

ADDRESSING INCREASED REPRISALS RISK IN THE CONTEXT OF COVID-19

Reprisals against project stakeholders who voice opinions or opposition to project activities have grown in visibility worldwide, with the potential to be magnified during the COVID-19 pandemic. IFC does not tolerate any retaliatory action by our clients against those who voice their opinion regarding the activities of IFC or our clients, as outlined in our IFC Position Statement on Retaliation against Civil Society and Project Stakeholders. The purpose of this tip sheet is to provide practical advice that businesses can follow to minimize risk of reprisals, and to flag specific issues that could be exacerbated in a COVID-19 context.

WHAT ARE REPRISALS AND WHY IS IFC CONCERNED?

Reprisals are any form of threat, retaliation, harassment, violence, or punitive action against a person or organization (employee, community member, or activist/NGO) who lodges a complaint or voices criticism or concerns about a company or project financed by the IFC.

Examples range from **violence against community activists** for opposition to projects or the **firing of company whistleblowers**, to **security crackdowns** on peaceful community protests or **legal action** used to silence critics. Reprisals can also take less visible forms; for example, **penalizing workers** who complain by affecting the assignments of their shifts or workloads or **making anonymous phone calls** to community members or union leaders with threats or other forms of **harassment**. Retaliatory actions of any type are contrary to IFC's core values of supporting responsible private sector development and seeking to promote positive development outcomes. Stakeholder engagement and creation of open channels for workers and communities to raise concerns and grievances – without fear of retaliation – are key client requirements under IFC's Performance Standard 1.

WHY SHOULD COMPANIES CARE?

An atmosphere of fear and silencing created by reprisals does not create a healthy environment for business to flourish. It is not conducive to building good relationships with workers, local communities, customers, investors, or the public, and may jeopardize the company's reputation and social license to operate.

Creating a safe and open environment for workers and communities to raise environmental and social concerns or grievances can help a company manage risks by identifying potential problems early-on and working with affected stakeholders to address these issues before they escalate.

WHEN REPRISALS INVOLVE THIRD PARTIES

In many cases, company personnel may not be the perpetrator or instigator of reprisals. This doesn't eliminate the potential negative reputational impacts of reprisals against opponents on the business.

Experience shows that retaliation against project opponents or those who lodge grievances can come from a variety of sources. In some cases, it may be a single company employee or management official. In other cases, it might be local authorities or public security officers who believe they are protecting the company or the national interest by defending the project from opposition. Reprisals may also come from community members or workers who feel that their jobs or interests are threatened by those who raise concerns about the project.

While it is not always clear who may be carrying out the reprisals, such actions can become negatively associated with the project and the company regardless of who the perpetrator is. A company can help to prevent these incidents from occurring by clearly communicating its antiretaliation position both *internally* to all its employees (including security personnel) and *externally* to various stakeholder groups. Further detailed advice on communications is provided below.

REPRISAL ISSUES POTENTIALLY EXACERBATED DURING COVID-19

- **Retaliation against workers for raising concerns about labor practices or health and safety conditions.** Many workers face increased risks related to working conditions during the pandemic but may encounter pressure from their employer not to speak up and be perceived as “stopping business”. Workers who speak out may face retaliation in the form of intimidation or dismissal.ⁱ
- **Increased surveillance used to track activists and project opponents.** The confidentiality and safety of civil society organizations (CSOs) or others wanting to raise project concerns may be compromised as a result of COVID-19 provisions for increased governmental powers to track phones, electronic devices, and social media communications.ⁱⁱ
- **Violence against or detention of CSO members expressing project concerns.** During physical lockdowns, people in fear of reprisal may find it harder to seek safe locations and be an easier target for arrest or violence from the government, security forces, or other stakeholders. This is particularly true where there is an increased presence of public security forces or armed groups in community areas during the pandemic.ⁱⁱⁱ
- **Stigmatization/xenophobia of community members or workers.** There may be increased intimidation and harassment directed at people due to their health status, their racial or ethnic background, or vulnerabilities resulting from the spread of the virus. Such stigmatization and threats can also be directed at health officials addressing the pandemic.^{iv}

ADVICE FOR COMPANIES TO PREVENT OR MINIMIZE RISK OF REPRISALS

1. COMMUNICATE NO TOLERANCE FOR RETALIATION

COVID-19 Considerations:

- **Company communications may be adjusted in light of the pandemic.** Leverage company messaging, particularly at the board and management level, to reinforce the zero-tolerance message to workers, communities, and external stakeholders.

Advice to Consider:

- Provide a public statement on the company's website outlining the company's position on non-retaliation, and communicate this policy to management, workers, clients, suppliers, communities, and external stakeholders:
- **Board Leadership:** A company's board can ensure that key corporate messages are communicated, including anti-retaliation measures, and make sure there is a confidential reporting mechanism in place for communities and workers.^{vii}

Example:

Company communications language:

[Company] recognizes the importance of enabling our workers, community stakeholders, civil society organizations (CSOs), and partners to raise concerns related to our activities. We value the input and views of all stakeholders.

<ul style="list-style-type: none"> • Community outreach can be more difficult. Adjust communications methods to reach vulnerable stakeholders and inform them about grievance channels still available to them.^v • Company policies and procedures may be adapted to address the pandemic. Use the opportunity to reflect anti-retaliation language. This could be communicated via email to workers, vendors, and others. • Emergency response measures may increase reprisal risks to vulnerable stakeholders. Use emergency preparedness discussions to reinforce the principle of zero-tolerance of retaliation.^{vi} 	<ul style="list-style-type: none"> • Community Outreach: Let communities know that: 1) the company does not tolerate retaliation; 2) it is open to hearing concerns, and 3) stakeholders can contact the company to report grievances, including threats or incidents of retaliation, regardless of their COVID-19 situation. • Worker Communications: Update workers on the company's no-tolerance approach and reinforce the importance of being able to express concerns safely via the worker grievance mechanism. Reach out to workers who may be more at-risk, such as older staff, migrant workers, women and girls, or other vulnerable groups, to hear their concerns. Provide confidential channels for workers to express their concerns.^{viii} • Company Code of Conduct: Include a statement on antiretaliation in the company code of conduct / HR policy for employees and subcontractors. • Government Engagement: Make use of government discussions (for example, emergency response and security arrangements) to communicate the company's position on nonretaliation, and lenders' position (for example, sharing the IFC position statement). 	<p><i>Feedback and engagement are an important part of our core values on how we do business and help us better understand project issues and how to address them if they arise. We do not tolerate any retaliatory action against those who voice their views, including threats, intimidation, harassment, or violence.</i></p> <p><i>Our grievance mechanism is available for all stakeholders to safely and confidentially share any concerns they may have. [provide details of community & worker grievance channels]</i></p>
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2. PROVIDE CONFIDENTIAL CHANNELS FOR RAISING CONCERNS

<p>COVID-19 Considerations:</p> <ul style="list-style-type: none"> • Access to normal grievance mechanisms to express concerns may be disrupted for communities and workers. Set up new channels for people to raise issues safely. • Increased surveillance measures may pose security risks to vulnerable stakeholders. Adapt communications methods to mitigate these risks. 	<p>Advice to Consider:</p> <p>As part of providing channels for workers and communities to raise grievances, adopt measures to protect their confidentiality, and minimize the risk of information leaks that may heighten the risk of retaliation. These arrangements should be clearly communicated to workers and communities so they know where they can go to report issues safely. Communication channels may be:</p> <ul style="list-style-type: none"> • Virtual, via a portal on the company website, use of an encrypted messaging app, online meetings, and similar methods. 	<p>Example:</p> <p>Measures for company grievance handling:</p> <ul style="list-style-type: none"> • Have multiple channels for receiving worker and community complaints both confidentially and anonymously (for example via phone, email, website form, encrypted app). Publicize these details widely. Publicly reinforce the company's commitment to protecting confidentiality by using, for example, posters, local radio announcements, and trusted community leaders.
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- **Non-virtual**, via a phone line, radio programs with anonymous call-ins, and via local leaders, community organizations, and networks.

For more information on COVID-19 specific stakeholder engagement and grievance mechanism considerations, see IFC Interim Stakeholder Engagement Guidance^{ix}

- *Externally managed mechanisms can be used in high reprisal risk contexts to build trust with local stakeholders and to limit the potential for confidentiality breaches (for instance by a third-party firm or NGO).*
- *Ask complainants if they would like their details to be kept confidential and what their preferred communication method is, and note any concerns raised about retaliation.*
- *Protect complainant identity by storing confidential details in a safe location (physical files: locked location; virtual: limit access control on electronic filing).*
- *Limit the number of staff who have direct knowledge of confidential details; redact complainant details for internal communications or reporting*
- *Follow up with complainants via secure communication channels (as agreed with complainant; for example, through an encrypted app, secure email or via a trusted intermediary).*

3. REACH OUT TO VULNERABLE STAKEHOLDERS

COVID-19 Considerations:

- Increased stigmatization or exclusion of community members or workers due to health status, racial, or other vulnerabilities. Create safe channels for them to report concerns.

Advice to Consider:

Are there at-risk stakeholders in your context?

- Are there reports that local CSOs, journalists, or communities are being targeted for raising concerns (for example, increased government security forces violence, surveillance, arrests)?

Example:

Prevention measures:

- *Monitor local news and community information for changes in risk to project stakeholders (for example, reports of local CSO members or workers in the project sector being targeted for protesting)*

- **Greater security force presence and risk of violent protests** in the project area due to community members or workers raising concerns. Seek opportunities to communicate company position and to encourage public security forces to exercise restraint.^x
- **CSO members targeted for raising project concerns related to health or other project impacts during pandemic.** During stakeholder engagement, where safe to do so, listen to their concerns.

- Are there reports of **workers in the sector being targeted** for speaking out (for example, expressing concerns about worker health and safety)?
- Are there reports of **community members or workers being stigmatized** during the pandemic (for example, because of ethnic background, health status)?

As part of ongoing company internal and external engagement efforts, reach out to stakeholders that may be at higher risk of reprisals, for example, community members or workers who are from marginalized groups such as ethnic, religious, or political minorities, women, LGBTQ, or others that may not feel comfortable voicing opinions or concerns.

Listen to their concerns and make them a part of ongoing communications. This can help to:

- **Clarify any misconceptions or misinformation** they may have had about company operations,
- **Identify project issues** that could be addressed, and
- **Act as a deterrent** to potential perpetrators.

Note: Engaging with stakeholders in some contexts can increase their risks of reprisal by government, or even other community members or workers, if they are perceived to be complaining. For example, if there is fear of increased surveillance, community members may not want to join a public forum for fear of retaliation. In such cases, seek other avenues to hear from them and to share information.^{xi}

- **Reinforce the company position, communicate pro-actively on nonretaliation, and address any misconceptions** (for example, if workers are being targeted because local stakeholders are afraid of COVID-19, clarify company steps being taken to protect workers and communities via external messaging)
- **Involve workers, communities and local NGOs who may have expressed project opposition or concerns** in stakeholder engagement and information disclosure activities, where it is safe (for example, a virtual community meeting)
- **Assess unintended risks of engagement activities** when planning stakeholder outreach. Consult at-risk stakeholders and seek other confidential avenues, if needed, to share the information and hear concerns.

REFERENCES AND ADDITIONAL RESOURCES:

IFC's Position Statement on Retaliation against Civil Society and Project Stakeholders

IFC recognizes the responsibility of the private sector to respect human rights. This includes the ability of stakeholders to engage freely with IFC and its clients. This is essential to promoting positive development outcomes. Civil society organizations (CSOs) and project-impacted stakeholders must be able to provide feedback, voice opposition, and raise concerns with our clients, and with IFC when necessary, to ensure that environmental and social impacts in IFC-financed projects are avoided, minimized, or mitigated and that the project achieves its intended development impact. We value the input and views of all stakeholders.

IFC does not tolerate any action by an IFC client that amounts to retaliation – including threats, intimidation, harassment, or violence – against those who voice their opinion regarding the activities of IFC or our clients. We take seriously any credible allegations of reprisals.

Please see the full version of the IFC Position Statement on Retaliation Against Civil Society and Project Stakeholders available at: https://www.ifc.org/wps/wcm/connect/ade6a8c3-12a7-43c7-b34e-f73e5ad6a5c8/EN_IFC_Reprisals_Statement_201810.pdf?MOD=AJPERES

- ⁱ Business and Human Rights Resource Centre COVID-19 (Coronavirus) Outbreak, <https://www.business-humanrights.org/en/covid-19-coronavirus-outbreak>
- ⁱⁱ United Nations: COVID-19 and Human Rights, [https://www.un.org/victimsofterrorism/sites/www.un.org.victimsofterrorism/files/un - human rights and covid april 2020.pdf](https://www.un.org/victimsofterrorism/sites/www.un.org.victimsofterrorism/files/un_-_human_rights_and_covid_april_2020.pdf)
- ⁱⁱⁱ United Nations: Protecting human rights amid COVID-19 crisis, <https://www.un.org/en/un-coronavirus-communications-team/protecting-human-rights-amid-covid-19-crisis>
- ^{iv} World Health Organization Responding to attacks on health care, <https://www.who.int/activities/responding-to-attacks-on-health-care>
- ^v See IFC COVID Interim Advice on Stakeholder Engagement for adapting communications methods during COVID-19: https://www.ifc.org/wps/wcm/connect/topics_ext_content/ifc_external_corporate_site/sustainability-at-ifc/publications/publications_tipsheet_covid-19_stakeholderengagement
- ^{vi} See IFC COVID Interim Guidance on Developing a COVID-19 Emergency Preparedness and Response Plan for more information on company emergency planning during COVID and coordination with government: https://www.ifc.org/wps/wcm/connect/topics_ext_content/ifc_external_corporate_site/sustainability-at-ifc/publications/publications_tipsheet_covid-19_eprp
- ^{vii} See IFC COVID Corporate Governance COVID Tip Sheet for more information on board-level communication approaches: https://www.ifc.org/wps/wcm/connect/topics_ext_content/ifc_external_corporate_site/ifc+cg/resources/guidelines_reviews+and+case+studies/tip+sheet+for+company+leadership+on+crisis+response+-+facing+the+covid-19+pandemic
- ^{viii} See IFC COVID Interim Advice on Supporting Workers for further information on vulnerable worker groups and communications: https://www.ifc.org/wps/wcm/connect/topics_ext_content/ifc_external_corporate_site/sustainability-at-ifc/publications/publications_tipsheet_covid-19_supportingworkers

^{ix} *Op. Cit. IFC COVID Interim Advice on Stakeholder Engagement*

^x See IFC Good Practice Handbook: Use of Security Forces: Assessing and Managing Risks and Impacts for more information on engagement with public security forces: https://www.ifc.org/wps/wcm/connect/topics_ext_content/ifc_external_corporate_site/sustainability-at-ifc/publications/publications_handbook_securityforces

^{xi} *Op. Cit. IFC COVID Interim Advice on Stakeholder Engagement*

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Disclaimer: This document contains advice intended to assist IFC clients in responding to the COVID-19 pandemic. Clients should also refer to COVID-19-related information and recommendations from the World Health Organization (WHO) and other specialized international health and disease control organizations, as well as information from local, regional and national governmental health authorities, noting that such recommendations are subject to change. Relevant information may also be available from international organizations within clients' business sectors. This document is not intended to be exhaustive, and it provides generic and general information rather than sector-specific guidance. Clients in high risk sectors should refer to sector-specific procedures and standards.

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