the Office of the Special Rapporteur on Economic, Social, Cultural and Environmental Rights of the Inter-American Commission on Human Rights (IACHR), convened the policy dialogue “*The private sector in the context of the pandemic: The pending challenge of social inclusion in the Americas.*” The event was held on July 27, 2021, with the purpose of analyzing the role of the business sector as a determinant in the recovery from the social and economic effects of the COVID-19 pandemic, taking into account the views and opinions of actors from international organizations, the private sector, civil society, and academia.¹

The key background for the discussions included the “*Build Back Better*” agenda, which entails a recovery approach aimed at reducing vulnerability to future disasters; the United Nations Guiding Principles on Business and Human Rights (UNGPs); the hemispheric report on the subject “*Business and Human Rights: Inter-American Standards*”² prepared and published by the SRESCER, and *recent resolutions adopted by the IACHR to guide States in addressing the health, economic, and social crisis caused by COVID19.*³

II. Main topics

Through a collective dialogue to analyze and review good practices and lessons learned in the Latin American and Caribbean region, the main needs were identified in terms of pending actions to integrate the development of business and human rights policies under the vision provided by international frameworks on the subject. Taking into consideration the recommendations of the inter-American frameworks on business and human rights, three questions were formulated:

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- 1 The agenda and video of the policy dialogue are available at:
<https://summit-americas.org/jswg/Policy%20Dialogue/2021/privatesector.html>
 - 2 Available at:
https://www.oas.org/en/iachr/reports/pdfs/Business_Human_Rights_Inte_American_Standards.pdf
 3. IACHR/Resolution 1/20, Pandemic and Human Rights in the Americas,
<https://www.oas.org/en/iachr/decisions/pdf/Resolution-1-20-en.pdf>; Resolution 4/20, Resolution on Human Rights for people with COVID-19: <https://www.oas.org/en/iachr/decisions/pdf/Resolution-4-20-en.pdf>; and Resolution 1/21, COVID-19 vaccines and Inter-American Rights and obligations, <https://www.oas.org/en/iachr/decisions/pdf/Resolucion-1-21-en.pdf>.

1. What is the progress status of the business and human rights agenda in the region?
2. Considering the challenges in terms of social inclusion posed by the pandemic, where should the emphasis of the private sector be on the agenda for economic and social recovery from a human rights and sustainable development perspective?
3. How can the private sector, governments and civil society advance an economic and social recovery agenda aligned with human rights and sustainable development? What recommendations would you make in this regard for the Summits of the Americas Process?

III. Main recommendations to the Summits process

1. The business and human rights framework is especially relevant in the context of recovery from the pandemic

Mitigation of a crisis such as the COVID-19 pandemic requires of government transparency and accountability, full civil society participation, private sector engagement, and access to information. The validity and relevance of the principles developed around business and human rights have been the focus of particular attention in the region, reinforced by the international frameworks on the subject, in both the United Nations and the inter-American system.

At the regional level, emphasis is placed on the need for States and companies alike to embrace the Guiding Principles on Business and Human Rights as a frame of reference that should be standardized and become a benchmark for responsible action. Within the inter-American system it is worth highlighting the first hemispheric report on the subject: *“Business and Human Rights: Inter-American Standards,”*⁴ a study led by the SRESCER of the IACHR/OAS; as well as the consultative process carried out by the Working Group on Business and Human Rights for the Latin American region in order to chart the course of action for the next 10 years.

To that end, the Summits Secretariat, as Technical Secretariat of the Summits of the Americas process, works with civil society, the private sector, and the media to play a positive role in times of regional crisis, strengthening its function as the link between governments and the public they serve. In that way, the Summits process provides a venue to air public concerns to authorities and allows governments to share information of interest to citizens, thus enabling disinformation to be combated.

Mindful of the results of the last Summit of the Americas (Eighth Summit, Lima 2018) and the Lima Commitment, which came out of it, it is key to remember that corruption thrives in times of crisis. Corruption impair the ability of governments and the international community to respond quickly and effectively to socioeconomic challenges. Effective mechanisms must be put in place to address those risks, some of which were discussed during the dialogue, as mentioned below.

2. A rights-based approach should guide the actions of governments and businesses in the social and economic recovery of the region in the wake of the pandemic

The objective of the policies and measures adopted for social and economic recovery must be based on a human-rights approach that takes account of the universality, indivisibility, interdependence and interrelatedness of all human rights, the gender perspective, intersectionality, and respect for the

4. Available at:
https://www.oas.org/en/iachr/reports/pdfs/Business_Human_Rights_Inte_American_Standards.pdf

rule of law. It is urgent to adopt and mainstream the business and human rights paradigm in the inter-American system, a paradigm that goes beyond that of corporate social responsibility.

3. Ensuring successful health-related, political, and economic solutions to this crisis requires the participation and actions of the entire spectrum of government sectors, international organizations, international financial institutions, business, civil society, and academia

A rights-based approach is considered to offer the opportunity to consolidate a comprehensive response that puts people and their dignity at the center, ensuring effective enjoyment of rights for the region's population, especially for those groups in situations of greatest vulnerability or that endure historical discrimination, which have been most affected by the serious crises caused by COVID-19 and climate change. This approach promotes effective citizen engagement in the search for solutions, with access to real redress and justice arrangements. In keeping with their international commitments and constitutional frameworks, States have the obligation to take all necessary measures to respect and ensure all human rights, including civil and political, as well as economic, social, cultural, and environmental, for all people, without discrimination and with emphasis on vulnerable populations. To that end, they must apply a gender and intersectionality perspective when implementing the rights-based approach that must be present in all public policies, including economic and fiscal policies.

With these challenges in mind, the effective participation of vulnerable people and communities in decision making helps to build more-resilient, peaceful, and democratic societies. This is necessary to develop solutions to the public health crisis and ensure a strong regional recovery, as well as to respond to the climate emergency and the major challenges it represents. The inter-American system offers key tools to support the development of these solutions with the support of the entities that make up the Joint Summit Working Group (JSWG).

4. The social and economic recovery of the region is closely linked to social inclusion through employment generation for the sectors most impacted by the pandemic

Recovery policies should prioritize employment recovery, especially for women and other social groups hardest hit by the pandemic. For this, it is essential to focus on updating skills for the jobs of the new economy and digital education. Public policies should promote care systems that democratize family relationships and allow women to join the labor market. The entities of the inter-American system are in a position to offer cooperation in the implementation of these approaches, which help to build public confidence in governments, as well as to facilitate their efforts to keep the public informed.

5. Social dialogue remains paramount to drive a sustainable recovery from the COVID-19 crisis

The development and implementation of appropriate strategies and policies must be based on a broad social dialogue with a business and human rights focus, in order to reach consensus on how to address the crisis and the specific measures to take in order to build a perspective of sustainability and social inclusion. These efforts are of the utmost importance, as transparent, responsive, and accountable government institutions foster respect for human rights and the rule of law.

6. Respect for human rights must be central to the strategy of the business sector, regardless of its size and segment

Likewise, it is necessary to promote an approach that allows the creation of value for all the actors in the business environment. The policies and practices of the parent company must be projected to the value chain of the sector in question. Such policies reinforce the view that strengthening democratic institutions and workers' rights is good for economic development, market economies, and more reliable trade and investment for the future in the post-COVID period.

7. The agenda of the State and the private sector should focus on putting the business and human rights framework developed into practice.

It is important to engage workers and employers and their representative organizations in social dialogues to identify and address concerns about the impact of COVID-19 on working conditions. This is an important role facilitated by the OAS and the Summits Secretariat as the technical secretariat of the Summits process.

It was highlighted that essential work categories are occupied by the most vulnerable workers in the region. These workers must be provided with adequate protections, including workplace modifications that allow for physical distancing and necessary protective equipment.

Likewise, free trade agreements must incorporate a rights protection approach, as well as public policies aimed at developing better and more inclusive labor and social programs.

The policy dialogue was convened by the Summits of the Americas Secretariat in coordination with the Office of the Special Rapporteur on Economic, Social, Cultural and Environmental Rights (SRESCER) of the Inter-American Commission on Human Rights (IACHR) of the OAS; and the Americas Business Dialogue (ABD), which is coordinated by the Inter-American Development Bank (IDB).

The discussion was moderated by Lelia Mooney, Executive Director, Center for the Advancement of the Rule of Law, Georgetown University.

Panelists: Soledad García Muñoz, Special Rapporteur on Economic, Social, Cultural and Environmental Rights (SRESCER) of the IACHR of the OAS; María Caridad Araujo, Chief of Sector, Gender and Diversity, Interamerican Development Bank (IDB); Dante Pesce, Focal Point for Latin America, United Nations Working Group on Business and Human Rights; Paula Uribe, Director of Public Policies and Government, PEPSI CO (Member of the Americas Business Dialogue); Marta Pujadas, President, Trade Union Technical Advisory Council (COSATE); and Neil Herrington, Director, Americas, U.S. Chamber of Commerce.

The opening was attended by María Celina Conte, Acting Director of the Summits Secretariat; Soledad García Muñoz, Special Rapporteur, SRESCER, OAS/IACHR; and Fabrizio Operti, Integration and Trade Sector Manager, IDB.

Key documents

- Hemispheric report “*Business and Human Rights: Inter-American Standards*”
https://www.oas.org/en/iachr/reports/pdfs/Business_Human_Rights_Inte_American_Standards.pdf
- IACHR, Resolution 1/2020, “Pandemic and Human Rights in the Americas”:
<https://www.oas.org/en/iachr/decisions/pdf/Resolution-1-20-en.pdf>
- Resolution 4/2020, “Human Rights of Persons with COVID-19”:
<https://www.oas.org/en/iachr/decisions/pdf/Resolution-4-20-en.pdf>
- Resolution 1/2021, “COVID-19 Vaccines and Inter-American Human Rights Obligations”:
<https://www.oas.org/en/iachr/decisions/pdf/Resolucion-1-21-en.pdf>