



# Thai Union Group PCL's Guidelines for Remediation to Affected Individuals

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## 1. Purpose

It is Thai Union's policy and practice to observe the highest ethical standards, and to create a workplace free of inappropriate, unfair and unlawful behavior. All Thai Union employees must practice honesty and integrity in fulfilling their responsibilities and comply with applicable policies, codes, laws and regulations. These responsibilities are specified in the Thai Union Employee Business Ethics and Labor Code of Conduct. Furthermore, Thai Union aims to continuously implement a [Human Rights Due Diligence Framework](#) comprising six pillars including the "Remedy" Pillar – where we commit to provide remedies or facilitate access to effective remedies to affected right holders in line with the United Nations Guiding Principles on Business and Human Rights (UNGPs).

This document is designed to provide operational guidelines for Thai Union's Human Resource (HR), Employee Relations (ER) and other relevant teams to determine and implement appropriate remedial actions **in the event that Thai Union identifies that it has caused or contributed to adverse impacts on human and labor rights of its own employees**. The business' responsibility for remediation is well defined in UNGP Principle 22, which states *"where business enterprises identify that they have caused or contributed to adverse impacts, they should provide for or cooperate in their remediation through legitimate processes."*

## 2. Scope

The guideline shall apply to all Thai Union's majority owned subsidiaries and affiliates based in Thailand. Therefore, the guideline has specific reference to Thai laws and regulations. Thai Union's Operating Companies outside Thailand shall adopt and adapt the guideline to their own local and regional contexts and requirements.

The guideline focuses solely on incidences with negative impacts on welfare and human or labor rights of Thai Union employees. These could result from actions taken by Thai Union staff or representatives (such as abuses by supervisors); inadequate working conditions (such as lack of protective gear or unclean canteens); actions taken by agents or third parties engaged in recruiting and hiring employees (such as excessive fees or deceptive job advertising by recruiters); or actions taken by contractors at Thai Union workplaces (such as security guards and cleaners).



Incidences of adverse impact that are linked to Thai Union's operations but not caused by the Company are considered out of scope for this guideline. For example, this type of incidence could include suppliers' abuse of their own workers. Such issues in the supply chain should be dealt with according to a separate set of Thai Union's responsible sourcing standards and protocols.

Also, this guideline is worker rights centric; non-compliance resulting in business risks such as anti-trust behavior or failure to implement food safety standards are considered out of scope of this document. Such issues should be dealt with according to other applicable policies or guidelines set by Thai Union.

Finally, it should be noted that this document does not prescribe overarching policies or guidelines on implementing general social compliance programs or worker voice mechanisms. These standards are set out in a separate set of Group-wide and location-specific policies and guidelines to ensure proper handling and investigation of employees' complaints, feedback, or suggestions. Please refer to the [Global Non-Reprisal Policy](#) and the [Global Whistleblowing and Investigation Policy](#) for further details.

### 3. Definition of Remedy

The UNGPs' Principle 25 indicates that remediation can take many forms including "*apologies, restitution, rehabilitation, financial or non-financial compensation and punitive sanctions (whether criminal or administrative, such as fines), as well as the prevention of harm through, for example, injunctions or guarantees of non-repetition*". This guideline document focuses on remedial actions specifically addressing harms already incurred to individuals. Actions to prevent similar harm or risks of harm in the future are also mandatory as part of the company's corrective action plans. However, these are out of scope of this document and should be implemented according to other applicable policies or guidelines set by Thai Union. For example, suppose a factory manager misplaces safety labels on a chemical container resulting in workers' injuries from inappropriate use of the chemicals. In this case, remedial action is to arrange medical care for and compensate the injured workers. Further preventive action would need to include proper safety training for the factory manager or strengthened safety risk assessment. Preventive action alone is insufficient because it does not provide remedies to affected workers.

### 4. Remedies vs. Employee Benefits

Thai Union is committed to caring for the people and the communities in the regions where we operate, in line with the "People & Communities" pillar of our SeaChange® sustainability strategy. HR, ER, and relevant teams are therefore encouraged to provide a decent employee benefit scheme in line with this commitment as well as for the purpose of talent attraction and human capital development.

However, it is important to distinguish between remedy and employee benefits. Under TU's Human Rights Due Diligence Framework, the Company is committed to providing remedies or to facilitate access to remedies to adversely impacted individuals, *for harms that the Company causes or contributes*

to. In other words, providing remedies are part of the business' duty to respect human rights in response to specific circumstances of harms.

On the contrary, employee benefits schemes are generally available to all employees regardless of circumstances. Examples of employee benefits are a mental counselling program for all employees or a

subsidy for funerary expense offered to relatives of deceased employees. These are generally available to all, whether or not the company causes or contributes to mental problems or death. Employees' benefit & welfare assistance should not be viewed and treated as remedies under this Guideline.

## 5. Key Principles in Choosing Remedies

As previously indicated, remediation can take many forms according to the UNGPs' Principle 25. Therefore, it is important to choose an appropriate set of remedial actions that are compatible with the degree of harm and the internationally recognized human rights principles. Below are five key principles to help HR, ER, and other relevant teams identify the most appropriate remedial actions. The subsequent section (Section 6) provides a menu of recommended remediations that *should be* considered for each type of non-compliance/ incidence found.

- **Principle 1 - Proportionality to harm** - Remedies should be proportionate to actual harm, so appropriate remedial actions will vary case by case. Ultimately, HR or relevant teams must first assess the levels of harms including possibly through consultation with the victims (see Principle 2). For example, not all incidences of verbal or physical abuses have equal impact on victims. A person facing a one-off verbal abuse incidence may be affected much less than a victim of repeated verbal abuse. Likewise, a victim of one-off but severe physical abuse may suffer more physical and psychological harm than a victim of repeated minor physical abuse.
- **Principle 2 - Consultation with affected individuals** – HR should consult affected employees to ensure that their perspectives are taken into account in designing and monitoring the effectiveness of remedies. Open discussion with victims can help to assess harm and gauge their satisfaction with remedies. Open conversations with victims can also complement other methods to assess harms such as physical checks or mental health checks. To ensure proper confidentiality to protect the victims, HR, ER, or relevant managers must comply with confidentiality standards set out in *the Policy and Procedure for Handling Worker Voice*.
- **Principle 3 – Legal compliance** - Wherever applicable, remedies must be at least on par with applicable legal requirement and/or court orders. For example, the Thai Labor Protection Act (1998) and (2009) requires that an employer pays a rate of 1.5 times the hourly wage for overtime work on a working day. In a case where a worker receives only 1 time the regular hourly wage for overtime work, the appropriate remedy would be to pay an additional 0.5 times

the overtime work. Furthermore, the Labor Protection Act gives a labor inspectorate an authority to prescribe remediation actions by businesses. When incidences/issues involve cross-border jurisdiction such as issues of recruiting migrant workers, all laws and regulations of relevant countries must be followed.

In any case, meeting the legal requirement is a minimum standard, and HR should consider providing additional remedies if ones prescribed by law are deemed insufficient. Relevant Thai law & regulations are listed in the appendix A.

- **Principle 4 – Timely action to avoid further harm** – Remedies should be implemented in a timely manner to avoid further harm or to avoid harm from compounding or escalating into more serious form of harm. For example, when workers’ ID or travel documents are being retained, they often have limited freedom of movement. One of the remedies in this case would be to return the documents to the workers as swiftly as possible. When the documents are not returned in a timely manner, workers risk prolonged limited freedom of movement as well as associated psychological harm. Thai Union’s *Guideline for Classification & Priority Rating for Issues Concerning employment and human and labor rights in Thai Union’s Facilities* provides a set of principles to classify and rate the level of priority for actual or potential incidences or issues about employment conditions as well as human and labor rights violations found in Thai Union’s workplaces. The priority rating serves to ensure that TU Management’s responses to actual or potential incidences are aligned with international standards or best practices on human & labor rights as well as local laws or regulations. The classification of priority into three levels – “High”, “Medium”, and “Low” – in turn determines an appropriate timeline for starting and completing investigation, corrective action, and remediation. HR, ER, or relevant management teams should refer to this Guidance document to ensure timely remediation.
  
- **Principle 5 - Seeking help from outside the organization for effective remedy** – Whenever possible, HR should consider working with welfare agencies, specialist CSOs, or other local organizations with expertise in assessing harms or providing and facilitating remedies. This is especially the case where remediation requires certain expertise or facilities that HR may lack in-house such as mental counselling for sexual abuse victims, safe houses for victims of sexual abuse or severe forced labor, school placement for child labor victims.

## 6. Recommended Remediation Options

Types of Incidence	Remedial Actions
<b>Forced Labor</b>	<ul style="list-style-type: none"> <li>- Apology by abuser</li> <li>- Assess physical and psychological harm suffered by the victim</li> <li>- Arrange medical treatment and/or psychological counselling, until full recovery as determined by relevant medical expert.</li> <li>- Facilitate access to legal remedies, per national laws &amp; regulations</li> <li>- Protect victims by separating them from the abusers or taking them to safe houses or welfare agencies, as appropriate</li> </ul>
<b>Human Trafficking</b>	<ul style="list-style-type: none"> <li>- Assess physical and psychological harm suffered by the victim</li> <li>- Arrange medical treatment and/or psychological counselling, until full recovery as determined by relevant medical expert.</li> <li>- Facilitate access to legal remedies, per national laws &amp; regulations</li> <li>- Protect victims by separating them from the abusers or taking them to safe houses or welfare agencies, as appropriate</li> <li>- Help victims repatriate or seek new jobs</li> </ul>
<b>Physical Abuse</b>	<ul style="list-style-type: none"> <li>- Apology by abuser</li> <li>- Assess physical and psychological harm suffered by the victim</li> <li>- Arrange medical treatment and/or psychological counselling, until full recovery as determined by relevant medical expert.</li> <li>- Facilitate access to legal remedies, per national laws &amp; regulations</li> <li>- Protect victims by separating them from the abusers or taking them to safe houses or welfare agencies, as appropriate</li> </ul>
<b>Verbal Abuse, Bullying, and Other Inappropriate Verbal Behavior</b>	<ul style="list-style-type: none"> <li>- Apology by abuser</li> <li>- Assess psychological harm suffered by a victim and arrange psychological counselling, until full recovery as determined by relevant medical expert.</li> <li>- Protect victims by separating them from the abusers or taking them to safe houses or welfare agencies, as appropriate</li> </ul>
<b>Sexual abuse or harassment</b>	<ul style="list-style-type: none"> <li>- Apology by abuser</li> <li>- Assess physical and psychological harm suffered by a victim</li> <li>- Arrange medical treatment and/or psychological counselling, until full recovery as determined by relevant medical expert.</li> <li>- Facilitate access to legal remedies, per national laws &amp; regulations</li> <li>- Protect victims by separating them from the abusers or taking them to safe houses or welfare agencies, as appropriate</li> </ul>
<b>Severe restriction on freedom of movement</b>	<ul style="list-style-type: none"> <li>- Apology by abuser</li> <li>- Assess psychological harm suffered by a victim and arrange psychological counselling, until full recovery as determined by relevant medical expert.</li> <li>- Protect victims by separating them from the abusers or taking them to safe houses or welfare agencies, as appropriate</li> </ul>

<b>Types of Incidence</b>	<b>Remedial Actions</b>
<b>Personal Document Retention</b>	<ul style="list-style-type: none"> <li>- Return all retained personal documents</li> <li>- Arrange and pay for applying for the documentations in case they are lost or damaged</li> <li>- Pay for the reissue or renewal of personal documents in case they have expired or are lost</li> </ul>
<b>Child labor</b>	<ul style="list-style-type: none"> <li>- Remove the child from the workplace and ensure the child is in a safe place, explaining to the child what is happening and why</li> <li>- Contact local child protection authorities and government agencies, for assistance in transitioning out child laborers from work</li> <li>- Contact the child's parents or guardian and find out, if possible, why the child was working and discuss non-working options with them</li> <li>- Arrange for the child's education, health care and other measures for child's welfare – in line with the child's best interest based on recommendations by child rights experts, child protection authorities/government agencies.</li> <li>- Cover all expenses for the identification and enrollment of the child in a local school, tutoring, or vocational training program. If the child cannot live at home, arrange for a safe alternative with the help of a local child welfare NGO. Regularly monitor the child's welfare and progress at school</li> </ul>
<b>Unfair dismissal</b>	<ul style="list-style-type: none"> <li>- Reinstate dismissed workers to original position</li> <li>- Pay all recruitment fee and related costs incurred to reinstate and return workers (such as travel from the worker's home country to the employment country)</li> </ul>
<b>Unfair disciplinary action</b>	<ul style="list-style-type: none"> <li>- Revoke and nullify all unfair disciplinary action on the record</li> <li>- Reimburse penalty fines</li> <li>- Fully compensate for the consequences of the unfair disciplinary action such as repaying fines, restoring career promotion opportunities, providing full wages and benefits that are missed such as from unpaid employment suspension.</li> </ul>
<b>Discrimination</b>	<ul style="list-style-type: none"> <li>-Apology by abuser</li> <li>- Assess psychological harm suffered by a victim and arrange psychological counselling, until full recovery as determined by relevant medical expert.</li> <li>- Restore all job-related opportunities taken away as a result of discrimination</li> <li>- Compensate for lost wages/benefits, as a result of discrimination</li> </ul>

Types of Incidence	Remedial Actions
<b>Death due to Occupational health and safety (OSH) incidences or other abuses linked to employment</b>	<ul style="list-style-type: none"> <li>- Compensate dependents of the deceased, per national law and regulations as well as the company's benefit schemes</li> <li>- Facilitate dependents' access to government-provided compensation, insurance payout, and/or legal remedies as appropriate</li> <li>- Support expenses for the funeral or repatriation of the body</li> </ul>
<b>Serious Injury or Disability due to OSH incidences or other abuses linked to employment</b>	<ul style="list-style-type: none"> <li>- Compensate victim, per national law and regulations as well as the company's benefit schemes</li> <li>- Facilitate the victims' access to government-provided compensation, insurance payout, and/or legal remedies as appropriate</li> <li>- Pay for medical expenses and treatment of the injured</li> <li>- Assess psychological impact and provide counselling, accordingly</li> <li>- Re-instate the injured or disabled worker in the same or another position suitable to their health condition, as appropriate</li> <li>- If reinstating the worker is not possible (for example, due to severe injuries or disability), help victim repatriate or find a new suitable job</li> </ul>
<b>Withholding or missing wages and benefits</b>	<ul style="list-style-type: none"> <li>- Pay the withheld/missing wages and benefits fully</li> <li>- Provide interest payments to compensate for lost wages/benefits</li> <li>- Facilitate access to legal remedies, per national laws &amp; regulations</li> </ul>
<b>Excessive Charge of Recruitment fee &amp; related cost</b>	<ul style="list-style-type: none"> <li>- Determine all the excess charge and facilitate the reimbursement of the charge by responsible agents</li> <li>- Support or enforcement of repayment of workers' debt by responsible agents in case the excessive charge of recruitment fees and costs leads to a debt bond.</li> </ul>
<b>Deceptive Recruitment Practices such as contract substitution</b>	<ul style="list-style-type: none"> <li>- Offer affected workers another job position or help them find a new job</li> <li>- Support repatriation of workers</li> </ul>

**Note:** As previously indicated, this guideline focuses on remediation to affected individuals. HR, ER, or relevant team must also consider preventive or deterrent actions to avoid similar harm in the future. These include but are not limited to disciplinary action for responsible individuals and training on the Company's rules and regulations.

## Appendix A – Relevant Thai Laws

Below is a list of relevant Thai laws & regulations that HR, ER, or relevant management team should be aware of and consult with when deciding on appropriate remedial actions for affected employees & workers. As stated in Principle 2, remedies must be at least on par with applicable legal requirements and/or court order.

- The Labour Protection Act (LPA) – 2019
- Royal Ordinance Concerning the Management of Employment of Foreign Workers 2017
- The Occupational Safety, Health and Environment Act 2011
- The Social Security Act 1990
- The Workers' Compensation Act 1994
- Job Seekers Protection Act, 1985
- Anti-Trafficking in Persons Act, B.E 2551 (2008)
- Labour Relations Act, B.E. 2518 (1975)
- Immigration Act B.E. 2522