



# Thilawa SEZ Complaints Management Procedure (TCMP)

## Thilawa Special Economic Zone (TSEZ)

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## 1. Introduction

- a. The Thilawa Special Economic Zone (TSEZ) (or “the Project”) seeks to build strong relationships with stakeholders and manage the impact of its business activities on host communities. Nevertheless, it recognises that complaints about its activities may occur from time to time.
- b. The Thilawa SEZ Complaints Management Procedure (TCMP) allows stakeholders to raise questions or concerns with the TSEZ and have them addressed in a prompt and respectful manner. The TSEZ aims to address all complaints received, regardless of whether they stem from real or perceived issues.
- c. Any stakeholder who considers themselves affected by the TSEZ’s activities will have access to this mechanism at no cost. The statutory rights of the Complainant to undertake legal proceedings remain unaffected by participation in this process.
- d. The TSEZ seeks to foster trust in the process and its outcomes. To this end it will communicate this TCMP in an understandable manner to affected stakeholder groups. Confidentiality will be respected and the TSEZ will take all reasonable steps to protect parties to the process from retaliation.
- e. This TCMP aligns with existing TSEZ Management Committee (TSMC)<sup>1</sup> and Myanmar Japan Thilawa Development Limited (MJTD)<sup>2</sup> directives and initiatives regarding responsible business, as follows.
  - Thilawa Special Economic Zone (TSEZ) Management Committee Notice No. 04/2015: *The Notice to Ensure the Responsible Investment in the Thilawa SEZ.*
  - The United Nations (UN) Global Compact (UNGC)’s Ten Principles; MJTD has been a signatory since October 2015.
  - The UN Guiding Principles on Business and Human Rights, Principles 29-31 (2011).
  - International Finance Corporation (IFC) Performance Standard 1: Assessment and Management of Environmental and Social Risks and Impacts (2012).
- f. The TCMP supports the TSEZ’s alignment with international good practice in stakeholder engagement. It has been designed in accordance with eight good practice principles per international standards<sup>3</sup>, as summarised in the *Draft Guideline on Public Participation in Myanmar EIA’s Processes (31 May 2017)*<sup>4</sup>.
- g. This TCMP is a process to effectively and proactively manage concerns and complaints, and provide communities and other stakeholders with the opportunity to have two-way dialogue with the Project about its operations. The

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<sup>1</sup> The Thilawa SEZ Management Committee (TSEZMC) is in charge of governance of the entire Thilawa Special Economic Zone.

<sup>2</sup> Myanmar Japan Thilawa Development Limited (MJTD) was established on 10th January 2014 as the operator and developer of a certain portion of the Thilawa Special Economic Zone (TSEZ).

<sup>3</sup> These eight principles are: i) Legitimate; ii) Accessible; iii) Predictable; iv) Equitable; v) Transparent; vi) Rights compatible; viii) A source of learning; and viii) Based on engagement and dialogue.

<sup>4</sup> The *Draft Guideline on Public Participation in Myanmar’s EIA Processes* was recently developed by a multi-sector Working Group convened by the Ministry of Natural Resources and Environmental Conservation (MONREC), with the support of the United States Agency for International Development (USAID). The Draft Guideline discusses the principles set out in international standards that should guide the design of complaints and grievance mechanisms for projects in Myanmar. These include the: i) UN Guiding Principles on Business and Human Rights, Principles 29-31 (2011); and ii) IFC Performance Standard 1: Assessment and Management of Environmental and Social Risks and Impacts (2012).



TCMP is designed to enhance overall Project outcomes by giving Project stakeholders satisfaction that their voices are being heard and that their issue or concern has been subject to formal consideration by the TSEZ.

- h. This complaints management procedure (TCMP) does not replace existing Myanmar legal processes, or TSEZ administrative processes already in use. In addition, it does not impede access to other judicial or administrative remedies that might be available through domestic law or through existing arbitration procedures.

### 1.1 Purpose

- a. The purpose of this document is to define the procedure for the TSEZ to manage stakeholder concerns and complaints raised in connection with its activities in a planned, timely, open and respectful manner.
- b. It describes the scope and procedural steps for the complaint handling process and specifies the roles and responsibilities of the various parties involved.
- c. It will be revised and updated periodically based on experience and feedback from stakeholders.

### 1.2 Objectives

- a. This procedure has the following objectives:
  1. Establish a prompt, consistent and respectful mechanism for receiving, investigating and resolving complaints from the community, in a timely manner and by the most appropriate organisation and method;
  2. Ensure proper documentation of complaints and any corrective actions taken;
  3. Contribute to continuous improvement in performance through the analysis of trends and lessons learned;
  4. Identify and monitor stakeholder concerns to support effective stakeholder and risk management; and
  5. Meet requirements of international good practice.

## 2. Scope

- a. This complaints management procedure is open to all stakeholders who consider themselves affected by the Thilawa SEZ's activities. It includes a focus on providing an access to remedy for Project Affected Communities (PACs)<sup>5</sup> and Project Affected Peoples (PAPs) potentially directly affected by the Thilawa SEZ's activities. See the *Thilawa SEZ Complaints Management Procedure (TCMP) Target Communities* shown in **Annex 1**.
- b. There are no restrictions on the type of issue or concern a stakeholder can raise under this procedure. However, when a complaint is received that would be more appropriately managed through a separate SEZ process (such as employment or business integrity related issues), it will be re-directed as appropriate in order to prevent parallel processes being followed. All complaints received under this TCMP shall be tracked until closed out, regardless of the process under which they are managed.
- c. The procedure is designed to provide a system for managing complaints from the general public and does not replace Myanmar legal processes, existing employee grievance management systems, normal business-to-business dialogue, or other management procedures already in place.

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<sup>5</sup> PACs are those communities identified as being in the "Direct Area of Influence" of the Thilawa SEZ. PAPs are those households directly affected by land acquisition for the Thilawa SEZ.



- d. The TSEZ reserves the right not to address a complaint that it reasonably considers amounts to no more than general, unspecified and therefore un-actionable dissatisfaction with the SEZ or which relates to a matter for which the SEZ has no formal responsibility.

**3. Applicability to SEZ Activities**

- a. This TCMP is applicable to all activities occurring within, directly related to, or for the Thilawa SEZ, including by any organisation, individual or group conducting such activities that give rise to a community complaint.
- b. This document is to be used by all relevant stakeholders within the TSEZ, including the Thilawa SEZ Management Committee (TSMC), the Developer (MJTD), Locators and Construction Companies operating in support of the development and operation of the SEZ.
- c. All Thilawa SEZ staff members and contractors that interact with external stakeholders should be made familiar with the complaints management procedure on a regular basis. This process requires the support of senior management who should ensure satisfactory performance.

**4. Terminology**

Terminology used in this procedure has the following meaning:

Term	Definition
<b>Access Point</b>	A method for submitting/filing/raising complaints to the Thilawa SEZ.
<b>Community</b>	A group of people who share a common sense of identity and interact with one another on a sustained basis.
<b>Complainant</b>	An individual, group or organisation that submits a complaint to the Thilawa SEZ.
<b>Complaint</b>	An expression of dissatisfaction with the Thilawa SEZ, typically referring to a specific source of concern and/or seeking a specific solution. Same as ‘concern’, ‘issue’ and ‘grievance’. <i>Note: A question or request is NOT treated in the same way as a complaint [questions and requests are addressed through regular, ongoing stakeholder engagement activities].</i>
<b>Complaints Management Procedure</b>	A process for receiving, investigating, responding to and closing out complaints or concerns from affected communities in a timely, fair and consistent manner.
<b>Concern</b>	A formal expression of discontent concerning company or contractor actions raised by one or more stakeholders. Same as ‘complaint’, ‘grievance’ and ‘issue’.
<b>Contractor</b>	An individual or firm that has entered into a contract to provide goods or services to Thilawa SEZ; either directly or to a Locator. The term covers parties directly contracted by the Thilawa SEZ and those contracted by a Contractor company, known as subcontractors.
<b>Complaints Management Form</b>	A form used to capture information about an incoming complaint. See <b>Annex 1</b> for the TSEZ Complaints Management Form (also known as ‘Complaints Form’).



Term	Definition
<b>Issue</b>	A formal expression of discontent concerning the Thilawa SEZ. Same as ‘complaint’, ‘concern’ and ‘grievance’.
<b>Locator</b>	An investor who manages a joint venture business or other operation in the Thilawa SEZ, whose application has been approved by the Thilawa SEZ Management Committee (TSMC).
<b>Resolution</b>	Actions taken to resolve a complaint; for example, apologies, restitution, rehabilitation, financial and non-financial compensation and/or punitive sanctions. Same as ‘remedy’.
<b>Responsible Party</b>	A party that has formal, acknowledged responsibility for a subject matter area or topic, as documented in the responsibility matrix shown in <b>Annex 3</b> . The Responsible Party is responsible for ensuring a complaint is resolved, but may draw on others to support the complaint resolution process.
<b>Stakeholder</b>	Individuals or groups who can affect, or are affected by, or who have a legitimate interest in the Thilawa SEZ’s performance. Stakeholders can include, but are not limited to: government officials, communities, Non-Government Organisations (NGOs), media, contractors, business organisations, and legislative and regulatory authorities.
<b>TCMP Database</b>	A database for maintaining information about complaints received including measures taken to resolve complaints and close them out (also known as a ‘complaints register’).

## 5. Roles and Responsibilities

a. Roles and responsibilities relevant to the implementation of this procedure are as follows:

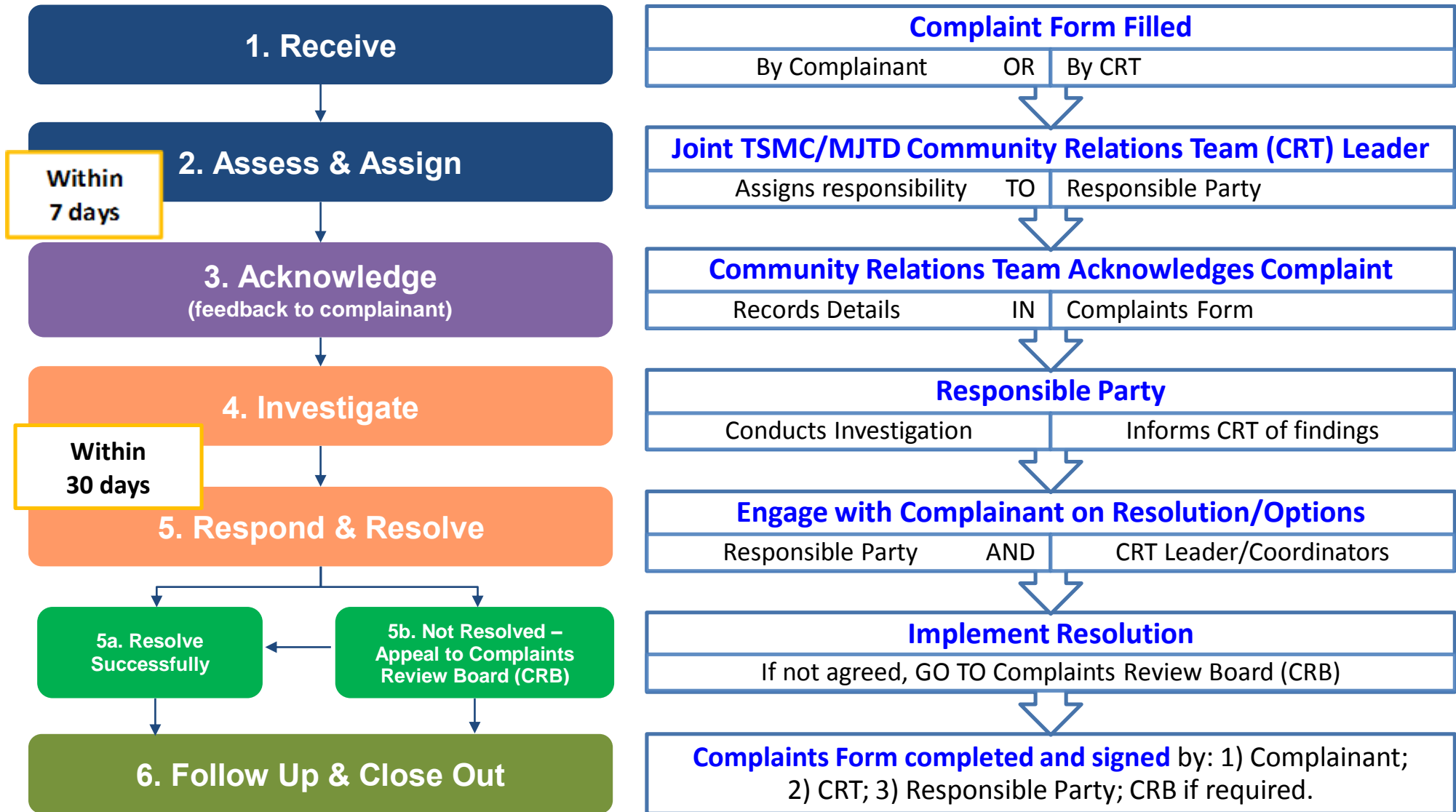
Role	Responsibility
<b>Thilawa SEZ Management Committee (TSMC) Chairman</b>	Accountable for the implementation of this procedure.
<b>Responsible Parties</b>	Responsible for investigating and resolving a complaint. This includes conducting investigations, proposing resolutions, implementing corrective actions and co-ordinating with the Joint TSMC/MJTD Community Relations Team (CRT) and other parties. Responsible Parties will usually be decision-makers with responsibility for subject matter/topics relevant to a complaint. See the responsibility matrix and roles in <b>Annex 3</b> .
<b>Joint TSMC/MJTD Community Relations Team (CRT) Leader/s</b>	Responsible for the overall implementation of this procedure. This includes serving as custodian of the complaints management process, monitoring the management of complaints, and suggesting changes to policies or practices based on lessons learned. See <b>Annex 4</b> for an organisational chart and detailed responsibilities.



Role	Responsibility
<p><b>Joint TSMC/MJTD Community Relations Team (CRT) Coordinators</b></p>	<p>Responsible for co-ordinating the response to a complaint and serving as the main point of contact with the Complainant. This includes receiving and reporting complaints, maintaining the TCMP Database, supporting the resolution of complaints; and liaison with the Complainant. See <b>Annex 4</b> for an organisational chart and detailed responsibilities.</p>
<p><b>Complaints Review Board (CRB)</b></p>	<p>Responsible for reviewing escalated complaints and authorising additional actions to be taken. This includes reviewing overdue or escalated complaints, authorising additional actions, and approving the close out of complaints where it is not reasonably possible to reach an agreed resolution with the Complainant. The proposed composition of the TSEZ Complaints Review Board (CRB) is described in <b>Annex 5</b>.</p>

**6. Overall Procedure**

a. This diagram shows the procedure for the Thilawa SEZ Complaints Management Procedure (TCMP). A detailed description of each step is contained in Section 8.







## 7. Channels for Raising a Complaint

- a. There are a number of “channels” that can be used by community members to raise or file a complaint with the Thilawa SEZ. These include, but are not limited to:
  - In person to an SEZ official visiting the community;
  - In person at the SEZ;
  - Suggestion boxes (*planned to be established as advised by community stakeholders*);
  - In writing to the SEZ;
  - At a community meeting held by SEZ representations, within villages or at the SEZ;
  - Via Kyauktan and Thanlyin Township personnel.
- b. If an “incident” occurs at the SEZ or outside the SEZ but involving an SEZ-related organisation/activity, the Thilawa SEZ incident management process shall be followed. If this incident affects a member/s of the public, it should also be recorded as a complaint under this procedure and investigated and resolved accordingly.

## 8. Detailed Steps for Resolving Complaints

### 8.1 Receive

- a. The Thilawa SEZ Complaints Management Procedure (TCMP) is initiated when a complaint is received by a Thilawa SEZ staff member or contractor and is referred to the Joint TSMC/MJTD Community Relations Team (CRT).
- b. If the complaint is readily resolvable and can be dealt with immediately, a Joint TSMC/MJTD Community Relations Team takes action to address the issue directly, fills in a TSEZ Complaints Management Form (**Annex 2**) and records the details in the TCMP Database.
- c. If the complaint is not readily resolvable, the Joint TSMC/MJTD Community Relations Team (CRT) will ask the Complainant to complete the TSEZ Complaints Management Form (**Annex 2**). If the Complainant is unable to complete the form, the Joint TSMC/MJTD Community Relations Team (CRT) will fill it out and read the contents back to the Complainant to verify accuracy. The Joint TSMC/MJTD Community Relations Team (CRT) will then create a record of the complaint in the TCMP Database.
- d. All complaints received shall be directed to the Joint TSMC/MJTD Community Relations Team (CRT). Other parties shall not manage complaints directly, although those who initially receive a complaint may be the Responsible Party and/or involved in the resolution.

### 8.2 Assess and Assign

- a. The Joint TSMC/MJTD Community Relations Team (CRT) Leader makes an initial assessment of severity and assigns the complaint to a Responsible Party. The Joint TSMC/MJTD Community Relations Team (CRT) Leader and the Responsible Party agree the timelines for an investigation and also any follow up actions required. This includes activities that are required to be undertaken by the Responsible Party, or other relevant parties, to resolve the Complainant’s issue or concern.



- b. The Joint TSMC/MJTD Community Relations Team (CRT) provides the Responsible Party with access to all relevant documentation. The Joint TSMC/MJTD Community Relations Team (CRT) continues to monitor the progress of the resolution of the complaint until it is closed out<sup>6</sup>.
- c. In the case of any severe/urgent complaints, the Joint TSMC/MJTD Community Relations Team (CRT) Leader will notify the TSMC Chairman immediately.

### **8.3 Acknowledge**

- a. Once a complaint has been assessed, and a Responsible Party assigned, the Joint TSMC/MJTD Community Relations Team (CRT) provides an update to the Complainant, which includes a formal acknowledgement of the receipt of their complaint. For example, this acknowledgement could be or a phone call to the Complainant. The complaint should be formally acknowledged to the Complainant in a way, and using a format, that is acceptable to him/ her.
- b. Formal acknowledgment should normally be provided to the Complainant within 7 days of receiving the complaint. The Joint TSMC/MJTD Community Relations Team (CRT) should record information about the process and format of this formal acknowledgement in the TCMP Database.

### **8.4 Investigate**

- a. The Responsible Party investigates the factual basis of the complaint and proposes options to resolve the issue.
- b. The Responsible Party may involve third parties in the fact-finding process as required. The identity of the Complainant should only be disclosed to the extent necessary to resolve the issue or as required by law. If the Complainant has specifically requested that his or her identity not be disclosed, their personal information may not be shared with third parties unless required by law.
- c. The Thilawa SEZ generally seeks to resolve complaints as they arise (e.g., within a few days). The maximum resolution period should not normally exceed 30 days.
- d. The Joint TSMC/MJTD Community Relations Team (CRT) is responsible for providing regular progress reports to the Complainant, including a regular verbal update (at least weekly while the complaint investigation process is underway). If additional time is needed to investigate, the Joint TSMC/MJTD Community Relations Team (CRT) will inform the Complainant of the reason for the delay.
- e. When the investigation process is complete, the Responsible Party documents the findings of the investigation and proposes options for resolving the complaint as appropriate.

### **8.5 Respond and Resolve**

- a. The Responsible Party and Joint TSMC/MJTD Community Relations Team (CRT) Leader agree on a response to the Complainant. The response should communicate the findings of the investigation, set out the proposed solution and timelines, and seek feedback from the Complainant.
- b. The Responsible Party and Joint TSMC/MJTD Community Relations Team (CRT) Leader determine next steps based on feedback from the Complainant. If the Complainant accepts the resolution, the Thilawa SEZ will proceed to implement it (Section 8.5.1). If the Complainant does not accept the resolution, the complaint will be escalated

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<sup>6</sup> See Section 8.8 for relevant definitions regarding Follow-up and Close Out.



to the Complaints Review Board (Section 8.5.2). The Complainant's response will be documented in the TCMP Database.

### 8.5.1 Resolve Successfully

- a. If the Complainant accepts the proposed resolution, the agreed actions are implemented.
- b. The Responsible Party is responsible for assigning action parties, actions and deadlines to implement the resolution. These are recorded in the TCMP Database with any supporting documentation. Monitoring arrangements may need to be put in place to verify implementation.
- c. The Responsible Party informs the Joint TSMC/MJTD Community Relations Team (CRT) Leader before and after the resolution has been implemented. The Joint TSMC/MJTD Community Relations Team (CRT) then asks the Complainant to sign the TSEZ Complaints Management Form (Annex 1).
- d. If the Complainant agrees to sign, the complaint is closed out (Section 8.6). If the Complainant refuses to sign, or has failed to sign within the timeframe allowed, the complaint is referred to the Complaints Review Board (Section 8.5.2).

### 8.5.2 Escalation to Complaints Review Board (CRB)

- a. If the Thilawa SEZ and the Complainant are unable to agree on a solution, the complaint may be escalated to the Complaints Review Board (CRB) for review and a final decision.
- b. It is expected that the majority of complaints will be able to be addressed directly and will not need to be escalated to the CRB for further review, however, examples of complaints that may need to be escalated to the CRB include:
  - i) those lodged by several/multiple complainants; ii) complaints that contain multiple sub-complaints and/or are complex in nature and iii) those that have not been able to be resolved after a period of several months.
- c. The initial planned composition of the CRB is as follows<sup>7</sup>:
  - A person who is assigned by **Yangon Regional Government (YRG)**.
  - **TSMC Vice Chairperson (2) or delegate**, representing the regulator of the Thilawa SEZ.
  - A **Community Leader** or equivalent (e.g., Village Administrator, 100 HH Head etc) nominated from the relevant Project Affected Community (PAC) by the complainant. *Note: the role of this Community Leader is to act as an additional support to the complainant and to contribute to balancing the CRB composition.*
  - **Relevant One Stop Service Center (OSSC) Officer** (eg., Labour, Environment).
  - A **Neutral Third Party** agreed to by the other CRB members and the Complainant (e.g., government representative, Trusted Third Party (TTP) or similar).
  - **MJTD President and CEO** or delegate, representing the developer of Thilawa SEZ.
- d. The Community Leader and Neutral Third Party positions will vary each time the CRB meets, depending on the location of the complaint and also the requirements of the Complainant. It is essential that these personnel are agreed to by the Complainant as persons who are able to represent their interests on a fair and neutral basis. The other positions on the CRB are standing positions.

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<sup>7</sup> Only if agreed by all parties may more members be involved in the Board.



- e. The CRB will review the case and determine if further reasonable action is possible. If no reasonable action is possible, the CRB authorises the close out of the complaint. A close out letter will be sent to the Complainant explaining the decision and providing the associated rationale.
- f. Cases where the Complainant disputes or declines to accept the implementation of a previously agreed resolution may also be referred to the CRB for review.
- g. The CRB will draw on and engage relevant “subject matter experts” to help investigate and/or resolve complaints where required, e.g., Yangon Regional Government (YRG), Locators, Environmental experts, Labour experts. Such experts may be from within government agencies or may be external parties.

## 8.6 Follow-Up and Close Out

- a. A complaint is closed out when no further action can be or needs to be taken by the Thilawa SEZ.
- b. Closure status will be classified in the TCMP Database as follows:
  - **Resolved.** Complaints where a resolution has been agreed and implemented and the Complainant has signed the Thilawa SEZ Complaints Management Form (**Annex 1**).
  - **Under Investigation.** Complaints where an investigation is ongoing and/or a resolution is yet to be agreed and implemented:
    - a. On Track – resolution is expected to be readily agreed and resolved.
    - b. Concern – resolution is difficult to agree and/or Complainant unlikely to agree to a resolution.
  - **Conditionally Resolved.** Complaints where it has not been possible to reach an agreed resolution, or the Complainant is not contactable after two months following the receipt of a complaint, and efforts to trace his/her whereabouts have been unsuccessful. These complaints may be deemed “conditionally resolved” but only after authorisation for this classification by the CRB has been received. The rationale for this classification should be explained in the TCMP Database.
- c. The Joint TSMC/MJTD Community Relations Team (CRT) is responsible for updating the TCMP Database with close out details, in every case.
- d. At the end of each case, the Joint TSMC/MJTD Community Relations Team (CRT) will seek feedback from the Complainant on his/her level of satisfaction with the complaint management process and its outcome. This step will take place regardless of whether agreement with the Complainant was achieved.

## 9. Publicising and Engaging with Stakeholders in relation to the TCMP

- a. The TCMP will be publicised and communicated in a manner appropriate to the scope and nature of the Thilawa SEZ Project, and in a manner appropriate to the audience (i.e. method of delivery, language, etc.). In particular, the Thilawa SEZ (TSEZ) will publicise and communicate the procedure to those most likely to use/administer it, such as: local communities, local authorities, locators, and contractors.

This notification will include:

- A summary of the TCMP and how it can/should be used;
- Details of the complaints management process, such as information about who is responsible for receiving and responding to complaints, and any external parties that can receive complaints from communities;
- When stakeholders can expect a response from the TSEZ, and



- The safeguards that have been put in place to ensure confidentiality.
- b. The Thilawa SEZ (TSEZ) will consult relevant stakeholders regarding this complaints management procedure using a range of methods, e.g., via a brochure and community meetings and other activities with Village Tract/Village/Ward Administrators, local government, and community members. All of the PACs will have the opportunity to participate in capacity building/training on the use of the TCMP early in its implementation.
- c. The TCMP will be promoted to Locators and Contractors working to support the development and operation of the Thilawa SEZ (TSEZ). A hand-out / brochure will be provided in Myanmar, English and Japanese languages that includes information about the TCMP and provides relevant contact details.
- d. During the notification process, and on an ongoing basis, the TSEZ will seek feedback on how the TCMP could be improved. This information will be taken into consideration when revising the TCMP.

## 10. Performance Monitoring and Reporting

- a. The Thilawa SEZ (TSEZ) is responsible for gathering and reporting performance monitoring data under this Thilawa SEZ Complaints Management Procedure (TCMP).
- b. On a *quarterly basis*, data collected through the TCMP and logged in the TCMP Database will be reviewed in order to:
  - Assess whether complaints are being correctly classified.
  - Identify trends in complaints being logged.
  - Ensure complaints are being addressed.
- c. On an *annual basis*, data collected through the TCMP and logged into the TCMP Database will be reviewed in order to:
  - Assess compliance with the complaints management procedure.
  - Evaluate progress in meeting objectives.
  - Identify improvements and update the TCMP.
- d. At this time, a qualitative assessment of the following relevant aspects will also be undertaken:
  - Stakeholder awareness of the complaints mechanism (via the stakeholder engagement process).
  - Stakeholder trust in the complaints mechanism (via the stakeholder engagement process).
- e. Based on this assessment, additional measures to promote the availability and accessibility of the TCMP may be introduced, as well as initiatives to improve stakeholder confidence in the TCMP, as relevant.
- f. Key performance indicators (KPIs) will be collected to enable the Thilawa SEZ to analyse trends in complaints received and identify underlying systemic issues.
- g. Periodic reporting on these KPIs will be provided to the public at least quarterly and in a relevant format.
- h. Quarterly monitoring reports will include data and details on the:
  - Total no. of complaints received by category/type.
  - No. of open complaints by category/type.
  - Timeframes for closure of complaints by category/type.



- Thilawa SEZ efforts to resolve complaints.
  - Repeat of complaint from the same stakeholder.
  - Repeat complaint from several stakeholders.
- Complaints data will be disaggregated by the type of complaint received.

- i. The TSMC Chairman is responsible for making recommendations for changes to Thilawa SEZ (TSEZ) policies or practices based on ongoing learnings from complaints.

## **11. Confidentiality**

### **11.1 Duty of Confidentiality**

- a. The Thilawa SEZ (TSEZ) is committed to protecting the identity of the Complainant and to handling personal information in accordance with legal requirements. This duty extends to all employees or representatives of the Thilawa SEZ and their contractors, who participate in the complaint management process.
- b. Information about a complaint will be shared within the Thilawa SEZ (TSEZ) on a need-to-know basis and only to the extent necessary to complete a step under this procedure. The Thilawa SEZ (TSEZ) will not share personal information with third parties unless required by law or authorised by the Complainant.
- c. No specific complaints with identifying information will be published or made available to any outside entities, unless with the express permission of all parties, and only for the purpose of continuous improvement.

### **11.2 Personal Data**

- a. Personal data contained in the TCMP Database will be kept only as long as necessary to investigate the complaint and implement a resolution. Personal data will then be either deleted or modified pursuant to relevant data privacy procedures.

## **12. Conflicts of Interest**

- a. A conflict of interest exists where there is a divergence between the interests of an employee or contractor and his or her responsibilities under this procedure, such that an independent observer might reasonably question whether the actions of that person are influenced by his or her own interests.
- b. This procedure seeks to manage potential conflicts of interest by segregating the roles and responsibilities of individuals involved in the complaint management process and avoiding placing individuals in a position where conflicts could be perceived to arise. When a complaint relates to a specific Thilawa SEZ or Contractor employee, that person shall not play a role in the complaint management process.

## **13. Protection from Retaliation**

- a. Retaliation is any adverse action taken against a Complainant, employee or Contractor whose purpose is to frustrate the operation of the TCMP. The TSEZ will not tolerate such conduct. When concerns about retaliation or victimisation are raised, they will be investigated by the Joint TSMC/MJTD Community Relations Team.



## Annex 1 – Thilawa SEZ Complaints Management Procedure (TCMP) Target Communities

- The following village tracts and wards have been defined as being in the Direct Area of Influence (AOI) of the Thilawa SEZ (TSEZ) Project. These are the *initial* ‘target communities’ for TCMP implementation.
- Amongst these communities, those that are understood to have had the most engagement with the Thilawa SEZ (TSEZ) to date are highlighted in **blue**, ordered by level of engagement, and shall therefore be prioritised.
- This aligns with information about “local villages” referenced in the Stakeholder Engagement Plan included in *Thilawa SEZ Development Project (Zone B) Environmental Impact Assessment (EIA) for Industrial Area of Zone B*.

<b>Village Tracts / Wards [In the Direct Area of Influence (Direct AOI)]</b>	
Thanlyin Township	Kyauktan Township
<ol style="list-style-type: none"> <li>1. <b>Ah Lun Soke</b></li> <li>2. <b>Let Yat San</b></li> <li>3. <b>Hpa Yar Kone</b></li> <li>4. <b>Kyaung Kone Seik Gyi</b></li> <li>5. <b>Bogyoke</b></li> </ol>	<ol style="list-style-type: none"> <li>1. <b>Shwe Pyi Thar Yar</b></li> <li>2. <b>Aye Mya Thi Dar</b></li> <li>3. <b>Nyaung Waing</b></li> <li>4. <b>Thi Dar Myaing</b></li> <li>5. <b>Shwe Pyauk</b></li> <li>6. <b>West Ward (Urban)</b></li> </ol>



**Annex 2 – TSEZ Complaints Management Form**

Version	Approved By	Date
Rev 0		21 Nov 2017
Rev 1		27 Jun 2018

**To: Thilawa Special Economic Zone (SEZ) Community Relations Team**

အမှတ်စဉ် Application No.	
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နေ့စွဲ Date	
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**မကျေနပ်မှုဆိုင်ရာစီမံခန့်ခွဲမှုဖြည့်စွက်ပုံစံ / Complaints Management Form**

အသစ်လူထု (သို့မဟုတ်) သီလဝါအထူးစီးပွားရေးဇုန်လူထုဆက်ဆံရေးအဖွဲ့မှဖြည့်စွက်ရပါမည်။  
To be completed by Community Member (or) TSEZ Community Relations Team (CRT)

၁။ အသစ်လူထု၏ ကိုယ်ရေးအချက်အလက် / Personal information of Community Member/s	
တိုင်ကြားသူအမည် * Name of complainant: *	
ကျေးရွာ Village	
ကျေးရွာအုပ်စု/ ရပ်ကွက် Village Tract/ Ward	
မြို့နယ် Township	
နေရပ်လိပ်စာအပြည့်အစုံ * Full Address	
နိုင်ငံသားမှတ်ပုံတင်အမှတ် * NRC number	
အသက် Age	
ကျား/မ Sex	
ဆက်သွယ်ရန်ဖုန်းနံပါတ် * Contact telephone number	





<b>အီးမေးလ် Email</b>	
<b>အဖွဲ့အစည်း (သက်ဆိုင်ပါက) Organisation (if applicable)</b>	

\* မဖြစ်မနေဖြည့်သွင်းရေးသားရပါမည်။

\* **Mandatory**

မှတ်ချက်။။အဖွဲ့လိုက်တိုင်ကြားသည့်ကိစ္စရပ်များတွင်အဓိကဆက်သွယ်ရမည့်လူပုဂ္ဂိုလ်၏အမည်ကိုထည့်ပါ။ ဖြည့်စွက်ပုံစံတစ်စောင်တွင်  
 မကျေနပ်မှုတစ်ခုတည်းသာတင်ပြပါ။ တစ်ခုထက်ပို၍တင်ပြလိုပါက နောက်ထပ်သီးခြား ဖြည့်စွက်  
 ပုံစံတစ်ခုတွင် ထပ်မံဖြည့်စွက်တင်ပြနိုင်သည်။

*If the complaint relates to several complainants, please provide the details of the main contact/s.*

*Only one complaint should be recorded on each Complaints Management Form. If a community member has more than one complaint, please complete an individual form for each complaint.*

<b>၂။ မကျေနပ်ချက်အားဖော်ပြချက် / Description of Complaint</b>
<p>မကျေနပ်ချက်အားသေချာစွာတင်ပြနိုင်ရန်အတွက် အောက်ဖော်ပြပါမေးခွန်းတစ်ခုချင်းစီတွင် အသေးစိတ်အချက်အလက်များကို ဖော်ပြပါ။ လိုအပ်ပါက အထောက်အကူဖြစ်စေမည့် မကျေနပ်ချက်နှင့် သက်ဆိုင်သော နောက်ဆက်တွဲစာရွက်စာတမ်းများကို ပူးတွဲတင်ပြပါ။အကယ်၍မကျေနပ်ချက်တိုင်ကြားသူသည်တစ်ဦးထက်ပိုပါကတိုင်ကြားသူအားလုံး၏အမည်နှင့်ဆက်သွယ်ရမည့်ဖုန်းနံပါတ်များကို ပူးတွဲ၍တင်ပြပေးပါ။</p> <p>For your complaint to be properly addressed, please provide detailed information for each question below. You may attach additional supporting documentation if necessary. If the complaint relates to several complainants, a list of these people and their contact telephone numbers should also be attached.</p>

<b>ပြဿနာဖြစ်ပွားခဲ့သည့်ဖြစ်စဉ်များကိုဖော်ပြပါ။ (မည်သည့်ကိစ္စဖြစ်ပွားခဲ့ပါသနည်း ။) Description of the event that led to raising this complaint (what happened?):</b>
<p>[လိုအပ်ပါကစာရွက်အပိုထပ်ထည့်နိုင်သည်။] [Add pages if needed]</p>



**ဤပြဿနာအားမည်သို့ဖြေရှင်းသင့်သည်ဟုသင်ထင်ပါသနည်း။ (ဘာလုပ်သင့်ပါသလဲ။)**  
**What do you think will resolve this complaint (what should be done)?**

**တိုင်ကြားသူကိုယ်တိုင် မှန်ကန်ကြောင်းဝန်ခံကတိပြုချက်**  
**Certification (by the Complainant)**

အထက်ဖော်ပြပါအကြောင်းအရာများသည် မှန်ကန်ကြောင်းတိုင်ကြားသူကိုယ်တိုင်ဝန်ခံကတိပြုအပ်ပါသည်။  
 I, the Complainant, hereby certify that all information submitted on this form is true and complete to the best of my knowledge.

<b>လက်မှတ်</b> <b>Signature</b>	
<b>တိုင်ကြားသူအမည်</b> <b>Name</b>	
<b>နိုင်ငံသားမှတ်ပုံတင်အမှတ်</b> <b>NRC No</b>	
<b>တင်ပြသည့်ရက်စွဲ</b> <b>Date of submission</b>	



To be completed by TSEZ Community Relations Team (CRT) / **(Internal Use)**

**3. Complaint Receiving Details**

<b>Date of receipt:</b>	
<b>Name of Person who received complaint*:</b>	
<b>Position:</b>	
<b>Organisation/group:</b>	
<b>Contact telephone number:</b>	
<b>Email:</b>	

*\* Complete if received by person other than TSEZ Community Relations Team (CRT), e.g., by Locator, other party.*

If there is any further information available, in addition to that provided by the complainant, please write this information here. This is to ensure that there is a detailed description of the complaint.

Is the resolution “Urgent” [Immediate Danger to Complainant]?	
<input type="checkbox"/> YES	<input type="checkbox"/> NO

*In the case of any severe/urgent complaints, the Joint TSMC/MJTD Community Relations Team Leader will notify the TSMC Chairman immediately.*



**4: Category or ('type') of Complaint**

Check the box/es that most accurately describe/s the nature of the complaint.

1.	<input type="checkbox"/> Compensation	<input type="checkbox"/> Residential Land <input type="checkbox"/> Crops	<input type="checkbox"/> Agricultural Land <input type="checkbox"/> Other	
2.	<input type="checkbox"/> Livelihood restoration			
3.	<input type="checkbox"/> Resettlement/ Relocation Site			
4.	<input type="checkbox"/> Environment	<input type="checkbox"/> Noise <input type="checkbox"/> Air pollution	<input type="checkbox"/> Dust <input type="checkbox"/> Solid waste	<input type="checkbox"/> Wastewater <input type="checkbox"/> Other
5.	<input type="checkbox"/> Infrastructure	<input type="checkbox"/> Road/ Bridge damage <input type="checkbox"/> Other		<input type="checkbox"/> Water shortage
6.	<input type="checkbox"/> Recruitment/Employment (e.g. employment, wages, overtime, working conditions, others)			
7.	<input type="checkbox"/> Traffic/ Transport	<input type="checkbox"/> Traffic congestion <input type="checkbox"/> Traffic Accidents	<input type="checkbox"/> Traffic Safety <input type="checkbox"/> Other	
8.	<input type="checkbox"/> Employee/ Worker Behaviour (e.g. security, other)			
9.	<input type="checkbox"/> Other (please describe)			

Note: If multiple complaints, tick multiple boxes.

**5. Responsible Party for Complaint Resolution (assigned by CRT using Responsibility Matrix)**

<b>Organisation:</b>	1. YRG	
	2. TSMC	
	3. MJTD	Add further detail as required, e.g., name of Locator or Construction Contractor.
	4. OSSC Environment	
	5. OSSC Labour	
	6. Other (please specify)	
<b>Contact Name:</b>	Person 1	Person 2
<b>Contact telephone number:</b>	Person 1	Person 2
<b>Email:</b>	Person 1	Person 2



6: Complainant Relationship to Thilawa SEZ					
<input type="checkbox"/>	Compensated Household <i>[Project Affected Person (PAP)]</i>	<input type="checkbox"/>	Resident of Project Affected Community (PAC) <i>(Per Current Project Area of Influence)</i>	<input type="checkbox"/>	Public <i>(Not from PAC or Direct Neighbour)</i>
<input type="checkbox"/>	Local employee (at SEZ)	<input type="checkbox"/>	Other		



**To be completed by Responsible Party (Internal Use)**

**7. Investigation and Resolution of Complaint**

As the designated Responsible Party to investigate and address this complaint, you must fully and promptly investigate the allegations made by the complainant.

Please attach any additional documentation relevant to the investigation and ensure that all points raised by the complainant in the form are addressed during your investigation.

**Description of the investigation that has been undertaken:**

**Description of the response actions that have been taken and the outcomes:**

**Description of any follow-up actions that are required:**

**Certification (by Responsible Party)**

I hereby certify that all information submitted on this form is true and complete to the best of my knowledge.

	<i>Person 1</i>	<i>Person 2</i>
<b>Name:</b>		
<b>Signature:</b>		
<b>Organisation/group:</b>		
<b>Date:</b>		



### Annex 4 – Joint TSMC/MJTD Community Relations Team (CRT)

Organisation Chart of Joint TSMC/MJTD Community Relations Team (CRT)

