

# DISCRIMINATION AGAINST MARGINALISED COMMUNITIES: LGBTI INDIVIDUALS, WOMEN, PEOPLE LIVING WITH HIV, PERSONS WITH DISABILITIES, ELDERLY PERSONS AND OTHER MINORITIES

THEMATIC ASSESSMENT  
CHAPTER OF THE INDEPENDENT  
CSO NATIONAL BASELINE  
ASSESSMENT (NBA) ON  
BUSINESS & HUMAN RIGHTS



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PRIORITY AREA 1: LABOUR RIGHTS & STANDARDS

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Manushya Foundation  
& Thai BHR Network,  
*Discrimination Against  
Marginalised Communities: LGBTI  
Individuals, Women, People living  
with HIV, Persons with disabilities,  
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## *About the Thai BHR Network*

The Thai Business and Human Rights Network (TBHRN) is an informal, inclusive and intersectional coalition of human rights defenders, community leaders, researchers, academics, and non-governmental organisations from the local, national and regional spheres, who are joining hands to ensure local communities are central to the business and human rights response in Thailand. The Network engages in advocacy, dialogue, and monitoring of business and human rights commitments made by the Royal Thai Government, in particular in engaging in the development and monitoring of the National Action Plan on Business and Human Rights. More information on the TBHRN and its role can be accessed at: <https://www.manushyafoundation.org/coalition-building-workshop-report>



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We are eternally grateful to the national, regional and international experts that dedicated their time, their invaluable support and guidance to help our organisation and the community members we work with, comprising the Thai BHR Network; to understand the language of business and human rights (BHR), its application in the region and internationally that in turn contributed to the successful collection and collation of evidence-based data and information into our own Independent CSO National Baseline Assessment (NBA) on business and human rights in Thailand. In this regard, we are especially grateful to **Commissioner Angkhana Neelapaijit** of the National Human Rights Commission of Thailand (NHRCT) for her invaluable expertise on the protection of human rights defenders and on the importance of applying a gender lens in the context of business and human rights in Thailand; **Ms. Debbie Stothard** for her extensive contribution with capacity building on business and human rights achieved through workshops conducted together with ALTSEAN-Burma; **Mr. Prabindra Shaky**a for sharing his knowledge and expertise on the application of the UN Guiding Principles on Business and Human Rights (UNGPs) particularly on issues related to indigenous peoples; **Ms. Golda Benjamin** for her direction on the methods to document cases arising out of adverse business conducts; **Ms. Patchareeboon Sakulpitakphon** for imparting to communities an understanding on the responsibility of companies with regards to Pillar 2 of the UNGPs; **Ms. Cindy Woods** for providing an insight into existing National Action Plans on Business and Human Rights and the necessity for a National Baseline Assessment; **Professor Vitit Muntarbhorn** for his invaluable remarks, contributions and support to community researchers and the work of Manushya Foundation; and **Professor Surya Deva** for his support and important recommendations for the development of a meaningful National Action Plan (NAP) on Business and Human Rights (BHR).

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Through our Independent CSO National Baseline Assessment (NBA) on Business & Human Rights (BHR) in Thailand, we hope to provide the foundation for a meaningful National Action Plan (NAP) on Business and Human Rights (BHR), which would guarantee that Thai businesses are not committing or involved in human rights abuses wherever they operate. We strongly believe that our NBA on BHR could serve as a starting point to raise awareness on the challenges faced by affected communities on the ground, could help address corporate accountability, and ensure responsible business conduct. We see the Thai NAP on BHR as a critical opportunity for civil society and grassroots communities to engage collectively in order to promote a Thai economy that is sustainable and respectful of human rights, while building an understanding of private actors on the adverse impacts of their activities. It is our aspiration that this independent CSO NBA on BHR would influence the Thai NAP on BHR; a NAP that is inclusive of communities' voices, concerns and solutions. We truly believe that this represents a great opportunity for open, frank, transparent and constructive dialogue among all relevant sectors, so that we can all continue working together to ensure that Thai corporations respect human rights at home and abroad.

**Emilie Palamy Pradichit**  
Founder & Executive Director  
Manushya Foundation



# Table of Contents

<b>ACKNOWLEDGMENTS</b>	<b>1</b>
<b>ABBREVIATIONS</b>	<b>2</b>
<b>INTRODUCTION: Manushya Foundation's Business &amp; Human Rights Strategy</b>	<b>4</b>
<b>METHODOLOGY</b>	<b>6</b>
<b>CONTEXT</b>	<b>7</b>
<b>1. INTERNATIONAL &amp; NATIONAL LEGAL AND POLICY FRAMEWORK: Existing Laws and Policies, Gaps and Legal Challenges</b>	<b>8</b>
1.1. International Human Rights Standards	8
1.2. Regional Commitments	9
1.3. National Legal and Policy Framework	10
<b>2. APPLICATION OF THE UN GUIDING PRINCIPLES ON BUSINESS AND HUMAN RIGHTS (UNGPs) TO PROTECT, RESPECT AND REMEDY</b>	<b>11</b>
2.1. Pillar I & Pillar III - The duty of the State to protect against discrimination of marginalised communities	11
2.2. Pillar II & Pillar III - The corporate responsibility to respect the rights of marginalised communities	11
<b>3. PRACTICES ON THE GROUND: CHALLENGES, IMPACTS &amp; SIGNIFICANT CASES</b>	<b>12</b>
Challenge 1: Lack of effective anti-discrimination legislations protecting all individuals	12
Challenge 2: PLHIVs continue to face discrimination with regard to education and training, seeking employment, and while employed	12
Challenge 3: PLHIVs face discrimination in accessing social services	13
Challenge 4: Persons with Disabilities (PWDs) are discriminated against in education and training, in their ability to access employment, and while employed	13
Challenge 5: Current law and policy to remedy employment discrimination for PWDs has failed	14
Challenge 6: Gender-based discrimination in the workplace particularly sexual harassment, continues unabated	14
Challenge 7: Rampant sexual harassment in the workplace continues, without appropriate measures in place to remedy it	15
Challenge 8: The legal identity of LGBTI Individuals is denied	16
Challenge 9: LGBTI Individuals face discrimination on the basis of their sexual orientation and gender identity	16
<b>4. EXAMPLES OF GOOD PRACTICES TO GUARANTEE COMPLIANCE WITH THE UN GUIDING PRINCIPLES ON BUSINESS &amp; HUMAN RIGHTS AND IN THE IMPLEMENTATION OF LAW AND POLICY</b>	<b>17</b>
4.1. Community-led Good Practices and Guidelines	17
4.2. Government-led Good Practices and Legislations	17
4.3. Business-led Good Practices and Guidelines	19
4.4. Good Practices & Guidelines led by Multilateral Initiatives	21
<b>5. RECOMMENDATIONS AND ACTION PLAN FOR THE STATE: PILLAR I AND PILLAR III</b>	<b>22</b>
<b>6. RECOMMENDATIONS AND ACTION PLAN FOR BUSINESSES: PILLAR II AND PILLAR III</b>	<b>39</b>
<b>ENDNOTES</b>	<b>46</b>



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## ABBREVIATIONS

<b>ASEAN</b>	Association of Southeast Asian Nations
<b>ARD</b>	Antiretroviral Drugs
<b>BHR</b>	Business and Human Rights
<b>CEDAW</b>	Convention / Committee on the Elimination of All Forms of Discrimination Against Women
<b>CERD</b>	Committee on the Elimination of Racial Discrimination
<b>CESCR</b>	Committee on Economic, Social and Cultural Rights
<b>CHRB</b>	Corporate Human Rights Benchmark
<b>CRPD</b>	Committee on the Rights of Persons with Disabilities
<b>CSO</b>	Civil Society Organisations
<b>CSR</b>	Corporate Social Responsibility
<b>EFAF</b>	Equality for All Foundation Jamaica Ltd
<b>EHRD</b>	Environmental Human Rights Defender
<b>ETI</b>	Ethical Trading Initiative
<b>HRD</b>	Human Rights Defender
<b>HRDD</b>	Human Rights Due Diligence
<b>HRIA</b>	Human Rights Impact Assessment
<b>ICCPR</b>	International Covenant on Civil and Political Rights
<b>ICERD</b>	International Convention on the Elimination of All Forms of Racial Discrimination
<b>ICESCR</b>	International Covenant on Economic, Social and Cultural Rights
<b>IDU</b>	injection drug users
<b>IFC</b>	International Finance Corporation
<b>ILO</b>	International Labour Organisation
<b>LAOs</b>	Local Administrative Agencies
<b>LGBTI</b>	Lesbian, Gay, Bisexual, Transgender, and Intersex
<b>LPSK</b>	Lithuanian Trade Union Confederation
<b>MoJ</b>	Ministry of Justice
<b>MoL</b>	Ministry of Labour
<b>MoPH</b>	Ministry of Public Health
<b>MSDHS</b>	Ministry of Social Development and Human Security
<b>NAP</b>	National Action Plan
<b>NBA</b>	National Baseline Assessment
<b>NCP</b>	National Contact Points
<b>NGO</b>	Non-Governmental Organisation
<b>NHRCT</b>	National Human Rights Commission of Thailand
<b>NLA</b>	National Legislative Assembly
<b>NSC</b>	National Strategy Committee
<b>OECD</b>	Organisation for Economic Co-operation and Development
<b>OHCHR</b>	Office of the High Commissioner on Human Rights
<b>PDEA</b>	Persons with Disabilities Empowerment Act
<b>PLHIV</b>	People living with HIV
<b>PWD</b>	Persons with Disabilities
<b>RLPD</b>	Rights and Liberties Protection Department
<b>RTG</b>	Royal Thai Government
<b>RWG</b>	Disabled People Welfare Council
<b>SDG</b>	Sustainable Development Goals
<b>TLS</b>	Thai Labour Standard
<b>TNP+</b>	Thai Network of People Living with HIV/AIDS
<b>UCS</b>	Universal Care System





**UDHR**

Universal Declaration of Human Rights

**UN**

United Nations

**UNDRIIP**

Universal Declaration on the Rights of Indigenous Peoples

**UNGC**

UN Global Compact

**UNGP**

UN Guiding Principles on Business and Human Rights

**UPR**

Universal Periodic Review

**WHO**

World Health Organisation

**WorLorPor**

Committee for Consideration of Unfair Gender Discrimination



## INTRODUCTION: Manushya Foundation's Business & Human Rights Strategy

As part of its work in Thailand, the Manushya Foundation (Manushya) aims to further strengthen the capacity of local communities, members of the Thai CSOs Coalition for the Universal Period Review (UPR), of which many are experiencing adverse human rights impacts of corporations, to effectively engage in the UPR implementation phase and to hold the Royal Thai Government (RTG) accountable on its UPR commitments and business and human rights obligations.

After the Thai government received, during its second UPR, a recommendation from Sweden to develop a National Action Plan (NAP) on BHR with the view to implement the United Nations Guiding Principles on Business and Human Rights (UNGPs), Manushya developed a strategy<sup>1</sup> aiming at empowering communities to be at the centre of the business and human rights response in Thailand, by guaranteeing their central role throughout the development, implementation and monitoring of the NAP. To this end, since the beginning of 2017, Manushya has reached out to local communities, national, regional and international experts on BHR to:

- Develop a CSO NBA on BHR, with communities' challenges and needs put at the centre of the assessment,
- Empower local communities to conduct evidence-based research and, together with academics, document Business and Human Rights issues they face, and
- Empower grass-root organisations to tip the balance of power between businesses and governments versus CSOs, and encourage more bottom-up approaches which view CSOs as equal partners. For that purpose, in addition to building capacities on BHR knowledge, Manushya also provides sub-grants to establish and sustain a national network on BHR comprising communities, academics and experts, called the "Thai BHR Network".<sup>2</sup> The Thai BHR Network is an inclusive and intersectional network of grassroots communities, civil society, academics and experts, including representatives from and/or working on the following issues: *rights of migrant workers, labour rights (formal and informal workers), trade unions, indigenous peoples, stateless persons, community rights, land-related rights, environmental rights, people with disabilities, Lesbian, Gay, Bisexual, Transgender, and Intersex (LGBTI) individuals, sexual and reproductive health, drug users, people living with HIV, sex workers, women's rights, the protection of HRDs, and the impact of Thai outbound investments and trade agreements.*

As part of its BHR strategy and in order to inform the development of the independent CSO NBA, Manushya Foundation has supported the formation of the Thai BHR Network and has conducted a series of consultations to identify the key priority areas, as well as community-led recommendations: four Regional NBA Dialogues (January-March 2017),<sup>3</sup> the first experts meeting to inform the independent NBA on BHR in Thailand (2-3 September 2017), and the second experts meeting to discuss the findings and recommendations of the independent NBA on BHR in Thailand (28 February-1 March 2018).<sup>4</sup>

In order to guarantee the safety of local communities and HRDs engaging in Manushya's strategy, all these six consultations were co-organised with the Rights and Liberties Protection Department (RLPD) of the Ministry of Justice (MoJ), Thailand.

Throughout the four regional NBA dialogues and the two experts' meetings, Manushya and members of the Thai BHR Network have identified four main areas of focus for the CSO NBA:

- 1) Violations of Labour Rights and Standards;
- 2) Impacts on community rights, indigenous peoples, livelihoods, land-related rights, natural resources and the environment;
- 3) The protection of HRDs;
- 4) Trade agreements and outbound investments.

These four priority areas of focus influenced the content of the Government's NAP on BHR, following our key four priority areas. Thus, this Chapter falls under Priority Area 1 and is part of Manushya Foundation and the Thai BHR Network's Independent NBA on BHR in Thailand.<sup>5</sup>



Manushya Foundation and the Thai BHR Network, an inclusive and intersectional coalition of HRDs, community leaders, researchers, academics, and non-governmental organisations (NGOs) together ensure local communities are central to the BHR response and discourse in Thailand and work together to inform the development of the NAP on BHR, as well as to monitor and support its effective implementation, with communities' voices and solutions at the centre.

### **Role of Manushya**

#### **“Empowering local communities to be at the center of business and human rights discourse and of the NAP on BHR”**

At Manushya, we strongly believe in the importance of collaboration and cooperation to further human rights and social justice and recognise the importance of approaching our work in a constructive manner to ensure the greatest positive change for the communities we serve. However, while we work with any and all willing partners to advance these causes, Manushya is a completely independent human rights organisation. Our willingness to work with 'champions' to create a fairer, more equitable world is based solely on the needs of communities, with the singular purpose of ensuring no individual or group is the victim of human rights abuses caused by business conducts. Our approach lies on the empowerment of invisible and marginalised communities, sharing knowledge with them so they can assert for their rights, facilitating their meaningful engagement in the NAP process so they can become 'Agents of Change' providing solutions to improve their livelihoods.

Working with the RLPD of the MoJ in Thailand is a crucial element of achieving this. However, we see a key difference between working with and working for. For us, collaboration and critique are inseparable partners, and while we are enthusiastic to cooperate, we do so with our driving force of community empowerment at its core. This means that when we work with others, the working relationship has to be based on mutual respect for each other, ideally safeguarded by applying a bottom-up approach and not a top-down one. Our primary motivation and guiding principles are the needs of communities, not the needs of those we are collaborating with. While we believe the value of strong relationships with those in power cannot be denied as essential tools in the fight for human rights, we will not develop and maintain such relationships based on anything other than achieving the goals of the communities we serve, and we will not and have not ever shied away from being strong, critical voices against those we are working with when necessary to advance the needs of communities. Our independence is crucial to us and is what enables us to effectively tackle rights violations and inequality in Thailand.





## METHODOLOGY

The methodology used in the research, analysis and writing for this Thematic Assessment Chapter on Discrimination Against Marginalised Communities: LGBTI Individuals, Women, People living with HIV, Persons with disabilities, Elderly persons, and Other minorities in the context of BHR in Thailand, relies on primary and secondary data and resources. Firstly, primary sources, including voices, concerns, cases, experiences and recommendations of local communities and experts, were collected directly from Manushya Foundation's BHR activities; including:

- Four Regional NBA Dialogues on BHR conducted from January to March 2017;<sup>6</sup>
- Four regional capacity-building workshops on BHR to demystify corporate accountability to HRDs<sup>7</sup> held in May-June 2017;
- Two Experts Meetings to get input from national, regional, and international experts to inform its NBA and ultimately provide guidance for the development of the NAP on BHR. The First Experts' Meeting aimed at Informing the CSO NBA on BHR in Thailand in Bangkok (2-3 September 2017) and the Second Experts' Meeting focused on Findings and Recommendations for CSO BHR NBA in Bangkok (28 February to 1 March 2018);<sup>8</sup> and
- The BHR Coalition Building Workshop held on 18-20 November 2017.<sup>9</sup>

Secondly, this Thematic Chapter is based on desk-research and presents an analysis of the international, regional, and national legal and policy framework pertaining to community rights, the management of natural resources and the environment in Thailand, including the context of business and human rights and the UNGPs. The research included a systematic literature review of United Nations (UN) human rights bodies' and NGOs reports, observations and recommendations; online news articles; expert papers; and other publications.



## DISCRIMINATION AGAINST MARGINALISED COMMUNITIES: LGBTI INDIVIDUALS, WOMEN, PEOPLE LIVING WITH HIV, PERSONS WITH DISABILITIES, ELDERLY PERSONS AND OTHER MINORITIES

### CONTEXT

Highlighting the differences between persons, discrimination violates the basic human rights of individuals and has broader social and economic consequences.<sup>10</sup> Discrimination of individuals and communities results in all available human resources either being underutilised or completely unutilised, causing opportunities to be crushed, barring not just economic progress but also highlighting social tension and inequality.<sup>11</sup> It is not only beneficial for a business to develop a reputation of being one that encourages equality in opportunity, treatment and remuneration, it also proves advantageous for the business to have the ability to choose from a vast group of diverse individuals with varied skills and talents.<sup>12</sup> Additionally, the practice of non-discrimination helps in the alleviation of poverty and promotes the goal of achieving decent work for all.<sup>13</sup>

In the context of BHR, discrimination manifests itself in a number of ways. For workers, discrimination can emerge through hiring practices, in which particular groups such as people living with HIV (PLHIVs)<sup>14</sup> or transgender persons<sup>15</sup> are excluded from being considered for employment; and perpetuates while at work, through unequal pay, with women being paid less, and differences in access to benefits, working conditions or consideration for promotion based on a person's identity<sup>16</sup>. In addition, discrimination can also be experienced from outside a business, as a consumer or member of the local community, with only certain groups being able to access services or with individuals experiencing discrimination while accessing a business service.<sup>17</sup>

Despite recent legislative attempts at progressing on equality in protection in Thailand, discrimination persists unabated on all grounds, as well as through various phases and aspects of employment. Discrimination based on gender and sexuality, commonly affects women<sup>18</sup> and LGBTI persons<sup>19 20</sup>. Advertisements for jobs themselves are rife with discrimination based on the sex and age of prospective applicants, and rules for admission to professional institutions also discriminate against persons with disabilities (PWDs) and transgender persons.<sup>21</sup> Race, ethnicity, colour, religion, and social origin are the basis for discrimination against a whole range of individuals including indigenous peoples because of which they often lack legal status and rights related to land, as also the rural poor who migrate to the city for employment.<sup>22</sup> Labour and social security laws do not or only partially cover those who are employed as sub-contractors, in deep sea fishing and agriculture, for home-based work and domestic tasks, and in street vending.<sup>23</sup> In addition, while there have been attempts to ensure access to education to all with policies drafted in this regard, indigenous children and youth, those belonging to ethnic minorities, stateless and migrant children often have limited opportunities due to their lack of Thai citizenship amongst other reasons.<sup>24</sup> With respect to PWDs and PLHIVs, efforts to promulgate laws and policies to promote their rights has not stopped or reduced the stigma and the discrimination they face, both at their place of employment and in their personal lives. For instance, since Thailand does not have a law that prohibits discrimination in employment on the basis of HIV status,<sup>25</sup> PLHIVs face issues as denial of employment, involuntary HIV screenings during the job application process and throughout the employment, violation of confidentiality and their right to privacy in the workplace, and loss of opportunities to advance and termination of employment.<sup>26</sup> As a result of a spill-over effect, LGBTI persons are also subject to stigma and discrimination because of their real or perceived HIV status.<sup>27</sup>



## **1. INTERNATIONAL & NATIONAL LEGAL AND POLICY FRAMEWORK: Existing Laws and Policies, Gaps and Legal Challenges**

### **1.1. International Human Rights Standards**

#### **1.1.1. Non-Discrimination and Equality**

The International Covenant on Civil and Political Rights (ICCPR) enshrines the rights of all people to non-discrimination and equality.<sup>28</sup> The International Covenant on Economic, Social and Cultural Rights (ICESCR) sets forth the principle of non-discrimination, guaranteeing that the rights in the Convention are exercised without discrimination of any kind.<sup>29</sup> Articles 6 and 7 set out rights with regards to employment, including the right to work, and to just and favourable conditions of work.<sup>30</sup> The International Labour Organisation (ILO) Declaration on the Fundamental Principles and Rights at Work commits member States to act, and recognises four key areas of rights and principles in employment, including the elimination of discrimination in employment and occupation.<sup>31</sup> The ILO Convention concerning Discrimination in Respect of Employment and Occupation (C111) of 1958, ratified by Thailand, addresses discrimination by prohibiting acts that nullify or impair 'equality of opportunity or treatment in employment or occupation' resulting from discrimination on the basis of 'race, colour, sex, religion, political opinion, national extraction or social rights'.<sup>32</sup>

#### **1.1.2. Protection of Women**

The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) explicitly establishes that extensive discrimination against women still persists.<sup>33</sup> It emphasises that such discrimination contravenes the principles of equality of rights and respect for human dignity.<sup>34</sup> Article 1 defines the phrase 'discrimination against women' as, 'any distinction, exclusion or restriction made in the political, economic, social, cultural, civil or other field'.<sup>35</sup> Furthermore, State Parties to the Convention have positive obligations to promote and respect the principles of equality by taking 'all appropriate measures, including enacting legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing to them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.' To round up these obligations, States also have the responsibility to eliminate discrimination against women in the employment sphere and to guarantee equal rights between men and women, including by prohibiting discrimination on the grounds of marriage or maternity.<sup>36</sup>

#### **1.1.3. Protection of Indigenous Peoples**

The International Declaration on the Rights of Indigenous Peoples (UNDRIP) recognises universal minimum standards for the survival, dignity, well-being, and rights of the world's indigenous peoples.<sup>37</sup> The rights enshrined in this Declaration are both individual and collective; culture and identity-related; and associated with education, health, employment, language, and other rights.<sup>38</sup> It prohibits discrimination of any kind against indigenous peoples and promotes their right to participation in decision-making processes on matters that affect their rights.<sup>39</sup> It also ensures their right to maintain their distinct identity and to pursue freely 'their economic, social and cultural development'.<sup>40</sup>

#### **1.1.4. Recommendations for the protection of PLHIVs in the workplace<sup>41</sup>**

According to the ILO Recommendation 200 'concerning HIV and AIDS and the world of work' discrimination includes situations of exclusion or preference that result in an impairment of 'the equality of opportunity or treatment in employment or occupation', as set out in ILO Convention C111 that has been ratified by Thailand. The scope of this Act extends to all workers irrespective of their arrangement or form of work and no matter their workplace, thus extending to all those employed in any type or occupation, those in training, those volunteering, and those that are in the process of obtaining employment. At the national level, it recommends that the response to HIV and AIDS must be recognised as contributing to the complete achievement of human rights and fundamental freedoms that must extend not just to workers but also members of their family and those dependent on them. Recognition and treatment of HIV and AIDS in the workplace must also be included as part of the response to the AIDS pandemic, so that there is no discrimination or stigmatisation of workers and





job applicants based on actual or presumed HIV status or based on the higher risk posed to those from a specific geographic region or population group. In relation to HIV and AIDS, prevention, treatment, care, support, and access to other services should be provided to workers, their family and any dependents. Workers employed in professions with a higher risk to occupational transmission of HIV and related diseases must be guaranteed special protection and access to prevention programmes. Privacy protection and confidentiality should be guaranteed on aspects related to HIV and AIDS, including the status or information of workers, their family or dependents. There must be no compulsion on workers or individuals to take a HIV test or to reveal their HIV status. To deal with HIV and AIDS, they must be included in national development programmes and policies, particularly those on social protection, labour, education, and health. Those affected should be engaged in the design, implementation, and monitoring of the aforementioned programmes and policies, and any other such programmes and policies designed specifically for the workplace. It also identifies vulnerabilities and provides steps to address these through: guaranteeing respect of human rights and fundamental freedoms; empowering women and promoting gender equality; preventing and prohibiting any form of violence or harassment at the workplace; promoting active involvement of all individuals while responding to HIV and AIDS; strengthening the empowerment and inclusion of all workers irrespective of their sexual orientation and their inclusion in a group that is vulnerable; acting through the promotion and guaranteed protection of sexual and reproductive health of all individuals regardless of gender, and guaranteeing the confidentiality of personal and medical data in an effective manner.

## **1.2. Regional Commitments**

### **1.2.1. Association of Southeast Asian Nations (ASEAN) Human Rights Declaration**

The ASEAN Human Rights Declaration provides for protection against discrimination under its general clauses; with respect to civil and political rights, as well as economic, social and cultural rights.<sup>42</sup> Under the general clauses, the Declaration provides for equal protection under the law without discrimination,<sup>43</sup> and for non-discrimination 'in the realisation of rights and freedoms under this Declaration.'<sup>44</sup> The principles on civil and political rights prohibit discrimination based on religion and beliefs;<sup>45</sup> and the principles on economic, social and cultural rights require the creation of a positive environment to overcome discrimination 'in the prevention, treatment, care and support of people suffering from communicable diseases, including HIV/AIDS.'<sup>46</sup>

### **1.2.2. ASEAN Declaration of Commitment: Getting to zero new HIV infections, zero discrimination, and zero AIDS-related deaths**

This declaration recognises the commitment of ASEAN member States to work towards zero HIV-related discrimination and provides action steps to ensure the same.<sup>47</sup> These include:<sup>48</sup> (1) promotion of the health, dignity, and human rights of PLHIVs through legal, political, and social environments that facilitate HIV responses aimed at reducing stigma and discrimination; (2) initiation of a review of national law, policy, and practice for the full achievement to eliminate discrimination against PLHIVs, and (3) pledge to achieve the elimination of gender inequality, abuse, and violence with the goal to empower women and girls to protect themselves against HIV and ensure their access to health.

### **1.2.3. ASEAN Declaration of Commitment on HIV and AIDS: Fast-tracking and sustaining HIV and AIDS responses to end the AIDS epidemic by 2030<sup>49</sup>**

Reviewing the performance and expanding on the 2011 ASEAN Declaration of Commitment on getting to zero new HIV infections, zero discrimination, and zero AIDS-related deaths, this declaration provides for the expansion of efforts in order to ensure 'a supportive environment to reduce stigma and discrimination', including through the review of programmes and practices that prove to be barriers to access; such as by reducing HIV-related stigma and discrimination.



### **1.3. National Legal and Policy Framework**

#### **1.3.1. Constitutional Framework**

The Constitution of Thailand of 2017 states that it protects ‘human dignity, rights, liberties, and equality of the people.’<sup>50</sup> Despite this provision of the Constitution, the law in Thailand provides minimal protection to marginalised and excluded communities. There are specific legislations only with respect to women, LGBTI individuals,<sup>51</sup> and PWDs,<sup>52</sup> as discussed hereinafter. In addition, the Labour Protection Act provides protection against discrimination in employment, but only with respect to women.<sup>53</sup>

#### **1.3.2. Protection of Women**

The Gender Equality Act of 2015 specifically prohibits any means of discrimination on the basis of gender identity or expression, setting out criminal penalties for discrimination.<sup>54</sup> The Act also provides grievance mechanisms for those who believe they have suffered damages caused by unfair gender discrimination and can submit complaints to the Committee for Consideration of Unfair Gender Discrimination (WorLorPor Committee),<sup>55</sup> which can offer compensation.<sup>56</sup> The Act also establishes a ‘Gender Equality Promotion Fund’ to be spent on the promotion of gender equality and prevention of unfair gender discrimination.<sup>57</sup>

#### **1.3.3. Protection of Persons with Disabilities**

Persons with Disabilities Empowerment Act of 2007 stipulates under Section 15, 16, and 17 that discriminatory practices against persons with disabilities shall be prohibited.<sup>58</sup> The Act also sets out requirements that employers hire PWDs in proportion to the entire number of the workforce.<sup>59</sup> If they do not do so, they must make financial contributions to the ‘Fund for Promotion and Development of Life Quality of Disabled Persons’.<sup>60</sup>

#### **1.3.4. Protection against discrimination in employment**

The Labour Protection Act of 1998 ensures that fundamental protections for labour are in place. The Act imposes duties on employers not to carry out rights violations during the course of work against workers, regardless of their nationality and legal status.<sup>61</sup> The Act prohibits discrimination based on gender in terms of employment, unless equal treatment is not possible due to the nature of that particular work.<sup>62</sup> It also restricts the type of work an employer can ask women employees to do.<sup>63</sup> The 2008 amendment to the act prohibits harassment of all employees, not just women, provided the subject of harassment has a lower position or ranking in the workplace.<sup>64</sup> It does not cover harassment among employees of the same ranking.

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## **2. APPLICATION OF THE UN GUIDING PRINCIPLES ON BUSINESS AND HUMAN RIGHTS (UNGPS) TO PROTECT, RESPECT AND REMEDY**

### **2.1. Pillar I & Pillar III - The duty of the State to protect against discrimination of marginalised communities: LGBTI individuals, Women, People living with HIV, Persons with disabilities, Elderly persons, and Other minorities, and to ensure effective access to remedy**

The national legislative and policy frameworks in Thailand with regard to discrimination while offering protection to individuals is plagued by gaps not just in the content, but also in implementation. The Constitution of Thailand provides for the protection of human dignity, rights, liberties and equality of people as an attempt to adhere to the State duty to protect human rights,<sup>65</sup> however, the language utilised is vague and the principles of non-discrimination—which this provision does in theory cover—is not significantly backed up elsewhere in national legislation. In addition, although on the surface the Gender Equality Act appears to be a positive step towards preventing gender-based discrimination, there are exemptions in the Act that limit its application and thus its ability to protect the rights of LGBTI individuals.<sup>66</sup> Section 17 exempts discriminatory behaviour in the public and private sectors with respect to freedom, security, and protection of others or in accordance with religious obligations or national security.<sup>67</sup> While there are protections under the Labour Protection Act, again, unfortunately, these are not all encompassing, and issues such as sexual harassment are only criminalised when carried out by a more senior member of staff.<sup>68</sup> Additionally, there is no comprehensive and all-inclusive anti-discrimination law in Thailand, as a result of which those who are not covered by existing laws—such as PLHIV and ethnic minorities—receive no protection. All the mentioned deficiencies are specific failures under Pillar 1 of the UNGPs,<sup>69</sup> as the groups that have no concrete anti-discrimination law to turn to or are victims of deficient legislations, are often those who suffer most severely from it. Principle 3 of the UNGPs sets out the need for States to enforce laws aiming at or having the effect of requiring businesses to respect human rights.<sup>70</sup> While the current legislative framework does offer some legal enforcement encouraging businesses to respect the right to equality and impede discrimination, it is by no means an all-encompassing solution, as within these laws themselves significant exclusions or contradictions exist which limit these laws' value as a tool to protect or ensure respect of human rights. For example, while some laws stipulate equal treatment, discrimination in the workplace is not properly addressed in Thai laws.<sup>71</sup>

With respect to access to remedies, the Act on the Establishment of Labour Courts and Labour Court Procedure of 1979 sets out the ability for individuals to go to court if they believe they have been unfairly dismissed from their employment,<sup>72</sup> in line with Principle 26 of the UNGPs, which stipulates the need for States to offer access to judicial remedy.<sup>73</sup> In addition, the Gender Equality Act contains specific provisions for remedy within it. Guiding Principle 27 stipulates the need for States to provide effective and appropriate non-judicial grievance mechanisms to remedy business-related rights abuses.<sup>74</sup> The establishment of the WorLorPor Committee as a complaints mechanism and the compensation available in cases where discrimination has occurred is a positive example of this.<sup>75</sup> However, the remedies available to those who face discrimination in Thailand are diffused and contain significant gaps. As discrimination as a whole is not criminalised, individuals who are not protected under existing legislation often have no access to an effective judicial remedy, because what they have experienced is not considered a crime. Additionally, the non-judicial remedies in place have a very limited scope. Consequently, those who have been discriminated against on grounds not covered by current laws have no access to remedy.<sup>76</sup>

### **2.2. Pillar II & Pillar III - The corporate responsibility to respect the rights of marginalised communities: LGBTI individuals, Women, People living with HIV, Persons with disabilities, Elderly persons, and Other minorities, and to ensure effective access to remedy**

Under Principle 11 of the UNGPs, businesses should avoid infringing on the human rights of individuals and should address adverse human rights impacts when they occur as a consequence of their actions.<sup>77</sup> With respect to discrimination, this principle manifests as a responsibility to not only avoid engaging in discriminatory practices, such as refusing to hire PLHIVs, or firing a woman when she becomes pregnant but also entails a need



to actively address such incidents when they take place.<sup>78</sup> This can be achieved through effective human resource practices, in which discrimination in the workplace is dealt with swiftly and effectively, and through stringent company policy according to which discrimination in any form is not tolerated and the violation of which has significant and legitimate consequences.<sup>79</sup> Additionally, Principles 17 to 21 set out the need for companies to ensure accountability, by conducting human rights due diligence (HRDD).<sup>80</sup> This is particularly important in cases of discrimination, as the offending act may not be a company-wide practice, but particular to specific individuals. As such, effective monitoring of the human rights situation and impacts within and caused by a business is essential in order to tackle the rights violations caused by discrimination.<sup>81</sup>

### 3. PRACTICES ON THE GROUND: CHALLENGES, IMPACTS & SIGNIFICANT CASES

#### Challenge 1: Lack of effective anti-discrimination legislations protecting all individuals

##### Impact

There is a significant gap in the current legislative framework in Thailand on protections against discrimination. Concrete initiatives to tackle discrimination and offer remedy at present are only offered to LGBTI individuals, women, and PWDs, and even then, there are exclusions, as laid out in Section 17 of the Gender Equality Act.<sup>82</sup> This section exempts discriminatory behaviour in the public and private sectors with regards to freedom, security, and protection of others, or in accordance with religious obligations or national security.<sup>83</sup> Indigenous peoples, PLHIVs, and ethnic minorities currently have no formal protection under Thai law.

##### Case of employment of a transgender woman<sup>84</sup>

The Hotel Call Centre of the Grand Mirage Pattaya rejected an anonymous transgender woman outright when applying for a job. She had applied for a job with two friends, one male and one female, and had dressed and conducted herself appropriately. After her interview, she was called to another room and was told explicitly that the business did not recruit transgender women. This is a direct violation of article 17 of the Gender Equality Act.

#### Challenge 2: PLHIVs continue to face discrimination with regard to education and training, seeking employment, and while employed

##### Impact

In Thailand, there were estimated to be 440,000 PLHIVs in 2015.<sup>85</sup> But even with HIV being prevalent and despite high profile HIV education campaigns being held, PLHIVs continue to face discrimination when seeking education or employment, as well as at the workplace.<sup>86</sup> The country committed to have at least 50% of companies establishing HIV/AIDS friendly policies by 2003 but despite this, as of 2004 many employers had only made an informal commitment, with few turning this commitment into a company policy.<sup>87</sup> Businesses fear that employing PLHIVs will incur greater operational costs and they are concerned of the safety of customers and other employees and, as such, are apprehensive about complying with laws against discrimination in the workplace.<sup>88</sup> Interviews conducted with human resources professionals of companies listed on the Stock Exchange of Thailand showed that 48.3% of human resources managers would not hire PLHIVs.<sup>89</sup> Health screenings are utilised in many job applications, resulting in PLHIVs being denied employment when it is discovered that they are HIV positive.<sup>90</sup> The use of health screenings also affects employees, as demonstrated by reports of HIV positive workers being fired after annual health checks.<sup>91</sup> The stigma surrounding HIV also extends beyond employment, with PLHIVs being denied loans from the Bank for Agriculture and Agricultural Cooperatives, only because of their HIV positive status.<sup>92</sup>

##### Case of mandatory blood testing for HIV<sup>93</sup>

A 29-year-old technical engineering graduate was forced to resign after undergoing a mandatory blood test that



revealed he was HIV positive. The young man managed to get a new job at a firm that has no policy of screening applicants before hiring them or doing annual check-ups. Potential discrimination has stopped him from telling anybody about his HIV status.

### Challenge 3: PLHIVs face discrimination in accessing social services

#### Impact

In Thailand, with a culture that does not speak openly about sex, a movement has emerged to create awareness. This movement has led to an increase in those accessing treatment and in an understanding of prevention methods, even in places where none were present earlier. However, the support by governments and uninformed sectors of society is still rather limited. PLHIVs continue to face discrimination both systematically and socially, which shows how society still has to confront its fear.<sup>94</sup> Despite Thailand's Universal Care System (UCS), access to health services for PLHIVs is restricted because of discrimination, a lack of emphasis on prevention, and resources that are inequitably distributed in public hospitals, especially at the district and community levels.<sup>95</sup> The RTG is not taking all the necessary steps to ensure the highest standards of physical and mental health of PLHIVs.<sup>96</sup> Both the articles and general comments of the ICESCR establish the responsibility of the State to take measures 'to ensure the highest attainable quality of health facilities, goods, and services, to establish and maintain prevention and education programmes for behaviour related health concerns and to redress de facto discrimination' against PLHIVs. At present, many hospitals lack the appropriate resources to provide their patients with treatment and testing, which are guaranteed under UCS policy. Moreover, there is inadequate funding and support from State agencies for HIV/AIDS education programmes in schools as well as for medical personnel, which causes and contributes to discrimination and complete ignorance at all levels of the community.<sup>97</sup>

#### Case of discrimination against PLHIV on access to social services<sup>98</sup>

After a car accident, a hospital performed a routine blood test on Law Sookdee, for which he tested HIV positive. At that time, he was working for a company in Bangkok, and after he returned to work his company informed him about the results of his blood test. In 1999, his company gave him 100,000 Thai Baht (THB) (\$3,200) and asked him to quit. When his wife passed away in 2002, Law and his five-year-old son moved to the province where he opened a shop to repair motorcycles. Soon he faced judgment from community members, and Law became reclusive. Many of his friends in the community died due to HIV/AIDS. At that time, the volunteer group Thai Network of People Living with HIV/AIDS (TNP+), raised awareness of and educated community members about HIV/AIDS. Encouraged by his father, Law began attending TNP+ meetings, which gave him access to counselling. Eight years after his diagnosis, he began receiving CD4 tests and taking Antiretroviral Drugs (ARD). Today, Law lives in a farm, works as the vice-president of the Isaan network, and is married to Sasi, a former TNP+ group leader.

### Challenge 4: Persons with Disabilities (PWDs) are discriminated against in education and training, in their ability to access employment, and while employed

#### Impact<sup>99</sup>

Although Thai domestic laws are quite progressive in guaranteeing the rights of PWDs, in reality there are problems with implementation, or lack thereof. The Constitution of Thailand and the Persons with Disabilities Empowerment Act (PDEA) of 2007 under Section 15, 16 and 17 prohibit discriminatory practices against PWDs. Regardless, 75% of those with disabilities have been denied employment due to their disabilities. Specific policies have been instituted in order to remedy employment discrimination of those with disabilities. Section 33 of the PDEA stipulates that for any employer with over 100 employees, 1% of the workforce must be PWDs. Alternatively, they may comply with Section 35 of the Ministerial Regulations to Specify Numbers of Employees with Disabilities that Employees, Entrepreneurs and government Agencies, where they can in substitution, grant concessions, arrange places for products or services of PWDs, employ PWDs under sub-contracts with other agencies or provide trainings or any other supports for PWDs or caregivers. If they fail to comply with either Section 33 or 35, the employer is required to submit a levy to the Fund for Empowerment of Persons with





Disabilities. These policies have not resulted in successful elimination of employment discrimination for those with disabilities. PWDs are often exploited by employers who seek to appear to be complying with disability law for the benefit of tax deductions set out. Employers use PWDs names in order to appear to be hiring people with disabilities without actual employment. In addition to this, the option of paying a levy results in many employers opting to pay instead of employing PWDs. This is particularly prevalent in the public sector.<sup>100</sup>

#### Case of PWDs in educational institutions

Statistically, in Thailand in the year 2007, only 18% of PWDs were enrolled in educational institutions, out of which only 0.5% of them were enrolled in institutions of higher education.<sup>101</sup> Over 65% of PWDs were unemployed, and 75% have been denied employment due to their disabilities.<sup>102</sup> The situation is especially dire for women with disabilities.<sup>103</sup> PWDs have almost no employment opportunities besides stereotypical, low-paying jobs that lack security.<sup>104</sup> They continue to be excluded from employment in public service, in addition to several other professions such as law, medicine, nursing, and military service.<sup>105</sup> In 2013, there were 30,769 PWDs employed by the private sector.<sup>106</sup> This accounts for about 46% of a total of 53,689 persons to be hired in accordance with the law.<sup>107</sup> As for state agencies, only 1,280 persons with disabilities were employed or given assistance, out of 10,851 PWDs the law requires to be employed, accounting for only 9.5% of the quota.<sup>108</sup>

#### Challenge 5: Current law and policy to remedy employment discrimination for PWDs has failed

##### Impact<sup>109</sup>

Under Article 5 of the Convention, the government has the obligation to prohibit all discrimination on the basis of disability and guarantee to PWDs equal and effective legal protection against discrimination on all grounds. However, Section 15 Paragraph 3 of the PDEA offers exemptions for reasons of academic or traditional purposes or for public interests. Thus, exemptions provide an excuse for discriminatory behaviour and undermine the principle of non-discrimination protected therein. When cases of discrimination occur, PWDs have limited access to legal recourse. The Sub-Committee on Elimination of Discrimination against PWDs and its related justice systems fail to provide justice for PWDs. Legal assistance is particularly limited in rural areas.

Thus, 90% of PWDs do not put forward discriminatory claims before government agencies because they do not believe in their effectiveness. In rural areas, a majority of PWDs have limited information of their rights and how to access legal remedies in cases of discrimination.

##### Case of discrimination against PWDs in employment<sup>110</sup>

In 2012, ABC Donuts Thailand approached Thammasat University to hire students with disabilities on a part time basis with a salary of 600 THB (\$19) per month. A study by students of Thammasat University revealed that all students with disabilities were listed as full-time workers, with employment contracts indicating they were working full time, and receiving a salary of 9,000 THB (\$290) a month with six days annual leave. ABC Donuts admitted that the names of the university students with disabilities were being used to avoid paying to the Fund for Empowerment of PWDs while benefiting from full tax deductions. A claim was submitted to the Sub-Committee and ABC Donuts Thailand agreed to pay a fine with interest totalling 8 million THB (\$255,000) to the fund. Despite this, the underpaid salary of the employed university students with disabilities was not compensated.

#### Challenge 6: Gender-based discrimination in the workplace particularly sexual harassment, continues unabated

##### Impact

Although gender-based discrimination is illegal, it is still prevalent in women's working lives. This manifests in a number of ways. The CEDAW concluding observations on the combined sixth and seventh periodic reports of Thailand highlighted gender-based discrimination in many areas of employment, including recruitment,



promotion, and retirement age.<sup>111</sup> A disparity between the retirement ages of men and women was identified, with many factories setting a retirement age of 55 for women and 60 for men.<sup>112</sup> Although on the surface the Gender Equality Act seems to be a positive step towards preventing gender-based discrimination, there are exemptions in the bill that limit its application and its ability to protect the rights of LGBTI individuals.<sup>113</sup> Section 17 exempts discriminatory behaviour in public and private sectors with regards to freedom, security, and protection of others, or in accordance with religious obligations or national security.<sup>114</sup> While there are protections under the Labour Protection Act, again, these are not universal, and issues such as sexual harassment are only criminalised when carried out by a more senior staff member.<sup>115</sup>

#### Case of gender-based discrimination in the workplace<sup>116</sup>

A 20-year-old graduate began working as a secretary in Bangkok. She was the only female worker among eight men in the sales department. Her manager, a 45-year-old man, flirted with her often. She politely ignored his advances. The manager became angry with her rejection. As a result, she received a negative evaluation on her performance review at the end of her probationary period without explanation. She took her case up with the personnel manager, who sympathised with her but did nothing to help her. Instead, he advised her to take the case to the Deputy Managing Director of the company, who was her direct boss. Although he was unsympathetic to her concerns, his secretary advised her to take the case up with the secretary of the Managing Director, which she did. Finally, her issue was raised with the Managing Director, who transferred her to a new section. However, no further action was taken against the manager.

### Challenge 7: Rampant sexual harassment in the workplace continues, without appropriate measures in place to remedy it

#### Impact

CEDAW's observations on the combined sixth and seventh periodic reports of Thailand noted the absence of legislation explicitly prohibiting sexual harassment at the workplace.<sup>117</sup> The impact of this is reflected in the World Health Organisation's (WHO) report of 2007, which found that physical or sexual harassment was present in 23-40% of workplaces in Thailand.<sup>118</sup> One hotline centre's report indicated that 70% of complaints came from the government sector.<sup>119</sup> Women who face sexual harassment often face negative consequences when they attempt to report it, such as facing threats or intimidation to encourage withdrawal of the filing, leading some victims to quit their jobs as a result.<sup>120</sup> Principle 3 of the UNGPs sets out the need for States to enforce laws aiming at or having the effect of requiring businesses to respect human rights.<sup>121</sup> While the current legislative framework does offer some protections, it is by no means a panacea, and within these laws themselves exist significant exclusions limiting their value as a tool to protect human rights – as has been discussed.

#### Cases of sexual harassment at the workplace

A 23-year-old worker<sup>122</sup> in a garment factory in Bangkok faced persistent flirting from her supervisor. Anytime she brought documents to his room for him to review or sign he would try to come near her, touch her or stare at her inappropriately. This made her very uncomfortable, and she talked to her co-workers about it, with most of them having experienced the same thing. They advised her to stay away from him and to try to avoid him as much as possible. As it was her supervisor who was harassing her, she was unable to complain to him. During yearly staff performance evaluations, she was directly evaluated by her supervisor which was not standard procedure and she was the only one evaluated in this manner. Her supervisor downgraded her by two points, attempted to fire her, and constantly pressured her to leave the job, while continuing to make inappropriate remarks. Ultimately, she was forced to resign from her job as a result of pressure and humiliation.

A 27-year-old woman<sup>123</sup> working in a company's art department was sexually assaulted by her supervisor while on a business trip to Pattaya. To save money, the team rented only two rooms to stay in. The woman stayed in a room with two male friends and the supervisor. One night while she was sleeping, she woke up to her supervisor forcing himself on her. She ran out of the room and stayed in the main lobby until late in the morning. Afterwards, her co-workers gave her strange looks as they saw her supervisor sleeping in her bed, which persisted when they returned from the trip, and rumours about her started to circulate. The woman felt very



uncomfortable and confessed what had happened to a friend who had been on the trip. Her friend promised he would be her eye-witness if she brought the case to management. Yet, when the time came, he changed his mind, fearing that he might get in trouble. When her case reached the management, nobody showed interest in it, they treated the matter as trivial and questioned the validity of her claim. She also received a very poor performance evaluation from her supervisor. She continued to be treated unfairly by her supervisor by being denied requests for leave and not being offered new assignments. She requested to be transferred to another section as she was unable to bear the situation any longer.

### **Challenge 8: The legal identity of LGBTI Individuals is denied**

#### **Impact**

Due to the limited steps taken to ensure the upholding of the rights of LGBTI individuals in Thailand, the LGBTI community still lacks significant legal recognition and protection, leading to economic, social and cultural barriers.<sup>124</sup>

#### **Case of denial of the identity and recognition of LGBTI individuals<sup>125</sup>**

In 2010, the gay-themed film 'Insect in the Backyard', directed by a transgender woman, was banned by the Ministry of Thai Culture's National Film Board under Article 29 of the Film Act of 2010. The board described the film as a disruption of national order and public morals, signalling that gay-themed films are taboo. The filmmaker appealed the decision, which has been pending in the Constitutional Court for three years.

### **Challenge 9: LGBTI Individuals face discrimination on the basis of their sexual orientation and gender identity**

#### **Impact**

LGBTI individuals are not protected against widespread discrimination specifically on the basis of sexual orientation or gender identity in employment, under either the Constitution or the Labour Protection Act 1998. Although Article 5.6 of the Thai Labour Standard (TLS) provides that an establishment shall not engage in or support any discrimination in respect to employment, payment of wage and remuneration, providing welfare and opportunity for training and development, promotion, termination of employment or retirement due to personal attitude on gender or sexual orientation, it is not binding for companies and is only voluntarily certified by employers.<sup>126</sup> Constant stigma and discrimination leaves the vast majority of transgender people unable to obtain and maintain adequate employment. Consequently, many of them have to work in low level jobs in the entertainment, beauty, hospitality, and sex industries.<sup>127</sup> Transgender women sex workers have continuously been subjected to police abuse and exploitation.<sup>128</sup> Problematically, news reports of arrests of transgender sex workers are presented in a derogatory manner, fuelling prejudice and violence against the LGBTI community and sex workers.<sup>129</sup> Victims themselves are at greater risk of self-stigmatisation and have limited career options.<sup>130</sup>

#### **Cases of discrimination against transgender women**

In 2015, a Thai transgender woman faced discrimination due to her gender identity at her workplace in an international organisation, where she had worked for 15 months.<sup>131</sup> Thereafter, the woman was fired based on unsubstantiated claims of underperformance. The organisation had no policy in place to address discrimination and provide safe and friendly spaces for transgender persons, as well as lesbian and bisexual women.<sup>132</sup>

In May 2012, an undergraduate transgender woman student submitted an internship application to Suan Kularb Academy, an all-male academy in Bangkok.<sup>133</sup> She was denied the internship at the Academy, with an explanation that 'the intern may complete the internship at other establishments according to appropriate characteristics of the intern.'<sup>134</sup>



## 4. EXAMPLES OF GOOD PRACTICES TO GUARANTEE COMPLIANCE WITH THE UN GUIDING PRINCIPLES ON BUSINESS & HUMAN RIGHTS AND IN THE IMPLEMENTATION OF LAW AND POLICY

### 4.1. Community-led Good Practices and Guidelines

#### 4.1.1. Lithuanian Trade Union Confederation's project to combat prejudice against older workers

In 2008, the Lithuanian Trade Union Confederation (LPSK) launched the “Support Network for Reintegration into the Labour Market in the Regions of Utena and Vilnius” project. The project involved numerous actors, including vocational schools, public organisations, NGOs, trade unions, and employers, and aimed to promote life-long learning processes in order to reduce social exclusion and age-discrimination against older workers. Under the project, the LPSK Education Support Fund researched and promoted the adoption of policies or programmes that would reintegrate older workers in the labour market. It analysed company policies on re-skilling and providing professional education to employees. Finding these lacking, LPSK launched their own initiatives to recruit older workers in training and requalification programmes and publicise the issue of age discrimination. The project also initiated the radio programme ‘From salary to salary’, aimed at informing Lithuanian society about ageism and recruiting older workers to join in the campaign. Finally, the project brought forth a set of recommendations to the Tripartite Council, which the Council implemented into the Labour Code of Lithuania. The recommendations included paid leave for training, and job protection for pre-retirement workers.

### 4.2. Government-led Good Practices & Legislations

#### 4.2.1. A fund for the empowerment of PWDs in Thailand<sup>135</sup>

As an innovative alternative to enforcing quota schemes, Thailand established a fund for the empowerment of PWDs that necessitates employee reporting on the meeting of the quota requirement of one PWD to every 100 employees without disabilities. If this quota criteria are not met, employers should contribute to a national fund for the empowerment of PWDs, and any delay in fulfilling such contribution is accompanied by an interest. To encourage this practice, employers are provided with tax exemptions based on the amount paid as wages to PWDs and the contribution to the Fund. This fund is utilised by the state to cover schemes for the protection and empowerment of PWDs, such as promoting services and providing support to activities of organisations that are disability-related.

#### 4.2.2. Compliance with TLS: Corporate Social Responsibility (CSR) of Thai Businesses (TLS 8001-2010)

For compliance with national standards and international obligations with respect to labour management, Thailand's Ministry of Labour (MoL) developed a set of guidelines called the TLS: CSR of Thai Business (TLS 8001-2010), to serve as good practices for businesses and their subsidiaries to comply with.<sup>136</sup> These include specific measures that prohibit any establishment from engaging in or supporting any discrimination; and from obstructing, interfering or performing any action affecting employee rights or practices.<sup>137</sup> Discrimination is prohibited against individuals based on their ‘nationality, race, religion, language, sex, age, marital status, personal attitude on gender or sexual orientation, invalidity, HIV/AIDS status, trade union membership, political affiliation or personal opinion.’<sup>138</sup> While these guidelines are by no means sufficient to address discrimination in the workplace, it does serve as a good starting point. With the goal of obtaining a TLS certification from the MoL, these guidelines have been implemented in the management practices of several Thai companies and their subsidiaries.<sup>139</sup>

#### 4.2.3. The Hague Accessibility Award to encourage Accessibility for PWDs<sup>140</sup>

In order to ensure PWDs are consulted and involved in government decision making around issues that concern them, the local government of The Hague has set up a municipal advisory body called the Disabled People Welfare Council (RWG) which is involved in all policy development, implementation, and review. The RWG has also initiated an Accessibility Award, which recognises the efforts taken by public and private organisations in improving accessibility for PWDs.



#### **4.2.4. Sensitising health workers to sexual and gender diversity through Equality for All Foundation Jamaica Ltd's (EFAF) Mitigating Risk and Enabling Safe Spaces Programme<sup>141</sup>**

Currently, there are no legal protections for sexual and gender minorities in Jamaica, however the health sector recognises the need to ensure all people have equal access to health services. EFAF has been mandated by the Jamaican government since 2012 to run the Mitigating Risk and Enabling Safe Spaces Programme, a two-part training programme that trains health workers on sexual orientation and gender identity. EFAF works with regional health authorities, who send staff that would benefit from support and training to challenge their attitudes towards gender and sexual minorities. Through the training programme, participants learn more about sexual and gender minorities and are offered a safe space within which they can express their reservations. This makes participants more receptive to learning more about sexual and gender minorities and sharing their own experiences. Participants return to their hospitals or other workplaces and talk to their colleagues about what they have learned, which they then evaluate.

#### **4.2.5. European Union's intersectional approach to discrimination**

In recent years, the European Union's approach to discrimination has shifted away from a unitary approach of addressing inequalities towards a more integrated approach.<sup>142</sup> This intersectional approach recognises that social categories of difference such as gender, sexuality, race, and class do not exist separately, but interact with one another as multiple and overlapping oppressions within social institutions.<sup>143</sup> In particular, Portugal's multiple approach serves as an institutional model in terms of equality policies. This more balanced approach recognises both the importance of addressing intersecting inequalities as well as upholding single-issue discrimination policies. The success of Portugal may reflect the government's historical willingness to involve CSOs in the drafting of equality policies.<sup>144</sup>

#### **4.2.6. Organisation for Economic Co-operation and Development (OECD) Guidelines for Multinational Enterprises and the National Contact Points (NCPs) for Responsible Business Conduct**

In line with applicable laws and international standards, the OECD Guidelines for Multinational Enterprises provides recommendations from the government to multinational corporations. These are multilateral, non-binding principles and standards that establish responsible business conduct in a global context, and promote positive practices of businesses towards the economy, environment, and society. The guidelines provide for non-discrimination by enterprises against their employees in relation to employment or occupation, on grounds such as 'race, colour, sex, religion, political opinion, national extraction or social origin', unless specifically required for the position. For the implementation of these guidelines, governments have established agencies called NCPs.

#### **4.2.7. Antwerp's Sheltered Workplace to fight against disability discrimination in the labour market**

In 1964, the city of Antwerp in Belgium, created a "Sheltered Workplace". The Sheltered Workplace provides PWDs who struggle to find work within the larger labour market with meaningful employment at a fair wage. The workplace is accessible to individuals of all ages, sexes, and categories of disability, and focuses on providing independence to disabled persons through general allowances.

#### **4.2.8. Promoting participation through advisory councils in Barcelona**

Encouraging consultation, inclusion, and the development of strategic partnerships are all great ways to incorporate the perspectives of discriminated groups into government policy. In Barcelona in Spain, social participation of affected groups in anti-discrimination work has become a key component of the municipal strategy. Six Participation Councils including the Municipal Social Welfare Council, the Advisory Council for the Elderly, the Women Council of Barcelona, the One Hundred Young People Council, the Immigration Council, and the Council of Gypsies, have been set up to ensure that the voices and needs of vulnerable groups are included in every step of developing Barcelona's social policy.





#### 4.2.9. Promoting diversity and equality in the Antwerp Police through recruitment and training

The Antwerp police have taken numerous active measures to ensure diversity and equality among their ranks and in their interactions with the public. In 1995, they initiated the "Recruiting women and Belgians of foreign origin" project, which aimed at building the capacity of women and Belgians who originated from foreign countries for recruitment, building connections within communities of foreign origin, and training police staff to properly identify and follow up on incidents of discrimination. They also created a training course on diversity, and "adopted" classes from local schools to teach over 2,000 students every year about racism and harassment.

#### 4.2.10. Monitoring municipality employees to ensure diversity

An important consideration in the fight against discrimination is equal representation and diversity. In order to ensure that the staff of the municipality of Malmö in Sweden reflects the ethnic diversity of the city's residents, the municipal board included anti-discrimination into their municipal budget and implemented regular staff monitoring and integration measures using key indicators. The city also initiated several survey projects to monitor the performances of local organisations. Customer and employee surveys were taken at job and development centres to determine attitudes about ethnic diversity in the workplace and a national labour force survey was conducted, allowing researchers to see trends in the participation of marginalised groups within the labour market. Finally, as part of their efforts towards integration, all the local municipal departments are required to submit an integration plan in which they lay out the measures they have taken to increase diversity.

#### 4.2.11. Recruit without discrimination guide in Villeurbanne helps companies develop anti-discriminatory recruitment practices

In 2004, the city of Villeurbanne in France, created a guide for business actors called the Actors Concerned for Equality and against Ethnic Discrimination in Employment. The guide was created with the goal of highlighting discriminatory practices and helping employers to develop anti-discrimination policies. Then, in 2006, an agreement was signed between Villeurbanne and 15 local companies to work together to tackle discrimination. Through this partnership, they produced a guide, 'Recruit without discrimination', which reminds companies of their commitment to fight discrimination, and provides a common set of rules on recruitment to ensure each company engages in fair and equal hiring practices.

### 4.3. Business-led Good Practices & Guidelines

#### 4.3.1. Aligning with the principles of the UN Global Compact (UNGC)

With more than 12,000 members in 170 countries, the UNGC is the largest corporate sustainability project with a range of participants including from the business sector, labour associations, and organisations.<sup>145</sup> To align with international law and policy on sustainable business practices, the UNGC has set out ten guiding principles on human rights, labour, environment, and anti-corruption as policy, and with collaboration and innovation as goals in practice.<sup>146</sup> With respect to discrimination, UNGC principle 6 stipulates 'the elimination of discrimination in respect of employment and discrimination'.<sup>147</sup> This includes discrimination on the basis of 'race, colour, sex, religion, political opinion, national extraction, social origin, age, disability, HIV/AIDS status, trade union membership, and sexual orientation.'<sup>148</sup>

Businesses part of the UNGC are expected to incorporate these principles in their operations and to report on the progress of their efforts on an annual basis,<sup>149</sup> a step that has been taken by businesses in Thailand as well.<sup>150</sup> Failure to do so for two consecutive years results in expulsion from the UNGC.<sup>151</sup> In Thailand, over 50 companies have signed on to the UNGC and a number of them have made commitments to abide by its principles.<sup>152</sup> Notable amongst them are the CP group,<sup>153</sup> PTT,<sup>154</sup> and True,<sup>155</sup> who have taken steps to ensure the adherence to and understanding of international human rights principles.

#### 4.3.2. Management of risks with the International Finance Corporation's (IFC) Performance Standards on Environmental and Social Sustainability

Guided by standards set in the international conventions of ILO and the UN, the IFC's Performance Standards on Environmental and Social Sustainability provides businesses that IFC is investing in with the responsibility and



directions to identify risks and impacts, in an attempt ‘to avoid, mitigate, and manage the risks and impacts as a way of doing business in a sustainable way’.<sup>156</sup> Performance Standard 2 addresses labour and working conditions, proposes the promotion of fair treatment, non-discrimination, and equal opportunity amongst workers, as one of its objectives.<sup>157</sup> These standards provide for non-discrimination based on personal characteristics that are not related to the requirements of the job. These extend to recruitment, terms of employment, compensation, and working conditions, with specific mention of protection to be provided to women and migrant workers.<sup>158</sup>

#### 4.3.3. Employment of PWDs by Krungthai-AXA Life Insurance, Thailand<sup>159</sup>

Krungthai-AXA life insurance has received national acknowledgment<sup>160</sup> and international recognition<sup>161</sup> for the maintenance of sustainable action by them, through the employment of PWDs owing to their talent and their capability instead of being influenced by their disabilities.

#### 4.3.4. Carrefour Brasil: Integrating PWDs into organisational culture<sup>162</sup>

In 1991, Brasil passed legislation that requires companies to meet a quota, dependent on the size of the company, for the inclusive employment of disabled persons. For the Carrefour Group’s Brasil office, this meant 5% of their employees. The company decided to implement that quota at each of its 142 stores across the country. To accomplish this, the company has implemented the *Eu pratico a inclusão* (I practice inclusion) recruitment program. As a result of the program, the company was able to recruit twice the number of people with disabilities in 2013 as it had been able to recruit in 2012. The recruitment program was supplemented by the *Meu Amigo é Especial* (My friend is special) campaign, which works to encourage the integration of people with disabilities into the internal business culture. The challenges that the company faces in terms of managers who may lack knowledge in terms of accommodating employees with disabilities has been addressed with the creation of orientation manuals to assist in guiding managers and the creation of the ‘Human Resources Assistant Role’ to aid managers in hiring, training, and retaining its disabled employees.

#### 4.3.5. Microsoft ties executive compensation to anti-discrimination objectives<sup>163</sup>

In 2016, following a decline in female workers for the second year in a row, Microsoft Corp. made inclusion a “core priority”. To encourage increased hiring of women and people belonging to ethnic minorities, the company turned to financially incentivising executives by tying their bonuses to reaching workplace diversity goals. As a result, in the subsequent year, there were gains in the percentage of Black, Latino, and female workers represented in the labour force.

#### 4.3.6. Qaderoon Business Disability Network in Saudia Arabia helps companies be inclusive of PWDs<sup>164</sup>

The Qaderoon Business Disability Network provides employees with advice, training, and best practices on the recruitment, inclusion, and retention of employees with disabilities. In partnership with the Ministry of Labour, the Network has introduced a ‘Disability Confidence’ index to measure an organisation’s ability to be inclusive of disabled persons and provide certification to the organisation. Through the index, the Network assists companies in creating action plans to improve their ‘confidence’ in hiring people with disabilities.

#### 4.3.7. Combining prevention and care at Illovo Sugar<sup>166</sup>

South African company, Illovo Sugar, has taken an approach to HIV/AIDS which combines prevention and care into one multi-stakeholder, multi-disciplinary programme. The company worked in tandem with academic experts, medical and occupational health services experts, management, and unions to develop a programme that is deeply rooted in company culture and ensures that trust is developed between all stakeholders. It engages in meetings with those listed above and puts together larger meetings of workers. Engaging with experts and stakeholders in both capacities ensures that information on the company’s commitments and programme plans are widely shared. The programme provides health care and support services, access to condoms, and facilitates educational activities on prevention.



#### **4.3.8. 'Diversability' with Novartis International AG<sup>167</sup>**

For Swiss pharmaceutical company Novartis, valuing the unique needs and talents of people with different abilities is a company priority. The company refers to its disability inclusion strategy as 'Diversability', based on the philosophy that the focus should be on employees' abilities and contributions rather than their disabilities or limitations. In 2011, employees created the Diversability Support Network to advocate for its differently abled employees. The group has also supported the creation of a diversability resource centre, which provides information and resources for employees with disabilities.

### **4.4. Good Practices & Guidelines led by Multilateral Initiatives**

#### **4.4.1. Ethical Trading Initiative (ETI) and their Code of Labour Practice**

The ETI is an alliance of multisector actors, including companies, trade unions and NGOs that work together to promote the respect of worker's rights worldwide, both in business enterprises and in their supply chains.<sup>168</sup> Basing their actions on the UNGPs and sharing methods for their effective implementation,<sup>169</sup> companies that are part of ETI adopt a code of labour practices which their subsidiaries and suppliers are also expected to work towards.<sup>170</sup> Sourced from the ILO conventions, the code of labour practices in base code 7 prohibits the practice of discrimination, according to which it requires there should be 'no discrimination in hiring, compensation, access to training, promotion, termination or retirement based on race, caste, national origin, religion, age, disability, gender, marital status, sexual orientation, union membership or political affiliation.'<sup>171</sup>

#### **4.4.2. Assessing the human rights performance of businesses according to the Corporate Human Rights Benchmark (CHRB)**

The CHRB is a multi-stakeholder initiative which utilises a methodology to assess the performance of businesses in line with human rights standards, including the UNGPs amongst other international instruments and standards set therein.<sup>172</sup> This was compiled following a consultation with more than 400 representatives including businesses, investors, state actors, CSOs, academics, and those with legal expertise.<sup>173</sup> One of its indicators, A1.2, evaluates if a business is committed to respecting the human rights of workers by 'eliminating discrimination in respect of employment and occupation.' It also specifically acknowledges the elimination of discrimination with respect to women.<sup>174</sup>

#### **4.4.3. The UN Standards of Conduct for Business tackles discrimination against LGBTI people**

Building on the UNGPs and the UNGC, the Standards of Conduct were developed by the Office of the UN High Commissioner on Human Rights (OHCHR) and the Institute for Human Rights and Businesses to guide companies on how to respect the rights of LGBTI people, how to treat LGBTI employees fairly in the workplace, and how to ensure business practices are non-discriminatory in every part of the supply chain. Further, they also highlight the opportunities companies have to bring about positive social changes in the communities they work in. Five main standards form the basis of the Standards of Conduct, including (1) respecting human rights at all times; (2) eliminating discrimination; (3) providing support to LGBTI workers in the workplace; (4) preventing human rights violations in the marketplace, and (5) acting in the public sphere to stop human rights abuses. The application of these standards is meant to be guided by local stakeholders and applied to all business enterprises, regardless of their location, sector, structure, ownership or size. Today, close to 200 companies, including Nike, Google, Ikea, Nestlé, and Mastercard have adopted these standards.



## 5. RECOMMENDATIONS AND ACTION PLAN FOR THE STATE: PILLAR I AND PILLAR III

PILLAR I: STATE DUTY TO PROTECT			
Priority Area 1	General Provisions to Protect against Discrimination		
Recommendations (Goal to be achieved)	Action	Lead Agency/ Jurisdiction	Performance Indicators/ Timeline
Enact a law to prevent discrimination in any form extending to all categories of marginalised and excluded communities and frame policy for its enactment, in line with international conventions on discrimination such as UDHR Article 2 and Article 7; ICCPR & ICESCR Common Articles 2 and 3; CEDAW Articles 2 and 11; International Convention on the Elimination of Racial Discrimination (ICERD) Articles 2, 5, and 7; Convention on the Rights of Persons with Disabilities (CRPD) Articles 5 and 27; ILO Conventions 100 and 111; Sustainable Development Goals (SDGs) 5, 10, and 16; and Article 3 of the ASEAN Human Rights Declaration.	A singular anti-discrimination legislation that accounts for all people must be enacted. It should not just protect against discrimination but also address violations by providing remedies and promoting non-discrimination.	The National Legislative Assembly (NLA) and The Ministry of Social Development and Human Security (MSDHS)	The law should include all categories of persons (without exemptions) facing discrimination due to marginalisation, exclusion or stigmatisation, with specific definitions given on each category in the intention document of the discrimination legislation.  Timeline: 2 years – 2019-2020



To address violence and discrimination, adopt a combination of laws, policies, and measures.	These must be tailored to address specific contexts, taking into consideration how each community is distinctly affected and how other factors may have a negative impact on those concerned.	All relevant ministries and departments	These measures must be evidence-based, with all affected communities participating in their design and implementation. These must be accompanied by the overriding human rights 'do not harm' approach.  Timeline: 2 years – 2019-2020
Enact legislations that guarantee the right to access social services by all, without discrimination, in line with CRPD Article 26 and CEDAW Article 11.	This legislation should provide easy access to health insurance regardless of gender, ethnicity, age, sexual orientation and gender identity or disability, in addition to any other determining feature.	NLA, The MSDHS, The Bureau of National Statistics	The provisions should include the duty of States to ensure access to social services, through an evaluation of the number of social service schemes accessible by each category of persons and disaggregated data on number of women, LGBTI, PLHIVs, PWDs, and elderly persons accessing them annually.  Timeline: 3 years – 2019-2021
Address low visibility of vulnerable groups and sub-groups.	More funding and attention must be directed towards marginalised populations and more research needs to be conducted on the needs and rights of these groups.	MSDHS	Differences in terms of priorities must be addressed through collaboration of all stakeholders on an issue.  Timeline: 1 year – 2019
Provide support and remove root causes that result in the rights of marginalised individuals being violated.	Take affirmative action to redress structural discrimination and to remedy socio-economic inequalities.	The Ministry of Education, The Ministry of Public Health (MoPH), and The Ministry of Finance, The Bureau of National	Accessibility must extend to all provinces and be at the same level as those guaranteed to other citizens, which can





	<p>Provide equal access to benefits, health services, and education to all individuals without discrimination.</p> <p>Put in place measures that protect the rights to privacy, self-determination and bodily autonomy of individuals who are discriminated against.</p>	Statistics	<p>be assessed through the collection and analysis of disaggregated data on race, ethnicity, religion, health, status, age, class, migration, and economic status.</p> <p>Timeline: 2 years – 2019-2020</p>
Identify, repeal, and amend law and policy criminalising conduct of these communities and contributing to the exacerbation of abuse and harassment against them.	These must address violations that are against persons based on their actual as well as perceived identity, particularly those related to violative actions by the police, military, and other government functionaries.	MSDHS, the MoJ	<p>This must particularly cover laws that are based on public decency, morals, health, and security, including beggary and loitering laws, amongst others.</p> <p>Timeline: 3 years – 2019-2021</p>
Create a safe and enabling space for those working on issues of discrimination.	Take measures to protect HRDs and other supporters of marginalised from attacks, intimidation, and other abuses.	MoJ	<p>Recourse in the form of complaint mechanisms, and access to judicial and non-judicial remedies should be provided, where necessary.</p> <p>Timeline: 1 year – 2019</p>
Establish an advisory and monitoring body to specifically address employment discrimination.	This should include effective implementation of mechanisms, such as those resembling mechanisms established by the Equality and Non-Discrimination in Employment and Occupation Act, with a corresponding Equal Employment Opportunity Commission.	The Ministry of Labour (MoL)	<p>The body established should be independent and free from identity and geographic biases.</p> <p>Timeline: 1 year – 2019</p>



Priority Area 2	Protection of Women against Discrimination		
Recommendations (Goal to be achieved)	Action	Lead Agency/ Jurisdiction	Performance Indicators/ Timeline
Enforce legislation by formulating policy on the protection of women from discrimination, in line with CEDAW Articles 2 and 11; UDHR Article 2 and 7; ICCPR & ICESCR Common Articles 2 and 3; ILO Conventions 100 and 111; SDG Goals 5, 10, and 16; and Article 3 of the ASEAN Human Rights Declaration.	The policy should be formulated based on the provisions of the Gender Equality Act and aligned with concluding observations of the CEDAW. An example of aligned policy could be the revocation of the exemption in section 17, paragraph 2 of the Gender Equality Act.	MSDHS, MoL, and the National Committee on Gender Equality	The policy enacted should help raise awareness on the Gender Equality Act and its provisions, promote women's rights and eliminate discrimination against women.  Timeline: 2 years – 2019-2020
Reform processes on access to justice for women's rights violations, in line with international conventions on discrimination against women and equal access to justice, such as CEDAW Articles 2 and 15; UDHR Articles 2, 7, and 14; ICCPR & ICESCR Common Articles 2 and 3; SDG Goals 5, 10, and 16; in addition to CEDAW's General Recommendation 33 on women's access to justice.	This can be done by allocating a budget to projects promoting women's and girl's access to justice, amongst other measures. Develop regulatory frameworks to support and contribute to these procedures.	MSDHS, the MoJ, and the National Committee on Gender Equality	This should result in the effective promotion and protection of the rights of women and girls. With respect to discrimination in employment, statistics on the number and characteristics of workers based on gender informally employed in Thailand must be maintained, to adapt access to justice processes.  Timeline: 2 years – 2019-2020



Organise training sessions to raise awareness and highlight the protection of women from discrimination, the Gender Equality Act, and the importance of women's participation in decision-making processes, in accordance with the 2006 concluding observations of CEDAW to Thailand and the Statement at the end of the visit to Thailand of the UN Working Group on BHR.	These sessions must be provided to government officials, judicial officers, employers, women, employees, and the public at large. Enabling, encouraging, and supporting conditions for participative decision making must be created.	MSDHS and the National Committee on Gender Equality	This should include women and persons at all levels and in all structural sizes.  Timeline: 3 years – 2019-2021
<b>Priority Area 3</b>	<b>Protection of Persons living with HIV/ AIDS (PLHIVs) against Discrimination</b>		
<b>Recommendations (Goal to be achieved)</b>	<b>Action</b>	<b>Lead Agency/ Jurisdiction</b>	<b>Performance Indicators/ Timeline</b>
Ensure the protection of PLHIVs from discrimination in accessing jobs and throughout their employment, owing to their (perceived) status or their vulnerability with respect to HIV and AIDS. It should also be forbidden to fire PLHIVs because of their HIV status, with measures to provide remedies in case of their unfair dismissal. These must be in line with ILO Convention No. 111 and ILO Recommendation No. 200.	This should be guaranteed through national policies and development plans, as well as through specific workplace policies addressing these aspects with respect to workers, their families and their dependents.	MSDHS, MoL	Those affected should be engaged in the design, implementation and monitoring of the aforementioned programmes and policies, and any other such programmes and policies designed specifically for the workplace.  Timeline: 2 years – 2019-2020



	<p>It should also provide steps to address vulnerabilities by protecting human rights and fundamental freedoms; empowering women and ensuring gender equality; preventing and prohibiting any form of violence or harassment at the workplace; strengthening the empowerment and inclusion of all workers irrespective of sexual orientation and them being part of a vulnerable group; and by guaranteeing effective confidentiality of personal and medical data.</p>		
<p>Eliminate law and policy forcing PLHIVs to undergo mandatory HIV testing, in line with ILO Recommendation No. 200 and the ILO Code of conduct on HIV and AIDS.</p>	<p>Forced HIV testing must not be included particularly in the employment and recruitment process.</p>	<p>MSDHS, the MoL</p>	<p>Enforcement mechanisms and penalties should be included with these provisions.</p> <p>Timeline: 1 year – 2019</p>



Develop concrete guidelines for the adoption of good practices on HIV/AIDS prevention and management in the workplace, such as the implementation and expansion of risk and harm reduction programmes, in line with the UNAIDS Technical Guidelines for countries, ILO Recommendation No. 200 and the ILO code of conduct on HIV and AIDS.	These must direct the private sector on methods and directions to adopt good practices on HIV/AIDS prevention and management. They must be directed towards the target of universal access to HIV prevention, treatment, and care.	MSDHS, and MoPH	The guideline should provide implementation measures and timelines.  Timeline: 2 years – 2019-2020
Enact policy stipulating accessibility to health insurance and other social protection by PLHIVs for prevention, treatment, care, and support of workers, particularly those at the risk of occupational transmission.	The policy must discuss health insurance for all, regardless of health status.	MSDHS, and MoPH	It should provide clear and effective provisions with safeguards.  Timeline: 1 year – 2019
Develop guidelines for access to treatment for HIV/AIDS.	The guidelines should clearly outline practices and authorities involved in providing access to treatment.	MoPH	It must be determined how many service providers adopt these guidelines on access to treatment.  Timeline: 2 years – 2019-2020





Enact policies and measures to support the protection of women and teenage girls from HIV/AIDS infection, to protect HIV positive women from discrimination, and to ensure education on reproductive health. This must be in accordance with the 2006 concluding observations of the CEDAW to Thailand.	Information about the risks and methods of transmission must be disseminated. Proper budget should be allocated for implementation.	MoPH	These policies must particularly cover persons living with HIV, sex workers, injection drug users (IDUs), and transgender women.  Timeline: 2 years – 2019-2020
Raise awareness amongst all relevant stakeholders, through trainings and the publishing of documents on AIDS rights, sexual and reproductive rights, and civil and economic rights, irrespective of gender and status.	HIV/AIDS should be addressed in a multi-dimensional manner, to build an understanding of the rights involved, including by developing and scaling up community-led HIV prevention programmes and services.	MSDHS, the MoPH	These dimensions should include an understanding of related social norms and cultural contexts.  Timeline: 2 years – 2019-2020
<b>Priority Area 4</b>	<b>Protection of Elderly Persons against Discrimination</b>		
<b>Recommendations (Goal to be achieved)</b>	<b>Action</b>	<b>Lead Agency/ Jurisdiction</b>	<b>Performance Indicators/ Timeline</b>
Change the age of retirement for elderly persons, to provide elderly persons with greater accessibility to work opportunities.	It must be extended from 60 to 65 years to ensure that elderly persons can work longer and support themselves.	MomL	Data on the number of persons employed above the age of 60 should be gathered.  Timeline: 1 year – 2019



Provision of financial, technical, and general support to increase accessible employment opportunities for elderly persons.	This support must be provided particularly to those who wish to work freelance.	MSDHS	Efficacy of the support must be studied through an analysis of the number of persons accessing these services and the manner in which they do so.  Timeline: 1 year – 2019
Ensure strong policies to accommodate elderly persons and their needs and necessities.	Review existing roles and responsibilities to ensure government set standards that provide care-giving services for older persons are up to standards.	MSDHS; Local Administrative Agencies (LAOs); the National Human Rights Commission of Thailand (NHRCT)	This must be supplemented by the introduction of two care-givers per sub-district to provide their services.  Timeline: 2 years – 2019-2020
<b>Priority Area 5</b>	<b>Protection of Persons with Disabilities (PWDs) against Discrimination</b>		
<b>Recommendations (Goal to be achieved)</b>	<b>Action</b>	<b>Lead Agency/ Jurisdiction</b>	<b>Performance Indicators/ Timeline</b>



<p>Enact special measures on the legislation for PWDs with respect to employment to ensure alignment with CRPD Articles 5 and 27; CESCR General Comments No. 5 and 8; SDG 5, 10, and 16; the Special Rapporteur of the Human Rights Council on the Rights of Persons with Disabilities' Reports (A/71/314, A/70/297, A/HRC/34/58); Article 3 of the ASEAN Human Rights Declaration; accepted recommendations on PWD during the Second UPR cycle; and the Concluding Observations of the CRPD on the initial report of Thailand.</p>	<p>These must include actions, for example, the provision of quota systems, and the requirement for employers to pay into the fund for empowerment of PWDs. Measures to provide PWDs with greater access to freelance work must also be added.</p>	<p>MSDHS</p>	<p>Safeguards and enforcement mechanisms, such as a rigorous reporting system should be provided. Regular monitoring of the number of PWDs employed in the mainstream labour force over time is a concrete method of evaluation of equality in employment.</p> <p>Timeline: 2 years – 2019-2020</p>
<p>Protect PWDs from having their rights being violated, owing to their disabilities.</p>	<p>Prevent instances of exploitation, abuse, and violence against PWDs, particularly in the case of women and girls. Address reports of involuntary detention as well as inhumane and degrading treatment against PWDs on the basis of impairment.</p>	<p>MoL, MSDHS</p>	<p>Protections and measures to access the justice system for their violations should be provided in accordance with Articles 13, 14, and 15 of the CRPD, and the Concluding Observations of the CRPD on the initial report of Thailand.</p> <p>Timeline: 1 year – 2019</p>



Call for the collection of disaggregated data on women and girls with disabilities in mainstream development and government programmes as well as services, particularly with respect to health. This is to be carried out in line with CRPD Articles 6 and 25; CEDAW Article 12, and the Concluding Observations of the CRPD on the initial report of Thailand.	To prevent the continuing invisibility in Thailand of women and girls with disabilities, disaggregated data on women and girls should be collected on the basis of gender and type of impairment, to undertake a statistical and qualitative analysis on the situation of women and girls with disabilities.	MSDHS, The Bureau of National Statistics	These must be compiled, publicised and steps to remedy this situation must be provided.  Timeline: 2 years – 2019-2020
<b>Priority Area 6</b>	<b>Protection of LGBTI Individuals against Discrimination</b>		
<b>Recommendations (Goal to be achieved)</b>	<b>Action</b>	<b>Lead Agency/ Jurisdiction</b>	<b>Performance Indicators/ Timeline</b>
Adopt anti-discrimination legislation that provides recognition, equal rights, and protection before the law, in accordance with the Report by the Expert on Protection Against Violence and Discrimination Based on Sexual Orientation and Gender Identity (A/72/172).	<p>It must include sexual orientation and gender identity amongst the prohibited grounds.</p> <p>Section 5 of the Gender Equality Act should be utilised to develop a comprehensive and inclusive definitions of gender identity, gender expression, sexual orientation, sexual characteristics, and transgender persons.</p> <p>Ensure this is accompanied by specific programmes and policies to end discrimination, marginalisation, and exclusion that results in negative impacts on LGBTI persons.</p>	MSDHS	<p>The definitions and provisions that are developed must be inclusive and must include the impact on their rights to health, education, work, and an adequate standard of living, as well as on their right to access justice. This legislation must be published in the Royal Gazette as a standard for other legislations and as a solution to other legal issues, on the subject.</p> <p>Timeline: 2 years – 2019-2020</p>



Clarify if advancing of legal gender recognition is prioritised in the third Nation Human Rights Plan of Thailand, and ensure these issues are prioritised as part of the sub-plan on sexual diversity and gender identity.	To achieve this; monitor, document, utilise, and promote initiatives where agencies have adopted or implemented their own human rights plan on sexual diversity and gender identity.	MoJ, NHRCT	Evaluate the number of policies devised to address legal gender recognition that are being implemented, based on the number of individuals having access to the benefits under them.  Timeline: 1 year – 2019
Ensure legal gender recognition in the workplace, and the protection of LGBTI people as a result.	Ensure the implementation of the TLS in hiring practices in the MoL, to promote it as an example of a good practice.	MoL	Conduct annual or semi-annual surveys amongst employees at a workplace to identify whether discriminatory practices, policies, and attitudes continue to persist including with relation to recruitment, working conditions, and access to services.  Timeline: 2 years – 2019-2020
	Review the dress code at the civil services in order for employees to dress in accordance with their identity, and provide guidance for businesses to follow the same.		
	Advocate for businesses to put policies in place that prevent harassment of all kinds faced by LGBTI persons in the workplace, and to set up mechanisms to report such discrimination.		
	Establish specific measures and policies for the protection of LGBTI migrant workers who are not otherwise addressed in legal or policy provisions.		





	Take measures to guarantee their access to quality health care services and health-related information.		
Ensure efficient enforcement of the Gender Equality Act to address unfair gender discrimination.	Promote the Act and its methods of application amongst public and private sector employers and employees. To do so, develop a guidance note on the same.	MSDHS, MoL	<p>Delay in investigation by the Gender Equality Investigation Committee must be resolved. Determine the time to be taken to resolve each case. Evaluate cases to identify if they include a final ruling that sets a precedent.</p> <p>Timeline: 1 year – 2019</p>
	This must include enforcement of the Act to address gender discrimination in the workplace and with regard to service delivery.		
	Legal loopholes in the Gender Equality Act including in its content and processes must be addressed, in order to assist employees with grievance redressal under the process.		
	Members of the WorLorPor and the Gender Equality Promotion Committee should be sensitised about the issues faced by transgender individuals.		
	All complaint mechanisms must be accompanied with protections that ensure universal accessibility.		



	Utilise the mechanism under Article 21 of the Gender Equality Act, to challenge any existing legal provisions as being unconstitutional.		
Raise awareness and conduct sensitisation trainings on gender identity, sexual orientation, and employment laws and practices that result in discrimination. Revise laws, in line with the Report by the Expert on Protection Against Violence and Discrimination Based on Sexual Orientation and Gender Identity (A/72/172); and Section 10 of the Gender Equality Act.	<p>Enact gender recognition laws with respect to trans people changing their names and gender markers on identification documentation.</p> <p>Design and conduct public education campaigns on anti-bullying and sexual education.</p> <p>A consultation meeting should be organised once a year to monitor the situation of gender recognition in Thailand. Government officials, the private sector (both employers and employees), trade unions, civil society, and affected communities must be involved in the capacity building and consultation process.</p>	MSDHS, MoL	<p>The procedures must be quick, transparent, and accessible, without any abusive conditions, respectful of peoples' free, informed choice and privacy.</p> <p>This must also address the Gender Equality Act and other welfare laws, as well as harmful social and cultural biases and misconceptions.</p> <p>The training must achieve national coverage through public campaigns, popular media or activities of CSOs; especially in remote regions and provinces.</p> <p>Timeline: 2 years – 2019-2020</p>
Prevent discrimination in the education system that could result in the creation of discriminatory and biased mindsets, at a formative stage, in alignment with the Gender Equality Act and	Ensure the regulations and provisions of schools and universities are free of discriminatory policies and practices, and are clear on guidelines such as on uniform policies.	The Ministry of Education, MSDHS	<p>These measures should ensure the best interests of LGBTI individuals and children, and respect their right to dignity.</p> <p>Timeline: 3 years – 2019-2021</p>



the National Social Welfare Promotion Commission Regulation.	Ensure sensitisation of teachers, administrators, and students, on the subject of diversity and to respect differences in sexual orientation, gender identity and expression, and sex characteristics.		
	Ensure gender-neutral and transgender-friendly school facilities.		
	Take into account the mental health and well-being of LGBTI students, as indispensable.		
	Ensure increased opportunities in education for persons of diverse sexualities.		
	Ensure textbooks and school curricula do not promote patriarchal attitudes towards LGBTI persons, and the introduction of school subjects addressing the challenges they face through sex education and guidance sessions.		
PILLAR III: ACCESS TO REMEDY			
Priority Area 1	General access to remedies and compensation		
Recommendations (Goal to be achieved)	Action	Lead Agency/ Jurisdiction	Performance Indicators/ Timeline



Take all measures necessary and provide mechanisms to prevent, investigate, and punish acts of violence, and ensure that remedy and reparation are provided.	The mechanisms provided must be well publicised at the local level, and include acts perpetrated by state and not-state actors whether committed in the public or private sphere.	MoJ, MSDHS, MoL	Effective access must be guaranteed and built into the mechanisms.  Timeline: 2 years – 2019-2020
Use funds effectively for remedy of the violation of rights, through grievance redressal mechanisms that address their real and adverse impacts.	The remedial process and the provision of compensation should be effective and accessible. The assessment carried out through these remedial procedures should inform the policies and legislative actions of States.	MSDHS, MoJ	Comprehensive data collection must be undertaken to assess uniformly and accurately the types, patterns, and methods of accessing remedy by different categories of individuals.  Timeline: 2 years – 2019-2020
Strengthen the access to the justice system, so it can be utilised by communities or individuals discriminated against.	Create effective systems for recording and reporting crimes based on discrimination with respect to a person's identity.	MoJ	An effective system must be evaluated based on its accessibility, ease of procedure, and in providing an equitable remedy or compensation.  Timeline: 2 years – 2019-2020
	Establish specialised prosecutorial units to investigate and prosecute these crimes.		
	Provide specialised training to law enforcement personnel and persons working in the justice system on specific policies, guidelines, and protocols on discrimination; to address unconscious biases that may plague the system.		



	Ensure measures are in place to prevent the identity of individuals being used as a means to justify a crime of discrimination, to absolve the violator or to reduce the sentence given.		
<b>Priority Area 2</b>	<b>Access to remedies and compensation by PLHIVs</b>		
<b>Recommendations (Goal to be achieved)</b>	<b>Action</b>	<b>Lead Agency/ Jurisdiction</b>	<b>Performance Indicators/ Timeline</b>
Provide mechanisms of remedy for PLHIVs who have suffered rights violations.	The mechanisms for remedy must operate particularly at the local level.	MSDHS, MoJ	The mechanisms must be systematic and clear.  Timeline: 2 years – 2019-2020
Set up a committee for the protection of rights related to HIV/AIDS.	These committees must be established at the sub-district, district, and provincial levels, with a mandate to offer genuine remedy.	MSDHS	Committees must provide effective oversight.  Timeline: 2 years – 2019-2020
<b>Priority Area 3</b>	<b>Access to remedies and compensation by LGBTI Individuals</b>		
<b>Recommendations (Goal to be achieved)</b>	<b>Action</b>	<b>Lead Agency/ Jurisdiction</b>	<b>Performance Indicators/ Timeline</b>
Administer and make accessible the complaints process under the Gender Equality Act.	This mechanism must be utilised in partnership with all relevant stakeholders.	MSDHS, MoJ	Complaints must be processed in a specified timeframe, as provided by relevant Ministerial Regulations.  Timeline: 2 years – 2019-2020





Set up a remedy fund in accordance with the Gender Equality Act.	The remedy fund should provide for injured parties and it must be used appropriately.	MSDHS, MoJ	It should meet the needs of the injured parties in an effective manner and within a specific timeframe.  Timeline: 2 years – 2019-2020
Document the situation of LGBTI employment.	The situation must be published in a report that is available and accessible.	MSDHS, MoL	The report must be updated yearly.  Timeline: 1 year – 2019

## 6. RECOMMENDATIONS AND ACTION PLAN FOR BUSINESSES: PILLAR II AND PILLAR III

PILLAR II: CORPORATE RESPONSIBILITY TO RESPECT			
Priority Area 1	General Provisions to Protect against Discrimination		
Recommendations (Goal to be achieved)	Action	Lead Agency/ Jurisdiction	Performance Indicators/ Timeline
Adopt policies and regulations that ensure respect for human rights by businesses.	It should include provisions that should be applied across all aspects of business operations, including protection against discrimination of anyone and on any grounds.	Businesses	These policies and regulations must include a procedure for enforcement and on access to remedies for violations.  Timeline: 2 years – 2019-2020
Adopt and implement voluntary guidelines by Thai Ministries in business operations to improve the quality of life of workers, to lift long term competitiveness, and enhance the sustainability of companies.	An example is the implementation of TLS 8001-2010, an equivalent of the global labour standard SA 8000. It must be implemented along with independent audit partners.	Businesses	The incentivisation of the adoption of such measures must be counter-balanced with grievance redressal and punishment for violations.  Timeline: 1 year – 2019



Actively address discriminatory practices when they occur.	This can be through effective human resources practices, in which discrimination in the workplace is dealt with swiftly and effectively, to stringent company policies in which discrimination in any form is not tolerated.	Businesses	The significant and legitimate consequences of the discriminatory practices should also be covered.  Timeline: 3 years – 2019-2021
Promote the principles of equal opportunity and take affirmative action measures.	These policies should prevent discrimination in employment, recruitment, advertisements of employment, compensation, termination, upgrading, promotion, and other conditions of employment for an employee or job applicant on the bases of race, creed, colour, national origin, sex, sexual orientation and gender identity, age, and health status.	Businesses	In particular, they must ensure that PLHIVs, LGBTI individuals, PWDs, and elderly persons will not face any kind of discrimination.  Timeline: 2 years – 2019-2020
Formulate policy that guarantees the right to access social services to all, without discrimination.	This legislation should extend access to health insurance regardless of gender, ethnicity, sex, age or any other determining feature.	Businesses	The provisions should be easily accessible and include the duty of businesses to ensure access to social services by people.  Timeline: 2 years – 2019-2020
Extend access and use of businesses' services to marginalised and excluded communities.	This should remove any impediments to access, and provide positive measures to promote access by these categories of individuals. This must particularly cover services of financial businesses and institutions.	Businesses	This practice should adopt a human rights lens.  Timeline: 2 years – 2019-2020



Conduct HRDD and address situations and cases of discrimination.	The patterns of discrimination must be determined through HRDD. For example, it must be determined if discrimination is a company-wide issue or if it is as a result of a few individuals.	Businesses	Continuous monitoring of the human rights situation and impacts within and caused by the business must be undertaken, and the report must be published and accessible.  Timeline: 2 years – 2019-2020
<b>Priority Area 2</b>	<b>Protection of Persons living with HIV/AIDS (PLHIVs) against Discrimination</b>		
<b>Recommendations (Goal to be achieved)</b>	<b>Action</b>	<b>Lead Agency/ Jurisdiction</b>	<b>Performance Indicators/ Timeline</b>
Prevent discrimination of PLHIVs in the workplace. Support PLHIVs in their efforts to advocate issues impacting public health to the government.	To ensure this, businesses should not impose compulsory HIV testing on prospective or current employees. Also, they should not terminate employment of PLHIVs based on health status – all of this must be communicated with the government, supported by businesses owing to their positive obligations.	Businesses	Access to remedies should be provided in case of discrimination.  Timeline: 1 year – 2019
Provide support to PLHIV employees.	This should be ensured particularly with respect to PLHIVs in need of treatment.	Businesses	Access to social services including health benefits and health insurance must be provided, to achieve this.  Timeline: 2 years – 2019-2020
<b>Priority Area 3</b>	<b>Protection of Elderly Persons against Discrimination</b>		
<b>Recommendations (Goal to be achieved)</b>	<b>Action</b>	<b>Lead Agency/ Jurisdiction</b>	<b>Performance Indicators/ Timeline</b>



Extend access and use of services of businesses to elderly persons.	This should remove any impediments to access and provide positive measures to promote access by the elderly.	Businesses	This practice should adopt a human rights lens.  Timeline: 1 year – 2019
<b>Priority Area 4</b>	<b>Protection of Persons with Disabilities (PWDs) against Discrimination</b>		
<b>Recommendations (Goal to be achieved)</b>	<b>Action</b>	<b>Lead Agency/ Jurisdiction</b>	<b>Performance Indicators/ Timeline</b>
Comply with current legislations governing the employment of PWDs.	For this, businesses must hire PWDs instead of opting to pay contributions into the 'Fund for Promotion and Development of Life Quality of Disabled Persons'.	Businesses	Other provisions of the Persons with Disabilities Empowerment Act must also be complied with.  Timeline: 2 years – 2019-2020
Provide ability appropriate careers for PWDs.	Ability should be determined through an assessment. Businesses should continue to provide professional development support as well.	Businesses	These should include careers and systems based in education, vocation or technical expertise.  Timeline: 2 years – 2019-2020
Ensure the presence of facilities needed to aid PWDs.	All workplaces must have appropriate facilities to aid persons with differing abilities including provisions such as documents in braille and ramps in the offices, to name a few.	Businesses	The input of PWDs must be obtained on the effectiveness of existing facilities, and the need for specific mechanisms.  Timeline: 1 year – 2019



Resolve deficiencies in the employment of PWDs, particularly women and children; in line with Articles 9, 25, and 27 of the CRPD, and the Concluding Observations of the CRPD on the initial report of Thailand.	Provide opportunities for training to gain access to employment for PWDs. In addition, provide access to reasonable accommodation and access to healthcare as required.	Businesses	These trainings must be evaluated for effectiveness, by researching on the understanding of issues addressed, and the utilisation of the knowledge imparted.  Timeline: 2 years – 2019-2020
<b>Priority Area 5</b>	<b>Protection of LGBTI Individuals against Discrimination</b>		
<b>Recommendations (Goal to be achieved)</b>	<b>Action</b>	<b>Lead Agency/ Jurisdiction</b>	<b>Performance Indicators/ Timeline</b>
Eradicate gender-based discrimination in the workplace.	This should include the eradication of gender-based discrimination in employment, by ensuring that the businesses employment policy excludes any gender biases.	Businesses	All actions must be in strict compliance with the Gender Equality Act.  Timeline: 1 year – 2019
Develop policy to prevent sexual harassment and discrimination at the workplace.	The policy should outline enforcement mechanisms, including with respect to reporting and redressal. It must list practices that could be punishable.	Businesses	The policies must be clear and provide effective deterrents for violations.  Timeline: 2 years – 2019-2020
Implement policies to prevent gender discrimination towards users of services of the business.	The policy must outline implementation practices and put in place specific punishments for violators.	Businesses	It must include punishment of staff with the potential to terminate their employment.  Timeline: 1 year – 2019
Report on gender equality in the workplace.	This can be done by publishing a yearly report on gender equality, including relevant information on gender-based discrimination.	Businesses	The report must be publicly available and easily accessible.  Timeline: 1 year – 2019





PILLAR III: ACCESS TO REMEDY			
Priority Area 1	General access to remedies and compensation		
Recommendations (Goal to be achieved)	Action	Lead Agency/ Jurisdiction	Performance Indicators/ Timeline
Provide mechanisms to remedy violations on the right to protection against discrimination.	The mechanisms provided must be well publicised at the local level.	Businesses	Effective access must be guaranteed and built into the mechanism.  Timeline: 2 years – 2019-2020
Provide remedy for the impact of rights violation.	Remedy must be provided for both the physical and mental impacts.	Businesses	The remedy must respond effectively to the needs of affected persons and communities.  Timeline: 1 year – 2019
Establish grievance redressal mechanisms.	The mechanisms should provide appropriate and effective remedy.	Businesses	The remedial process must have a clear timeframe.  Timeline: 1 year – 2019
Use funds effectively for remedy of the violation of rights.	The remedial process and the provision of compensation should include participation from all stakeholders.	Businesses	The grievance redressal mechanism and compensation must remedy real and adverse impacts of the violation.  Timeline: 2 years – 2019-2020
Priority Area 2	Access to remedies and compensation by PLHIVs		
Recommendations (Goal to be achieved)	Action	Lead Agency/ Jurisdiction	Performance Indicators/ Timeline
Provide mechanisms of remedy for PLHIVs who have suffered the violation of their rights.	The mechanisms for remedy must operate particularly at the local level.	Businesses	They must be systematic and clear.  Timeline: 2 years – 2019-2020



Establish grievance redressal mechanisms.	These mechanisms must be utilised to address termination of employment on the grounds of HIV status.	Businesses	They must provide appropriate and effective remedy.  Timeline: 2 years – 2019-2020
<b>Priority Area 3</b>	<b>Access to remedies and compensation by LGBTI Individuals</b>		
<b>Recommendations (Goal to be achieved)</b>	<b>Action</b>	<b>Lead Agency/ Jurisdiction</b>	<b>Performance Indicators/ Timeline</b>
Develop complaint mechanisms that can be accessed at the workplace, such as at entertainment venues.	This mechanism must be utilised in partnership with all relevant stakeholders.	Businesses	Complaints must be processed in a specified timeframe.  Timeline: 2 years – 2019-2020
Set up a remedy fund.	The remedy fund should provide for injured parties and it must be used appropriately.	Businesses	It must meet the needs of the injured parties effectively, within a specific timeframe.  Timeline: 2 years – 2019-2020
Document the situation of LGBTI employment.	The situation must be published in a report that is available and accessible.	Businesses	The report must be updated yearly.  Timeline: 1 year – 2019



## ENDNOTES

- 1 Manushya Foundation, *Business & Human Rights Strategy*, (2017), available at:  
<https://www.manushyafoundation.org/business-human-rights>
- 2 Manushya Foundation, *Meeting Report: Coalition Building Workshop on Business & Human Rights – Towards a ‘Thai BHR Network’*, (18-20 November 2018), available at: <https://www.manushyafoundation.org/coalition-building-workshop-report>
- 3 The four regional NBA dialogues were conducted by Manushya Foundation as follows: The Northern Regional NBA Dialogue in Chiang Mai (29 - 30 January 2017), The Northeastern Regional NBA Dialogue in Khon Kaen (23 - 24 February 2017), The Southern Regional NBA Dialogue in Hat Yai (20 - 21 March 2017) and The Eastern and Central Regional NBA Dialogue in Rayong (30 - 31 March 2017). Please access the NBA Regional Dialogues Report here: Manushya Foundation, *Meeting Report: Regional Dialogues for the CSO National Baseline Assessment (NBA) on Business and Human Rights*, (2017), available at: <https://www.manushyafoundation.org/nba-dialogues-report>
- 4 Manushya Foundation conducted two Experts Meetings to get input from national, regional and international experts to inform its NBA and ultimately provide guidance for the development of the National Action Plan on Business and Human Rights. The First Experts’ Meeting aimed at Informing the CSO NBA on BHR in Thailand in Bangkok (2-3 September 2017) and the Second Experts’ Meeting focused on Findings and Recommendations for CSO BHR NBA in Bangkok (28 February to 1 March 2018). Please see: Manushya Foundation, *Executive Summary: First Experts Meeting to inform the independent national baseline assessment on business and human rights in Thailand, 2-3 September 2017*, (2017), available at:  
<https://www.manushyafoundation.org/single-post/RELEASE-OF-FIRST-BHR-NBA-EXPERTS-MEETING>; and Manushya Foundation, *Executive Summary: Second Experts Meeting to discuss the findings and recommendations of the independent national baseline assessment on business and human rights in Thailand, 28 February-1 March 2018*, (2018), available at:  
<https://www.manushyafoundation.org/single-post/2018/07/31/RELEASE-OF-SECOND-BHR-NBA-EXPERTS-MEETING>
- 5 Manushya Foundation & Thai BHR Network, *Independent CSO National Baseline Assessment on Business and Human Rights in Thailand*, (2019), available at: <https://www.manushyafoundation.org/bhr-cso-nba-thailand>
- 6 The four regional NBA dialogues were conducted by Manushya Foundation as follows: The Northern Regional NBA Dialogue in Chiang Mai (29 - 30 January 2017), The Northeastern Regional NBA Dialogue in Khon Kaen (23 - 24 February 2017), The Southern Regional NBA Dialogue in Hat Yai (20 - 21 March 2017) and The Eastern and Central Regional NBA Dialogue in Rayong (30 - 31 March 2017). Please access the NBA Regional Dialogues Report here: Manushya Foundation, *Meeting Report: Regional Dialogues for the CSO National Baseline Assessment (NBA) on Business and Human Rights*, (2017), available at: <https://www.manushyafoundation.org/nba-dialogues-report>
- 7 Manushya Foundation, *Regional BHR workshops held to demystify corporate accountability concepts with HRDs, May-June 2017*, (2017), available at:  
<https://www.manushyafoundation.org/post/2018/07/31/release-of-bhr-workshops>
- 8 Manushya Foundation, *Executive Summary: First Experts Meeting to inform the independent national baseline assessment on business and human rights in Thailand, 2-3 September 2017*, (2017), available at:  
<https://www.manushyafoundation.org/first-experts-meeting-report>; and Manushya Foundation, *Executive Summary: Second Experts Meeting to discuss the findings and recommendations of the independent national baseline assessment on business and human rights in Thailand, 28 February-1 March 2018*, (2018), available at:  
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- 9 Manushya Foundation, *Meeting Report: Coalition Building Workshop on Business & Human Rights – Towards a ‘Thai BHR Network’*, (18-20 November 2018), available at: <https://www.manushyafoundation.org/coalition-building-workshop-report>
- 10 International Labour Office (ILO), *Combating the worst forms of child labour in shrimp and seafood processing areas of Thailand: Independent Final Evaluation*, (2015), available at:  
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**MANUSHYA**  
Empowering Communities | Advancing Social Justice

Founded in 2017, Manushya Foundation serves as a bridge to engage, mobilise, and empower agents of change by: connecting humans through inclusive coalition building and; by developing strategies focused at placing local communities' voices in the centre of human rights advocacy and domestic implementation of international human rights obligations and standards.

Manushya Foundation strengthens the solidarity and capacity of communities and grassroots to ensure they can constructively raise their own concerns and provide solutions in order to improve their livelihoods and the human rights situation on the ground.