

Report on Human Rights Due Diligence 2021 – Tyson Foods

Whereas: Under the UN Guiding Principles on Business and Human Rights, companies are expected to conduct human rights due diligence to meet the corporate responsibility to respect human rights.¹

Tyson's business activities significantly impact fundamental human rights, including the rights to:

- life,
- freedom from discrimination,
- safe and healthy working conditions,
- freedom of association, organize a union, and bargain collectively free from intimidation and retaliation, and
- water, health, and a safe environment.

Processing workers' health and safety are vulnerable under normal conditions.² During the coronavirus pandemic, Tyson has maintained punitive attendance policies (with minor exceptions), inconsistent or insufficient access to testing, workstations ill-equipped for social distancing, high line speeds, and incomplete COVID-19 reporting,³ which has already resulted in over 10,000 reported positive cases and at least 35 worker deaths.⁴ If respect for workers' rights and stronger protections are not implemented, additional deaths are inevitable.⁵

Further, Tyson's international footprint presents human rights risks including forced labor.⁶ Failures in Tyson's management of water quality risks and inadequate provision of remedy to impacted communities interfere with the right to water.⁷

Poor management of worker health and safety exposes Tyson to litigation, reputational, financial, and human capital management risks.⁸ Recently, families of Tyson workers filed wrongful death

¹ https://www.ohchr.org/documents/publications/guidingprinciplesbusinesshr_en.pdf

² <https://www.hrw.org/report/2019/09/04/when-were-dead-and-buried-our-bones-will-keep-hurting/workers-rights-under-threat#>

³ https://thefern.org/ag_insider/covid-19-cases-appear-to-be-slowing-at-meat-plants-but-companies-arent-releasing-test-results/; <https://www.bloomberg.com/news/articles/2020-06-03/tyson-reinstates-policy-that-penalizes-absentee-workers>; <https://www.nytimes.com/2020/06/15/opinion/coronavirus-tyson-poultry.html>; <https://www.washingtonpost.com/business/2020/07/30/tyson-foods-coronavirus-tests/>

⁴ <https://thefern.org/2020/04/mapping-covid-19-in-meat-and-food-processing-plants>; <https://investigatamidwest.org/2020/04/16/tracking-covid-19s-impact-on-meatpacking-workers-and-industry>

⁵ <https://www.cdc.gov/coronavirus/2019-ncov/community/organizations/meat-poultry-processing-workers-employers.html>; <https://news.bloomberglaw.com/daily-labor-report/tyson-meatpackers-said-to-need-more-protection-from-coronavirus>; <https://www.propublica.org/article/emails-reveal-chaos-as-meatpacking-companies-fought-health-agencies-over-covid-19-outbreaks-in-their-plants>

⁶ <http://hrn.or.jp/wpHN/wp-content/uploads/2019/06/Labour-Rights-Violations-in-the-Thai-Poultry-Industry-within-the-Supply-Chains-of-Japanese-Companies-2019-2nd-Ed.pdf>

⁷ <https://www.cullmantribune.com/2020/05/01/updated-lawsuit-filed-against-tyson-over-2019-spills/>

⁸ <https://healfoodalliance.org/120-organizations-target-tyson-foods-for-failing-to-protect-workers-from-covid-19-2/>; <https://violationtracker.goodjobsfirst.org/parent/tyson-foods>; <http://nototyson.com>

lawsuits against the company.⁹ A USDA complaint against Tyson alleges racial discrimination for failing to protect workers of color who are disproportionately impacted by COVID-19.¹⁰ Tyson faces two FTC complaints for misleading representations about worker treatment, the nature of relationships with farmers, and conditions at poultry farms in its supply chain.¹¹

Worker voice in the design, implementation, and monitoring of human rights due diligence, such as through a worker-driven social responsibility (WSR) model¹² or labor unions, is necessary to respect human rights. This would help prevent harm, reduce fines for violations, stabilize the workforce of Tyson and its suppliers, and preserve the company's social license to operate. There is inadequate disclosure on the outcomes of Tyson's workplace commitments or implementation of human rights due diligence to address adverse human rights impacts throughout the value chain.¹³ Giving workers and other impacted groups a leading role in this process—including a legally binding and enforceable grievance mechanism, as with WSR—has been identified as essential for effectiveness of interventions to address human rights risks.¹⁴

Resolved: Shareholders request the Board of Directors prepare a report, at reasonable cost and omitting proprietary information, on Tyson's human rights due diligence process to assess, identify, prevent, mitigate, and remedy actual and potential human rights impacts.

Supporting Statement: The report should:

- Identify and assess the human rights impacts of Tyson's business and plans to prevent and mitigate harm;
- Explain the types and extent of stakeholder consultation; and
- Discuss how Tyson tracks effectiveness of its human rights due diligence.

⁹<https://www.vbattorneys.com/hubfs/DOC%2001%20-%2005.15.20%20FS%20Original%20Complaint%20.pdf>

¹⁰<https://img1.wsimg.com/blobby/go/690bc23d-7fcc-463f-85e1-62e6232cf993/downloads/2020.07.08-Food-Chain-Workers-v.-Tyson-Foods-T.pdf?ver=1594514994518>

¹¹ <https://files.constantcontact.com/0fcd97ad701/adf8e243-8c80-404b-9b1b-d534e570ee50.pdf>;
https://www.organicconsumers.org/sites/default/files/tyson_natural_ftc_complaint_07.2.2020.pdf

¹² <https://wsr-network.org/what-is-wsr/statement-of-principles/>

¹³

https://www.corporatebenchmark.org/sites/default/files/chrb_2019_pdfs/Tyson%20Foods%20CHRB%202019%20Results%20on%2020190926%20at%20080325.pdf

¹⁴ <http://www.msi-integrity.org/not-fit-for-purpose/>