



Enhancing Supply Chain Resilience by Integrating Human Rights: Post-pandemic Insights from the Agriculture Sector in India

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EXECUTIVE SUMMARY

"Enhancing Supply Chain Resilience by Integrating Human Rights" is a research project conceptualized in multiple modules. This report summarizes our insights from module 1, which was co-initiated and supported by Nestlé SA. The present report expresses the views of the authors only, and should not be considered as endorsed by Nestlé SA in any manner.

We thank our colleague Pascale Chavaz and our interns Molly Penet and Esther Lee for their valuable contributions to our research. We also thank our interview partners who generously shared their insights and experiences with us.

The Geneva Center for Business and Human Rights (GCBHR) was founded in 2019 as the first business and human rights center at a business school in Europe. The GCBHR educates future business leaders and supports companies in developing business models that align profits and human rights principles. The GCBHR is allied with the NYU Stern Center for Business and Human Rights.

COVID-19 has put international food supply chains to the test and it has increased the urgency for creating sustainable food systems. The UN convened the first Food Systems Summit in September 2021 highlighted the need for bold action to ‘transform the way the world produces, consumes and thinks about food’.¹

Ensuring the resilience of agriculture supply chains is a key element in this transformation. For this reason, the UN Food Systems Summit prioritized questions of livelihoods that are the foundation for sustainable food systems. It also highlighted the powerful role that large food and beverage companies can play in leading a transformation process that provides a vector for a positive recovery.²

In this context we study the impact of the pandemic on the human rights situation in India’s agriculture supply chains. India is among the top ten global exporters of agriculture products that are consumed daily around the world³ and the country plays a pivotal role in the supply chains of global food and beverage companies. We focus our research on coffee and sugarcane supply chains, representing commodities that are both, directly consumer-facing (coffee), and primarily used in B2B supply chains (sugarcane). In rural areas, nearly 70% of the Indian population depend on the agriculture sector as their main source of income.⁴ Smallholder farmers are a cornerstone of India’s agriculture industry and their livelihoods are particularly vulnerable to external shocks like the pandemic.⁵

After a strict lockdown to contain COVID-19 in the beginning of the pandemic, the Indian government lifted restrictions in June 2020. Cases peaked in September 2020 but surged again in a severe second wave from March - June 2021 and brought the health system to its limits.⁶ Classified as an essential services sector, activities in the agriculture supply chain could continue without major interruptions throughout the pandemic.⁷ In our research we learnt that agriculture supply chains were largely able to adapt to the changing circumstances and uphold demand and supply, e.g., by adopting health protocols or limiting the workforce per shift. However, the industry has faced challenges concerning the restricted availability of transportation and shortage of labor. This led to delays and rising costs throughout the supply chain and has put cash flow and wage payments at risk.

The pandemic prompts leading firms in global agriculture supply chains to critically review sourcing practices and their impacts on human rights. As field visits were largely suspended during the pandemic, international food and beverage companies had fewer insights into the human rights conditions on farms and plantations. Key questions they posed include, e.g.: Did cases of child labor increase when schools were closed? Were labor laws, including working hours, adhered to in the face of labor shortages? Was food security ensured? Were health and safety measures sufficient to prevent infections and provide medical assistance when needed?

We conducted over thirty interviews with company representatives from different stages in the supply chain and with industry experts with diverse backgrounds, including civil society and academia. The interviews took place over the course of nine months in 2021, allowing us to collect insights both before and after the second critical wave of COVID-19 in India. The aim of this first phase of our research was to assess the impact of COVID-19 on human rights and to recommend to leading food and beverage companies how to mitigate systemic human rights risks.

Our study puts forward the following key insights:

- It sheds light on the distribution of risks for different actors in the supply chain. Risks accumulate at the farm-level and to mitigate these risks, the farms’ needs for livelihoods must become the focal reference point for determining interventions that enhance resilience. For example, some farmers reported that while they are unable to sustain livelihoods from cultivating coffee beans alone, they are able to compensate with other crops. This suggests that to enhance resilience, the farms’ needs must be analyzed as a comprehensive unit.
- It highlights what resources are effective in mitigating negative impacts. For example, farmers that participate in a company’s sustainability program were able to access additional support and resources.
- It provides indications what type of actions provide effective relief (e.g., the support of local companies within communities).
- Our research highlights that companies have limited insights and leverage to address systemic human rights issues if they focus on their own supply chain alone. Instead, collaborations across the supply chain and also with other industry players that operate in the same region to share responsibility would be beneficial. Interview partners indicated to us that they would be very interested in such cross-sectoral partnerships and collaborations between local suppliers and global brands.

We conclude with an action plan outlining five concrete steps that leading companies in global agriculture supply chains should undertake to make their human rights engagement resilient to shocks.

- First, we suggest that companies **conduct urgent action human rights due diligence**. When external shocks like the pandemic affect supply chains, supply chain actors need to pool knowledge and resources to assess the most immediate needs on the farm-level.
- Second, companies need to **not only consider immediate but also medium-term human rights challenges** as they define support strategies. Their reference point must be risks to livelihoods at the farm-level.
- Third, to advance systemic change, **companies must collaborate with supply chain actors across the entire supply chain**: vertically (from within their own supply chain) and horizontally (across the industry), **including commodity traders** that often have direct relationships with farmers.
- Fourth, companies should **adapt their responses to the regional context** because challenges differ significantly depending on regional supply chain structures. Joining forces at the regional level facilitates addressing systemic human rights risks.
- Finally, we suggest that companies **treat farms as a unit to ensure livelihoods and business sustainability**. Considering the accumulating volatility in farmers’ income, companies should consider options to double down their economic support.

The pandemic has raised the stakes and expectations of food systems transformation. The time to re-invent global food supply chains to ensure social and economic resilience is now.

RECOMMENDATIONS

In the following, we present concrete recommendations for lead firms in the supply chain based on our research insights on COVID-19 impacts on human rights and supply chain resilience.

We understand that all supply chain actors need to cooperate, but brands need to be the ones to take the initiative. In the following, we outline specific recommendations for firms to respond to the crisis in a way that supports a stronger integration of human rights throughout the supply chain.

1. RAISE FLAGS EARLY:

React fast to supply chain disruptions and conduct Urgent Action Human Rights Due Diligence to understand immediate impacts on business and human rights.

Given the far-reaching impact of COVID-19 on supply chains, workplaces, and communities, we recommend urgent action human rights due diligence (urgent action HRDD). This implies a re-assessment of existing human rights due diligence findings in light of drastic changes in companies' operating contexts.⁸

Urgent action HRDD assesses shifts in the parameters of companies' operating environment and flags conditions that are associated with heightened human rights risks. It focuses on changes in the projected likelihood of these risks, using the drivers of human rights risks as proxies. By flagging concerning developments early-on, urgent action HRDD activates preventive measures, such as raising the concern explicitly with supply chain partners.

EXAMPLE

Agriculture supply chains are considered to have high risks for child labor. The pandemic affected several factors that are associated with increased risks for child labor, including the closing of schools, the suspension of on-site audits, and financial hardships for workers on farms and in processing facilities. Urgent action HRDD could trigger an issue-specific follow-up with supply chain partners, aimed at gaining information about the drivers of child labor. This can include a range of specific indicators, such as the availability of caretakers for children on farms, the availability of paid medical leave for workers with COVID-19 infections, or the availability of Wifi to participate in online classes.

Build a human rights due diligence network that can be mobilized quickly.

We recommend building a network that can be mobilized quickly and collect feedback in times of crisis. This feedback can be informal or standardized and should be collected repeatedly. Companies should engage vertically with their supply chain partners and reach out horizontally to industry peers. Strong stakeholder relationships are an asset to improve the effectiveness and openness for collaboration in times of crisis.

Draw on previously conducted human rights due diligence.

Urgent action HRDD signals commitment to human rights. It reaffirms companies' engagement with human rights on the ground, including situations when the usual policies, such as field visits, are no longer possible. Ideally, companies should be able to draw on previously conducted human rights due diligence and re-assess the identified risks. To increase effectiveness in situations of incomplete information, this analysis should encompass the factors that drive human rights risks.

Start actions that can preserve human rights achievements in the longer-term without delay.

Urgent action HRDD aims to harness different stakeholders' unique perspectives and to identify opportunities for coordinated, scalable contributions to alleviating human rights risks. Considering the effects of the crisis on drivers of medium-term human rights risks targets the resilience of human rights engagements. The aim is to find ways to amplify or complement emergency relief. Quick actions that can preserve human rights achievements in the longer-term should be initiated without delay.

2. ANTICIPATE MEDIUM- AND LONGER-TERM HUMAN RIGHTS RISKS: Move beyond crisis response and analyze systemic issues that may arise from a crisis.

Anticipating medium-term human rights risks is an investment in the stability of supply chains. Resilience is created when the causes of human rights risks are mitigated and future risks are prevented. Companies that anticipate changes in the likelihood of human rights abuses have the chance to take preventive action before harm occurs, and thus to avoid situations that require remedial action. Moreover, stable supply chain relationships are a precondition for pursuing longer-term projects that in turn contribute to supply chain resilience, such as experimental research on ways to adapt farming to climate change.

EXAMPLE

The lockdowns affected the ability to conduct regular on-site audits, which are the backbone of existing sustainability initiatives. This situation has sparked discussions regarding the digitalization of auditing processes. First, this is an opportunity to address systemic concerns. Instead of replacing in person visits with virtual tours, discussions focus on permanent (rather than temporary) approaches to auditing and transparency. Second, adopting digital alternatives to in-person visits potentially involves the collection of sensitive or personal data. Considering the medium-term consequences implies an assessment of the human rights risks that such digital solutions generate. The track record of data security in the respective operating context should be an integral part of this assessment.

Systematically review the medium- and longer-term consequences.

Companies should systematically review the longer-term consequences of responses to the pandemic. It is currently unclear whether the impacts of the pandemic will be permanent, such as the health impact of long-term COVID-19 symptoms, labor shortages and changes in the workforce composition, or new consumption patterns in the downstream supply chain. In addition, indirect effects of the crisis deserve special attention. Vulnerable groups that were at greater risk during the crisis might also be disadvantaged in the recovery process, e.g., as deficits in access to education lead to unequal opportunities in the long-run.

Extend human rights impact assessments to the crisis recovery process.

Human rights impact assessments of the medium-term impacts of the pandemic should proactively extend to measures that were taken as part of the crisis recovery process. Focusing on solving an immediate challenge can leave the root cause of the human rights risk unaddressed, or worse, detract attention away from new human rights risks that a short-term response might trigger. Assessing and addressing extended risks matters, as in some cases, there is a limited window of opportunity to address the medium-term human rights risks.

3. SPOTLIGHT ON TRADERS:

Collaborate with actors across the entire supply chain and involve traders, which are underestimated supply chain actors that have resources and leverage.

Our study emphasizes the importance of intermediaries in the supply chain for implementing human rights awareness. These include traders, sub-traders, and processing facilities, both inside and outside the country of origin of the agricultural produce. Ensuring visibility of human rights impacts presumes visibility of human rights efforts at all stages of the supply chain. As traders are less exposed to public scrutiny, the impetus should come from brands and lead firms.

EXAMPLE

Working on human rights issues within a business relationship can be sensitive. Brands need to find partners and topics that are accessible, and identify a good timing and framing to address human rights concerns. One interview partner from a global brand stated that topics that are discussed under a human rights label in their headquarters are translated into specific social or environmental issues in subsidiaries in order to receive sufficient buy-in. A different brand mentioned that suppliers' openness to engage on human rights topics depends on their current economic well-being and on previous positive experiences in projects on less controversial topics. Traders have the local understanding and the supply chain relationships to facilitate human rights engagement accordingly.

Harness traders' position in the supply chain to advance traceability.

Traders are uniquely positioned to connect global buyers and individual farmers. Given their size and position in the supply chain, traders have economic leverage in both directions of the supply chain. They are expected to conform with global buyers' human rights policies and in some cases, are also in charge of ensuring compliance in the upstream tiers. As collectors of the produced harvest from a multitude of smallholder farmers, traders are closest to advancing the next level of traceability in the supply chain.

Take advantage of traders' relevant knowledge to enhance transparency.

Reports on human rights are often audience-oriented and driven by publicity. In the downstream end of the supply chain, brands have developed policies and undertaken efforts to understand their operations' human rights footprint. In the upstream supply chain, civil society organizations provide detailed information from the farm- and worker-level and offer in-depth analyses on the drivers behind human rights challenges. In between, traders can fill in the blanks and highlight the bottlenecks to translate and maintain human rights policies at the worker-level.

4. ADAPT RESPONSES TO THE REGIONAL CONTEXT:

Prioritize key geographies and pool resources to address challenges locally.

Implementing human rights benefits from standardization and measurability, yet real impact tends to be more complex. It is important to consider the regional context when addressing human rights issues, either through a commodity-based or an issue-based perspective. Both approaches are valuable as they support the consistency and manageability of policies, facilitate the exchange between global insights and the realities on the ground, and provide in-depth insights into the local dynamics behind human rights issues.

EXAMPLE

Migrant workers are globally at risk of discriminatory practices and of labor exploitation if they are employed informally. In India, as our research indicated, these risks might be compounded by subconscious remnants of the caste system which can fail to raise attention to discriminatory labor practices. During the pandemic, labor shortages were compensated through different routes of recruitment. Companies should put measures in place to identify discriminatory and sub-standard labor contracts. These measures must be responsive to the regional context and allow companies to identify the root causes of discrimination and distinguish, e.g., between structural and cultural factors, so that effective responses can be taken.

Identify opportunities for advancing human rights.

A regional perspective will offer opportunities for creating a strong foundation for human rights in companies' ecosystems. Different regions face distinct socio-cultural factors and geological and climatic conditions, and differ in their particular workforce composition, regulatory context, infrastructure, or ownership structure of farms and processing facilities. Companies can use these differences and identify areas that are conducive to advance human rights resilience.

Implement better-targeted measures.

Regionally concentrated efforts to improve the human rights situation offer an opportunity to better target measures and anchor them in context. A regional focus allows to differentiate between country and sector risks, and can garner support to leverage complementary competences of different stakeholders.

Explore options for joint collaborations on root causes.

Regionally concentrated efforts can emphasize root causes that might otherwise remain overlooked in standardized approaches. Companies ideally explore options for collaboration on a pre-competitive level to maximize their joint impact on addressing the root causes of human rights risks. A smart mix of cross-commodity collaboration in the same country, and of cross-country collaboration on the same issue could encourage new paths to solve persisting human rights issues.

5. TREAT FARMS AS A UNIT:

To ensure livelihoods and business sustainability. Assessing commodity supply chains separately does not provide insights into livelihoods at the farm-level.

Risks to livelihoods are a key concern across different agriculture supply chains. A large part of agricultural goods is supplied by smallholder farmers who have limited resources to compensate the impacts of crises. Brands that entered long-term relationships with these farms and seek to support their resilience should consider farms as a unit and assess their overall situation during the crisis. In response, brands can make better informed decisions for allocating support.

EXAMPLE

Coffee farmers in India commonly intercrop spices or trade in lumber to diversify their income. Brands should strive to understand the farms' financial positions more holistically, e.g., by understanding the timing of expenses and revenues and the harvesting cycle for other crops. Effective support from global coffee brands can then take novel forms, e.g., ensuring that activities that the farm needs can take place. Possible support can mean facilitating transportation (also for pepper workers), or facilitating access to markets (e.g., for the parts of the harvest that brands do not buy for themselves). Moreover, if applicable, brands can extend their sourcing commitments to additional commodities, e.g., by sourcing spices from coffee farms.

Focus on risks to livelihoods as the point of reference for support.

Although companies are actively working on rolling out human rights standards through their supply chain, more could be done to implement feedback processes from the farms, centralize the collection of data on human rights indicators, and assess how effective corporate activities are in reaching human rights goals. This requires to treat farms as a unit. Farmers might be able to compensate some challenges but not others, and brands may be able to support farmers in activities that are not directly related to their sourcing relationship.

Double down on sourcing commitments.

To ensure supply chain resilience may require brands to double down on sourcing commitments by sourcing additional crops from the same farms. Volatile market prices are a major concern so that farmers often seek a secondary source of income, e.g., by growing additional agricultural commodities. Global food and beverages companies can look for overlap with categories in their own commodity sourcing portfolio. Brands' supply chains are typically managed independently by commodity. However, in light of supply chain resilience, they should identify synergies to increase the economic support for farmers.

OUTLOOK
AND
NEXT STEPS

The initial findings of this exploratory research should be followed by a field study on the ground. Such a study should contribute valuable insights from the perspective of workers, farmers, and local communities. The field study should answer the following questions:

Empirical data on the impact of COVID-19. Detailed information is required to understand the scope of the COVID-19 impact on the ground. This refers to small-holder farms, the situation of vulnerable worker groups (including temporary and migrant workers and women), the number of COVID-19 infections and long COVID cases, the effectiveness of measures to contain the spread, the access to healthcare, and the differentiation of risks for infection across different activities in the supply chain.

Verification of human rights risks. The study should verify whether the increased likelihood of human rights risks led to a deterioration of standards on the ground. This may concern, among others, child labor, wages and income security, working hours, sanitary provisions, or paid leave in case of an infection or long COVID.

Critical assessment of the crisis responses and medium-term challenges. A field study should shed light on the most urgent needs and longer-term concerns. On the ground data is a prerequisite for evaluating and optimizing future crisis responses, with the goal to ensure supply chain resilience and the sustainability of high human rights standards. This includes preparing for potential subsequent waves of COVID-19 and understanding the interdependencies between the socio-economic impacts of COVID-19 and medium-term prospects for human rights in the upstream supply chains.

Our research revealed key themes for supply chain resilience in relation to human rights standards that remain relevant beyond the pandemic.

First, it is crucial to acknowledge that global business practices have local human rights impacts. During the pandemic, maintaining supply chain operations and economic transactions proved vital for farmers and farm workers. Second, drivers of human rights risks are often interrelated. It is thus important to keep track of the socio-economic effects of the pandemic. Third, human rights risks on the farm-level accumulate from a combination of macro-trends (e.g., climate change), meso-trends (e.g., changing demand patterns and auditing processes), and micro-developments (e.g., lockdown policies and closed markets). When taking action to provide relief, companies need to take into account the situation prior to the pandemic (e.g., cases of informal workers who lack access to support schemes).

The following four themes merit further research and require the attention of global brands, traders and local suppliers in agriculture supply chains:

- Companies acknowledge that a **living income** is a key dimension for human rights protection. Global brands need to ask for more holistic and detailed data to investigate the scope of the risk of livelihoods during the pandemic.
- Brands should identify if workers in their supply chain are in urgent need of support for their livelihood, independent of their employment status. This should include **contract workers**, who play a vital role in agriculture supply chains, especially in situations of economic uncertainty such as the pandemic, but have less social security.
- Our research highlights the **role of traders** (global and local) as central and underestimated drivers of positive human rights impact. Traders should be actively involved in building up and implementing longer-term strategies to advance human rights.
- Beyond the immediate impact of the pandemic, **climate change** poses a constant concern for the social and economic resilience of agricultural supply chains. Measures to prepare agriculture supply chains for climate change should consider human rights an integral part of the response.

The COVID-19 pandemic emphasized that the livelihoods of workers in agriculture supply chains remain a key concern. From our initial research, we find that workers on farms and processing plants were able to cope because their expenses had gone down (e.g., due to restrictions of movement during the lockdown), because of material support (e.g., food), goodwill of employers who avoided lay-offs during the crisis (e.g., created new opportunities for work), and favorable market conditions (e.g., strong demand for spices and rising prices for coffee). Although all of these measures do provide relief, they do not systemically reduce the vulnerability of workers. **Stakeholders need to develop more sustainable structural solutions to ensure social and economic resilience in global food supply chains.**

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RECOMMENDATIONS

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