

LABOR MANAGEMENT PROCEDURES

1. OVERVIEW OF LABOR USE ON THE PROJECT

The Project Development Objective is to strengthen the capacity of providers to deliver psychosocial services in the three conflict-affected provinces of the Deep South of Thailand and design modalities for integrating these services with livelihoods support for the sustained socio-economic well-being of the victims of trauma. ThaiHealth Academy will provide a series of first aid psychosocial trainings to four target audiences: school psychological counselors in all three provinces (30 persons); NGOs working to support traumatized women and children (30 persons); community health volunteers (30 persons); and NGOs working to support ex-combatants and ex-detainees (30 persons).

The Project will be carried out under the responsibility of the Project Advisory Committee (PAC) to provide overall guidance to the Project. The stakeholders who may have a possibility to be involved or related to the project on implementation of the Project and/or may have an interest in the Project. This group mainly includes governmental entities such as Mental Health Department 12 Pattani province, Department of Mental Health, and Ministry of Public Health. To support the operations, the Project will select and recruit direct workers to optimize the project operation. Given the nature of the Project and the required qualifications of the workers, it is expected that the pool of workers will be from Thailand.

Number of Project Workers:

PD, PA, PM, PC and the direct supporting staff as well as Consultants estimated at approximately eight people.

- (One) Program Director
- (One) Program Advisor
- (One) Program Manager
- (One) Academic Project Coordinator
- (One) Field Project Support
- (One) Financial staff support
- (One) Procurement staff support
- (One) Communication officer

There will be five individual consultancy positions that will be contracted by Executing Agency (EA).

- Trainer 1
- Trainer 2
- Training Module Facilitator 1
- Training Module Facilitator 2
- Training Module Facilitator 3

Contracted workers

It is estimated that there will be six firms that will be contracted by EA, namely:

- Training Modules Development
- Program Monitor and Evaluation Consultant
- External Auditor
- In Field Training Production and Photographer
- International Workshop Production and Photographer
- Web Development

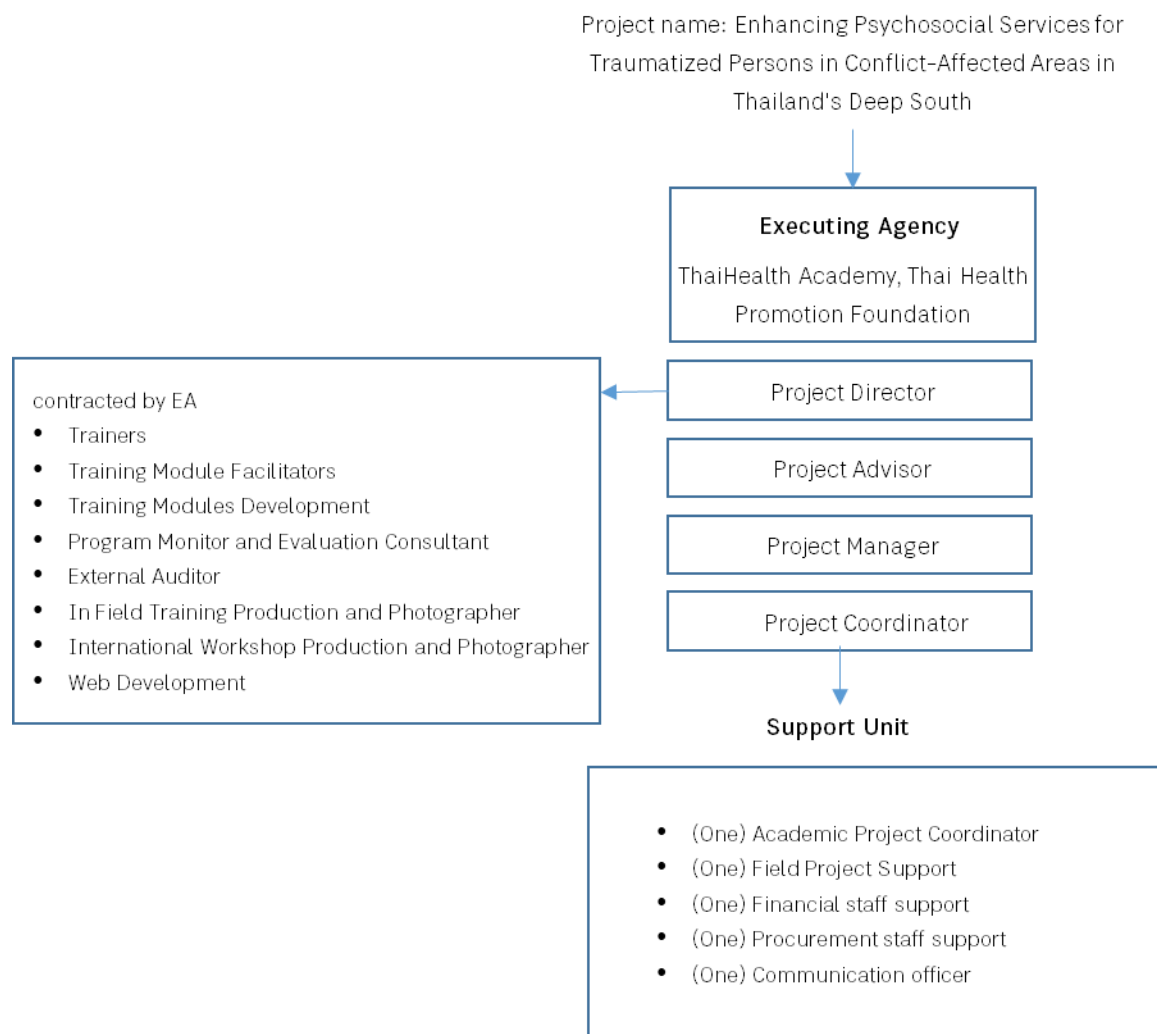
Taking into account, the nature of the Project, all labor are those who have met the competencies or expertise required for the Project. In accordance with the Labor Protection Act B.E. 2541 (1998), an Employer shall not employ a child under fifteen years of age as an Employee. Referring to the Labor Protection Act B.E. 2541 (1998), every worker has the right to receive equal treatment without discrimination and with equal opportunity.

The project will be subject to and comply with Thai laws and regulations, such that there is no discrimination in relation to all aspects of employment, such as recruitment, wages, working conditions and conditions of employment, access to social security schemes, and training and termination of employment.

The following steps will be followed to ensure fair treatment for all workers:

- Recruitment procedures will be transparent, open and non-discriminatory and open in relation to ethnicity, religion, sexuality, disability or gender;
- Applications for jobs will only be considered if submitted through an official application procedure established by the EA;
- A clear job description will be given before recruitment and will explain the skills required for each position /job;
- All workers will have a written contract that explains the working conditions and the contents of such contract shall be explained to the workers upon their hiring;
- Fair and equal remuneration regardless of gender which means rates of remuneration shall be established without discrimination based on gender or sex;
- As a general principle, the fees payable to a consultant or individual contractor shall be the minimum amount necessary to obtain the desired outcome or services required by the Organization. The fees payable will be guided by applicable market rates for the type, quality, complexity and volume of services required as clearly described in the Terms of Reference. The level of education and number of years of experience required shall also be determinant factors for fees.

The Project Management Structure



2. ASSESSMENT OF KEY POTENTIAL LABOR RISKS

The Enhancing Psychosocial Services for Traumatized Persons in Conflict-Affected Areas in Thailand's Deep South Project will be organized at 3 provinces Deep South of Thailand. The project to be implemented consists of three components:

Component I:

Enhancing the capacity of the network of frontline psychosocial service practitioners

Component II:

Exploring approaches to integrate psychosocial services and livelihood support to promote economic, mental health, and psychosocial well-being

Component III:

Project Management, Monitoring and Evaluation and Knowledge Sharing

Key Labor Risks:

Looking at the nature of the Project, there is no potential significant risk or incidents expected from the project activities which will have significant adverse effects on communities or workers. Despite, this workers will be exposed to and trained on occupational health and safety.

The available labor will be provided a general understanding of the implementation of occupational health and safety requirements and will be guided and oriented to avoid each of the following risks:

- gender-based violence;
- Possible accidents or emergencies, with reference to the sector or locality.

3. BRIEF OVERVIEW OF LABOR LEGISLATION: TERMS AND CONDITIONS

The terms and conditions in the Labor Protection Act B.E. 2541 (1998) are consistent with the World Bank's Environmental and Social Standards concerning Labor and Working Conditions.

The main principles that apply to this project are:

- Promotion of fair treatment, nondiscrimination, and equal opportunities for workers;
- Prevention of the use of all forms of forced labor and child labor;
- Freedom of association and collective bargaining ;
- Access to raise and submit complaints.

Working conditions and management of worker relationships

Laws relating to working conditions and management of worker relationships include the Labor Protection Act B.E. 2541 (1998), Social Security Act, B.E. 2533 (1990), and Workmen's Compensation Act (1994). Labor Protection Act No. 7/2017 cover wages, compensation, leave, holiday and overtime pay, employment of women and children, work health and safety, and complaint procedures. Labor Relations Act regulates conflicts arising between employers and employees by establishing procedures for labor negotiations.

Social Security Act consists of seven kinds of compensation benefits: non-work-related injury or sickness of employees, maternity, disability, death, child welfare, old age and unemployment.

1. Terms and conditions of employment
 - a. Hours of work, wages, overtime, compensation and benefit:
 - i. Hours of work: Not to exceed 8 hours per day and the total working time per week shall not exceed 48 hours. For work hazardous work, normal working time shall not exceed 7 hours/day and 42 hours/week.
 - ii. Wages: Provisions on equal wages for male and female, leave payment, overtime wage on Working Day and Holiday, minimum wage rate. Employer is not allowed to pay wages to an employee at a rate less than the Minimum Wage Rate set by Wage Management Board¹.
 - iii. Overtime work shall be paid at a rate of not less than one and a half times of the hourly wage rate of a Working Day.
 - iv. Protection of employee from wage deductions.
 - b. Periods of rest, annual holiday and sick, maternity leave
 - i. Periods of rest not less than one 1 hour/day
 - ii. Weekly holiday not less than 1 day/week
 - iii. Annual holiday Not less than 10 traditional holidays/year.
 - iv. Employee is entitled to sick leave, business leave, sterilization leave, military service leave, maternity leave, and training leave.
 - c. Health Care Coverage
 - i. Refer the Social Security Work under Social Security Act, B.E. 2533 (1990) - Social security schemes by government, including employment injury, medical care and sickness benefit schemes with Section 39 under the Social Security Officer or Gold card or 30-baht scheme, a Thai healthcare programs that provide universal health care to the country's citizens. Additional for PD, PA, PM, PC and the direct supporting staff, the social security schemes coverage, including employment injury, medical care and sickness benefit schemes with insurance packages from organization.
 - d. Receive written notice of termination
 - i. Chapter 11 stipulates the entitlement of employees to severance payments and notification of termination in due time.
2. Nondiscrimination and equal opportunity
 - a. Labor Protection Act addresses some of the fundamental issues concerning discrimination to protect employees from unfair and unequal treatment due to distinctive features. Such features include gender, age, physical or mental handicaps, race or national origin, and religion.
3. Worker's organizations
 - a. Labor Relations Act contains provisions on collective bargaining and worker participation. All unions must be registered with the proper authority, and members must exclusively be a part of only one union. A proper union will possess the right to consult with the employer to gain better work rights for employees.

Protecting the work force

1. Child labor and minimum age

¹ Unofficial translation of 'คณะกรรมการค่าจ้าง' in Thai

- a. Chapter 4 of the Labor Protection Act is dedicated to the employment of young workers. Section 44 prohibits the employment of children under fifteen. Employment of children above 15 but under 18 is subject to certain compliances.

2. Grievance Redress Mechanism (GRM)

The GRM will also cater to grievances or complaints related to other work-related issues such as GBV, working conditions and team dynamics.

The GRM shall be handled by the Project Manager of Thai Health Promotion Foundation by ThaiHealth Academy. Then the Project manager will consult with project director to verify and resolve the complaints.

The grievance mechanism will be introduced and explained to all consultants before the signing of the contract as well as to the supporting staffs.

The grievance mechanism procedure will be based on the following principles:

- The process will be transparent and allow workers to express their concerns and file the grievances.
- There will be no discrimination against those who express grievances and all grievances will be treated confidentially.
- The Project Director will treat complaints seriously and take quick action and provide appropriate response.

4. BRIEF OVERVIEW OF LABOR LEGISLATION: OCCUPATIONAL HEALTH AND SAFETY

This section sets out the key aspects of the national labor legislation with regards to occupational health and safety, and how national legislation applies to the different categories of workers identified in Section 1. The overview focuses on legislation which relates to the items set out in ESS2, paragraphs 24 to 30.

Occupational Safety, Health, and Environment Act requires employers to provide and keep safe hygienic working conditions and environment, including preventing harm to employees' lives, physique, mentality and health.

1.The employer will conduct hazard assessment, study on impact of working environments, and prepare operation plan on occupational safety, health and environment and supervisory plans.

2.Employers are obligated to provide appropriate protective gear and to take other measures to minimize contact with hazardous substances and to minimize harm that may arise from these substances.

3.Employers are responsible for sicknesses and/or injuries their employees incur due to work, including treatment, disability compensation, annuity to the family, and funeral expenses, as applicable.

4.An employer shall provide an occupational safety, health and environment training to be attended by executives, supervisors and employees in order to safely administer, manage and execute the occupational safety, health and environment

5. An employer shall arrange to have safety officer, personnel, working unit, or group of individuals to carry out safety matters in the establishment according to the criteria, methods and conditions as prescribed in the Ministerial Regulations

5. RESPONSIBLE STAFF

The Project Director within EA is responsible for the recruitment and quality of the consultants required. The Project Director would collaborate with the Project manager in preparing the TOR for each consultant and also conducting a selection and interview directly with prospective consultants and deciding and appointing the candidates who have passed the selection.

The Project Director is responsible for ensuring that the selection process and the preparation of the recruitment and management plans is in accordance with this Labor Management Procedure.

- engagement and management of project workers
- engagement and management of contractors/subcontractors
- occupational health and safety (OHS)
- training of workers
- addressing worker grievances

6. POLICIES AND PROCEDURES

Occupational Health and Safety

Measures that the occupational health and safety will be applied to the project. The project is committed to:

- Complying with applicable laws and regulations related to occupational health and safety;
- Maintaining healthy and safe working conditions;
- Provide psychosocial and mental health support to project workers;
- Enabling active participation in OHS risks elimination through the promotion of appropriate skills, knowledge and attitudes towards hazards;
- Ensuring all workers are competent to do their tasks and giving them adequate training
- Providing adequate control of health and safety risks arising from all work activities at all of the Project's facilities and sites;
- Continually improving the OHS management system and performance;

It is important that project workers understand their roles and responsibilities. Communicating this policy statement to all persons working under the control of the Project with emphasis on individual OHS responsibilities.

Appropriate OHS measures are incorporated into the design and implementation of the project to prevent and protect workers from occupational injuries and illness, this will be reviewed over the course for the project's timeframe.

7. AGE OF EMPLOYMENT

This section sets out details regarding:

Taking into account the nature of the Project, all labor project workers consultants are those who have competencies in accordance with the requirements of the Project. In accordance with the Labor Protection Act, all workers should be aged over 18 years.

The Project Director will verify the identity and age of all prospective workers. This will require workers to provide official documentation, which can include a birth certificate, ID card or medical records, if necessary.

8. TERMS AND CONDITIONS

The terms and conditions for employment under this project shall be adopted from the Labor Protection Act B.E. 2541 (1998), as outlined in Section 3 of this LMP.

9. CONTRACTOR MANAGEMENT

The selection and recruitment of consultant will be carried out consistently in accordance with the Labor Management Procedures that apply to this Project.

Selection and management of the contractors and subcontractors for civil works will be based on the following information:

- Documents relating to a labor management system will require submission from the bidders of HR manual and operational health and safety plan;
- Identification of labor management, safety, and health personnel, their qualifications, and certifications – these positions will be identified as key personnel in the solicitation and proposal.