

# PRIORITIZED ROAD INVESTMENT AND MANAGEMENT ENHANCEMENTS (PRIME) PROJECT

Federated States of Micronesia

## LABOR MANAGEMENT PROCEDURES

FINAL

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## ABBREVIATIONS

AOI	Area of Interest
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CESMP	Contractors' Environmental and Social Management Plan
CIU	DoFA Central Implementation Unit
CoC	Code of Conduct
CRC	Convention on the Rights of the Child
CRPD	Convention on the Rights of Persons with Disabilities
CRRS	Climate Resilient Road Strategy
DoFA	Department of Finance and Administration
DoPW&T	Yap Department of Public works and Transport
DoT&I	Kosrae Department of Transport and Infrastructure
DoT&PW	Chuuk Department of Transport and Public Works
DoTC&I	Department of Transportation, Communications and Infrastructure
E&S	Environmental and Social
EA	Executing Agency
EHS	Environmental Health and Safety
ESA	Environmental and Social Assessment
ESCP	Environmental and Social Commitment Plan
ESF	World Bank Environmental and Social Framework
ESIA	Environmental and Social Impact Assessment
ESMF	Environmental and Social Management Framework
ESMP	Environmental and Social Management Plan
ESS	World Bank Environmental and Social Standards
FSM	Federated States of Micronesia
FSMIP	FSM Maritime Investment Project
GBV	Gender Based Violence
GoFSM	Government of FSM
GM	Grievance Mechanism
IA	Implementing Agency
ID	Identification Documents
ILO	International Labor Organization
JSA	Job Safety Analysis
LMP	Labor Management Procedures

OHS	Occupational Health and Safety
PAD	Project Appraisal Document
PIA	Project Implementation Agreement
PIU	PRIME Project Implementation Unit
PMU	DoTC&I Project Management Unit
PPE	Personal Protective Equipment
PSC	Project Steering Committee
PRIME	Prioritized Road Investment and Management Enhancements Project
RF	Resettlement Framework
SEA	Sexual Exploitation and Abuse
SEP	Stakeholder Engagement Plan
SH	Sexual Harassment
T&I	Pohnpei Office of Transportation and Infrastructure
VA	Vulnerability Assessment
VAC	Violence Against Children
WB	World Bank

# 1. Introduction

## 1.1 Overview

The Government of Federated States of Micronesia (GoFSM) has applied for financing from the World Bank (WB) for the Prioritized Road Investment and Management Enhancements (PRIME) Project to improve the climate resilience of FSM's Road network.

## 1.2 Background

These Labor Management Procedures (LMP) seek to ensure that measures are in place to manage risks associated with employment under the project in terms of meeting national labor requirements as well as the objectives of the WB Environmental and Social Framework (ESF), specifically the objectives of Environmental and Social Standards 2 (ESS2) "Labor and Working Conditions and Occupational Health and Safety".

This LMP document is one of several reports and environmental and social (E&S) instruments developed to support management of the E&S aspects of the PRIME Project. Other key E&S documents prepared as part of this package of documents include:

- Environmental and Social Management Framework (ESMF);
- Resettlement Framework (RF);
- Stakeholder Engagement Plan (SEP);
- Generic Environmental and Social Management Plan (ESMP); and
- Environmental and Social Commitment Plan (ESCP)

The LMP document has been prepared to ensure proper working conditions and management of worker relationships, occupational health and safety, and to address Project-related issues associated with workforce-related gender based violence, (GBV); and/or sexual exploitation and abuse and sexual harassment (SEA/SH).

The LMP document is a "live document" that can be updated to meet the demands of the Project.

## 2. Project Background and Rationale

### 2.1 Overview of the ‘PRIME’ Project

The *Prioritized Road Investment and Management Enhancements (PRIME) Project* will provide funds for technical assistance and institutional strengthening to improve the management of the road network in relation to potential climate change impacts for the FSM. In addition, the Project will fund the feasibility, design and construction of physical works on priority road assets to improve resilience to climate-related hazards or events.

FSM’s transport network is of critical importance to the country’s economy and economic development through supporting trade and promoting commercial activity by facilitating the movement of goods and services and providing safe and efficient access to social services including schools and health facilities. Critical climate resilient road, bridge or drainage improvement works to be implemented urgently to maintain a basic level of land transport connectivity in each state will be identified as part of the PRIME Project. The extent of these works is described and shown in the ESMF.

While some initial road works have been identified as requiring urgent works (refer Component 2, Section 2.2.2), the design of the required works has not yet been undertaken and the full extent of impacts are not yet known. The additional works that will form the PRIME Project will be identified as part of early technical studies. As part of these studies a multi-criteria assessment will be undertaken to prioritize the urgency of works and works that will be funded by PRIME. Environmental and social risk screening will be part of the multi-criteria analysis.

A summary of key PRIME Project components is outlined below. Further detail on the scope of the PRIME Project activities is outlined in the project’s ESMF.

### 2.2 ‘PRIME’ Investments and Activities

Project activities will primarily take place within existing primary road corridors, or immediately adjacent to the road to improve erosion protection, drainage or safety features. Some additional secondary roads that are considered to be of strategic and/or economic importance will also form part of the ‘PRIME Roads’, and be assessed under Component 1 below, but recommended improvements on these secondary roads will not be considered for funding under Component 2. The extent of these roads including a definition of ‘PRIME Roads’ in each State are presented in the ESMF.

The three key components of the PRIME Project are outlined in Table 2-1 below, with corresponding worker classifications for the various Project Components / sub-components. Worker classification definitions are described in Section 3.2.

Table 2-1: PRIME Project Components and Worker Classifications

PRIME Component	Component Description	Worker Classification
<b>Component 1: Spatial and Sector Planning Tools</b>	Involves technical assistance that will improve the way that climate change is addressed in FSM’s Road sector to enable policymakers to make informed decisions based on the most accurate and up-to-date information available. The following activities are proposed under Component 1:	
	<b>a) Vulnerability Assessment (VA) and Climate Resilient Road Strategy (CRRS).</b> Preparation and implementation	Technical services to prepare and implement

PRIME Component	Component Description	Worker Classification
	<p>of a VA and CRRS to assess levels of vulnerability to climate change and severe weather events (e.g., sea-level rise, extreme rainfall, landslide, storm surge, etc.) across FSM's existing primary road corridors and GoFSM-selected existing strategic secondary road corridors. The VA and CRRS will also identify measures to enhance resilience and prioritize investments to balance vulnerability reduction against cost implication. Training will be provided to relevant national and state officials in the use of VA and CRRS tools.</p>	<p>a VA and CRSS. Training will be provided by consultants/contractors to relevant national and state officials in the use of VA and CRRS tools. Consultants/contractors in this context will either be Direct Workers (if directly contracted to the PIU, CIU or IA) or <b>Contracted Workers</b> (if the procurement by PIU, CIU or IA is via a firm).</p>
	<p><b>b) Climate-informed Road asset management systems.</b> Provision of hardware, software and ancillary tools to establish climate-informed road asset management systems to be used by DoTC&amp;I and State Road Authorities. Training will be provided to relevant National and State officials in the use of these systems.</p>	<p>Consultants/contractors in this context will either be <b>Direct Workers</b> (if directly contracted to the PIU, CIU or IA) or <b>Contracted Workers</b> (if the procurement by PIU, CIU or IA is via a firm). Implementation will be via relevant national and state officials – <b>Direct Workers</b>.</p>
<p><b>Component 2: Climate Resilient Infrastructure Solutions</b></p>	<p>This Component involves feasibility studies, design and construction of identified priority road assets to improve their resilience to climate-related hazards. The integration of climate change considerations into infrastructure activities will help strengthen the resilience of assets and improve functionality of the road network. Component 2 is split into two parts:</p> <p><b>a) Urgent Priority Works (including design and supervision).</b> Critical climate resilient road, bridge, causeway or drainage improvement works that should be implemented urgently to maintain a basic level of road connectivity in each state. Urgent works proposed for financing under the PRIME Project include:</p> <ul style="list-style-type: none"> <li>(i) Improving the narrow, low-level Lelu causeway in Kosrae;</li> <li>(ii) Replacing the 12 m Awak bridge in Pohnpei;</li> <li>(iii) Improving the 2.5 km airport to Pou Bay bridge road in Chuuk; and</li> <li>(iv) Replacing two short-span (6 m long) steel and concrete composite bridges in Yap.</li> </ul> <p><b>b) Works informed by the VA and CRRS (including design and supervision).</b> In addition to the urgent priorities under Sub-component 2a, a selection of near, medium and long-term road works would be financed to enhance the resilience of the network in each state to climate change impacts and natural hazards, in accordance with the recommendations from the VA and</p>	<p>This subcomponent will involve design consultants (<b>Contracted Workers</b> engaged via a firm); and civil works undertaken by engaged of contractors (<b>Contracted Workers</b>).</p> <p>This subcomponent will involve design consultants (<b>Contracted Workers</b> engaged via a firm); and civil works undertaken by</p>



PRIME Component	Component Description	Worker Classification
	<p>CRRS undertaken as part of Component 1. Works will be restricted to road networks within the existing primary road corridors.</p> <p>Interventions are expected to include measures to strengthen network resilience, including but not necessarily limited to:</p> <ul style="list-style-type: none"> <li>(i) <u>Pavement and surface strengthening</u> – periodic maintenance, repairs, rehabilitation or reconstruction of existing road pavement layers and/or surfacing, including provision of sealed shoulders and raising road levels;</li> <li>(ii) <u>Drainage improvements</u> – provision, reinstatement and/or lining of longitudinal drainage, replacement and/or increasing capacity of cross drainage culverts, improving open or covered outfalls, provision of subsoil drainage and cut-off drains;</li> <li>(iii) <u>Spot slope stabilization</u> – widening and/or reducing slope of cuttings and fill embankments to reduce landslip risk, soil bioengineering and biotechnical stabilization techniques, and anchoring of unstable rock slopes;</li> <li>(iv) <u>Rock wall revetment strengthening</u> – for protection of coastal road sections;</li> <li>(v) <u>Improvements to causeways and bridges</u> – repairs or reconstruction of existing crossings and/or provision of new crossings to provide safe, all weather access for vehicles and pedestrians;</li> <li>(vi) <u>Road safety improvements</u> – traffic calming measures, provision of guardrails, line marking and minor realignments to improve sight distance.</li> </ul>	<p>engaged contractors (<b>Contracted Workers</b> under this LMP).</p>
<p><b>Component 3: Strengthening the Enabling Environment</b></p>	<p>This Component will provide funding to support institutional and regulatory reforms for road sector asset management and maintenance, including measures to strengthen local capacity and to increase the sustainability of climate resilient road sector investments. In addition, this Component will help to strengthen coordination among relevant institutions, will look at ways in which road sector management can be improved, and will address any emerging priority issues that can help support GoFSM in addressing climate change risks. Proposed sub-components include:</p> <ul style="list-style-type: none"> <li>a) <b>Institutional and Governance Review.</b> A review of institutional arrangements, key policies, regulations, legislation and roles and responsibilities of principle stakeholders involved in the road sector with recommendations to strengthen such arrangements.</li> <li>b) <b>Project Management.</b> Establishment and maintenance of a Project Implementation Unit (PIU) to support the implementation of the PRIME Project. In addition, this includes operating costs for PRIME-related travel and communications costs.</li> <li>c) <b>Road Safety Program.</b> Provision of technical assistance activities to improve road safety.</li> </ul>	<p>Consultants engaged on the review will be <b>Direct Workers</b> if engaged individually; and/or <b>Contracted Workers</b> if engaged via a firm.</p> <p>Implementation will be via engagement of individuals to the PIU (<b>Direct Workers</b>).</p> <p>Engagement of consultants (<b>Direct Workers</b> if engaged individually; and/or</p>

PRIME Component	Component Description	Worker Classification
		<b>Contracted Workers</b> if engaged via a firm).
	d) <b>Capacity Building Initiatives.</b> Assess current preventive maintenance techniques and industry capacity. Provide technical trainings to sector agencies and local consultants and contractors to better operate and regulate a more climate resilient road network.	Engagement of consultants ( <b>Direct Workers</b> if engaged individually; and/or <b>Contracted Workers</b> if engaged via a firm).
	e) <b>Gender-informed Driver Licensing Pilot.</b> A pilot program to study and implement activities that address gaps in the possession of a driver's license.	Engagement of consultants ( <b>Direct Workers</b> if engaged individually; and/or <b>Contracted Workers</b> if engaged via a firm).
	f) <b>Emerging Priority Issues.</b> Providing technical assistance to strengthen the Recipient's capacity to address emerging priority issues that could have an impact on the Recipient's ability to manage a climate resilient road network.	Engagement of consultants ( <b>Direct Workers</b> if engaged individually; and/or <b>Contracted Workers</b> if engaged via a firm).

## 3. Overview of Labor Use on the Project

### 3.1 Contractual Arrangements

A Project Implementation Unit (PIU) will be established within DoTC&I for the PRIME Project (outlined in Section 5). All contracts with consultants, contractors and suppliers will be signed by the DoTC&I Secretary with the administration and contract management tasks of the contract being implemented by the PIU as their day to day responsibility. The DoTC&I Secretary will sign off on all consultant and contractor invoices and authorize CIU to make payments.

### 3.2 Categorization of the Workforce

Environment and Social Standard 2 (ESS2) categorizes project workers into four categories, as shown in Table 3-1: ESS2 Worker Classifications and described in below.

Table 3-1: ESS2 Worker Classifications

Worker Classification	Description
Direct workers	People employed or engaged directly to work specifically in relation to the Project. These are individuals on short or long term contracts. Para 8 of ESS2 states that government civil servants working in connection with the Project, on either a full or part time basis, will remain subject to the terms and conditions of their existing public sector employment agreement or arrangement unless there has been an effective legal transfer of their employment or engagement to the Project. ESS2 will not apply to such government civil servants, except for ESS2 provisions for protecting the workforce and for occupational health and safety.
Contracted workers	People employed or engaged by third party contractors to perform work related to core function of the Project, regardless of location. This includes workers working for consulting firms and the civil works contractor's workforce.
Primary supply workers	People employed or engaged by the primary suppliers. Quarry workers will be Primary Supply Workers.
Community workers	This category of workers is not expected to be engaged on the PRIME Project and is not discussed in this LMP.

#### 3.2.1 Direct Workers

In accordance with para 8 of ESS2, two types of direct workers will be engaged by the Project:

- (i) "*Direct workers – Government*" (a term used for convenience to address civil servants engaged on the Project); and
- (ii) "*Direct workers – other*".

ESS2 applies partially to the first category: *Direct workers – Government*, and entirely to the second category: *Direct workers - other*.

##### 3.2.1.1 Direct workers – Government

"*Direct workers – Government*" are civil servants engaged by DoTC&I PRIME PIU who will work on either full time or part time on project development and implementation. Government civil servants in the PIU, CIU, DoFA, DoTC&I or State Agencies who will work

part time or full time on the Project will remain subject to the terms and conditions of their existing employment agreements, with additional requirements to follow occupational health and safety measures adopted by the Project (ESS2 paragraphs 24 to 30) as well as measures to protect the workforce in terms of child labor and forced labor (ESS 2 paragraphs 17 to 20).

Government agency staff (DoTC&I, Kosrae Department of Transportation and Infrastructure (DoT&I); Pohnpei Office of Transportation and Infrastructure (T&I); Chuuk Department of Transport and Public Works (DoT&PW); and Yap Department of Public Works and Transportation (DoPW&T) are engaged under standard employment contracts which set out terms of employment. The pro-forma contracts do not specify a minimum age of employment; however, DoTC&I advises that no workers under the age of 18 will be engaged or employed on the Project. Contracts make no reference to forced labor, but the contracts are mutually agreed and therefore the work is voluntarily entered into.

Workers in the above agencies are subject to standard GoFSM pay and working conditions and therefore fall outside the scope of ESS2 with the exception of OHS.

### **3.2.1.2 Direct workers – Other**

“*Direct Workers – Other*” are persons contracted to the Project on a full-time and part-time basis for the Project by the DoTC&I, Secretary with the administration and contract management tasks of the contract being implemented by the PIU as their day to day responsibility. These workers are not FSM civil servants, and therefore are subject to the relevant provisions ESS2 and this LMP. This category includes the PIU Project Manager, Project Officer and Project Assistant, and any other individuals directly contracted to the Project; along with specialist short term consultants appointed to undertake specific Project activities include the development of training material or deliver training etc.

### **3.2.2 Contracted Workers**

This category covers contracted workers engaged by the DoTC&I, Secretary with the administration and contract management tasks of the contract being implemented by the PIU as their day to day responsibility. The exact number, skill sets, and timing of required Project contracted workers will only be determined once implementation begins and designs are completed. It is however expected that contract workers will be a mix of FSM citizen/residents and outside contracted workers originating from a wide range of countries and nationalities. This would increase the risk of labor influx, however would be managed by the PIU and contracting company. This category includes the following:

- Staff of construction company appointed to undertake civil works and construction activities; and
- Specialist consultant firms engaged to prepare engineering designs, environmental and social assessments, develop training programs, materials or other technical inputs to Project activities.

### **3.2.3 Primary Supply Workers**

Primary supply workers are people employed or engaged by the Borrower's primary suppliers<sup>1</sup>. Quarries have been identified as the only primary suppliers for the Project.

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<sup>1</sup> *Primary suppliers* are those suppliers who, on an ongoing basis, provide directly to the project goods or materials essential for the core functions of the project.

Accordingly Quarry workers engaged on supplying the Project will be subject to paragraphs 39 – 42 of ESS2, which require among other things that:

*“As part of the environmental and social assessment, the Borrower will identify potential risks of child labor, forced labor and serious safety issues which may arise in relation to primary suppliers.”*

In addition, ESS2 requires that:

*“Where a significant risk of child labor or forced labor is identified in relation to primary supply workers, the primary supplier will be required to identify those risks consistent with ESS2.”*

ESS2 requires that the LMP shall:

*“set out roles and responsibilities for monitoring primary suppliers. If child labor or forced labor cases are identified, the primary supplier will be required to take appropriate steps to remedy them.”*

Finally, ESS2 adds that

*“where there is a significant risk of serious safety issues related to primary supply workers, the relevant primary supplier will be required to introduce procedures and mitigation measures to address such safety issues. Such procedures and mitigation measures will be reviewed periodically to ascertain their effectiveness.”*

The above ESS2 requirements for Quarries as primary suppliers are addressed in:

- Appendix B of this LMP (“Project OHS Management”); in particular Appendix B.5 (“Quarry OHS Management”).

The contract entity will be expected to be responsible for contracting primary workers (quarries) and as such is responsible for the ensuring all primary workers (associated with quarries) and as such provide management oversight to ensure compliance with ESS2 requirements. The PIU will be responsible for screening information provided by the primary supplier for compliance with ESS2 requirements as set out in Appendix B.5 of this LMP. Such screening will address information obtained from primary suppliers at the request of the Principal Contractor.

### **3.2.4 Community Workers**

Community workers are not proposed to be engaged on Project-related activities.

## **3.3 Project Labor Requirements**

Personnel engaged by the Project will comprise those set out in Table 3-2.

The exact number, skill sets, timing and disposition of required Project workers of all categories including FSM and outside country nationalities will only be determined once implementation begins and designs are completed.

All Project workers will be required to sign a Code of Conduct (Appendix C) which outlines acceptable behaviour for the workers and their role, including reference to workforce-related Gender Based Violence, Sexual Exploitation and Abuse and Sexual Harassment (SEA/SH).

Table 3-2: Personnel to be engaged on the Project

Category under ESS2	Reference Draft PAD & consultation with DoTC&I PIU	Type of workers likely to be engaged	Key Identified Labor Risks	Mitigation Measures
<b>Direct workers</b>	DoTC&I / PIU staff.  Individual consultants appointed to support Project activities.	Contractual staff engaged by DoTC&I PIU for the purposes of the Project.	<ul style="list-style-type: none"> <li>• Terms of employment (employment period, remuneration, tax and insurance payments etc.) set out in ESS2 not secured by contractual agreements.</li> <li>• Workers suffer discrimination and lack of equal opportunity in employment.</li> <li>• Risks of workplace accidents, or emergencies, i.e., occupational health and safety (OHS).</li> <li>• Sexual Exploitation and Abuse and Sexual Harassment (SEA/SH), Gender Based Violence (GBV) and Violence Against Children (VAC) by workers to workers and community.</li> </ul>	<ul style="list-style-type: none"> <li>• Contractual terms to specify employment period, remuneration, tax and insurance payments etc. covered under DoTC&amp;I contracts.</li> <li>• Procurement processes are transparent and reflect equal opportunity employment pursuant to the FSM Labor Code.</li> <li>• Verify that all personnel are aged 18 or over prior to contract signing.</li> <li>• OHS measures to be implemented as set out in Appendix B of this LMP Appendix (“Project OHS Management”) for Direct workers.</li> <li>• Codes of Conduct (CoC), including SEA/SH are signed by all Direct workers - See Appendix C of this LMP.</li> <li>• All Direct workers receive CoC awareness training prior to undertaking Project activities.</li> <li>• Provide access to Worker Grievance Mechanism (GM) (refer Section 7) for any workplace, contractual or pay and working condition concerns including GBV, SEA and VAC.</li> </ul>
<b>Contracted workers</b>	Civil works and large equipment.  Consultant firms providing technical advisory services.	Contractors engaged for construction activities.  Consultants engaged by a firm, contracted to provide technical advisory services.	<ul style="list-style-type: none"> <li>• Terms of employment (ESS2) not secured by contractual agreements.</li> <li>• Workers suffer discrimination and lack of equal opportunity in employment.</li> </ul>	<ul style="list-style-type: none"> <li>• Borrower to ensure contracts for construction workers include details on pay and working conditions in line with FSM law and ESS2 requirements.</li> <li>• Contractual terms for construction contractors to specify employment period, remuneration, tax and</li> </ul>

Category under ESS2	Reference Draft PAD & consultation with DoTC&I PIU	Type of workers likely to be engaged	Key Identified Labor Risks	Mitigation Measures
			<ul style="list-style-type: none"> <li>• Use of child labor contravenes national legislation and international conventions ratified by FSM.</li> <li>• Risks of workplace accidents, or emergencies (OHS).</li> <li>• SEA/SH, GBV and VAC to workers and community.</li> </ul>	<p>insurance payments etc., covered under DoTC&amp;I contracts.</p> <ul style="list-style-type: none"> <li>• DoTC&amp;I to verify that all personnel are aged 18 or over prior to contract signing. CoC, including SEA/SH, are signed by all Contracted workers – refer Appendix C of this LMP.</li> <li>• All contracted workers receive CoC awareness training prior to undertaking Project activities.</li> <li>• OHS measures to be implemented as set in Appendix B of this LMP (“Project OHS Management”).</li> <li>• Ensure workers have access to Contractor GM for any workplace, contractual or pay and working condition concerns including SEA/SH, GBV and VAC.</li> </ul>
<b>Direct workers - Government</b>	FSM civil servants working either full time or part time on Project development and implementation.	Government civil servants in the PIU, CIU, DoFA, PSC DoTC&I or State Agencies (including FSM DoFA, Kosrae DoT&I; Pohnpei Office of Transportation and Infrastructure (T&I); Chuuk DoT&PW); and Yap DoPW&T), working part time or full time on the Project).	<ul style="list-style-type: none"> <li>• Health of safety incident related to limited understanding and implementation of OHS requirements leading to injury or near miss.</li> <li>• Non-compliance with child labor and minimum age; and forced labor provisions of ESS2.</li> </ul>	<ul style="list-style-type: none"> <li>• OHS measures to be implemented as set out in Appendix B of this LMP (“Project OHS Management”). DoTC&amp;I procedures ensure relevant ESS2 requirements other than OHS are met.</li> <li>• Mutual agreement between workers and government on the management of any additional work requirements (e.g., weekend work). This would be consistent with the public sector employment regulations.</li> </ul>
<b>Primary Supply Workers</b>	Supplies derived from local quarries.	Quarry workers will be Primary Supply Workers.	<ul style="list-style-type: none"> <li>• Non-compliance with child labor and minimum age; and forced labor provisions of ESS2.</li> </ul>	<ul style="list-style-type: none"> <li>• Minimum age, forced labor provisions and OHS measures to be implemented as set out in Appendix B of this LMP (“Project OHS Management”); in</li> </ul>

Category under ESS2	Reference Draft PAD & consultation with DoTC&I PIU	Type of workers likely to be engaged	Key Identified Labor Risks	Mitigation Measures
			<ul style="list-style-type: none"> <li>Health of safety incident related to limited understanding and implementation of OHS requirements leading to injury or near miss.</li> </ul>	particular Appendix B.5 ("Quarry OHS Management").



## 4. Brief Overview of Labor Legislation: Terms and Conditions

### 4.1 General

FSM's national laws, incorporating its Constitution and Annotated Code 2014 (The Code), provide some important protections safeguarding employees' labor and working conditions. These include Constitutional prohibitions on slavery and involuntary servitude, a guarantee of equal protection under the law, freedom from discrimination on various grounds, and freedom of expression and association. Further, the prohibition since 2012 of human trafficking under Title 11 (Crime) of the Code is a significant development.

However, there are many areas where FSM's national laws are inconsistent with international standards and ESS2 including laws and practice regarding child labor. The FSM national and state counterpart governments have recently initiated programs to address these issues and as such are developing appropriate laws and regulations to enable these issues to be managed, whilst providing community awareness, understanding and reporting management actions. The recent introduction of anti-trafficking laws, human (and child) trafficking, commercial sexual exploitation and forced labor remain a work in progress and will require additional activities and community acceptance to ensure these issues are address effectively in practice. Likewise, discrimination and harassment in employment, particularly of women and persons with a disability, requires further government management and public awareness.

While FSM has ratified some international human rights treaties bearing on labor and working conditions, including Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), Convention on the Rights of the Child (CRC), Convention on the Rights of Persons with Disabilities (CRPD) and the Convention on the Suppression of the Trafficking in Persons and of the Exploitation of the Prostitution of Others, it has not ratified any International Labor Organization (ILO) Conventions to date. This currently creates an international governance gap in the FSM compared to many other Pacific Island nations with which the World Bank Group operates, which in most cases at a minimum, have ratified the core ILO Conventions. The lack of any ILO oversight of, and accounting for, labor and working conditions in FSM exacerbate the risks and challenges for the World Bank Group and its borrowers operating projects in FSM. However, the understanding of these issues and the internal management of these issues at both the national and state level , greatly reduces this risk to a manageable level with the full understanding and commitment that the banks standards will be maintained.

There are no trade unions currently operating in FSM, and no laws dealing specifically with trade unions, the right to collective bargaining, or anti-union discrimination. The absence of workers' organizations has not diminish the Government accountability for workers' rights and as such greatly reduces any potential risks for the World Bank Group and its borrowers operating there.

### 4.2 FSM Workers Rights Legislation

FSM has national legislation that outlines worker's rights.

The Code of the FSM 2014 edition Title 51 Labor chapter III Hiring of Non Residential Workers (pages 131-139) sets out various requirements of workers including the need to

hold work visas by foreign (other than USA) contractors and workers including fly-in fly-out consultants who are restricted by the 30 day entry visa limit, unless previously arranged. No other Labor Legislation constraints apply to workers potentially engaged on Project activities.

The Labor Code (last updated in 2014) outlines hiring of non-resident workers, labor development, and other requirements.

The Code requires:

- a. Non-resident workers to obtain health certificates, and have a minimum of two years of related work experience;
- b. Any benefits provided to non-resident construction workers, such as housing, transport, etc. will also be provided to any national contractor who is required to leave their principal place of residence for work;
- c. Applications for foreign workers are needed, unless the foreign workers will be in the country less than 90 days; and
- d. Minimum employment conditions outlined in the Code apply to all foreign workers.
- e. Title 52 (Public Employment) provides for a grievance mechanism under the regulations whereby public service employees (or a group of employees) can raise complaints re: their working conditions, status, pay, and related matters, for hearing and adjudication. In doing so, the regulations provide those employees must be free from coercion, discrimination, and reprisals and that they may have representatives of their choice: sub chapter 144. Public sector employees are subject to national legislation, which is consistent with ESS2. However, for non-public sector employees, there is no internal grievance procedure mandated under national law.

### 4.3 Relevance of GoFSM Employment Conditions to ESS2

**Freedom of Association and the Right to Collective Bargaining:** Although FSM law does not specifically provide for the right of workers to join a union, under the constitution citizens have the right to form or join associations, and the *FSM Public Employment Code 2014* provides that national government employees by law can form associations to “present their views’ to the government without being subject to coercion, discrimination, or reprisals. No workers, including foreign workers, were prohibited from joining unions. No law deals specifically with trade unions or with the right to collective bargaining. There is no specific right to strike, but no law prohibits strikes.

**Prohibition of Forced or Compulsory Labor.** The constitution prohibits forced or compulsory labor.

**Prohibition of Child Labor and Minimum Age for Employment.** National and State laws do not establish a minimum age for employment of children.

**Acceptable Conditions of Work.** The *FSM Public Employment Code 2014* addresses the public services system and sets out various provisions for the employment conditions of FSM public service employees including development of regulations for grievance mechanisms. The *FSM Labor Code 2014* focuses on Trust Territory citizen workers being given preference in employment in occupations and industries in the Trust Territory, and that the public interest requires that the employment of noncitizen workers in such

occupations and industries not impair the wages and working condition of Trust Territory workers.

As noted above, “*Direct workers – Government*” are required under ESS2 to only follow occupational health and safety measures adopted by the Project (ESS2 paragraphs 24 to 30); as well as measures to protect the workforce in terms of child labor and forced labor (ESS 2 paragraphs 17 to 20). The following evaluation applies to these matters as they affect “*Direct workers – Government*” on the PRIME Project.

### 4.3.1 Child Labor and Forced Labor

The regulatory approach in regard to child labor and forced labor is addressed as follows:

Table 4-1: Regulatory approach to child and forced labor

Labor Type	Regulatory Approach
Child Labor	<p>ESS2 Paragraph 17 states that the labor management procedures will specify the minimum age for employment or engagement in connection with the Project, which will be the age of 14 unless national law specifies a higher age.</p> <p>ESS2 Paragraph 19 states that a child over the minimum age and under the age of 18 will not be employed or engaged in connection with the Project in a manner that is likely to be hazardous.</p> <p>DoTC&amp;I advise that anyone under the age of 18 will not be employed or engaged on Project-related activities.</p>
Forced Labor	<p>Paragraph 20 of ESS2 proscribes the use of Forced labor defined as any work or service not voluntarily performed that is exacted from an individual under threat of force or penalty.</p> <p>Procurement procedures followed on the Project involve voluntary application for contract positions. Therefore, ESS2 Paragraph 20 does not apply.</p>

### 4.3.2 Occupational Health and Safety

There is minimal Occupational Health and Safety (OHS) legislation in FSM. For all potential Project based OHS risks, DoFA CIU has adopted World Bank Group EHS Guidelines for all staff and contractors.

The *Public Employment Code (2014)* requires that workers exposed to hazardous working conditions are paid 25% more. The Project is not likely to expose workers to hazardous working conditions.

A widely cited Supreme Court Decision (*Amayo v. MJ Co.*, 10 FSM Intrm. 244, 250 (Pon. 2001)) sets out that:

*“a general contractor in control of a structure or premises owes to its employees and employees of any other contractor rightfully thereon a duty to exercise ordinary care to keep the structure or premises in a safe condition for their use”.*

No law exists for either public or private sector workers to remove themselves from dangerous work situations without jeopardy to their continued employment.

Contractors engaged on construction works will be required to comply with OHS requirements as set out in Appendix B of this LMP (“Project OHS Management”).

Other Project workers will similarly be subject to OHS requirements in accordance with Appendix B of this LMP (“Project OHS Management”).

## 5. Roles and Responsibilities

### 5.1 Institutional Responsibilities and Structures

The responsibility to implement all commitments for any works specific ESIA/ESMPs prepared will be distributed between the Project relevant implementing agencies in collaboration with National, State and Municipal Government Officials.

As noted below, a PRIME PIU will be established within DoTC&I. All contracts with consultants, contractors and suppliers will be signed by the DoTC&I Secretary with the administration and contract management tasks of the contract being implemented by the PIU as their day to day responsibility. The DoTC&I Secretary will sign off on all consultant and contractor invoices and authorize CIU to make payments.

During Project implementation, the DoFA Centralized Implementation Unit (CIU) Safeguards Team will assist DoTC&I with the environmental and social aspects (which will include OHS-related oversight in accordance with the relevant ESCP, LMP and ESMF requirements).

The relevant institutional structures to be either utilized (for existing institutions) or established for the PRIME Project including roles and responsibilities are shown in Figure 5-1 and described below.

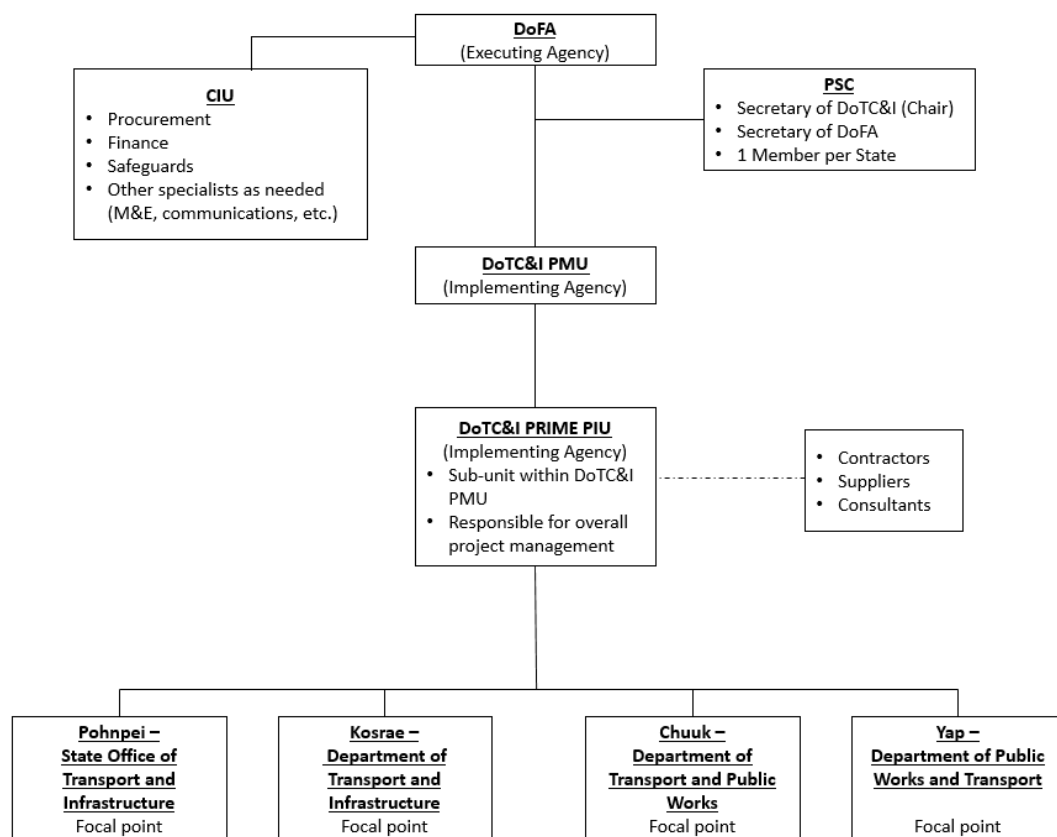


Figure 5-1: Implementation arrangements for the PRIME Project.

### 5.1.1 Coordination among the National and State Governments and Departments

FSM will implement the Project through the DoTC&I as the Implementing Agency (IA).

In implementing the Project, the DoTC&I IA will work closely with the national Department of Finance and Administration (DoFA) and the four State Governments, including Kosrae Department of Transportation and Infrastructure (Kosrae DoT&I); Pohnpei Office of Transportation and Infrastructure (Pohnpei T&I); Chuuk Department of Transport and Public Works (Chuuk DoT&PW); and Yap Department of Public Works and Transportation (Yap DoPW&T).

In particular, as the PRIME Roads fall under the jurisdiction of the relevant State Governments, Project Implementation Agreements (PIAs) with each of the States will be required to help govern the PRIME activities in each State, with one PIA for each of the following groups:

- (a) National DoTC&I, Kosrae State Government and Kosrae DoT&I;
- (b) National DoTC&I, Pohnpei State Government and Pohnpei T&I;
- (c) National DoTC&I, Chuuk State Government, and Chuuk DoT&PW; and
- (d) National DoTC&I, Yap State Government, and Yap DoPW&T.

PIAs will be executed prior to the commencement of Project activities under Component 2 to ensure clarity and agreement between all relevant parties on implementation roles and responsibilities.

As each road authority is under its respective State's control and to ensure good technical coordination, focal points will be appointed in each State to work on and manage day-to-day PRIME activities associated with its land transport sector and to liaise with the National DoTC&I.

Within the National GoFSM, DoTC&I has a Project Management Unit (PMU) that has responsibility for the delivery of Overseas Development Assistance funded infrastructure projects (including the World Bank, Asian Development Bank, United States Federal Aviation Administration, People's Republic of China and the United Nations) with the exception of energy (managed by the Department of Resources and Development) and telecommunications (managed by the DoTC&I Communications Division). The primary focus of the PMU is on program management with day-to-day project management tasks deferred to project implementation units.

The DoTC&I Secretary will sign off on all consultant and contractor contracts and invoices and authorize CIU to make payments.

A PRIME PIU will be established within DoTC&I with responsibility for administration and contract management tasks associated with contracts.

During Project implementation, the DoFA Centralized Implementation Unit (CIU) Safeguards Team will assist DoTC&I with the environmental and social aspects.

Both the CIU and DoTC&I are existing units and are familiar with WB ESF and project-specific environmental and social risk management instruments from their experiences with other WB-funded projects.

### **5.1.2 PIU Implementation Support**

The PIU will coordinate the implementation of the PRIME Project with DoTC&I management, DoTC&I PMU, DoFA CIU, PIU State Focal Points, and the State transport agencies (including FSM DoFA, Kosrae DoT&I; Pohnpei T&I; Chuuk DoT&PW; and Yap DoPW&T) in a manner that is to be set forth in the PIAs that outlines the roles of each organization. The PIU will also be responsible for preparing and implementing the Project in accordance with annual work plans and budgets which will detail the Project's activities and eligible expenditures. The PIAs will clarify, among other things, the necessary state and intra-government cooperation and support necessary for the Project.

The PIU will have overall supervision of LMP implementation. Labor and OHS risk management will also be the responsibility of the PIU, supported by the CIU Safeguards Team. The PIU is currently developing/finalizing the projects overall budget which will include suitable funds to ensure the availability of an appropriate budget for LMP implementation.

### **5.1.3 CIU Implementation Support**

The already established CIU within the DoFA, the PRIME Project Executing Agency (EA), is a functional unit that supports the implementation of the WB portfolio and includes an environmental and social safeguards team.

In order to provide strong and efficient support throughout FSM, the CIU provides support to core implementation functions needed for all WB portfolio projects in FSM including, but not limited to, procurement, financial management, social and environmental safeguards, monitoring and evaluation, as well as outreach and communications. The CIU team members responsible for these functions report to the CIU Program Manager and provide services and hands on support to the PRIME Project Implementing Agency (i.e., DoTC&I) for preparation, implementation and capacity building activities. Project implementation responsibilities however remain with the IA (DoTC&I).

CIU specialists will undertake the following activities relevant to the LMP in assisting the DoTC&I:

- Undertake periodic checks for compliance with LMP along with other E&S risk management instruments;
- Review TOR and contracts for compliance with matters raised in the LMP;
- Have an overview role for the LMP Grievance Mechanism (GM) process; and
- Will assist DoTC&I with monitoring matters covered in Contractors' Labor GM and OHS.

### **5.1.4 Project Steering Committee**

To ensure the four States are adequately represented in decision making process, a Project Steering Committee (PSC) will be established and chaired by DoTC&I. Recent experience from the existing FSM Maritime Investment Project (FSMIP) suggests that ensuring the appropriate representation of all parties in the Project Steering Committee (PSC) will be critical for success. The FSMIP PSC structure could be considered.

The Secretary of DoFA will be a member, along with a member appointed by the Governor of each of the four States.

The PSC will provide general oversight and policy direction to PRIME Project stakeholders during Project implementation, convene key stakeholders in the event of disagreement and periodically review Project progress. In respect of matters raised in the LMP, the PSC will provide high level oversight and will provide the final Project-related determination within the Project in the event of disagreement.

## 6. Project-Related Labor Policies and Procedures

### 6.1 Terms and conditions of employment

Terms and conditions of direct workers are determined by their individual contracts. All the recruiting procedures will be documented and filed by CIU or PIU in accordance with the requirements of ESS2. Generally, forty hours per week employment will be practiced, although there will in some cases be temporary or short term contracts. Requirements and conditions of overtime and leave entitlements will be agreed as part of individual contracts. Applies to “Direct Workers – Other”. Direct Workers – Government will remain subject to the terms and conditions of their existing employment agreements, with additional requirements to follow occupational health and safety measures adopted by the Project as well as measures to protect the workforce in terms of child labor and forced labor.

### 6.2 Age of employment

FSM has not ratified the ILO Minimum of Age Convention (C138) and the ILO Worst Forms of Child Labor Convention (C182). However, DoTC&I have confirmed that workers younger than 18 years of age will be not engaged on the Project. DoTC&I and PIU will monitor compliance with this undertaking

During the recruitment process, all successful applicants (direct and contracted) will be asked to produce identification documents (ID) such as birth certificates, passports, driver’s license or other valid method such as copies of academic certificates, testimony/affidavits from officials of the schools attended, a medical examination, statements from family members and parish/village officials/local authorities. Once satisfied the worker is aged 18 years or over, the person is eligible for engagement. Monitoring minimum age requirements for Primary Supply Workers is addressed in Section 3.2.3 above.

Copies of the IDs and documents pertaining to the successful applicant's age and other supporting materials will be filed by the PIU.

### 6.3 Sexual Exploitation, Abuse & Sexual Harassment

Gender-based violence (GBV) rates are high in FSM and women are vulnerable to trafficking, illegal sex work, unwanted pregnancies, harassment and violence. Imported and transient workforces such as those required for the construction industry are known to contribute to these issues. For women in FSM there are multiple barriers to having equal opportunities as well as a life free from violence and coercion. Priority areas of the GoFSM national gender planning include addressing female unemployment and a gender-stratified labor market, teenage pregnancy, violence against women and girls and limited access to justice and protection for women.

Sexual Exploitation and Abuse (SEA) and Sexual Harassment (SH) is prevalent in FSM with approximately one in three women (32.8%) having experienced physical and/or sexual violence by an intimate partner in their lifetime.

A specific SEA and SH Grievance Mechanism including pathways and direct contacts at the national and states will be developed by the CIU Safeguard team in conjunction with project team and relevant sectors and be incorporated into the existing GM for the PRIME Project. The development of this action is expected to be completed during the latter part



of 2021. Once cleared by the WB team the updated GM will be disclosed and used for the project. Awareness and understanding training will be delivered to ensure full understanding.

The “*Direct Workers – Other*” Grievance Mechanism (Section 7.2 includes reference to harassment which includes sexual harassment and abuse.

In addition, Direct and Contracted Project workers will be required to engage in a Code of Conduct process as set out in Appendix C of this LMP<sup>2</sup>. This will include awareness of risks associated with and measures to avoid SEA and SH and GBV.

## **6.4 Occupational Health and Safety**

All Project workers will be subject to OHS requirements in accordance with Appendix B of this LMP (“Project OHS Management”).

## **6.5 Workers’ rights to refuse unsafe work environments**

Workplace processes will be put in place for Project workers to:

- report work situations that they believe are not safe or healthy.
- remove themselves from a work situation which they have reasonable justification to believe presents an imminent and serious danger to their life or health.
- [For those who remove themselves from such situations] not be required to return to work until necessary remedial action to correct the situation has been taken.
- Not be retaliated against or otherwise subject to reprisal or negative action for such reporting or removal.

The ability of workers to refuse unsafe work environments is covered in Appendix B of this LMP (“Project OHS Management”).

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<sup>2</sup> Note: The Project CoC is not applicable for Primary Supply Worker and Direct Workers (Government) pursuant to ESS2.

## 7. Worker's Grievance Mechanism

### 7.1 Direct Workers – Government

The FSM *Public Employment Code 2014* addresses the Public Services System and sets out provisions for development of regulations for grievance mechanisms. These regulations set out a grievance process for state workers. Appendix A provides a summary of relevant excerpts from the public service regulations that would apply and outlines the process to lodge a grievance and to seek a resolution.

Labor Grievance Mechanism for *Direct Workers – Government* will use Dispute Resolution provisions embodied in their respective contracts based on the FSM National public service regulations.

In summary for all grievances the first step will be the lodgment of the grievance (written or verbal) to the CIU Program Manager, whom will within 2 weeks provide a response and seek resolution. If a resolution cannot be attained or agreed by the claimant then the CIU Program Manager may request the DoFA Secretary to review the complaint and seek a resolution OR it is registered and will be managed through the FSM National public service provisions as detailed in Appendix A. All illegal activities will be directly reported to the Police and/or Department of Justice and managed accordingly.

### 7.2 Direct Workers – Other

*Direct Workers - Other* will have access to the Project Labor Grievance Mechanism applying to Direct workers on FSM World Bank Projects falling under the WB ESF as set out below. This category includes the PIU Project Manager, Project Officer, Project Assistant and any other individuals engaged on the Project.

The Labor Grievance Mechanism will be available to *Direct Workers – Other* for raising workplace related concerns including about the terms of employment, rights at work, unsafe or unhealthy work situations, among others. Table 7-1 provides a summary of the principles and procedures for all workers to file a grievance.

### 7.3 Contracted Workers

All contracts will be required to include workers having access to a Grievance Mechanism and will use the principles outlined in table 7-1. All contracts as part of the FSM standard development process will be assessed by the CIU team, the safeguard team will ensure all contracts are aligned and compliant with ESS2 requirements.

### 7.4 Notification

During employee induction, *Direct Workers - Other* will be advised that there is a Labor Grievance Mechanism where workers can raise complaints and have them processed. Moreover, the PIU Manager (or nominee) will provide contact information and provide a location where *Direct Worker - Other* and *Contracted Workers* can log their complaints.

There will also be a notice at the Implementing Agency office at all times explaining the Labor Grievance Mechanism and providing contact details.

Table 7-1: Labor Grievance Mechanism

Step	Process
1.	<p><b><u>Lodgment and initial informal process</u></b></p> <ul style="list-style-type: none"> <li>• Managers and Workers are encouraged to use informal methods of resolving disagreements or disputes.</li> <li>• If Workers have a reasonable grievance or complaint regarding their work or the people, they work with they should, wherever possible, start by talking it over with their manager. It may be possible to agree a solution informally between the Worker and the manager.</li> <li>• If discussions with line managers fail to resolve the issue, it is still possible to pursue an informal approach without triggering a formal procedure. For example, an independent senior FSM Government official could host an informal meeting or discussion.</li> <li>• Grievances from new employees about recruitment practices will typically need to be made to the GoFSM via the DoTC&amp;I PMU.</li> </ul>
2.	<p><b><u>Formal grievance hearing</u></b></p> <ul style="list-style-type: none"> <li>• If the matter is serious and/or the worker wishes to raise the matter formally, the Worker should set out the grievance in writing to the DoTC&amp;I PMU Program Manager and/or CIU Program Manager. This submission should be factual and avoid language that is insulting or abusive.</li> <li>• The DoTC&amp;I PMU Program Manager will then call the Worker and the Worker's Line Manager (or representative) to a meeting to discuss the Worker's grievance within a predetermined period of time [nominally 3 weeks] after receiving the complaint.</li> <li>• The Worker has the right to be accompanied by a colleague at this meeting on request.</li> <li>• After the meeting, the DoTC&amp;I PMU Program Manager will give the Worker minutes of the meeting signed by both parties and a decision in writing, within a predetermined period of time [nominally 4 weeks].</li> </ul>
3.	<p><b><u>Appeal to Secretary of Implementing Agency in which Worker is embedded</u></b></p> <ul style="list-style-type: none"> <li>• If the Worker is not satisfied with the above decision, the worker may appeal the decision to the DoTC&amp;I Secretary of the Implementing Agency in which the Worker is embedded.</li> <li>• The Secretary will consult with the Chief Secretary's office in relation to the appeal on the Grievance.</li> <li>• The Secretary will then call the Worker to a meeting to discuss the worker's grievance within a predetermined period of time [nominally 3 weeks] after receiving the complaint.</li> <li>• The Worker has the right to be accompanied by a colleague at this meeting on request.</li> <li>• After the meeting, the Secretary will give the Worker minutes of the meeting signed by both parties and a decision in writing, within a predetermined period of time [nominally 4 weeks].</li> <li>• The above decision is final within the terms of GoFSM internal grievance mechanism which is deemed to cease at this stage. However, the Worker retains the ability to refer the complaint or grievance to the court for arbitration within the laws of FSM.</li> </ul>
<p><b>Note:</b> For grievances concerning workplace GBV, SEA/SH or VAC, <u>survivors</u> will be referred to appropriate SEA/SH Grievance Mechanism currently being developed by the DoFA Centralized Implementation Unit (CIU) for implementation during for the PRIME Project.</p> <p>This process will be reviewed and confirmed during Worker Code of Conduct awareness sessions, including disclosure options to ensure accountability, confidentiality and sensitivity.</p>	

## **Appendix A FSM Government Grievance Summary**

The following provides a summary of relevant Grievance excerpts from FSM public service regulations.

**PART 15 GRIEVANCES**

15.1. *Employee Coverage.* The Public Service Grievance System covers all Public Service System employees.

15.2. *Grievance Coverage.* The grievance system will cover any matter of concern or dissatisfaction to an eligible employee. [except the following:]

a. [An adverse action appealable under Part 18.]

b. [A fitness-for-duty examination.]

c. [The content of published Government policy.]

d. Non-selection for appointment, promotion, or reassignment from a group of properly ranked and certified candidates.

e. [Disapproval of a merit increase, performance award, or other kind of honorary discretionary award.]

15.3. *By Whom Presented.* A grievance may be presented by an individual employee or by a group of employees acting jointly. For the purposes of this part, the word "employee" shall be understood to refer also to group of employees acting jointly. An employee has the right to be assisted by a representative of his choice in submitting a grievance.

15.4. *Grievance Procedure.*

a. Grievance may be presented either orally or in writing. An employee may present a grievance concerning a continuing practice or condition at any time. If his grievance is related to a particular act or occurrence, he must present it within [fifteen] calendar days of the date of that act or occurrence or the date when he became aware of it.

b. An employee shall ordinarily present a grievance first to his immediate supervisor. If the employee believes that he has a valid reason for not taking the grievance to his immediate supervisor, or if his immediate supervisor so authorizes, he may submit his grievance to a supervisory or management official of higher rank than the employee's immediate supervisor. If the employee believes that he has a valid reason for not taking the grievance to any official in his agency, or if his grievance is not settled to his satisfaction by officials in his agency, he shall submit his grievance to the [Personnel officer] Director of the Office of Administrative Services or his designee. The action of the [Personnel Officer] Director of the Office of Administrative Services shall be final unless the [Personnel Officer] Director of the Office of Administrative Services himself authorized referral of the grievance to another official.

15.5. *Obligation of Supervisors and Management Officials.* Supervisors and other management officials have an obligation and a solemn duty to accept an employee's grievance and to act promptly, fairly, and in good faith in the issue or issues presented in the grievance. They also have the obligation to abstain from any restraint, interference, or reprisal against employees and their representatives who are exercising the right to present grievances. It is not enough for an official to abstain from overt threats or interference. He must also refrain from making any statement or taking any action that has the appearance of a threat, interference, or intimidation.

## Appendix B Project OHS Management

## **B.1 Introduction**

This Appendix sets out details of OHS management relating to Project activities in terms of roles of the CIU and the various categories of project workers - Direct workers, Direct workers (Government), Contracted workers and Primary Supply workers.

## **B.2 Roles**

### **B.2.1 Central Implementation Unit**

The CIU Safeguards Team will be responsible for:

- Oversight of the health and safety and other related activities of Project workers as set out in this LMP;
- Review of draft bid documents;
- Review of contractor and primary supplier's tender responses;
- Review and clearance of contractor CESMP;
- Training State reps in how to supervise OHS onsite on a daily basis; and
- Conducting periodic on-site visits to monitor and supervise progress.

All CIU Project activities will be undertaken in conjunction and cooperation with the PIU.

### **B.2.2 Direct Workers**

Direct workers are DoTC&I / PIU staff and individual consultants engaged by DoTC&I PIU for the purposes of the Project.

Direct workers will be subject to Project-specific OHS requirements set out in Section B.4.2.

### **B.2.3 Direct Workers (Government)**

Direct workers (Government) are FSM civil servants working either full-time or part-time on Project development and implementation. This category includes Government civil servants in the PIU, DoFA CIU, DoTC&I PMU, PSC, or State agencies (including Kosrae DoT&I; Pohnpei T&I; Chuuk DoT&PW; and Yap DoPW&T), working part-time or full-time on the Project).

Direct workers (Government) will be subject to OHS requirements set out in Section B.4.3.

### **B.2.4 Contracted Workers**

Contracted workers fall into two categories:

- (i) Consultant firms providing technical advisory services. Consultants engaged by a firm, contracted to provide technical advisory services – Section B.4.4.1.
- (ii) Civil works and large equipment Contractors engaged for construction activities – Section B.4.4.2.

### **B.2.5 Primary Supply Workers**

Workers engaged in quarry operations providing primary supplies to the Project.

## **B.3 Occupational Health and Safety Management Framework**

### **B.3.1 Scope and Objective**

This Occupational Health and Safety (OHS) framework applies to ALL categories of Project worker.

The objective of Project OHS management is to ensure that the health and safety of workers and the community is protected and that appropriate OHS measures will be incorporated into the design and implementation of the project to prevent and protect workers from occupational injuries and illness.

This Framework takes into account the provisions of the World Bank Group's *Environmental, Health, and Safety (EHS) Guidelines* (April 2007) together with the relevant Industry Sector EHS Guidelines available at [www.ifc.org/ehsguidelines](http://www.ifc.org/ehsguidelines). For this project, the particular scope of OHS provisions in each case will depend on the nature and severity of the hazards, risks, and impacts; and the types of workers involved.

### **B.3.2 Components of Project OHS Framework**

The following **general principles** are relevant to maintaining worker health and safety.

**Implementation responsibilities** in respect of the project are set out in Section B.4 - in general the tasks are the Principal Contractor and/or the employer of workers, with CIU providing support for Direct Workers and Direct Workers (Government).

#### **B.3.2.1 Identification and Assessment of Hazards**

Establish and maintain effective methods for:

- Systematically identifying existing and potential hazards to employees and the community;
- Systematically identifying, at the earliest practicable time, new hazards to employees and the community; and
- Regularly assessing the extent to which a hazard poses a risk to employees and the community.

#### **B.3.2.2 Management of Identified Hazards**

Apply prevention and control measures to control hazards which are identified and assessed as posing a threat to the safety, health or welfare of employees and the community, and where practicable, the hazard shall be eliminated. The following preventive and protective measures must be implemented order of priority:

- Eliminating the hazard by removing the activity from the work process;
- Controlling the hazard at its source through engineering controls;
- Minimizing the hazard through design of safe work systems; and
- Providing appropriate personal protective equipment (PPE).

One option available for the application of prevention and control measures to occupational hazards is to adopt comprehensive job safety analyses (JSA) or similar formal screening process.

Job safety analysis (JSA) is a process involving the identification of potential health and safety hazards from a particular work activity and designing risk control measures to eliminate the hazards or reduce the risk to an acceptable level. JSA's or equivalent systematic process must be undertaken for all discrete project activities, particularly site visits or field-work (including where there may be no designated worksite), such that the risks can be readily identified and appropriate risk management measures designed. This Framework includes a template for a JSA (Section B.6 below).



The results of such analyses should be reviewed by a trained person in the PIU/CIU and outcomes prioritized as part of an action plan based on the likelihood and severity of the consequence of exposure to the identified hazards.

### ***B.3.2.3 Training, awareness and supervision***

All reasonably practicable steps must be taken to provide to workers (in appropriate languages) the necessary information, instruction; training and supervision to protect each worker's health and to manage emergencies that might reasonably be expected to arise in the course of work. Training and supervision extends to the correct use of PPE (if appropriate to worker activities) and providing workers with appropriate incentives to use PPE.

Workers will receive OHS induction training when they commence work, and thereafter on a regular (at least annual) basis and when changes are made in the workplace. Training must cover the relevant aspects of OHS associated with daily work, including the ability to stop work without retaliation in situations of imminent danger.

Induction training will be directed at ensuring all new workers are apprised of the basic site rules of work at / on the site and of personal protection and preventing injury to fellow employees. Training should consist of basic hazard awareness, site-specific hazards, safe work practices, and emergency procedures for fire, evacuation, and natural disaster, as appropriate. A typical induction checklist is set out as follows.

Visitors to worksites must be provided with a site induction prior to entering and must be escorted at all times while on site. This induction must include details of site hazards, provision of necessary PPE and emergency procedures. Visitors should not be permitted access to areas where hazardous conditions or substances may be present, unless appropriately inducted.

Records of the training will be kept on file.

On the following page is a suggested format to be used for the projects induction checklist.

## Workplace Induction Checklist

Organisation name:			
Employee name:		Position/job title:	
Employment start date:		Supervisor/manager:	

**This workplace**

I have been shown/introduced to:

- My supervisor/manager
- Other employees
- Key jobs, tasks and responsibilities
- Work area, toilets, eating and drinking facilities
- Where to make phone calls and collect messages

**Employment conditions**

I know about:

- Work times and meal breaks
- Rates of pay and how payment is made
- Leave entitlement
- Sick leave and who to call if I'm sick

**Health and safety**

I have been shown:

- How to do my job safely, including the use of guards and other safety equipment
- The safety signs and what they mean
- How to safely use, store and maintain safety equipment
- How to safely use, store and maintain equipment, machinery, tools and hazardous substances

I know:

- My responsibilities as an employee
- Who my health and safety representatives are
- Where health and safety information is kept

**Hazards**

I know:

- The hazards in my workplace
- The controls for these hazards
- How to report hazards
- Where records of hazards are kept
- The procedures for working safely
- I will receive the results of personal health monitoring

**Emergencies**

I am familiar with:

- The location of the emergency exits
- The location of the fire extinguishers
- The evacuation procedure
- The first-aid kit and its location
- Who can provide first-aid (if applicable)

My assembly area is:

My emergency wardens are:

**Incidents and injuries**

I know:

- To report injuries, near hits and misses and early signs of discomfort and how to report them
- Where incident/injury forms are kept
- Who I report to
- Reports will be investigated and I will be informed of the results

Signed by worker:

Signed by Manager:

### B.3.2.4 Reporting Protections

Workplace processes will be provided by the Principal Contractor or employer for all Project workers to report work situations that they believe are not safe or healthy. Project workers can remove themselves from a work situation which they have reasonable justification to believe presents an imminent and serious danger to their life or health. Project workers who remove themselves from such situations will not be required to return to work until necessary remedial action to correct the situation has been taken. Project workers will not be retaliated against or otherwise subject to reprisal or negative action for such reporting or removal.

### B.3.2.5 General duty of workers

Each worker shall:

- Take all reasonable care to protect their own and fellow workers health and safety at the workplace and, as appropriate, other persons in the vicinity of the workplace;
- Use PPE and other safety equipment supplied as required;
- Not use PPE or other safety equipment for any purpose not directly related to the work for which it is provided; and
- Make supervisors aware of any injury occurring in the workplace.

*Supervisors to ensure immediate response to injury and ensure injury is medically treated as necessary.*

### B.3.2.6 Personal Protective Equipment

Personal Protective Equipment (PPE) provides additional protection to workers exposed to workplace hazards in conjunction with other facility controls and safety systems.

Table B.3-1 below presents general examples of occupational hazards and types of PPE available for different purposes.

Table B.3-1: Priority Actions, responsibilities and timing

Objective	Workplace Hazards	Suggested PPE
Eye and face protection	Flying particles, molten metal, liquid chemicals, gases or vapors, light radiation.	Safety Glasses with side-shields, protective shades, etc.
Head protection	Falling objects, inadequate height clearance, and overhead power cords.	Plastic Helmets with top and side impact protection.
Hearing protection	Noise, ultra-sound.	Hearing protectors (ear plugs or earmuffs).
Foot protection	Falling or rolling objects, pointed objects. Corrosive or hot liquids.	Safety shoes and boots for protection against moving & falling objects, liquids and chemicals.
Hand protection	Hazardous materials, cuts or lacerations, vibrations, extreme temperatures.	Gloves made of rubber or synthetic materials (Neoprene), leather, steel, insulating materials, etc.
Heat / Sun protection	Extreme heat, or prolonged exposure to the sun	Wide brimmed hat, long sleeved short, long sleeved pants, etc
Respiratory protection	Dust, fogs, fumes, mists, gases, smokes, vapors.	Facemasks with appropriate filters for dust removal and air purification (chemicals,

Objective	Workplace Hazards	Suggested PPE
		mists, vapors and gases). Single or multi-gas personal monitors, if available.
	Oxygen deficiency	Portable or supplied air (fixed lines). On-site rescue equipment.
Body/leg protection	Extreme temperatures, hazardous materials, biological agents, cutting and laceration.	Insulating clothing, body suits aprons etc. of appropriate materials.

Recommended measures for use of PPE in the workplace include:

- Active use of PPE if alternative technologies, work plans or procedures cannot eliminate, or sufficiently reduce, a hazard or exposure;
- Identification and provision of appropriate PPE that offers adequate protection to the worker, co-workers, and occasional visitors, without incurring unnecessary inconvenience to the individual;
- Proper maintenance of PPE, including cleaning when dirty and replacement when damaged or worn out. Proper use of PPE should be part of the recurrent training programs for Employees; and
- Selection of PPE should be based on the hazard and risk ranking described earlier in this section and selected according to criteria on performance and testing established.

Those persons responsible for site activities (employers, contractors) shall:

- Provide, maintain, and make accessible to workers the PPE necessary to avoid injury and damage to their health;
- Take all reasonably practicable steps to ensure that workers use that PPE in the circumstances for which it is provided; and
- Make provision at the workplace for PPE to be cleaned and securely stored without risk of damage when not required.

The application of prevention and control measures to occupational hazards should be based on comprehensive job safety analyses (JSA) or similar systematic approach. The results of these analyses should be prioritized as part of an action plan based on the likelihood and severity of the consequence of exposure to the identified hazards.

### **B.3.2.7 Monitoring**

Occupational health and safety monitoring should be part of the OHS management and verify the effectiveness of prevention and control strategies. The selected indicators should be selected on the basis of screened OHS risks for each site, and should be representative of the most significant occupational, health, and safety hazards, and the implementation of prevention and control strategies.

Subject to the outcome of OHS screening, the OHS monitoring program should include:

**Safety inspection, testing and calibration:** This should include regular inspection and testing of all safety features and hazard control measures focusing on engineering and personal protective features, work procedures, places of work, installations, equipment, and tools used. The inspection should verify that issued PPE continues to provide adequate protection and is being worn as required.

**Surveillance of the working environment:** Employers should document compliance using an appropriate combination of portable and stationary sampling and monitoring instruments. Monitoring and analyses should be conducted according to internationally recognized methods and standards.

**Surveillance of workers health:** When extraordinary protective measures are required (for example, against hazardous compounds), workers should be provided appropriate and relevant health surveillance prior to first exposure, and at regular intervals thereafter.

**Training:** Training activities for employees and visitors should be adequately monitored and documented (curriculum, duration, and participants). Specific training, and/or certification (including evidence of certification) should be provided for certain tasks and activities (e.g., working at height, enclosed spaces etc) as required. Emergency exercises, including fire drills, should be documented adequately.

**Accidents and Diseases monitoring:** The employer should establish procedures and systems for reporting and recording:

- Occupational accidents and diseases.
- Dangerous occurrences and incidents.

These systems should enable workers to report immediately to their immediate supervisor any situation they believe presents a serious danger to life or health (Section B.3.2.4).

All reported occupational accidents, occupational diseases, dangerous occurrences, and incidents together with near misses should be investigated with the assistance of a person knowledgeable and competent in occupational safety. The investigation should:

- Establish what happened.
- Determine the cause of what happened.
- Identify measures necessary to prevent a recurrence.

### B.3.3 Priority Actions

Priority actions, responsibilities and timing are outlined in Table B.3-2.

Table B.3-2: Priority Actions, responsibilities and timing

Target	Person Responsible	Timing
Initial screening of Project workplaces to indicate likely level of OHS Risk	CIU	Prior to works commencing
Develop OHS management procedures appropriate to scale of OHS risk at each workplace (and cleared by CIU pre-start); to include: <ul style="list-style-type: none"> <li>➤ identification, assessment and management of hazards (including JSA);</li> <li>➤ training and supervision;</li> <li>➤ reporting protections;</li> <li>➤ general duties of employees;</li> <li>➤ documentation;</li> <li>➤ training and awareness;</li> <li>➤ PPE;</li> <li>➤ monitoring.</li> </ul>	Contractor (for Civil construction workplaces)  OR Employer/PIU/CIU for other Project-related workplaces	Civil work places - Prior to construction  OR (For other categories of workplaces) Prior to workers commencing work

Target	Person Responsible	Timing
Ensure all staff and contractors are aware of OHS Management procedures and are briefed on those procedures during induction.		
Primary Suppliers (quarries) assessed as significant OHS risk to develop Quarry OHS procedures as set out in Section B.5 of this LMP	PIU based on information obtained by contractor	Prior to procurement of supplies from quarry

## B.4 Worker-specific OHS Management

### B.4.1 OHS Activity Classification

The management of OHS risk needs to be appropriate/proportionate for the scale of the risk. This means risks with potentially significant consequences (e.g., chronic ill-health, serious injury, death) may require more effort and resources to determine the most effective way to eliminate/minimise the risk.

The indicative risk associated with particular project workers will inform the level of detail required in particular OHS Management Plans.

Project workers fall into two broad categories – whether they are largely office-based or whether they are construction-based which includes use of machinery and plant.

### B.4.2 Direct Workers

Direct workers comprise DoTC&I / PIU staff and individual consultants engaged by DoTC&I PIU, and will largely be office-based, but will undertake site visits or field trips from time to time. DoTC&I and PIU (with the support of CIU) will be required to develop OHS-related worker induction (see Section B.3.2.3), hazard identification and risk management procedures around workplace hazards such as

- a. Tripping
- b. Falls
- c. Ergonomics
- d. Workplace bullying<sup>3</sup>
- e. “Out of office” hazards such as
  - i. Driving
  - ii. Field work
  - iii. Meetings
  - iv. Travel in boats
  - v. Working with aircraft

For office-based workplaces, a hazard checklist will be used (as detailed below)

All identified hazards are to be recorded on a hazard register which also sets out the significance of hazards and the practicable steps (elimination, isolation or minimization) taken to control them. An example Hazard Register is set out below.

Controls are to be monitored as required, and the CIU is to review the hazard register annually.

<sup>3</sup> Verbal, physical, social or psychological abuse by another person or group of people at work

<b>OFFICE HAZARD CHECKLIST</b>		
Division:	Checked By:	
Business Unit:	Date:	
Location:		
Consider all the tasks required to produce an outcome from each office-based section of the organization.		
<b>Job Design</b> ➤ Has each job been designed to provide a variety of tasks throughout the day in terms of physical and mental workload? ➤ Are highly repetitive tasks (such as keying) performed for more than 2 hours at any one time? ➤ Are tasks that require a high level of concentration performed for more than 2 hours at any one time? ➤ Are employees trained to vary tasks and postures throughout the day? ➤ How are individuals given feedback regarding their work performance?	<input type="checkbox"/>  <input type="checkbox"/>  <input type="checkbox"/>  <input type="checkbox"/>  <input type="checkbox"/>	Comments
<b>Lighting</b> ➤ Is there sufficient lighting for the performance of tasks? ➤ Are employees able to control incoming natural light? e.g., close blinds ➤ Is artificial lighting causing reflections from work surfaces? ➤ Do employees have tired, sore or irritated eyes at the end of a day?	<input type="checkbox"/>  <input type="checkbox"/>  <input type="checkbox"/>  <input type="checkbox"/>	Comments
<b>Noise</b> ➤ Is noise a problem in the workplace? ➤ Is it difficult to hear a normal voice within 1 meter distance? ➤ Are there distracting or disruptive noises in the area? ➤ How well do screens or partitions control noise?	<input type="checkbox"/>  <input type="checkbox"/>  <input type="checkbox"/>  <input type="checkbox"/>	Comments
<b>Manual Handling</b> ➤ Are there objects that require pushing, pulling, lifting, lowering, carrying, holding or moving and do these actions require considerable physical effort or force to complete? ➤ Are there large, awkward or heavy objects to be handled? ➤ Are these objects handled more than once every 5 minutes? ➤ Is handling required more than 5 times per hour over a day? ➤ Is handling performed below mid-thigh height or above shoulder height?	<input type="checkbox"/>  <input type="checkbox"/>  <input type="checkbox"/>  <input type="checkbox"/>  <input type="checkbox"/>	Comments
<b>Office Layout</b> ➤ Is there sufficient space for tasks to be carried out? ➤ Is there sufficient space for the equipment and the operator? ➤ Is there sufficient space for light, intermediate and busy foot traffic? ➤ Is there sufficient circulation space around each workstation? ➤ Are there separate areas for tasks that require dedicated space? ➤ Is there a separate area for photocopying?	Check <input type="checkbox"/>  <input type="checkbox"/>  <input type="checkbox"/>  <input type="checkbox"/>  <input type="checkbox"/>  <input type="checkbox"/>  <input type="checkbox"/>	Comments

<p><b>Workstations</b></p> <ul style="list-style-type: none"> <li>➤ Is there sufficient space at the workstation for documents to be spread out within easy reach?</li> <li>➤ Is there easy access to equipment such as telephone and keyboard?</li> <li>➤ Is there adequate and safe height adjustability of work surfaces?</li> <li>➤ Are workstations and equipment set up to reduce awkward postures?</li> <li>➤ Are standing workstations suitable for a range of users?</li> <li>➤ Is there sufficient desk width and depth for the tasks carried out?</li> <li>➤ Are there provisions for sitting at this workstation where short period of continuous work are required?</li> <li>➤ Are the chairs stable when sitting down and standing up?</li> <li>➤ Are the chairs adjustable for different users? Are the visitors' chairs adequate for the number and type of visitors?</li> <li>➤ Are the receptionist's chairs adjustable from the seated position?</li> <li>➤ Are the reception chairs used by multiple operators?</li> <li>➤ Do the keyboard operator chairs provide support and comfort to all individual operators?</li> <li>➤ Are these chairs adjustable in height and backrest angle from seated? What degree of adjustability -- is it suitable?</li> <li>➤ Is there a need for foot rests?</li> <li>➤ Are document holders provided?</li> <li>➤ Are staff trained to adjust their workstation furniture ?</li> </ul>	<p>Check</p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p>	<p>Comments</p>
<p><b>Storage</b></p> <ul style="list-style-type: none"> <li>➤ Is there sufficient general storage space for the office?</li> <li>➤ Is there sufficient storage space at each workstation?</li> <li>➤ Is storage space suitably designed to be within easy reach (that is, between shoulder and mid- thigh height)?</li> <li>➤ Are steps available for reaching higher shelves? Is there sufficient space around storage areas to enable easy and safe access?</li> </ul>	<p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p>	<p>Comments</p>
<p><b>Visual Display Units</b></p> <ul style="list-style-type: none"> <li>➤ Is the computer screen size adequate for the task being performed?</li> <li>➤ Is the force required to press the keys too high or too light?</li> <li>➤ Is there adjustability for the screen brightness?</li> <li>➤ Is there adjustability of the screen height?</li> <li>➤ Is there a keyboard rest that frees up desk space for other tasks?</li> </ul>	<p>Check</p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p>	<p>Comments</p>
<p><b>Copying Equipment</b></p> <ul style="list-style-type: none"> <li>➤ Is there adequate copying equipment, in good working order, for the work required?</li> <li>➤ Are copier lids intact and functioning to reduce exposure to intense light?</li> <li>➤ Are self-contained toner cartridges supplied in a sealed state?</li> <li>➤ Are procedures for the use and maintenance of copying equipment adequate, in place and in use?</li> </ul>	<p>Check</p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p>	<p>Comments</p>







### **B.4.3 Direct Workers (Government)**

Direct workers (Government) are FSM civil servants working either full-time or part-time on Project development and implementation. This category includes Government civil servants in the PIU, CIU, DoFA, PSC DoTC&I or State agencies (including FSM DoFA, Kosrae DoT&I; Pohnpei T&I; Chuuk DoT&PW; and Yap DoPW&T), working part-time or full-time on the project)

Direct workers (Government) are generally will be subject to the same OHS procedures set out in Section B.4.2 of this LMP in regard to project-related activities including site visits.

### **B.4.4 Contracted Workers**

Contracted Workers fall into two categories:

- Consultant firms providing technical advisory services; and
- Contractors engaged on civil works involving large equipment and plant

#### **B.4.4.1 Consultant Firms**

Consultants engaged to provide technical advisory services are generally office based and will be subject to the OHS procedures set out in Section B.3.2 of this LMP **OR** Consultant may provide and be subject to their own internal OHS plans if, and subject to approval by CIU, the internal plans cover those matters set out in Section B.3.2.

#### **B.4.4.2 Civil Works Contractors**

##### **Contractor Bid Documentation**

OHS clauses from Appendix D of this LMP are to be incorporated in DoTC&I bid documents for all contracted works.

##### **Principal Contractor OHS Management**

The Principal Contractor will be subject to the OHS procedures set out in Section B.3.2 of this LMP **OR** the Principal Contractor may provide and apply their own internal OHS plans if, subject to approval by CIU, the internal plans cover those matters set out in Section B.3.2.

##### **Subcontractor OHS Management**

Subcontractor OHS oversight will be the responsibility of the Principal Contractor.

The objectives of Sub-Contractor OHS Management are:

1. To outline the relationship between the Contractors in the PRIME project; and
2. To outline the methods by which the Principal Contractor, will assure the production of quality deliverables from each of its subcontractors and primary suppliers and assure environmental, social and health and safety risk mitigation measures are implemented by all parties.

The approach to Subcontractor OHS management is based on the following guiding principles which shall be included in contract documentation between the Principal Contractor and the Subcontractor:

- a. Effective channels of communications clearly defined and established;
- b. A Statement of Work relating to OHS management responsibilities will be developed jointly by the Principal Contractor with each Subcontractor;

- c. OHS responsibilities will be consistent with Section Section B.3.2 of this LMP;
- d. Each Subcontractor will have its OHS responsibilities clearly identified and described in the Statement of Work;
- e. All OHS constraints imposed on the Subcontractor will be clearly identified in the Statement of Work;
- f. Each subcontract will contain appropriate terms and conditions relating to OHS management;
- g. Subcontractors will clearly identify persons responsible for OHS management in their organization;
- h. Each sub-contractor organization will have a single point of contact with the Principal Contractor for OHS matters. Subcontractors are expected to identify their own single point of contact for OHS matters;
- i. Each Subcontractor organization will have a single point of contact with the Principal Contractor for OHS matters. The Subcontractors are expected to identify their own single point of contact for OHS matters;
- j. Where a significant risk of child labor or forced labor is identified in relation to Subcontractor's operations, the Subcontractor will be required to identify those risks, and shall set out steps to remedy those risks; and
- k. The Principal Contractor must be kept aware of any OHS child labor or forced labor issues arising.

Training and awareness of all staff and contractors on the Project GM, Labor GM and relevant OHS Subcontractor management is to be undertaken by the Principal Contractor during induction and through the Project (e.g., weekly toolbox meetings) as necessary.

#### **B.4.5 Primary Supply Workers (Quarries)**

Workers engaged at quarries to provide rock and aggregate material for the project will be considered as Primary Supply Workers under the terms of this LMP.

As set out in Section 3.2.3 of the LMP, the requirements under ESS2 for primary suppliers relate to risks of child labor, forced labor and serious safety risks.

When sourcing raw materials and goods from primary suppliers, the Principal Contractor will require such suppliers to identify the risk of child labor/forced labor and serious safety risks in producing the project materials.

The PIU supported by the CIU will review and if acceptable, certify that in the opinion of PIU/CIU purchase of primary supplies from the suppliers will be consistent with the requirements of ESS2. Such certification shall follow a risk identification/assessment, based on information provided by the Principal Contractor and any other relevant due diligence (such as review of licenses for quarries).

Where appropriate, the Principal Contractor will include specific requirements on child labor/forced labor and work safety issues in all purchase orders and contracts with primary suppliers.

If there is a risk of child labor/forced labor and/or where there is a significant risk of serious safety issues related to the primary supply work, the PIU supported by the CIU will require

Contractor to in turn require the primary supplier to take appropriate steps to remedy or mitigate those issues. Such mitigation measures will include matters set out in Section B.5 of this LMP.

Mitigation measures and performance will be monitored by the Contractor on a monthly basis to ascertain their effectiveness.

Where the mitigation measures are found to be ineffective, the PIU on the advice of the CIU, will require the Principal Contractor to, within a reasonable period, shift the project's primary suppliers to suppliers that can demonstrate that they are meeting the relevant requirements.

## **B.5 Quarry OHS Management**

The following sections provide guidance on OHS management for quarries which:

- (1) Act as primary suppliers for the project; and
- (2) Which have been identified as having a significant risk of serious safety issues.

Prior to acceptance by the PIU/CIU of any quarry procurement by any contractor, any quarry meeting the above criteria should demonstrate to the satisfaction of PIU/CIU, compliance with OHS mitigation measures as follows. These measures are based around the World Bank Group's *Environmental, Health, and Safety (EHS) Guidelines* (April 2007) available at [www.ifc.org/ehsguidelines](http://www.ifc.org/ehsguidelines) – with particular reference to the *WB Construction Materials Extraction EHS Guidelines*.

- a. Definition of effective channels of communications;
- b. Definition of effective OHS responsibilities and authorities;
- c. Project-related purchasing order and/or project-related contract to contain appropriate terms and conditions relating to OHS management;
- d. Clear identification of persons responsible for OHS management;
- e. Where a significant risk of child labor or forced labor is identified in relation to primary supplier operations, the primary supplier shall to identify those risks, and shall set out steps to remedy those risks;
- f. Mechanisms to ensure Principal Contractor and CIU are kept aware of any OHS child labor or forced labor issues arising;
- g. Training and awareness of all primary supply workers on OHS provisions during induction and through the term of the primary suppliers relationship with the Project (e.g., weekly toolbox meetings) as necessary; and
- h. Specific OHS controls over identified operational areas, including use of mitigation measures as suggested below:

### **RESPIRATORY HAZARDS**

- Excavators, dumpers, dozers, wagon-drills, and other automated equipment that requires an operator equipped with air conditioned, dustproof, and soundproof cabs; and
- Use of personal breathing protection (e.g., masks, respirators).

## **NOISE**

- Workers may be exposed to excessive noise levels during quarrying activities (e.g., shoveling, ripping, drilling, blasting, flame-jet cutting, transport, crushing, and grinding, among others); and
- Refer guidance on the management of noise is provided in the WB General EHS Guidelines.

## **PHYSICAL HAZARDS**

- Implementation of specific personnel training on work-site safety management;
- Implementation of geological–geotechnical monitoring programs;
- Accurate assessment of the work site by rock scaling of each surface exposed to workers to prevent accidental rock falling and /or landslide, especially after blasting activities;
- Adoption of natural barriers, temporary railing, or specific danger signals along rock benches or other pit areas where work is performed at heights more than 2 m from ground level; and
- Maintenance of yards, roads, and footpaths, providing sufficient water drainage and preventing slippery surfaces with an all-weather surface, such as coarse gravel.

## **MACHINE / EQUIPMENT USE SAFETY**

- Use of proper drill benches or wagon drills, avoiding portable and hand-held drilling equipment;
- Use of hydraulic jacks and cushions for block splitting or block shifting;
- Use of hydraulic breakers or hammers to avoid plaster blasting; and
- Use of properly protected wire cutting machines and / remote-control devices.

## **EXPLOSIVES**

- A consistent blasting schedule, minimizing blast-time changes;
- Specific warning devices (e.g., horn signals and flashing lights) and procedures implemented before each blasting activity to alert all workers and third parties in the surrounding areas (e.g., local communities). Warning procedures include traffic limitation along local roadways and railways;
- Specific personnel training on explosives handling and safety management;
- Blasting-permit procedures implemented for all personnel involved with explosives (e.g., handling, transport, storage, charging, blasting, and destruction of unused or surplus explosives); and
- Blasting sites checked post-blast by qualified personnel for malfunctions and unexploded blasting agents, prior to resumption of work.

## B.6 Job Safety Analysis (JSA)

Add Organisation Name:

Ref:

Version:

Business details			
Business name:		Contact person:	
Address:		Contact position:	
Contact phone number		Contact email address:	
Job Safety Analysis details			
Work activity:		Location:	
Who are involved in the activity:		This job analysis has been authorized by: Name: ..... Position:..... Signature: ..... Date: .....	
Plant and equipment used:			
Maintenance checks required:			
Tools used:			
Materials used:			
Personal protective equipment:			
Certificates, permits and/approvals required			
Relevant EHG Guideline, codes, standard MSDSs etc. applicable to this activity			

### JSA – Action steps

Step No	Job step details	Potential hazards	Risk rating**	How to control risks***	Name of persons responsible for work





## Appendix C Code of Conduct

**Applicability – This Code of Conduct applies to:**

Direct Workers - DoTC&I / PIU staff and individual consultants engaged by DoTC&I PIU;  
and

Contracted Workers - consultant firms providing technical advisory services; and contractors engaged on civil works.

We are the Contractor/Employer, [enter name of Contractor/Employer]. We have signed a contract with DoTC&I for [enter description of the Works]. These Works will be carried out at [enter the Site and other locations where the Works will be carried out]. Our contract/employment conditions require us to implement measures to address environmental and social risks related to the Works, including the risks of sexual exploitation and abuse and gender-based violence.

This Code of Conduct is part of our measures to deal with environmental and social risks related to the Works. It applies to all our staff, laborers and other employees at the Works Site or other places where the Works are being carried out. It also applies to the personnel of each subcontractor and any other personnel assisting us in the execution of the Works. All such persons are referred to as “Contractor/Employer’s Personnel” and are subject to this Code of Conduct.

This Code of Conduct identifies the behavior that we require from all Contractor/Employer’s Personnel.

Our workplace is an environment where unsafe, offensive, abusive or violent behavior will not be tolerated and where all persons should feel comfortable raising issues or concerns without fear of retaliation.

**REQUIRED CONDUCT**

Contractor/Employer’s Personnel shall:

1. carry out his/her duties competently and diligently;
2. comply with this Code of Conduct and all applicable laws, regulations and other requirements, including requirements to protect the health, safety and well-being of other Contractor’s Personnel and any other person;
3. maintain a safe working environment including by:
  - a. ensuring that workplaces, machinery, equipment and processes under each person’s control are safe and without risk to health;
  - b. wearing required personal protective equipment;
  - c. using appropriate measures relating to chemical, physical and biological substances and agents; and
  - d. following applicable emergency operating procedures.
4. report work situations that he/she believes are not safe or healthy and remove himself/herself from a work situation which he/she reasonably believes presents an imminent and danger to his/her life or health;
5. treat other people with respect, and not discriminate against specific groups such as women, people with disabilities, migrant workers or children;
6. not engage in any form of sexual harassment including unwelcome sexual advances, requests for sexual favors, and other unwanted verbal or physical conduct of a sexual nature with other Contractor’s or Employer’s Personnel;
7. not engage in Sexual Exploitation, which means any actual or attempted abuse of position of vulnerability, differential power or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another. In Bank financed projects/operations, sexual exploitation occurs when access to or benefit from Bank financed Goods, Works, Consulting or Non-consulting services is used to extract sexual gain;

8. not engage in Rape, which means physically forced or otherwise coerced penetration—even if slight —of the vagina, anus or mouth with a penis or other body part. It also includes penetration of the vagina or anus with an object. Rape includes marital rape and anal rape/sodomy. The attempt to do so is known as attempted rape. Rape of a person by two or more perpetrators is known as gang rape;
9. not engage in Sexual Assault, which means any form of non-consensual sexual contact that does not result in or include penetration. Examples include: attempted rape, as well as unwanted kissing, fondling, or touching of genitalia and buttocks not engage in any form of sexual activity with individuals under the age of 18, except in case of pre-existing marriage;
10. complete relevant training courses that will be provided related to the environmental and social aspects of the Contract, including on health and safety matters, and Sexual Exploitation, and Sexual Assault (SEA);
11. report violations of this Code of Conduct; and
12. not retaliate against any person who reports violations of this Code of Conduct, whether to us or the Employer, or who makes use of the [Project Grievance [Redress] Mechanism].

### **RAISING CONCERNS**

If any person observes behavior that he/she believes may represent a violation of this Code of Conduct, or that otherwise concerns him/her, he/she should raise the issue promptly using the Project Grievance Redress Mechanism process.

The person's identity will be kept confidential, unless reporting of allegations is mandated by the country law. Anonymous complaints or allegations may also be submitted and will be given all due and appropriate consideration. We take seriously all reports of possible misconduct and will investigate and take appropriate action. We will provide warm referrals to service providers that may help support the person who experienced the alleged incident, as appropriate.

There will be no retaliation against any person who raises a concern in good faith about any behavior prohibited by this Code of Conduct. Such retaliation would be a violation of this Code of Conduct.

### **CONSEQUENCES OF VIOLATING THE CODE OF CONDUCT**

Any violation of this Code of Conduct by Contractor/Employer's Personnel may result in serious consequences, up to and including termination and possible referral to legal authorities.

### **FOR CONTRACTOR/EMPLOYER'S PERSONNEL:**

I have received a copy of this Code of Conduct written in a language that I comprehend. I understand that if I have any questions about this Code of Conduct, I can contact [*enter name of Contractor/Employer's contact person with relevant experience in handling gender-based violence*] requesting an explanation.

Name of Contractor/Employer's Personnel: [insert name]

Signature: \_\_\_\_\_

Date: (day month year): \_\_\_\_\_

Countersignature of authorized representative of the Contractor/Employer:

Signature: \_\_\_\_\_

Date: (day month year): \_\_\_\_\_

## **Appendix D Civil Works Contractor – Occupational Health And Safety Clauses**

## D.1 General – Preparation of Contractor’s OHS Procedures

The Contractor must prepare OHS procedures, to be cleared by the client prior to works starting, which includes the following:

- Occupational Health and Safety Management procedures (refer to Appendix B of the LMP for details).
- Identification of staff responsible for, health and safety management, complaints management and reporting to the client.
- Risk register documenting the site-specific and project specific risks.
- Training plan and training records relating to OHS.

## D.2 Community and Worker Health and Safety

Site-specific mitigation to be inserted in the bid documents:

- The Contractor shall at all times implement all reasonable precautions to prevent and reduce accidents and injuries to staff and workers and protect the health and safety of the community.
- The Contractor shall prepare and implement an OHS management procedures commensurate with the identified health and safety hazards at the construction site/s and it shall include activities related to construction (such as the transportation of materials and working in road easements).
- The Contractor shall at all times provide and maintain construction plant, equipment and systems of work that are safe and without risks to health. This shall include maintaining equipment, engines, and related electrical installations in good working order; maintaining a clean and tidy workspace; providing safe and exclusion barriers (e.g., guards and rails), signage, and lighting; providing work site rules, safe working procedures and allocating appropriate places to carry out the work.
- The Contractor shall provide, at his/her own expense, the protective clothing and safety equipment (Personal Protective Equipment - PPE) to all staff and labor engaged on the Works to the satisfaction of the PIU. Such clothing and equipment shall include, as a minimum:
  - High visibility vests for workers directing traffic;
  - Protective boots, gloves and hard hat for the workforce undertaking excavation works; and
  - Sun protection (e.g., hat, long sleeved shirt/pants etc).

If the Contractor fails to provide such clothing and equipment, the PIU has the right to issue a stop work notice until the Contractor has provided the suitable equipment.

- The Contractor shall, before commencing work, conduct an induction course with all relevant workers on environmental management and safety and health at the site. The information and training shall be on the site and have duration of at least two hours.
- The Contractor shall prepare and implement a Traffic Management Plan (TMP) to ensure that any traffic and/or pedestrian hazards caused by the works are

adequately managed. Special emphasis needs to be placed on the management of pedestrian movements and access through all work sites, including considerations for the elderly and youth (i.e., children).

- The Contractor shall adopt the following for workers working at height, in addition to FSM and state regulations:
  - The area around which elevated work is taking place should be barricaded to prevent unauthorized access. Working under other personnel should be avoided;
  - Hoisting and lifting equipment should be rated and maintained and operators trained in their use. Elevating platforms should be maintained and operated according to established safety procedures that include such aspects as equipment and use of fall protection measures (e.g., railings), movement of location only when the lift is in a retracted position, repair by qualified individuals, and the use of effective locks to avoid unauthorized use by untrained individuals;
  - Ladders should be used according to pre-established safety procedures including proper placement, climbing, standing, and the use of extensions, as outlined in the Contractors OHS procedures.
  - Implementation of a fall protection program that includes training in climbing techniques and use of fall protection measures; inspection, maintenance, and replacement of fall protection equipment; and rescue of fall-arrested workers, among others; and
  - Establishment of criteria for use of 100 percent fall protection (typically when working over 2 meters (m) above the working surface, but sometimes extended to 7 m, depending on the activity).
- The Contractor shall implement confined space entry management procedures where workers will be entering confined spaces (if required), which are to be outlined in the Contractors OHS procedures.

### **D.3 Worker Accommodation**

- All workers shall be provided with safe and healthy accommodation, with potable drinking supply, running water, septic tank or reticulated wastewater collection and treatment, separate sleeping quarters (with separation of washrooms, bedrooms and toilets for men and women), and access to recreation areas / facilities. No new workers camps or worker accommodation facilities will be constructed (permanently or temporarily) for the workforce.

### **D.4 Worker Code of Conduct**

- All workers shall be required to sign and adhere to a Code of Conduct CoC) prepared by the Contractor (refer Appendix C of this LMP), relating to worker behavior to avoid harm to community members, including reference to Gender Based Violence (GBV), Sexual Exploitation and Abuse and Sexual Harassment (SEA/SH).
- Training will be provided to outline appropriate behavior and implications for nonconformance and general awareness of SEA/SH, along with general awareness of the Grievance Mechanism (GM) for SEA/SH.

