

The background of the cover features a close-up, artistic shot of several books and stacks of papers. The books have various colored spines, including blue and black, and their pages are visible, showing a range of colors from cream to yellow. The lighting is dramatic, with strong highlights and deep shadows, creating a sense of depth and texture. The books are arranged in a way that suggests a library or a study.

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## ENSURING THE RIGHTS OF HEALTH WORKERS DURING AND AFTER COVID-19 PANDEMIC

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*Health workers are one of the most integral parts of any state in terms of workforce. A pandemic puts them in a perilous position as they are exposed to numerous hazards. In order to ensure their rights during COVID-19 pandemic, WHO declared guidelines regarding rights and responsibilities of the health workers. There are also other guidelines and laws concerned with the rights of health workers during public emergencies and in general. Although health workers play the most important role during the pandemic, their rights remain at jeopardy in such situations. This paper has specifically dealt with the laws and guidelines that have ensured the rights of health workers and also has tried to shed light on the present situation of health workers of different parts of the world. Health workers from all over the world have been facing a significant shortage of personal protective equipment. Apart from that they are dealing with problems such as long work hours along with non-payment of salary, alienation from society and family, constant fear of being infected with the virus and risk of violence upon them which has affected their mental health. Although international agencies and laws have addressed rights of health workers, there has been very little substantial attainment. Realistic measures should be taken by respective states and health organizations in protecting rights of health workers. It is certain that the world is likely to face a serious crisis after the pandemic which is why arrangements should be made to avoid such a crisis. It was important to carry out this research as there was a huge gap between ensuring the rights and executing it. Hence, this paper has attempted to study such gaps and suggested measures to be taken for execution of the rights of health workers during and after the pandemic.*

### **INTRODUCTION:**

The ones who risk their lives to save others themselves remain unprotected. Health workers often have to sacrifice a whole lot of things when certain medical emergencies come their way. However, the rights of the health workers are time and again neglected. During the times of outbreaks, medical emergencies, epidemics and pandemics, health workers carry out the most important role. Currently, the world is swarmed with cases of Covid-19 pandemic. The novel coronavirus

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COVID-19 had its first inception in Wuhan, Hubei Province, China in December 2019.<sup>1</sup> With its first inception in December 2019 it did not take much time to spread to other regions as well. WHO announced COVID-19 outbreak as a pandemic on 11 March, 2020.

An epidemic which occurs worldwide covering a wide area with it crossing international boundaries affecting a huge number of people is defined as pandemic.<sup>2</sup> Likewise, the World Health Organization defines pandemic as the worldwide spread of new disease. We have had a history of occurrence of many pandemics like Spanish Flu, Asian flu and Swine Flu Pandemic.

Pandemic takes a toll on all of us but it is non-debatable that the health workers play the most important role in this time of crisis. Due to professional ethics and moral obligation, health workers do have to compromise in many aspects of their life. Nonetheless, that does not imply that their basic human rights can be neglected. The health and occupational safety of the health workers is important to enable them to continue their work which is why their protection of rights must be a topic of discussion to all of us.

## **METHODS**

This research article was prepared by collecting secondary data. Primarily, we read several articles and documents. While doing so, we noted down relevant information and based on the collected information, the research article was started. Then, further research was carried out in between writing the research paper. Mostly, Qualitative method of collecting data was used in this research paper. We looked thoroughly at the data we collected and then added our input in it. We chose a secondary method of collecting data because it was the most plausible option in this COVID-19 pandemic situation.

## **FINDINGS**

### **RIGHTS ENSURED BY DIFFERENT INTERNATIONAL GUIDELINES AND LAWS:**

#### **1. Rights of health workers during pandemic: Guidelines by World Health Organization**

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<sup>1</sup> Qun Li, Xuhua Guan, et.al, 'Early Transmissions Dynamics in Wuhan, China, of Novel Coronavirus- Infected Pneumonia' (2020) The England Journal of Medicine <<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7121484/>> accessed 16th June 2020

<sup>2</sup> Heath Kelly, 'The classical definition of pandemic is not elusive' (World health Organization, 2011 ) <<https://www.who.int/bulletin/volumes/89/7/11-088815/en/>> accessed 17th June 2020

It is a known fact that the risk of COVID-19 is highest among the frontline health workers as they are exposed to numerous hazards. According to WHO, such hazards include pathogen exposure, long working hours, psychological distress, fatigue, occupational burnout, stigma, and physical and psychological violence. More than 35,000 health workers had been infected with COVID-19 by 21st April, 2020<sup>3</sup>.

So, to minimize the above mentioned hazards WHO has enlisted certain rights of health workers. They are listed below:<sup>4</sup>

- Employers and managers at health facilities should ensure that all preventive and protective measures are taken to minimize the health risks and maximize the occupational safety.
- To provide them with information, instructions and training regarding occupational safety and health that includes IPC (Infection prevention and control) and PPE (Personal protective equipment).
- They should also be provided with sufficient and adequate IPC and PPE supplies.
- Health personnel must be familiarized with technical COVID-19 updates as should be provided with appropriate security measures for personal safety.
- Creation of a blame-free environment for the health workers.
- Advice should be given to the workers to stay home when ill.
- It should be ensured that appropriate working hours are maintained with breaks.
- It must be made sure that consultations on occupational safety and health aspects of work are provided to health workers and the labor inspectorate should be notified of cases of occupational diseases.
- In a situation where there is risk to life or health of the health workers, they shall not be obliged to continue to work there until and unless any necessary precautions are taken.
- In situations that can present an imminent and serious danger to the life and health of health workers, they should be given the right to remove themselves from the work situation. While doing so health workers must be protected from any consequences that may arise.

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<sup>3</sup> 'WHO calls for healthy, safe and decent working conditions for all health workers amidst COVID-19 pandemic', (*World Health Organization*, 20th April 2020) <<https://www.who.int/news/item/28-04-2020-who-calls-for-healthy-safe-and-decent-working-conditions-for-all-health-workers-amidst-covid-19-pandemic>> accessed on 12 January 2020

<sup>4</sup> 'Coronavirus disease (COVID-19) outbreak: rights, roles and responsibilities of health workers, including key considerations for occupational safety and health', (*World Health Organization*, 18 March 2020) <[https://www.who.int/publications/i/item/coronavirus-disease-\(covid-19\)-outbreak-rights-roles-and-responsibilities-of-health-workers-including-key-considerations-for-occupational-safety-and-health](https://www.who.int/publications/i/item/coronavirus-disease-(covid-19)-outbreak-rights-roles-and-responsibilities-of-health-workers-including-key-considerations-for-occupational-safety-and-health)> accessed 17th June 2020

- Right to compensation, rehabilitation, and curative services should be provided to the health workers if they get infected with COVID-19 by exposure at the workplace.
- Workers should be provided proper access to mental health counseling resources.
- There must be coaction between health workers and the management.

## 2. ILO's Guideline on decent work in public emergency services:

The ILO Guidelines on Decent Work in Public Emergency Services were adopted by a Meeting of Experts held in Geneva from 16 to 20 April 2018.<sup>5</sup> The guideline has included some of the major rights of health workers to be ensured during public emergencies.

Assuring the occupational safety of workers, ILO has stated that in the case of communicable diseases, workers shall receive compensation including when they are quarantined if the exposure and infection to the disease are work-related. The workers must be given protection against the diseases while responding to the sick.

Regarding the personal protective equipment, the guideline has stated that the workers shall obtain adequate PPE with necessary repair and replacement at no cost to the workers. In addition, the PPE should meet technical standards set by the authority. The workers should also be accustomed to the use of such PPE.

## 3. Rights ensured by Occupation Health Services 1985 (no.171):

Paragraph 5, subparagraph 1 of the Occupation Health Services, 1985 states that the surveillance of the working environment should include identification and evaluation of environmental factors that may affect the worker's health, assessment of conditions of occupational hygiene and factors in organization of work which may give risks for health of workers, assessment of collective and personal protective equipment.

Paragraph 19 states that occupational health services should organize various programs for information, education and training on health and hygiene to the health workers.

Similarly, Paragraph 28 states that occupational health services should analyze the surveillance of the working environment and worker's health in order to propose measures for improving the working condition.

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<sup>5</sup> "Guidelines on decent work in public emergency services" (International Labor Organization, 2019) <[https://www.ilo.org/wcmsp5/groups/public/---ed\\_dialogue/---sector/documents/normativeinstrument/wcms\\_626551.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_dialogue/---sector/documents/normativeinstrument/wcms_626551.pdf) > accessed 22nd July 2020

#### 4. Nursing Personnel Convention, 1977(No.149)

In its article 7, Nursing Personnel Convention, 1977 has stated that member states should, if necessary, attempt to improve existing laws and regulations on occupational health and safety by adapting them to the special nature of nursing work and of the environment in which it is carried out.<sup>6</sup>

As mentioned above, we can see several international documents which have provisions regarding the protection of Health care workers. The ILO's guideline assures that health workers' rights are protected during such public emergencies. Such rights include, right to compensation if health workers get infected with diseases that are work related which is essential as they risk their lives for the job. Likewise, occupational health services 1985 has prioritized the importance of surveillance of working conditions and health care workers for better working environment during health emergencies. Similarly, the Nursing Personnel Convention urges member states to improve laws on occupational health. The guidelines provided by WHO gives a clear direction for health workers to work safely during this pandemic. It has included all the aspects needed to protect health care workers such as provision of PPE kits, appropriate work hours, required trainings to accommodate with the situation, rehabilitation and mental health care services, safety from violation and so on. Therefore, it can be noted that there have been laws that protect the rights and occupational safety of health workers.

#### **THE CURRENT SITUATION OF HEALTH WORKERS**

While we list out the rights ensured, it is also crucial to shed some light towards the current situation of health workers. As we know, health workers are the most vulnerable group during this pandemic, every possible measure must be taken to safeguard them as well as their rights. According to some scholars, the world was not prepared for COVID-19 outbreak but now it has been almost about 6 months and still the situation seems to be worsening day after day especially for the frontline health workers.

Although WHO had already warned about the shortage of personal protection equipment (PPE) and requested the industries to increase its production by 40%, there has been a significant crisis of PPE which directly puts health workers at high risk. The lack of PPE will also increase the risk

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<sup>6</sup> Nursing Personnel Convention, 1977 (No. 149), (adopted 21 June 1977, entered into force 11 July 1979) Art 7 <[https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100\\_INSTRUMENT\\_ID:312294](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_INSTRUMENT_ID:312294)> accessed 22nd July 2020

of patient-to-patient transmission as health workers will be obliged to use the same equipment instead of disposing of it timely. In the report of a survey carried out by Amnesty International, almost all of the 63 countries and territories from which they had gathered the information had faced the shortage of PPE for health workers.<sup>7</sup> The governments around the world have failed to equip them with adequate PPE. Furthermore, Lahore High Court in Pakistan dismissed the claims of the petitioner demanding the provision of PPE Kits to all the health professionals engaged in combating COVID-19.<sup>8</sup>

Similarly, health workers in Russia faced retaliation from managers and law enforcement for speaking up about unsafe working conditions due to scarce PPE.<sup>9</sup> Few pictures of health workers using garbage bags and raincoats as PPE went viral all over the internet. Some workers even claimed to be using their own salary to buy PPE kits as authorities failed to provide them with it. The World Health Organization had announced that over 10% of global infections are accounted for by health care workers but still the recklessness and inefficiency of governments, even that of a developed country, is causing an unexpected hike of new cases amongst health care workers.<sup>10</sup> The scarcity of PPE is also caused due to trade restrictions of various countries. As per World Trade Organization's report, even European Union and Eurasian Economic Union had either banned or restricted export of PPE or raw materials required to manufacture it to some extent.

The health care workers are not themselves immune to the psychological consequences of the pandemic.<sup>11</sup> As often as we point our focus on physical health, we tend to neglect the importance of mental health. During this pandemic, many variables such as long exhausting work hours, stress, ongoing violence on health workers and so on contributed in degrading the mental health of healthcare workers. In a research carried out from 20 hospitals in Wuhan, 7 hospitals in other regions of Hubei province and 7 hospitals from other provinces (total 1257 health workers),

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<sup>7</sup> 'Expose, silenced, attacked: Failures to protect health and essential workers during the Covid-19 pandemic' (Amnesty International, July 2020) <<https://www.amnesty.org/download/Documents/POL4025722020ENGLISH.PDF> > accessed 19th June 2020

<sup>8</sup> Ibid (7) accessed 19th June 2020

<sup>9</sup> 'Russia: Health Workers Face Retaliation for Speaking Out' ( Human Rights Watch, June 15 2020) <<https://www.hrw.org/news/2020/06/15/russia-health-workers-face-retaliation-speaking-out#> > accessed 24th June 2020

<sup>10</sup> 'Coronavirus latest: WHO says health workers account for 10% of global infections' *DW, made for mind*, (Berlin ,17 July 2020) <<https://www.dw.com/en/coronavirus-latest-who-says-health-workers-account-for-10-of-global-infections/a-54208221> > accessed 23 July 2020

<sup>11</sup> Mamidipalli Sai Spoorthy, Sree Karthik Pratapa et. al, 'Mental Health Problems faced by healthcare workers due to the COVID-19 Pandemic ', (2020) Elsevier Public Health Emergency Collection <<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7175897/>> accessed 27th June 2020

50.04% reported symptoms of depression, 44.6% of them of anxiety, 34.0% of insomnia and 71.5% reported distress.<sup>12</sup>

According to a research carried out in Nepal among 475 health workers in public and private institutions, 41.9% faced some kind of anxiety, 37.5% had some form of depression, and 33.9% of the health workers went through some forms of insomnia.<sup>13</sup> Most of them even expressed fear of being infected with COVID-19.

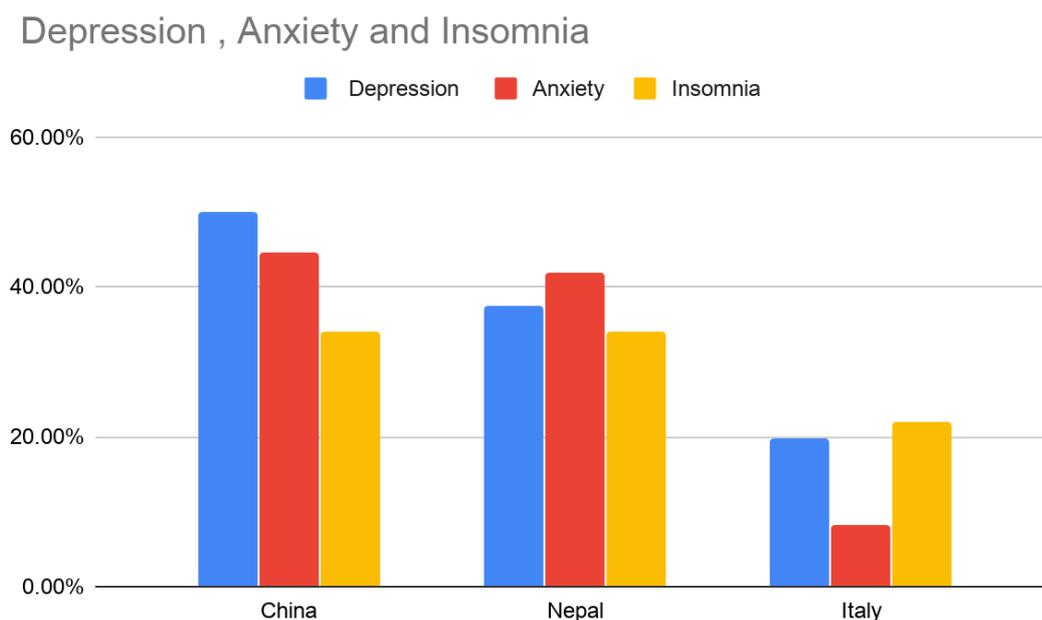


Table 1: Data regarding mental health issues

Amidst the ongoing fear of covid-19, the health workers have become the unexpected target. The health workers have been facing different forms of aggression since the starting of the pandemic. Amnesty International has recorded several cases in which health workers have undergone violence. A nurse in Mexico was drenched with chlorine while she was walking on the street. In the Philippines, a hospital utility worker was poured with bleach on their face.<sup>14</sup> Yemeni Doctors daily face death threats, intimidation and violence while working as frontline workers during the

<sup>12</sup> Ibid

<sup>13</sup> Prithak Khanal, Navin Devkota et.al, 'Mental health status among health workers in Nepal during COVID-19 pandemic' (2020) <<https://drive.google.com/file/d/1MuYAT9VhgAtCfu0riqLC7DUEWgx4ioLx/view>> accessed 13th July 2020

<sup>14</sup> Amnesty International (n, 7)

pandemic. A medical officer in Lahore, Dr. Amara Khalid wrote in her Facebook post that she and her husband were mobbed by 25 people while she was working on an overnight shift. As there was no security in the hospital, she along with five workers had to defend themselves eventually calling for help.<sup>15</sup>

Every person should be assured they are safe while they are doing their job. At this very time, the ones who are devoting their all to save us are facing such issues which show us the reality of our world on how the people are not respecting the health workers. These issues clearly raise a question on the right of health workers regarding the right regarding the right to live with dignity which is a human right. Many nurses in Mexico stopped wearing their uniforms during their duty due to the threat of violence, the Australian health care workers have been told not to wear their scrubs in public anymore.<sup>16</sup> Similarly, in Oklahoma, a nurse was attacked on her way to her to the hospital. According to the officials, the alleged perpetrator believed that the nurse was exposing the community to COVID-19.<sup>17</sup> Also, in India, a Chennai doctor, Simon Hercules died of covid-19 on April 19 and he was denied basic dignity even at the time of his death as mob attacked his friends and family with rod and sticks when they were transporting his body to burial ground.<sup>18</sup> In Pakistan, incidents such as verbally or physically abusing physician and hospital staff have occurred at hospitals, mostly government-owned facilities, in addition to vandalizing hospital property.<sup>19</sup> The World Medical Association issued a declaration that condemned more than 200 incidents of COVID-19 related attacks on healthcare workers and health facilities during the ongoing pandemic.<sup>20</sup>

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<sup>15</sup> Malaka Gharib, 'I will kill you: Health care workers face rising attacks amid COVID-19 outbreak', (*npr*, 29th June 2020) <<https://www.npr.org/sections/goatsandsoda/2020/06/29/883573061/i-will-kill-you-health-care-workers-face-rising-attacks-amid-covid-19>> accessed on 13th January 2021

<sup>16</sup> Hilary Brueck, 'WHO: Healthcare workers are being attacked with rocks and bleach for treating coronavirus patients. Some have stopped wearing uniforms to stay safe' (Business Insider, May 14, 2020) <<https://www.businessinsider.com/healthcare-workers-treating-coronavirus-assaulted-left-homeless-bleached-2020-5>> accessed 2nd July 2020

<sup>17</sup> Tara Gibson, 'Health workers have become targets of violence amid COVID-19' (*Rave mobile safety*, 11th August 2020) <<https://www.ravemobilesafety.com/blog/health-workers-have-become-targets-of-violence-amid-covid-19>> accessed 13th January 2021

<sup>18</sup> Siddharth Kapila, 'Doctors deserve dignity, security as they risk their lives during the pandemic' *The Indian Express* (29 April 2020) <<https://indianexpress.com/article/opinion/columns/coronavirus-lockdown-doctors-safety-healthcare-workers-attacked-siddharth-kapila-6383707/>> accessed 31st July 2020

<sup>19</sup> Russell Seth Martins, et.al, 'Violence against health care workers in Pakistan during COVID-19 pandemic' (*Jama network*, 19 October 2020) <<https://jamanetwork.com/channels/health-forum/fullarticle/2772156>> accessed on 13 January 2021

<sup>20</sup> Sanjeet Bagcchi, 'Stigma during the COVID-19 Pandemic' (2020) Elsevier Public Health Emergency Collection <<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7314449/>> accessed 14th July 2020

Health workers are the most important category of people during the pandemic but they are often undervalued for their indelible sacrifices. They even work for long hours risking their own health with a constant fear of being infected. Recently, in Delhi doctors threatened an en masse resignation quoting the non-payment of salary since the past three months. But soon after, the supreme court of India asked chief secretaries of all states and union territories to ensure mandatory payment to the health workers and non-compliance would amount to an offense.<sup>21</sup> In few countries of Africa such as Sierra Leone, Kenya and Zimbabwe, health professionals who were paid \$30 a month went down the streets to protest against their working conditions.<sup>22</sup>

However, doctors and nurses are often paid a high amount. But, other health workers such as nursing assistants, housekeepers and medical assistants are not well paid for their work. For instance, the Ghana government introduced certain benefits for frontline workers such as increased remuneration but certain workers involved in the disinfection, isolation and burial of the bodies of persons who died because of COVID-19 were not provided with such benefits.<sup>23</sup> On top of that, they have been working continuously without a fixed schedule or breaks. While several laws have provided the protection for rights of health workers, the current situation of health workers provides a clear picture on how the health workers are being ill-treated.

## **DISCUSSION**

With the ongoing pandemic, it is non-debatable that the rights of health workers should be ensured. The specialized agencies as well as the international laws have not failed to address the rights of health care workers. The guidelines provided by WHO, ILO and other documents have already been discussed. We can also take account of human rights documents like the United Declaration of Human Rights and international conventions like the International Convention of Economic, Social and Cultural Rights which have stated rights of workers.

The Universal Declaration of Human Rights in Article 1 states that, “All human beings are born free and equal in dignity and rights and they are endowed with reason and conscience and should

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<sup>21</sup> Apoorva Mandhani , ‘Non-payment of salary to healthcare workers will now be an offence, Centre tells SC’ *The Print*, (17 June, 2020) <<https://theprint.in/judiciary/non-payment-of-salary-to-healthcare-workers-will-now-be-an-offence-centre-tells-sc/443132/>> accessed 29th June 2020

<sup>22</sup> Gloria Pallares, ‘Financial incentives for frontline health workers’(*Devex*, 30th October 2020) < <https://www.devex.com/news/financial-incentives-for-frontline-health-workers-98447>> accessed January 13, 2020

<sup>23</sup> K Darko, ‘Environmental health workers unhappy with exclusion from Covid-19 stimulus package’, (*MyJoy Online*, 11 May 2020), <<https://www.myjoyonline.com/news/national/environmental-health-workers-unhappy-with-exclusion-from-covid-19-stimulus-package/>>accessed 12th July 2020

act towards one other in a spirit of brotherhood.”<sup>24</sup>UDHR in its article 24 states that “Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.”<sup>25</sup> Similarly, ICESCR has ensured everyone’s right to health, so it is erroneous to neglect the right to health of health care workers. Furthermore, Article 7 of ICESCR has ensured the rights to fair wages and equal remunerations, safe and healthy working conditions and reasonable limitation of working hours.<sup>26</sup>

General comment 61 of ICESCR has provisioned that states should adopt positive measures to assist workers by enforcing laws, regulation and policies such as laws on occupational safety and health, insurance coverage and minimum standards for rest, leisure, and limitations on working hours.<sup>27</sup>The Committee on Economic, Social and Cultural Rights even issued a statement on 7th April, 2020 stating that countries should be taking into consideration their international human rights obligation even during COVID-19 pandemic.<sup>28</sup>

Taking into consideration the fact that human rights are inherent to all the human beings , we must bring our attention to whether the rights of health workers are protected or not. Human rights are rights which are possessed by every human being, irrespective of his/her nationality, race, religion, sex, etc., simply because of the fact that he or she is a human being.<sup>29</sup>However, human rights law also recognizes restriction of certain rights during public health emergencies such as freedom of movement of the people in quarantine. However, that doesn't mean that health worker’s right to safety, remuneration and health can be compromised since it still counts as violation of human rights.

The chief Executive director of WHO Health Emergencies Programme, Michael J. Ryan said that health workers have always been mine’s canary in epidemic response, particularly in areas that

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<sup>24</sup> Universal Declaration of Human Rights (adopted 10 December 1948 UNGA Res 217 A(III) (UDHR) <<https://www.un.org/en/universal-declaration-human-rights/> > accessed 25th July 2020

<sup>25</sup> Ibid

<sup>26</sup> ‘International Covenant on Economic, Social and Cultural Rights’, ( adopted 16 Decemeber,1966, entered into force 3 January 1976)<<https://www.ohchr.org/en/professionalinterest/pages/cescr.aspx> >accessed 25th July 2020

<sup>27</sup> UN Committee on Economic, Social and Cultural Rights (CESCR), *General comment No. 61 (2016) on the right to just and favourable conditions of work (article 7 of the International Covenant on Economic, Social and Cultural Rights)*, 7 April 2016, E/C.12/GC/61, <<https://www.refworld.org/docid/5550a0b14.html>> accessed 13 January 2021

<sup>28</sup> ‘New Statement by the Committee on Economic, Social and Cultural rights on COVID-19 and esc Rights’, (*The Global Initiative for Economic, Social and Cultural Rights*,7 April 2020) <<https://www.gi-escr.org/latest-news/new-statement-by-the-committee-on-economic-social-and-cultural-rights-on-covid-19-and-esc-rights> >accessed 25th July 2020

<sup>29</sup> Dr S.K. Kapoor, *International Law Human Rights* (17th Edition , Central Law Agency, Allahabad)

don't have proper surveillance systems<sup>30</sup>. 14% of the covid-19 cases in Spain consist of health care workers who were not provided with sufficient protection.<sup>31</sup> Looking at the current situation of health workers as have discussed before, it is safe to say that the rights ensured by specialized agencies and international laws have not come into effect.

Nevertheless, we can also see examples of countries trying to protect the rights of their health workers. In India, The Epidemic Diseases (Amendment) Ordinance, 2020 was promulgated on April 22, 2020. It was passed to amend some provisions of the Epidemic Diseases Act, 1897. The sole motive to pass this was to protect the health workers during this vulnerable time. The ordinance specifies that no person can commit or abet the commission of an act of violence against health service personnel or abet or cause damage or loss to any property during an epidemic. Anyone who violates this would be liable with imprisonment between three months to five years, and a fine between fifty thousand rupees to two lakh rupees.<sup>32</sup> If the act against health service personnel causes any grievous harm, the offender would be liable with imprisonment between two months to seven years and fine between one lakh rupees to five lakh rupees.<sup>33</sup> The Asian Development Bank along with British Medical Journal (BMJ) has launched a new Online coronavirus disease(COVID-19) Information Centre. The online website provides healthcare professionals free and convenient access to the evidence-based guidelines and tools for the diagnosis, management and prevention of COVID-19.<sup>34</sup>

Several associations like World Medical Association, International Council of Nurses, and World Health Professional Alliance have come forward in solidarity for health workers all around the world. The associations are calling on governments to help their frontline workers in any way they can, but especially through providing PPE.<sup>35</sup> They are also concerned about the physical and

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<sup>30</sup> 'What's needed now to protect health workers :WHO COVID-19 Briefing'(World Economic Forum , 10 April 2020) <<https://www.weforum.org/agenda/2020/04/10-april-who-briefing-health-workers-covid-19-ppe-training/>> accessed 20th July 2020

<sup>31</sup> Deborah Berkowitz , 'Workers Safety and Health during COVID-19 Pandemic: Rights and Resources'(National Employment Law Project, 9 April 2020) <<https://www.nelp.org/publication/worker-safety-health-during-covid-19-pandemic-rights-resources/>>accessed 18th June 2020

<sup>32</sup> 'The Epidemic Diseases(Amendment)ordinance 2020', (PRS legislative research, 20th April 2020) <<https://www.prsindia.org/billtrack/epidemic-diseases-amendment-ordinance-2020>> accessed 20th July 2020

<sup>33</sup> Ibid.

<sup>34</sup> 'ABD partners with BMJ on new COVID-19 guidelines for health workers'(Asian development bank, 10 November 2020)<<https://www.adb.org/news/adb-partners-bmj-new-covid-19-guidelines-health-workers>> accessed 13 January 2021.

<sup>35</sup> 'World Health Professionals calling governments to prioritise support for healthcare workers in the frontline against coronavirus', (World Medical association, 4th March 2020) <<https://www.wma.net/news-post/world-health-professionals-calling-governments-to-prioritise-support-for-healthcare-workers-in-the-front-line-against-coronavirus/>> accessed 2nd August 2020

mental health of health workers which is why they are calling on governments to ensure that health workers do get adequate breaks, time off and support services for their mental health.

The foremost lesson we need to learn from previous pandemics and epidemics is to have a level of baseline preparedness for possible health emergencies like COVID-19 but we have failed to do so in many ways. During the Spanish flu, the situation was catastrophic due to the lack of medical advancement and insufficient health care workers. Similarly, during the Ebola outbreak, health workers became overburdened with patients and the resources needed to protect healthcare workers became insufficient and by the end of the outbreak, over 50% of the infected healthcare workers died and among the ones who survived, the majority experienced post-traumatic stress disorder.<sup>36</sup> According to Sokol, delineating the limits of the duty of care may prevent large numbers of doctors from abandoning their patients in a severe crisis, which has happened during several of the historical pandemics.<sup>37</sup> Health workers have an ethical and legal obligation to perform their duties but if their rights are not protected then it will reduce health care worker's willingness to work. Therefore, we must not let history repeat itself. The health workers are working relentlessly to protect us so it should be ensured that they are protected as well. In order to ensure the rights of our health workers during this pandemic, certain measures should be adopted. While adopting the measures to protect health workers during this pandemic, due account must be given to the measures to be adopted after the pandemic as well.

## **MEASURES TO PROTECT HEALTH WORKERS DURING THE PANDEMIC:**

### **1. Clear Information Transmission**

The foremost thing that needs to be done is the transmission of information to the health workers. The information regarding how the disease is transmitted, the guidelines they could follow during this time and measures to prevent it should be given to the health workers as fast as possible. By doing this, they would have clear information about how they can deal with this and will feel safe. Misinformation regarding COVID-19 should not be spread through the general public as it can cause stigma or distrust towards the health workers.

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<sup>36</sup> Dr. Anne Selikowitz, 'Mental health challenges for healthcare workers during the COVID-19 Pandemic- Impact and Management Strategies' (*Psychscene Hub*, 1 April 2020) <<https://psychscenehub.com/psychinsights/mental-health-challenges-healthcare-workers-during-covid-19-pandemic-management-strategies/>> accessed 28th June 2020

<sup>37</sup> I. Pahlman, H. Tohmo, et.al, 'Pandemic Influenza: Human Rights, Ethics and Duty to treat'[2009], 54(9-15), *The Acta Anaesthesiologica Scandinavica Foundation* <<https://onlinelibrary.wiley.com/doi/pdf/10.1111/j.1399-6576.2009.02163.x>> accessed 22nd July 2020

## 2. Protection of mental health

The outbreak of COVID-19 pandemic has generated a very high demand of health care personnel since its inception which has posed a severe pressure onto them. The health care workers constantly have to live in fear of either being infected or transmitting virus to their household which has caused them a great amount of stress, frustration, anxiety and depressive disorders. In addition, unmanaged work schedule, non-payment of salary, lack of technical support and death of medical colleagues can make them prone to mental trauma. Psychological distress often hinders health workers' ability to provide safe, timely and effective care, while leaving a long-term effect on their mental health.<sup>38</sup> Hence, it is vital to safeguard their mental health by planning and executing psychological support even after the pandemic. Certain initiatives should be adopted to protect them from societal stigma. Providing the health workers with counseling would be best to protect their mental health.

## 3. Monitoring the work hours

The sudden demand for health workers since the outbreak of COVID-19 has created numerous problems. Out of those problems, excessive workload seems to be the most onerous one. Such work load is likely to create frustrations and stress leading to inefficiency and lack of motivation which is why managing work hours for their benefit is a must. Macro ergonomics, which is a field of science that provides necessary knowledge to improve the work system should be considered and prioritized to improve effectiveness and productivity of health workers. Providing them with sufficient leisure time to rest and regenerate their energy could be a smart decision. As well as recruiting more volunteers such as retired health personnel and the military can abate their extra burden at the work space. Health care workers, who are more likely to be exposed to health hazards, should be provided with premium pay, as compensation for the additional risks they are taking.<sup>39</sup> They should not just be paid a basic salary but compensations for overtime as well as hazard allowances as it can motivate them to work efficiently. Telemedicine could also be used in current scenarios as it limits social interaction but helps to monitor patients at the same time.

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<sup>38</sup> R. Armitage, L.B Nellums, 'Protecting health worker's mental health during COVID-19'(2020) Elsevier Public Health Emergency Collection <<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7260550/>> accessed 26th July 2020

<sup>39</sup> 'Employer best practices: Policies to support workers during the coronavirus pandemic', (National partnership for women and families, May 2020) <<https://www.nationalpartnership.org/our-work/resources/economic-justice/employer-best-practices-support-workers-during-coronavirus.pdf>> accessed 26th July 2020

#### 4. Provision of protective equipment and regular testing

The safety of health workers is the utmost important thing that we need to look upon. The safety of patients is unattainable without assuring the safety of doctors. It must be made sure that Personal Protective Equipment is provided to all the health workers. The pictures of health workers using garbage bags as PPE have gone rounds on the internet. To protect health workers during a pandemic, PPE must be provided to them. The government must come up with incentives for industry to increase the manufacture of PPE. There should be substantial investment in the health sector for occupational safety of the health workers. It should also be made sure that the funds for health care are being used rationally. Not only that, they must be tested regularly for covid-19 to ensure the safety of health workers as well as safety of patients.

#### 5. Protection from violence

The news of health workers being attacked and their occupation safety not being ensured took rounds even before the pandemic so it isn't new that incidents like such are happening in the present time. However, incidents like such during the pandemic puts additional stress on the health workers. It places a negative impact on not only their physical well-being or mental health but also on their motivation to work better. Health workers risk their lives to help others and the last thing they would want to experience is being treated with suspicion and hatred. Therefore, all security measures must be taken to prevent violence against health workers. Sometimes, rumors get outspread which may create a situation of rage towards the health workers. Hence, everyone should ensure that no misinformation gets spread and for which people should rely on the information provided from a reputable source in order to avoid unwanted violence against the health workers. Also, reprisal towards the health workers for their protest regarding inadequate PPE and other facilities is also a violation of their freedom of speech and expression.

### RIGHTS OF HEALTH WORKERS AFTER THE PANDEMIC

Pandemic cannot be predicted but in an era like this where global trade is common, there must be preparedness for any medical emergencies and outbreaks that may arise. WHO has estimated a projected deficit of 18 million health workers by 2030, mostly in low and lower-middle income countries.<sup>40</sup> If the rights of health workers are not protected during and after the pandemic, the health sector can have a significant downfall as people will lose faith in the ignorant authorities

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<sup>40</sup> 'Health Workforce' (*World Health Organization*) <[https://www.who.int/health-topics/health-workforce#tab=tab\\_1](https://www.who.int/health-topics/health-workforce#tab=tab_1)> accessed 15th July 2020

who have failed to provide health workers rights. Such possible lack of health care workers must be prevented. In order to do so, low income or low-middle income countries should plan to invest in health sectors and enforce laws to achieve those goals.

The experience of dealing with the pandemic could be traumatizing. Also among other professions, health workers are more likely to be depressed and suicidal so the pandemic can leave a longer impact in their respective lives. The previous pandemics have taught us a lesson that many health workers could be dealing with post-traumatic stress disorder after the pandemic. Hence, the health workers should be provided with regular counseling even after the pandemic ends. The countries which are state parties to international treaties like UDHR, ICCPR and ICESCR are obliged to protect the fundamental rights of their health workers. ICESCR provisions that the governments should create circumstances that would guarantee all the medical service and medical attention in need of sickness<sup>41</sup> which is why refraining from the duty especially in the time of pandemic and even after the pandemic is unacceptable in the part of the government.

There is going to be a global chaos as the world faces a financial crisis. This can also impact on the health care sector to a greater extent. Hence, it is very important to restructure the entire health system so as to help it function effectively even during an economic shortfall. The governments should introduce social security and insurance schemes for the health workers as they are likely to lose their jobs due to occupational diseases. Most countries have taken lockdown or even curfew as a means to control the spread of the virus. During such times, people are likely to adopt an unhealthy lifestyle and may even face mental health issues which in turn require a properly functioning health care system. The health care facilities should be structured in the best interest of people. The health care system will have a very long term impact even after the end of the pandemic which is why the government's role is vital in alleviating such consequences.

## **CONCLUSION**

Bill Gates had once said, “The fact that there was no catastrophic pandemic in recent history doesn’t mean there won’t be one and we are certainly not prepared for the next pandemic.” He made this statement in a program called TED talk in 2015.<sup>42</sup> After 5 years of making the statement, the world is facing a deadliest COVID-19 pandemic which the world was certainly not prepared

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<sup>41</sup> ‘International standards’, (United Nations Human Rights office of the high commissioner) <<https://www.ohchr.org/EN/Issues/Health/Pages/InternationalStandards.aspx> > accessed 30th July 2020

<sup>42</sup> Paul Rogers, ‘Coronavirus: Bill Gates predicted pandemic in 2015’ *The mercury news* (San Jose, 25 March 2020) <<https://www.mercurynews.com/2020/03/25/coronavirus-bill-gates-predicted-pandemic-in-2015/>> accessed 31st July 2020

for. One of the major issues the world is dealing with is lack of proper management during this crisis. It has already been discussed in the paper about the violation of rights of the health workers and what can be done to ensure that their rights are being protected during the pandemic and even after the pandemic. We do not need a pandemic to make sure that the rights of our health workers are ensured. Health workers are one of the most integral parts of any state in terms of workforce which is why it must be made sure that the rights of health workers are protected at all times. During a pandemic, this becomes even more crucial as they have to work even when they are more vulnerable and open to risky situations. Hence, their safety and other rights should be of prime importance. Governments and health organizations should scrutinize the risks and make better policies to facilitate the rights of health workers as without protecting them, it is impractical to fight the pandemic. Even after the pandemic, health workers will remain vulnerable as they have to face psychological, sociological, economical and even physical obstacles. So to prevent such factors from affecting them, concerned authorities should remain prepared.