

An aerial photograph of a town nestled in a valley. In the foreground, there is a large, multi-story building complex with a prominent green roof and yellow accents. To the right, an airport runway is visible with a white aircraft on the tarmac. The middle ground shows a cluster of smaller buildings and green fields. In the background, there are large, rugged mountains under a cloudy sky. The overall scene is a mix of urban development and natural landscape.

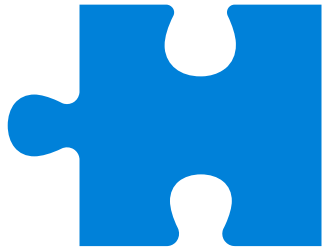
Country Report

Sonam Geley Dorjee

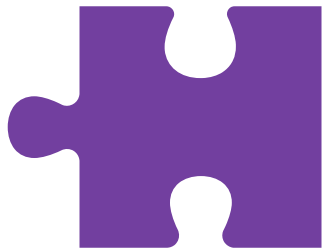
Self Introduction

- ✓ Name: **Sonam Geley Dorjee**
- ✓ Title/Designation: **Engineer (Mechanical)**
- ✓ Division: **Labour Protection Division**
- ✓ Department: **Department of Labour**
- ✓ Organization: **Ministry of Labour and Human Resources (MoLHR)**
- ✓ Country: **Bhutan**
- ✓ Current Task:
 - inspecting enterprises (by inspectors empowered by law), to educate, inform and advise employers on the content and meaning of laws, encourage self-compliance and, if necessary, gain compliance through enforcement measures.

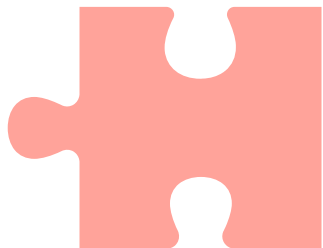
Brief introduction of my Department



Department of Labour is the regulatory body



Implementing Labour and Employment Act of Bhutan, 2007 and its regulations (Custodian)



Service is limited to approval of Foreign Workers

LABOUR PROTECTION DIVISION

To Protect, Prevent and Improve the working conditions and environment.

LABOUR RELATION DIVISION

Promoting and ensuring harmony at the work place

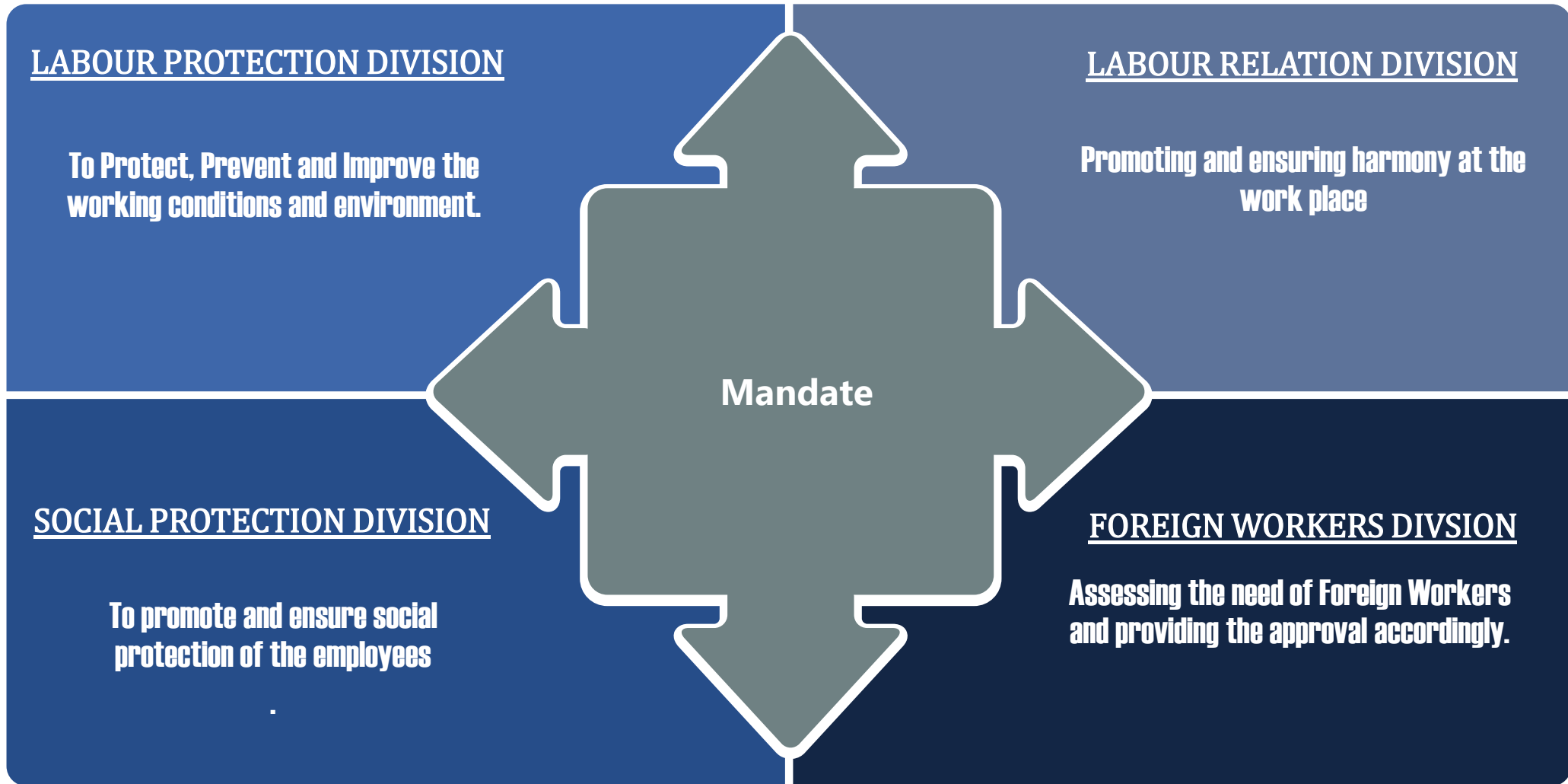
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SOCIAL PROTECTION DIVISION

To promote and ensure social protection of the employees

FOREIGN WORKERS DIVISION

Assessing the need of Foreign Workers and providing the approval accordingly.



Principles of Labour Protection Division

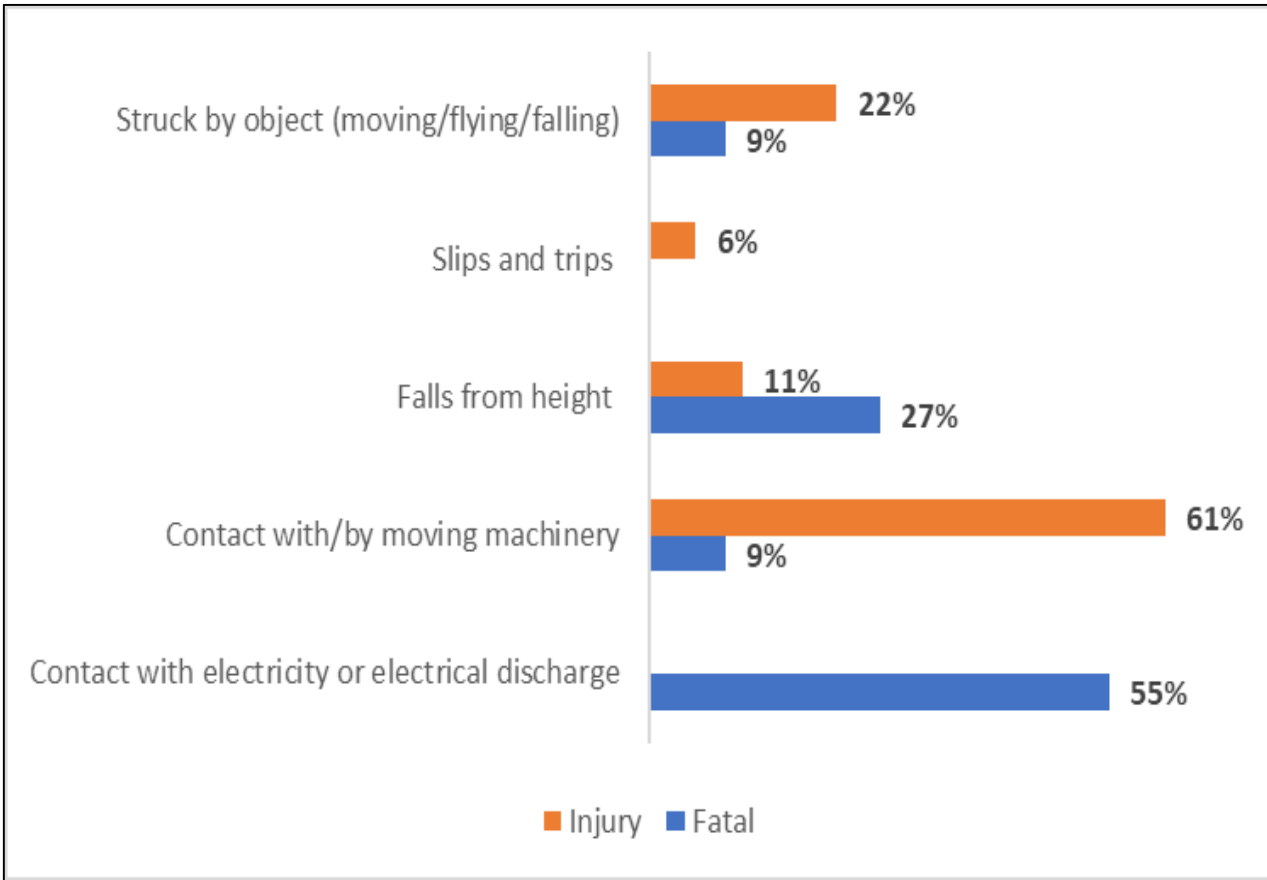
**We stand for both
the employer and
employees.**

**We avoid over
regulation and
under regulation
(middle path)**

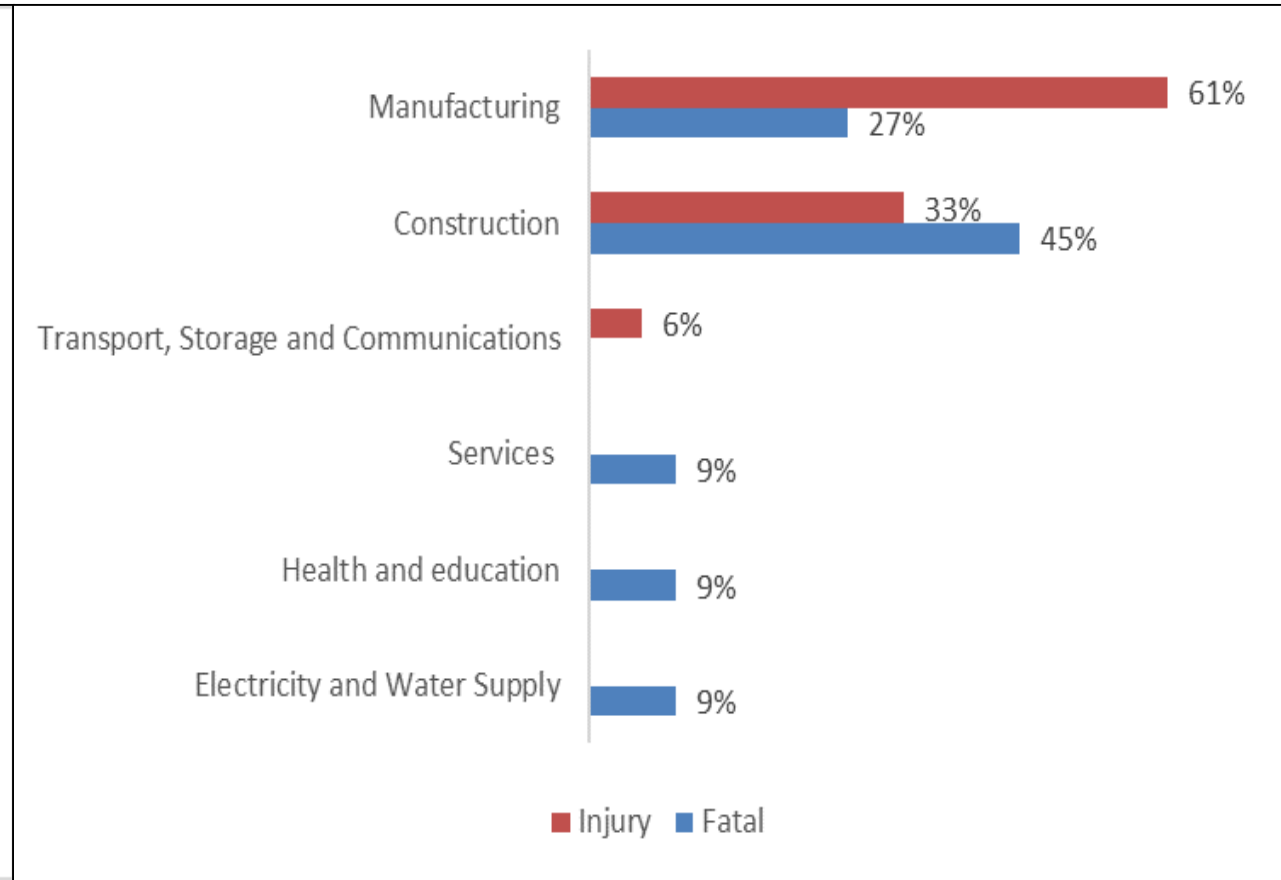
**We focus on both
the enforcement
and education.**

Statistics of Accident

These are reported accident to Department of Labour



Graph showing accident by type of cause of accident (2021-2022)



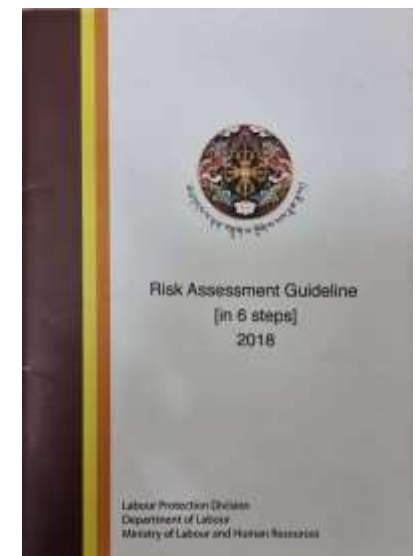
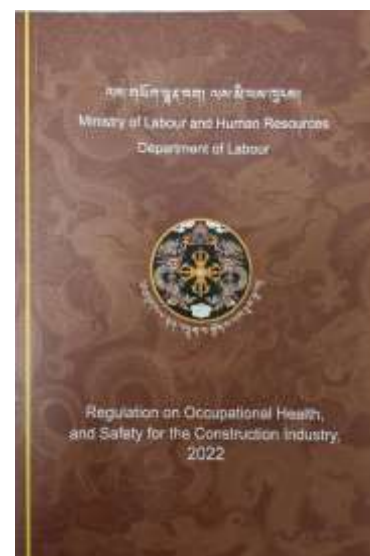
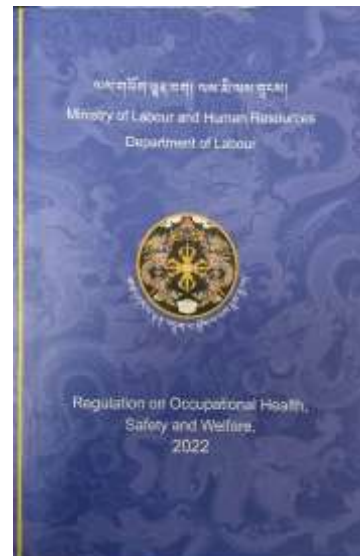
Graph showing accident by type of major sector (2021-2022)

Data collection methods for statistics

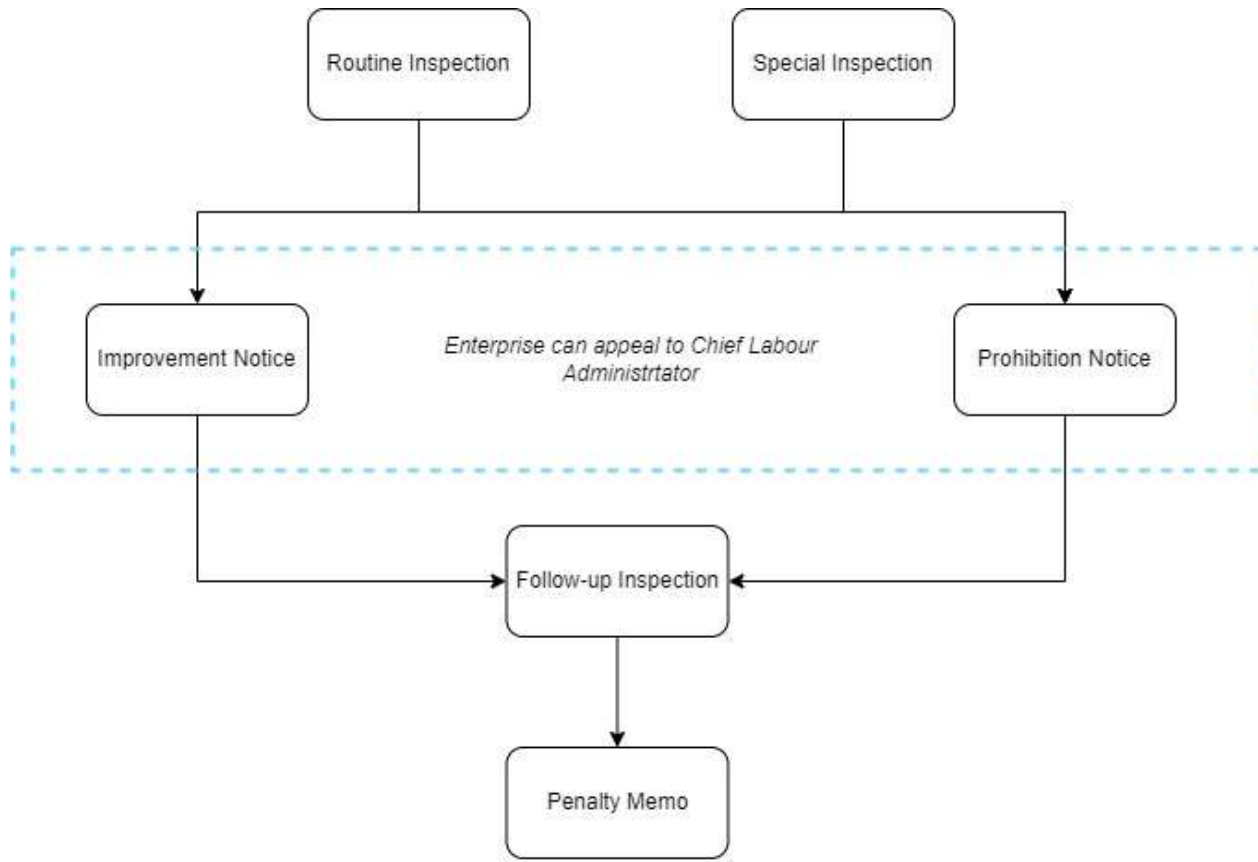
- Data collection methods used to collect or obtain data are direct observation and personal interviews (employees and employers).
- Earlier, the Labour Inspectors used to manually collect data on labour-related topics on account of visits to workplaces and our inspection actions, and then, are stored manually in our database (maintained in google sheet).
- Now, we use mobile electronic devices with internet services to collect data and it is automatically stored into databases (Labour Administration System – this system was launched on June 2022).

Safety and Health related Laws and Regulations

1. Chapter IX of Labour and Employment Act of Bhutan, 2007;
2. Regulation on Occupational Health and Safety for Construction Industry, 2022 [2nd Edition];
3. Regulation on Occupational Health, Safety and Welfare, 2022 [2nd Edition];
4. Guidelines on Assessment and Evaluation on Occupational Health and Safety Practice at Workplace, 2017
5. Risk Assessment Guidelines 2018



Labour Inspection System



Routine Inspection is aimed to anticipate and prevent problems by informing workers and employer on the content of the law, advising them on how to comply and if necessary, securing compliance with the Act and its Regulations through enforcement. Routine visits normally cover the full range of matters to be inspected.

Special Inspection is unplanned and is based on complaints and specific issues constituting a priority matter as determined by the Department of Labour.

Follow-up Inspection focuses on problems and contraventions of the Act and its Regulation as identified in previous routine visits, to determine the extent to which the enterprise has responded to the outcome of the earlier routine visit.

Workers' accident compensation & insurance

Medical leave and expenses

- Where the employee is not able to return to work due to incapacity whether total or partial permanent results from the injury, the employee shall be entitled to **full earnings for a period of 90 days**, and thereafter to a further periodical payment of an amount equal to **75 percent of employee's last basic** wage earnings during the incapacity or during a period of one years.
- The employer or the insurer shall compensate an injured employee or one suffering from an occupational disease for **all expenses related to emergency care, medical and nursing care**, including ambulance and related expenses surgery, hospital fees, medication, X-rays, diagnostic testing, and all other forms of treatment, , to the extent such services are not provided free of charge by the Royal Government's health services.

Compensation

1. Permanent and partial disablement

✓ The compensation shall be a lump sum payment which shall be obtained by multiplying 30 days of the National Minimum Wage by appropriate age factors according to the age on the next birthday of the employees at the time of the accident times the percentage of incapacity.

For example, let the age of disabled (loss two limbs) workers is 20.

$30 \times 125 \times 174 \times 100\% = 652500/-$

Sl. No.	Injury	Percentage of loss of earning Capacity
Total Permanent disablement		
1	Loss of 2 limbs	100
2	Loss of both hands or of all fingers and both thumbs	100
3	Loss of both feet	100
4	Total loss of sight, including the loss of sight to such extent as to render the claimant unable to perform any work for which eyesight is essential	100
5	Total paralysis	100
6	Injuries resulting in being permanently bedridden	100
7	Any other injury causing permanent total incapacity	100
Partial Permanent Disablement		
8	Loss of arm at shoulder	75
9	Loss of arm between elbow and shoulder	75
10	Loss of arm at elbow	75
11	Loss of arm between wrist and elbow	70

**The authorized medical practitioner shall determine the percent of permanent and partial disablement*

Age	Age multiplying factor
19	176
20	175
21	174
22	173
23	172
19	176

Compensation

2. Death

✓ The compensation shall be a lump sum payment which shall be obtained by multiplying 30 days of the National Minimum Wage by appropriate age factors according to the age on the next birthday of the employees.

Age	Age multiplying factor
18 and below	134
19	133
20	132
21	132
22	131
23	130
24	129

For example, let the age of employee who died be 20.

$$30 \times 125 \times 132 = 495000/-$$

Insurance

- ✓ An employer shall insure all employees with an authorized financial institution to ensure that all types and level of compensation prescribed in the regulations are covered by an insurance policy. (This does not apply to those employers holding Micro Trade business licenses.
- ✓ The agreed premium shall be paid by the employer and shall not be deducted from the employee's wage/salary.

The insurance premium is being discussed with financial institutes.

Safety Equipment and Facilities

- ✓ During routine and special inspection in those hazardous sites or dangerous machinery or plants are involved, Labour Inspectors are mandated to carry required devices like Decibel Meter, luxmeter, PCE instrument, etc., to test the permissible levels.
- ✓ In addition to that, Labour Inspectors are required to wear personal protective equipment and inspection uniform while visiting a site.



Activities of Industrial/Occupational Safety and Health Organizations other than government.

- ✓ The enterprise with 20 or more employees are required to have OHS committee and every OHS committee should have one trained Safety Officer for the following purposes:
 - Assist management in terms of OHS;
 - Prepare and implement OHS programs;
 - Advise & carry out risk management in the workplace;
 - Deal with all other matters concerning Health, Safety & Environment.

Campaign/ Event/ National Convention/ Exhibition

- ✓ The department has come up with the initiative of OHS Auditing System in 2015 where all enterprises with registered OHS committee are assessed annually and rewarded for their efforts in maintaining good OHS practices at workplace.
- ✓ Coinciding with World Safety Day (28th April), all assessed enterprises are call for day long celebration where enterprise scoring 70% and above in OHS assessment are rewarded with certificate of appreciation and medal for top three enterprises.

Issues and Challenges in Implementing OHS in Bhutan

- ✓ The division at present has a total of 8 Labour Inspectors and an engineer guided by above laws and regulation in implementing the OHS
- ✓ The followings are some challenges:
 - Lack of trained officials in OHS field and also no separate unit or division of OHS under Department of Labour (so, not able to focus fully on OHS);
 - Resistant from the employer and employees (old mindset)
 - Lack of full-time safety officer in the company
 - Lack of awareness and trainings
 - Workplace accidents are not reported to the Department.

Kadrinchoe (Thank You)