

Sector Wide Impact Assessment (SWIA) Company Management Questionnaire

This questionnaire was developed as a **guidance tool** for field researchers working on the Sector Wide Impact Assessments of the Oil and Gas and Tourism sectors. Sector-specific questions have been removed from this questionnaire. Additional questionnaires serving as a guidance for interviewing community members and workers were also developed and are available on MCRB's website. Researchers were also provided with factsheets highlighting key human rights issues linked to business activities in Myanmar, for example on labour, environment, land, livelihoods, security etc.

The purpose of this questionnaire is to understand how companies in Myanmar address **labour** conditions; **safety, health, environmental** practices; and **community impacts**, whether they are large or small companies, local, Asian companies and/or multinationals.

The questionnaire was addressed to the company **General Manager**; or where relevant to the **Human Resources; Health, Safety and Environment (HSE); or Community Relations focal points** of enterprises.

We start each section with a general question on practice; for example what is the general practice around working hours? Then we continue to specific questions for the company. However, as conducted for the sector-wide impact assessment, this was not an assessment of the company but of the sector as a whole, which was emphasized during the interviews.

The following issues are covered in this questionnaire:

Labour

- 1. Working Hours, Leave and Wages**
- 2. Workplace Privacy**
- 3. Freedom of Association**
- 4. Forced Labour and Child Labour**
- 5. Fair Treatment (employee privacy, grievance mechanisms, non-harassment)**
- 6. Non-Discrimination and Diversity**
- 7. Company-provided Facilities**

Health and Safety

- 8. Workplace Health and Safety**
- 9. Protective Equipment**

Community

- 10. Security**
- 11. Land Management**
- 12. Environment, Health and Safety**
- 13. Ethical Business Practices**
- 14. Community Relations**
- 15. Customer Protection**

Labour

The purpose of this part of the questionnaire is to understand labour conditions and practices. It is addressed to the **General Manager** or the **Human Resources Manager**.

1. Working Hours, Wages and Leave

This section deals with labour. Employees' rights can be violated in employment practices (discrimination in hiring, unjustified dismissals, child labour), in workplace conditions (unhealthy facilities and hazardous work tasks, lack of emergency training), in employee-employer relations (independent trade unions banned). Other issues include diversity and discrimination, social security and privacy. For more information, see Labour factsheet.

1.1 Working hours

- What are the general working hours in your company?
- Is overtime an issue for your company? If yes, could you elaborate why?
- What systems do you have in place to manage excessive working hours and overtime? (ensuring they're voluntary,, limited and paid as appropriate)

1.2 Rest periods and breaks

- How many breaks during the working day do employees have in your company?
- What measures are in place to ensure that employees are allowed sufficient rest and breaks so that they are able to function effectively?

1.3 Leave

This topic relates to granting employees sick, maternity and annual leave.

- Do employees in your company receive sick, maternity and annual leave? Please elaborate how much.
- What measures or approaches are in place to ensure that employees are allowed to actually take their sick, maternity and annual leave?

1.4 Wages

This topic concerns providing wages in line with the local cost of living in the regions in which you operate.

- Do employees receive wages that are in line with the local cost of living? How do you determine the cost of living? Do you take into account inflation?
- Are there any deductions from wages?

2. Confidentiality and privacy in the Workplace

- How do you use confidential information about job applicants? How do you ensure that this information is not shared?
- Do you ask employees for personal medical information or conduct medical tests? If yes, what is the purpose?
- Is all personal/private information that is held about employees safeguarded against theft or misuse, and properly disposed of when it is no longer needed?
- Do you ensure that the use of body searches is only for legitimate security purposes?
- Is employee information shared with the government? If yes, what information, and are employees informed of this?

3. Freedom of Association & Collective Bargaining

3.1 Freedom of association and collective bargaining

This topic relates to the right to start and/or join independent trade unions/workers associations.

- Are employees allowed to form or join a trade union? If yes, please elaborate. Is there a trade union in the company?
- If no, are there other means of workers representation in place?
- What measures or approaches are in place to ensure that employees can engage openly and directly with management?
- Has your company engaged with worker representatives in collective bargaining concerning workplace concerns?
- What are the terms of any collective bargaining agreements, including the mechanisms for dispute resolution?
- Can employees discuss with one another their concerns regarding working conditions without the presence of a manager/supervisor?
- What measures are in place to ensure that employees can freely discuss concerns regarding working conditions?

4. Forced Labour and Child Labour

In Myanmar forced labour is usually associated with the military/authorities but different forms of forced labour can also occur in the private sector around the world.

Not all work done by children should be classified as child labour. Children's or adolescents' participation in work that does not affect their health and personal development or interfere with their schooling, is not a child labour. ILO defines child labour as: work that deprives children of their childhood, their potential and their dignity, and that is harmful to physical and mental development.

4.1 Forced labour

- How do companies in the sector ensure that no persons work against their will?

4.2 Child labour

- Is child labour an issue for companies in your sector? If yes, could you please elaborate? What measures or approaches are in place to ensure that no children are employed in the sector (including through business relationships)?

5. Fair Treatment

5.1 Complaint mechanisms

This topic relates to mechanisms for hearing, processing and settling grievances of employees in the sector.

- Can employees lodge a grievance, which will be heard, processed and settled? If yes, please elaborate.
- Have any grievances been lodged by employees in the recent past? If yes, could you give examples?
- How do you ensure that the employees lodging a complaint are protected from retaliation?

5.2 Freedom from harassment and threats

This topic concerns protection of employees in the sector from workplace harassment including physical, verbal, or sexual harassment, abuse or threats.

- What measures are in place to ensure that employees are not harassed?

6. Non-Discrimination and Diversity

This topic regards non-discrimination in connection with employment-related decisions. Discrimination could be based on gender, ethnicity, religion, age, etc.

- What measures or approaches are in place to ensure that employees are not discriminated against in hiring and in the workplace?
- What measures or approaches are in place in your company, to ensure that there is diversity of the workforce (for example, women, workers with disabilities, and people of different race and ethnicity)?

7. Company-Provided Facilities

This topic concerns the issue of company provision of facilities to employees.

- What provisions do you provide to your employees?
- Do you provide company housing to your employees?
- Is company housing equally accessible to all employees?
- What is the maximum number of people allowed in one room at the housing provided by company? How large is one room?
- What measures does the company take to ensure that housing is safe and suitable for employees and families against break-ins and physical attacks, for example by providing locks, outside lighting?
- Are there any limitations to workers leaving and accessing the company housing? (at night for example)
- How far is worker housing from the workplace?
- When employees work in areas with limited access to food, water, housing and basic essential public services, do you provide access to these goods and services at cost?
- What are the company's arrangements to provide clean drinking water, sanitary food storage facilities, and sanitary areas away from their work stations where they can eat?
- Do you offer any child care services to your employees? If yes, are they accessible to all?

- Do you provide any healthcare facilities to your employees? If yes, are they accessible to all?
- Do you offer transport facilities to/from work to your employees?
- Do you offer training to your employees? If yes, what kind of training?
- Other comments

Workplace Health and Safety

The purpose of this part of the questionnaire is to understand health and safety conditions across the sector in Myanmar. The questionnaire will be addressed to the **Health, Safety and Environment (HSE)** focal point of the enterprise.

8. Workplace Health and Safety

This section refers to health and safety practices of enterprises. Typical issues could be excessive working hours leading to fatigue, road safety, lack of protective equipment for workers employed in construction, etc. See also Labour factsheet.

- How does the company ensure that employees do not work excessive working hours during peaks of company activity?
- Have there been any incidents in your company related to health and safety? If yes, please elaborate.
- Do you have health and safety prevention policies and procedures in place?
- Do you make available health and safety standards to employees in a language they understand?
- Do you document accidents and then adjust the H+S measures to prevent accidents from reoccurring?
- How often does the company monitor machinery, vehicles and equipment?
- Do you have a procedure in place to receive and respond to health and safety related complaints from workers?
- Are managers and workers trained to respond to workplace emergencies and are first aid kits readily available?
- Are exits free from obstruction, fire extinguishers and fire escapes?
- What type of ventilation is there in the workplace?
- How is workplace temperature regulated?
- What type of lighting is provided in the workplace?
- Is potable water available for all workers?
- What are the arrangements for washing and sanitation for men and women?
- Are sufficient, suitable and comfortable chairs provided to workers?

- If employees use uniforms or other work-specific clothing, does the company provide facilities for changing, storing and drying their clothing?
- Are clean and sanitary food storage facilities and designated eating areas available for all employees?
- If employees stay overnight, what are the residential or overnight facilities? How do you ensure they are kept clean and sanitary and meet the basic needs of workers?
- What are the procedures to address the health and safety of pregnant women, disabled employees and other vulnerable workers?

9. Protective Equipment

- Are employees provided with the protective equipment? Do they have to pay for the equipment?
- Do employees receive hands-on periodic training on how to use new machines, vehicles, equipment, substances or techniques in a language that is understandable to them?
- Have there been cases of employees who were injured or got ill as a result of improper exposure and/ or lack of protective equipment?
- Is there a system in place where employees can complain with regard to issues related to (lack of) protective equipment?

Community Impacts

The purpose of this part of the questionnaire is to understand how companies operating in Myanmar address community impacts. The questionnaire will be addressed to the **Community Relations focal point** and/or people within the company who are **in charge of security issues, land, environment and legal affairs**.

10. Security

This section relates to the use of security guards. Good practice guidelines allow companies to use security guards to protect their employees and property. Private security guards must attempt to solve security related matters without using violence. Where defensive force is necessary, guards must be adequately trained to use force proportionate to the threat posed. Guards must not interfere in the arrest and detention process, which is the responsibility of local law enforcement. See fact sheet on Security.

- Do you have a policy or guidelines in place defining the roles and responsibilities of private security guards?
- Do you have private or public security personnel at your site? If public security, please elaborate.
- Do you conduct background checks of security personnel?
- Have all security guards been trained to handle different types of security situations? Have they been trained on your rules? Do they know how to respond to the community complaints? Have they been trained on the proper use of force?
- Have there been any incidents between security guards and the community? If yes, please elaborate.
- Do you have a mechanism in place to receive security related complaints by the community? If yes, please elaborate.
- Do you investigate these complaints?
- What types of disciplinary procedures are in place in cases when security guards who use unnecessary or excessive force?

11. Land Management

Business may acquire/lease land for their operations. In Myanmar, where many disputes over land are ongoing, it is important to know how land was acquired, if the original land users had to resettle, and if they were duly compensated. See factsheet on Land, Housing and Resettlement.

- What do you do to find out who the true owner or user of the land when acquiring land, including when you acquire land from the government?
- Prior to acquiring land, do you hold consultations with the community, including women and other vulnerable groups, in way that is understandable to the community?
- Do you check to see if anyone was relocated, including by force, before you acquired the land?
- Do you provide compensation for acquired land? How is the compensation determined? And how is compensation paid (e.g. money, land, housing, food)?
- When acquiring land, how do you handle situations where someone needs to be relocated?
- Do you provide replacement housing when resettling communities?
- What types of replacement housing do you provide?
- Do you take into consideration cultural heritage or spiritual sites when acquiring land?
- Do you take into consideration environmental protection when using land? If yes, please elaborate.
- Do you have a system in place to receive complaints from the community about the process you used to acquire land? If yes, please elaborate.

12. Environmental Impacts

For more information on environmental impacts, see Environment Fact Sheet

- Do you have a policy that sets out emergency procedures, prevention plans and training programmes to protect against dangers and how to handle emergencies?
- What measures do you have in place to deal with wastewater, waste disposal and improper sanitation?
- What measures do you have in place to ensure that your water usage is not harmful to the environment?

- Do you discuss plans and activities with experts to measure your environmental impact and determine how to avoid or mitigate harmful effects on communities?
- Have you conducted an environmental impact assessment prior to the beginning of the project?
- Do you inform/consult surrounding communities about your operations and potential harmful environmental effects?
- How do you monitor the quality of air, water, soil and the level of noise?
- Do you have a system in place to receive complaints from the community related to emergencies, environmental impacts and industrial accidents? If yes, please elaborate.

13. Ethical Business Practices

This section relates to how companies conduct business in an ethical manner and comply with the law.

Companies should work towards eliminating corruption, bribery and facilitation payments in their own operations and in their supply chains. Corruption is a significant problem in Myanmar, and in addition to understanding company systems to prevent it (if any), it may be useful to understand what the company believes can be done to address the wider problem, including through collective action.

Companies often encounter bribery demands when they operate in areas where bribery is a common business practice. This could for example involve efforts to influence, or a requirement to bribe an official with favours, goods or money to obtain permits or access; corruption in public procurement and in court (bribery of judges or other judicial employees) and facilitation payments. A facilitation payment is the payment of a small amount to smooth or speed up the progress of a service to which the payer is legally entitled without making such a payment.

- How do you investigate the risk of bribery and corruption before starting operations?
- Have you ever been requested to pay a bribe or facilitation payment in order to get something expedited (for example a permit)?
- Do you have a policy in place against bribing public officials?

- Do you have practical guidelines and training in place for employees on how to deal with bribery, corruption and facilitation payment issues?
- Do you have a system in place to receive complaints related to corrupt practices, bribery and facilitation payment by your workers? If yes, please elaborate.

14. Community Relations

This section relates to community/company relationships, and in particular the impacts of business operations on the local culture and livelihoods. See factsheets on Consultation, Livelihoods and Culture.

14.1 Cultural sensitivity

- Do you have guidelines for how company employees should behave when visiting communities to ensure respect for local culture (appropriate dress code, visiting religious sites, etc.)?
- Do you use experts and sources of information about the local cultures in the area you operate so that you will better understand cultural practices?
- How has the company addressed problems relating to local culture?

14.2 Consultation and community relations

- Do you provide community members with information on your operation in a way that is accessible and understandable to the community? This could include for example regular consultations with the community and all its members (including women and other vulnerable groups). How do you take their views into account?
- Have there been any protests by the local community regarding your company's operations? If so, how did you deal with those?
- Do you employ members of the local community?
- Have there been changes in the livelihoods of the local communities with the arrival of your company?
- Has the company noted an increase of criminality or demand for paid sexual services since the project began?
- Do you have a policy on prostitution including on sexual exploitation of children by your employees and/or clients?
- How can communities complain about the impacts of your operations?

15. Customer Protection

This section relates to the quality of products and services. Companies should produce and sell products and services, which do not endanger consumers and meet local or international quality standards.

- What national and internal guidelines and industry standards are relevant to your products and services? How do you ensure that you comply with these?
- Do you have a process in place to ensure that your products and services are safe for your users?
- Do you provide clear warnings and instructions about hazards associated with your products/services?
- Have there been any reported incidents/injuries/deaths related to the use of your services? If yes, please elaborate. I doubt this will be answered.
- Do you have a system in place to protect privacy of customers? If yes, please elaborate. How is the relevant in Myanmar? Suggest delete.
- Do you have a system in place to receive complaints from customers and consumers related to lack of adequate standard of your products and services? If yes, please elaborate.

-End-