
COMMONWEALTH OF DOMINICA

**MINISTRY OF BLUE AND GREEN ECONOMY, AGRICULTURE AND NATIONAL
FOOD SECURITY**

LABOUR MANAGEMENT PROCEDURE

For

**GEF- LEVERAGING ECO-TOURISM FOR BIODIVERSITY PROTECTION IN
DOMINICA (LET_oBP)**

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ACRONYMS

ESF	Environmental and Social Framework
ESSs	Environmental and Social Standards
EHSGs	Environmental Health and Safety Guidelines
GEF	Global Environmental Facility
GRM	Grievance Redress Mechanism
IPLC	Indigenous Peoples and Local Communities
LEToBP	Leveraging Eco-Tourism for Biodiversity Protection
LMP	Labour Management Procedures
MBGEANFS	Ministry of Blue and Green Economy, Agriculture and National Food Security
METT	Management Effectiveness Tracking Tool
OHS	Occupational Health and Safety
PA	Protected Area
PIU	Project Implementation Unit
PPE	Personal Protective Equipment
SEA	Sexual Exploitation and Abuse
SH	Sexual Harassment
TA	Technical Assistance
WNT	Waitukubuli National Trail

1.0 INTRODUCTION

1.1 Overview

The Leveraging Eco-Tourism for Biodiversity Protection Project (LETobP or Project) is funded by a grant from the Global Environmental Facility (GEF) and is being implemented by the Government of Dominica, through its Ministry of Blue and Green Economy, Agriculture and National Food Security (MBGEANFS). The Project aims to coordinate and improve the Government's intersectoral approach towards more effective planning and management of Protected Areas (PA) and forest ecosystems, and to support the Government in its efforts to protect the country's biodiversity. This will be achieved by improving the institutional framework for biodiversity planning and management, strengthening national and local capacities and resources for PA management, constructing/upgrading eco-tourism trails, as well as increasing sustainable livelihood opportunities for indigenous communities. The Project, which is premised on effective collaboration with communities, will also strengthen Dominica's image as an eco-tourism destination.

As a requirement of the GEF and the World Bank (as Trustee and Implementing Agency of GEF), these Labour Management Procedures (LMP) were developed to comply with the World Bank's Environmental and Social Standards (ESSs), in particular ESS2: Labour and Working Conditions and Occupational Health and Safety. The LMP seeks to ensure that measures are in place to manage risks associated with employment under the Project and helps to determine the resources necessary for planning and management. It sets out the approach to meeting national labour requirements (including, those related to COVID 19 protocols) as well as the objectives and requirements of the World Bank's ESSs, specifically the objectives and requirements of ESS2.

The environmental and social risk of the Project is classified as Moderate. Based on the Project's environmental and social assessment, the risks related to labour and working conditions and occupational health and safety are understood and are expected to have a limited impact on the Project, if managed by the procedures set out in this LMP.

The LMP is an adaptive risk document devised to manage the Project's risks related to labour and working conditions and will be updated, as needed, throughout the Project, with the prior agreement of the World Bank.

1.2 Project Objectives

The Project's development objective is to improve the management of Dominica's three national parks and the Waitukubuli National Trail (WNT).

The Project's performance in respect of the PDO will be measured through the following key outcome indicators:

- i. National Parks (Protected Areas) under improved management effectiveness as a

- ii. result of the Project (GEF Management Effectiveness Tracking Tool (METT) score)
Area of the Waitukubuli trail under improved management as a result of the Project (km)

1.3 Project Components

The Project consists of four (4) components each addressing key development and sustainability constraints for eco-tourism and biodiversity protection and mutually supporting the overall Project Development Objective, as set out above.

Component 1: Protected Area Planning (US\$846,900)

This component is intended to “enhance national capacity and strengthen the institutional framework for managing natural resources for nature-based tourism growth”. It will support the development of an enabling environment for effective implementation management strategies for three national parks and improve knowledge and capacities for monitoring biodiversity. This will be achieved through two complementary and mutually reinforcing approaches:

- a) Revision of existing strategic documents in tight intersectoral collaboration and highly participative approach towards local stakeholders, and
- b) Capacity building and raising awareness on biodiversity features and values at the national and local levels to address direct and indirect drivers of habitat and biodiversity loss.

- **Subcomponent 1.1. Strengthening the institutional framework for PA planning and management:** This subcomponent is intended “to strengthen the current national institutional framework and enhance the involvement of decision-makers and policy planners across key institutions on the value of PAs” (Project Paper). Included in this aspect of the Project is technical support for the revision of management plans for the WNT, the Morne Trois Pitons National Park, the Morne Diablotin National Park and the Cabrits National Park and the demarcation of boundaries and a buffer zone for the Morne Diablotin National Park. This is geared towards promoting biodiversity with a focus on increasing the eco-tourism activity portfolio.
- **Subcomponent 1.2. Improving national and local capacities for PA monitoring and management:** This sub-component is intended to strengthen capacities for biodiversity monitoring and protection at the national level. It will also provide limited equipment and supplies for monitoring, data collection and sampling, especially for the Forestry Division within MERMKU.

Component 2: Biodiversity and Sustainable Nature-based Tourism Operations (USD 1,753,800)

This component is intended to improve tourism infrastructure that is in harmony with the natural environment and which will improve visitors’ access, safety and experience. In that regard, the Project provides for the construction of facilities or improvements to be made to existing

services, such as interpretation centres, benches, gazebos, shelters and viewing platforms. It mandates that these improvements be located in “selected nature-based sites within parks and along the WNT” (Project Paper). It will enhance the physical and institutional environment for the protection of biodiversity through the sustainable uses of landscapes along the WNT and in the three National Parks.

- **Subcomponent 2.1. Enhancing biodiversity knowledge and awareness, and visitors’ access, safety and experience:** The objective of this sub-component is to enhance infrastructure used in access to, and interpretation and presentation of, Dominica’s biodiversity and to provide support services for visitor management. One of the key aspects is the proposed introduction of an e-ticketing system that could be linked to digital maps, information and guidance to deliver a one-stop-shop for visitor access to the PAs and the WNT. This innovation, together with the proposed revision in the fee structure, regular maintenance of infrastructure and focused promotion, is projected to generate a 30 per cent increase in revenue. This sub-component provides for the construction of new, or improvement of existing, infrastructure (interpretation centres, gazebos, benches, shelters, viewing platforms, river crossings and handrails). In addition, it includes provision for clearance, realignment of trails, trail repairs, scientific, archaeological, anthropological and ecological displays; as well as user surveys. It will support the sustainable eco-tourism use in the face of climate change and increased visitation, through the construction of light physical facilities along the trail and in the PAs. Activities will focus on the nexus between eco-tourism points of interest and endangered habitats. Thus the Project seeks to promote the sustainable exploitation of natural endowments in line with their carrying capacity. .
- **Subcomponent 2.2. Increasing capacities and resources for nature-based trail management:** This sub-component provides for capacity building in sustainable trail management for key stakeholders (Forestry Division and the Kalinago community). **Capacity building will cover all segments of trail management: planning, development, management and maintenance, following international best practices in forest ecology. It is expected that this** capacity building initiative will raise awareness among the local populations, sensitising them to the economic value that tourism could bring to them through environmental protection and sustainability.

Involving citizens in the management of the natural tourism sites: Some destinations have started piloting with simple apps that citizens download to report threats to natural assets or problems, in real time. This mobilizes responses in a timely way. The activities will support piloting these approaches in Dominica.

Destination management organization (DMO): Activities will support incorporating new nature-based tourism options in collaboration with the Discover Dominica Authority

Component 3: Sustainable Livelihoods (USD 747,854)

In addition to the training and employment opportunities presented to Indigenous Peoples and Local Communities (IPLC) in the eco-tourism activities under Component 2 and the planning and zoning under Component 1, this component will promote the development of sustainable livelihood activities, focused primarily on the Kalinago, particularly women and youth.. This will support the mainstreaming of biodiversity into the economy. It aims to decrease pressures on biodiversity while making biodiversity work for communities.

- **Subcomponent 3.1. Enhancing opportunities for sustainable livelihoods:** This subcomponent is intended “to provide the development framework and investment support for sustainable land use and nature-based tourism operations and to enhance opportunities for livelihoods through empowering Kalinago women and youth in cooperative initiatives” (Project Paper). It will provide support for mapping, demarcation and preparation of participatory management plans for land use and watershed management for the Kalinago Territory. In addition, it will provide assistance to the Kalinago Council in planning for forest management. It will enable local communities to engage in business development opportunities for eco-tourism. In particular, it seeks to empower Kalinago women through supporting opportunities for entrepreneurship focused mainly on women and youth. Initiatives will include support for marketing agricultural products, for promoting gastronomy experiences and production of craft material (larouma, cassava, calabash, mibi). Some 250 farmers and craft makers are expected to benefit from this programme.

Subcomponent 3.2. Reviving traditional Kalinago knowledge: This sub-component is intended to increase the capacities in traditional knowledge and skills within the Kalinago community, particularly among the youth. It will promote the inter-generational transfer of knowledge, leading to the revival of traditional skills such as canoe making, fishing and basketry, crop production, culinary arts, and the making of traditional Kalinago costumes. There will also be an emphasis on the cooperative approach to seed propagation and the development of new breeds. It is intended to support the preservation of Kalinago heritage, mainly through knowledge transfer to the youth.

Component 4: Project management and monitoring (USD 167,428)

This component will finance project management and monitoring costs, within the funding limits established by GEF. It will provide financing for administrative support, financial management, monitoring and evaluation and annual auditing over the life of the Project.

The outcome of this Project is to transform the tourism sector from being a potential threat to an opportunity for the sustainable management and protection of biodiversity in Dominica. This will be achieved by strengthening the management of protected areas and the trail network and by expanding their sustainable eco-tourism use. The Project is also in line with GEF’s Biodiversity Focal Area objective, to maintain globally significant biodiversity in landscapes, supported through inclusive conservation and addressing direct drivers of habitats loss, through improved financial sustainability, effective management, and ecosystem coverage of the protected area estate.

The LMP will focus on the labour and working conditions and occupational health and safety of all Project Workers, as defined under ESS2, including project unit staff, consultants or contractors employed under the Project.

2.0 OVERVIEW OF LABOUR USE ON THE PROJECT

2.1 Type of Workers

Project Workers as it relates to the applicability of ESS2 refers to workers that will be employed or engaged under the project, whether full-time, part-time, temporary, seasonal and migrant workers. The Project is likely to encompass all categories outlined in ESS2, namely:

2.1.1 Direct workers

Direct workers are the consultants that will be employed or engaged directly from the Project Implementation Unit for the Project. The proposed number of consultants for this Project are estimated to be, during Project preparation and implementation, at least six (6) namely: one Environmental Officer, one Social Officer, one Communication Officer, one Financial Manager, one Procurement Officer and one Monitoring and Evaluation Officer.

2.1.2 Contracted workers

This refers to persons who are employed or engaged by the Project Implementation Unit to perform work related to core functions of LEToBP. Most Contracted Workers are expected to be locally hired in Dominica. Contracted workers may include contractors hired under the Project to perform minor civil works such as building bridges, railing and other works as clearing of trails, building steps and construction of gazebos in the three protected areas and the Waitukubuli National Trail.

2.1.3 Community workers

It is anticipated that workers will be drawn from the communities adjacent to the parks and trail.

2.1.4 Primary suppliers

These are suppliers that provide, directly to the Project, goods or materials essential for its core functions on a regular basis, as set out in ESS2.

Table 1. Number of Workers

Workers	Estimated Number
Direct Workers	6
Contracted Workers	14
Community Workers	40
Primary Suppliers	5

Total	65
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2.2 Characteristics of Project Workers

The expectation is that the majority of labour will be locally hired contractors and skilled and unskilled workers. A labour influx is not foreseen for the project. Where possible, provisions will be made and set out in the Project’s procurement documents for a requirement to train and, where feasible, hire Project Workers from local communities. In addition, preference will be given to hiring workers from the Kalinago communities and amongst these allocating quotas to women. Furthermore, professional business/capacity building companies might be contracted in order to carry out surveys, training and other assessments within the Project.

In keeping with the Education Act (No. 11 of 1997), children over 14 years old and up to sixteen years old may only be hired during vacation or within vocational training programmes. The Project, however, commits to, and will enforce, a minimum age of 18 years, in order to avoid any disruption of children’s education.

2.3 Timing of Labour Requirements

The Direct Workers referenced above will be required full time and year-round throughout Project implementation. Contracted Workers will be required as per the needs of the activities of the Project. The working hours will not exceed 8 hours a day, with the provision of at least one (1) hour for rest. In the event of unplanned or extended work activities, workers will be notified in advance to determine their willingness to work additional hours.

3.0 ASSESSMENT OF KEY POTENTIAL LABOUR RISKS

3.1 Project Activities

Table 2 describes the activities to be undertaken by the project workers and service providers in the various locations.

Table 2: Project Activities, Technical Assistance and Labour Components

Project Activity	Category of Provider	Number of Providers	Location of Activity
Technical Assistance & Training, Protected Area Management	Technical Consultant/Specialist	8	PIU & Communities
Eco-tourism trail management, auditing eco-tourism facilities,	Technical Consultant/Specialist	5	PIU & Communities

implementation plan design, e-ticketing design & implementation			
Technical Assistance, training & mapping for sustainable livelihoods	Technical Consultant/Specialist	7	Kalinago Territory
Construction of Amenities and national trail and feeder trails	Contractors: Building Contractor Skilled Workers Unskilled Workers	14 4 10 40	3 Parks & WNT
Project Management & Monitoring	Direct Workers	6	PIU & Communities

3.2 Key Labour Risks of Project Components

Table 3: Labour Risks of Project Components

Project component	Key identified labour risks.	Proposed measures
<p><u>1. Protected Area Planning:</u> intended to strengthen biodiversity protection through better planning and management of protected areas. It includes TA for upgrading management plans, demarcation of a buffer zone & supporting capacity building</p>	<ul style="list-style-type: none"> • Possible accidents, including slips, falls, back injury and health emergencies, e.g. on field trips • General understanding and implementation of occupational health and safety requirements may be inadequate • Possibility of discrimination and sexual harassment in the workplace 	<ul style="list-style-type: none"> • Contractors/service providers to sign code of conduct and implement OHS measures described in the ESMF/ESMP, including COVID 19 mitigation measures • Training/orientation of PIU staff and contractors engaged in protected area planning component conducted by the PIU Social & Environmental Officers on OHS and SH/SEA requirements, prior to commencement of Project implementation

Project component	Key identified labour risks.	Proposed measures
		<ul style="list-style-type: none"> • The PIU to monitor compliance with the code of conduct to address SH/SEA and OHS risks
<p><u>2. Biodiversity and Sustainable Nature-based Tourism Operations:</u> Construction of amenities within the national parks and the WNT to improve visitor safety and experience. Create a cost recovery and collection fee system, through e-ticketing, contributing to higher public revenues as well as higher contribution to the economy of the PAs.</p>	<ul style="list-style-type: none"> • Accidents/Injuries that may occur during the construction of trail. • Lack of relevant personal protective equipment (PPE) will increase the risk of workers' exposure to construction hazards. • Possible accidents or emergencies, with reference to the sector or locality • Discrimination and sexual harassment in the workplace • Non-compliance with required conditions of work related to pay, hours of work, leave 	<ul style="list-style-type: none"> • Contractor to implement OHS measures described in the ESMF/ESMP • The Contractor shall train his/her workers on OHS measures at commencement of the Project and semi-annually • Contractor shall provide PPE for workers such as safety shoes, helmets, safety vests, masks, gloves, protective clothing etc. • Contractor's Code of Conduct reflecting community, health and safety requirements and mitigation measures, including, <i>inter alia</i>, prevention of gender-based violence and sexual exploitation and abuse, approved by the PIU, shall be in place and signed by all workers prior to the start of works • Contractor designates a staff member to submit quarterly reports on E & S matters to the PIU. Serious matters/incidents shall be reported within 24 hours • PIU Social and Environmental Officers monitor implementation

Project component	Key identified labour risks.	Proposed measures
		<p>of OHS measures & Code of Conduct</p> <ul style="list-style-type: none"> • PIU Social and Environmental Officers conduct orientation for contractors on conditions of work and the Project Workers' GRM before commencement of Project implementation • Contractor trains workers on their rights & obligations and the provisions of the GRM at the commencement of the works
<p><u>3. Sustainable Livelihoods:</u> enable local communities to engage in business development opportunities for eco-tourism</p>	<ul style="list-style-type: none"> • Possible accidents or emergencies • Discrimination and sexual harassment in the workplace • Gender-Based Violence and Child Labour 	<ul style="list-style-type: none"> • Contractors shall implement OHS & SH/SEA measures described in the ESMF/ESMP • Prior to commencement of Project implementation, PIU, in consultation with the Kalinago Council, conducts orientation sessions with contractors and coordinators of the sustainable livelihood initiatives on enforcement of OHS and non-discrimination and avoidance of SH/SEA • Contractor's Code of Conduct reflecting community, health and safety provisions and mitigation measures, including, <u>inter alia</u>, prevention of gender-based violence and sexual exploitation and abuse,

Project component	Key identified labour risks.	Proposed measures
		<p>approved by the PIU shall be in place and signed by all workers prior to start of works</p> <ul style="list-style-type: none"> • PIU to raise awareness among contractors about, and monitor implementation of, Project Workers’ GRM. <u>Contractor trains workers on the provisions of the GRM at the start of the works</u> •
<p><u>4. Project management and monitoring: to enable the management, monitoring, evaluation and auditing of the Project</u></p>	<ul style="list-style-type: none"> • Possible accidents or emergencies • Discrimination and SH/SEA risks in the workplace • Child labour • Possible financial risks e.g. the funds are not utilized for the intended purpose 	<ul style="list-style-type: none"> • PIU to ensure compliance of all contractors and service providers with the OHS and SH/SEA measures described in the ESMF, the ESMP and all EHSGs. It will also ensure compliance with these provisions in respect of direct workers • PIU shall monitor the Contractor’s and Project Workers’ compliance with the GRM • PIU shall enforce/verify compliance of contractors with the Minimum Age established by the Project • PIU to monitor implementation of the Code of Conduct by contractors and service providers. • PIU staff will also sign a code of conduct. PIU Project Manager shall ensure that PIU staff are

Project component	Key identified labour risks.	Proposed measures
		briefed on the provisions of the GRM <ul style="list-style-type: none"> • Financial risks shall be mitigated by PIU working with local authorities to establish processes for verifying and authorizing expenditure, via layers and separation of duties. • There shall be adherence to internal and external auditing rules.

Table 3 above provides a brief description of the activities that will be undertaken under the Project and their associated labour-related risks. Most of the labour risks will be related to the repairing of trails, clearing of trees and minor construction and repairs of ecotourist reception and visitation sites. Social labour risks include issues with payment of salaries and non-conforming to overtime, leave and labour contract provisions. In addition, discriminatory practices and failure to implement the minimum employment age requirements are potential social risks.

For technical assistance and management type work, risks are associated with extended working hours. There is also the possibility of the staff not working in properly ventilated buildings or buildings not equipped with proper cooling facilities.

The probability of the incidence of child labour or forced labour is more likely to occur from community workers and contracted workers. Workers under the age of 18 years old will not be employed in the implementation of the Project, so as not to detract children from pursuing their education. The issue of migrant and seasonal workers and labour influx is not likely to apply in this project, given the latter’s relatively small scale and the likelihood that its labour requirement can be met from local sources. Most of the migrant workers are Haitian Nationals on island that are engaged in farm labour activities, while this project focuses more on minor construction work. However, contractors who engage migrant workers, will be expected to follow the same working conditions as provided for Dominicans in order to avoid discrimination.

There may be some risk of sexual harassment (SH) and sexual exploitation and abuse (SEA) especially since there is the potential for harassment, including sexual harassment, intimidation and exploitation of young female workers. Details of female workers to be hired under the Project are not known at this stage, but the Project will endeavour to provide opportunities for women, where possible, particularly from amongst vulnerable communities such as the Kalinago women. To mitigate these risks, the Project will adopt a zero-harassment policy for all its Project

workers, including for direct workers, contractors and sub-contractors; and this will be included in all procurement contracts financed by the Project. The zero-harassment policy will be part of the workers' Code of Conduct (Annex 1) for the Project. Contractors and sub-contractors will be required to share, communicate and have Project workers sign the Code of Conduct to ensure they are informed of their rights, and the Project's policies on worker safety, sexual harassment, intimidation and sexual exploitation and abuse. Project Workers will be made aware of the existence of a Project overall GRM and the Contractor's GRM for Project Workers.

The contracting of workers will be consistent with the World Bank's Environmental and Social Standard 2: labour and working conditions.

3.3 Incident Reporting

The codes of conduct and contracts will be so designed to mitigate against the above-mentioned risks and incidents. Nevertheless, the Project will put in place the appropriate arrangements for reporting on any incidents that may occur. In that regard, the Contractor shall document complaints, incidents and accidents and shall report, to the PIU, any serious occurrences, whether related to OHS or SH/SEA, within 24 hours of the event. The report shall provide the details of the incident, its root causes, and corrective actions designed to address a recurrence of the event. The PIU shall also notify the Bank of these incidents or accidents.

4.0 BRIEF OVERVIEW OF LABOUR LEGISLATION: TERMS AND CONDITIONS

This section sets out the key aspects of national labour legislation with regard to the terms and conditions of work and how national legislation applies to different categories of workers identified in Section 1. Further details on the principal legislations are provided in Annex 3.

Table 4: Comparison of National Legislation with Environmental and Social Standards (ESSs)

National Legislation	Relevance to Project activities	ESS	Gaps between Local Legislation and WB Requirements
<p>The Labour Contracts Act Chapter 89:04.26: Any person who employs another shall, not later than fourteen days from the date on which the employment commences, prepare a labour contract in writing correctly describing the terms and conditions of employment that have</p>	<p>The Act specifies contractual arrangements between the Contractors and Employees</p>	<p>ESS2: To provide every employee with written particulars of employment. Terms and conditions of employment to include: Non-discrimination and equal opportunity; workers' right to organize.</p>	<p>None</p>

<p>been agreed upon by the employer and the employee.</p> <p>The Act specifies that there should be no differentiation in terms of compensation, based on sex and that rates of pay shall apply to job classification and not to the individual performing the work. It also includes a maternity leave provision and sets out the conditions under which disciplinary actions may be taken and termination may be required.</p>	<p>It sets standards that will enable the avoidance of discrimination against vulnerable groups and provide equal opportunity for all workers engaged in trail rehabilitation works and in construction of shelters, gazebos, washrooms, bridges etc. in the parks</p>	<p>The employment of project workers will be based on the principle of equal opportunity and fair treatment, and there will be no discrimination with respect to recruitment and hiring, compensation, access to training, job assignment, promotion, termination of employment or retirement or disciplinary practices.</p>	<p>None</p>
<p>.....</p>			
<p>The Labour Contracts Act Chap 89.04 also includes a grievance and complaints mechanism</p>	<p>To enable persons with grievances to seek redress, without fear of reprisals.</p>	<p>ESS2: A GRM is required to ensure adherence to sound labour management practices.</p>	<p>National GRM process as outlined in the Labour Department's policy statement and the Labour Contracts Act appears to be more applicable as a last resort. Therefore, the Contractor will be required to adhere to the Project's Grievance Redress Mechanism specific to Project Workers.</p>

<p>The Employment of Women, Young persons, and Children Act Chapter 90:06 of Dominica: This Act states that the minimum age of employment in Dominica is fourteen (14) years old.</p>	<p>It provides guidance on the legal age threshold below which persons cannot be hired. However, it does not prevent the Project from setting a higher minimum wage.</p>	<p>ESS2: The labour management procedures will specify the minimum age for employment or engagement in connection with the project, in accordance with the national laws.</p>	<p>No gaps between the national legislation and ESS2. Rather, there is some disconnect between this Act and the ILO Minimum Age Convention 1973 (138), which is ratified by the Government of Dominica. The minimum age according to the Convention is 15 years.</p>
<p>The Constitution of the Commonwealth of Dominica Chap. 1.01 Schedule 1 No person should be held in slavery or servitude or be required to perform forced labour; Transnational Organized Crime (Prevention and Control) Act 13 of 2013. Section 2 (b) The Act does not define forced labour, but section 2(b) 'exploitation' includes slavery, servitude, forced labour or similar practice</p>	<p>Prevent forced labour by contractors during rehabilitation of trail or construction of amenities within the national parks</p>	<p>ESS2: Protecting the work force. Prohibits any kind of involuntary or compulsory labour, such as indentured labour, bonded labour, or similar labour-contracting arrangements</p>	<p>None</p>
<p>Education Act 1997 The Act stipulates that school is compulsory for children aged from 5 to 16 years of age.</p>	<p>To avoid disruption of children's education through employment on the works</p>	<p>ESS2: A child over the minimum age and under the age of 18 will not be employed with a project in a manner that interferes with the child's education</p>	<p>None</p>

<p>Labour Standards Act Chapter 89:05 This provides for the fixing of workers' wages, their hours of work, their leave and generally matters pertaining to their welfare. It provides for equality of wages between male and female employees</p>	<p>To ensure fairness in the management of labour relations and the conditions of work.</p>	<p>Working conditions and terms of Employment. Provide the rights to fair wages and benefits; wage deductions; hours of work; overtime arrangements and overtime compensation; breaks; rest days; and leave for illness, maternity, vacation or holiday</p>	<p>None</p>
<p>Employment Safety Act (No. 3 of 1982) The Act provides that the safety and health at work be safeguarded. It covers everyone at work; enables the establishment of consultative and advisory committees; and provides for the appointment of safety officers and for purposes connected with those matters.</p>	<p>To ensure that management and contractors provide safety measures for employees</p>	<p>ESS2: Occupational Health & Safety Provisions are geared to ensuring: (a) identification of potential hazards, particularly those that may be life threatening, to project workers; (b) provision of preventive and protective measures; (c) training of project workers and maintenance of training records; (d) documentation and reporting of occupational accidents, diseases and incidents; (e) emergency prevention and preparedness for, and response arrangements to, emergency situations; and (f) remedies for adverse impacts such as occupational injuries, deaths, disability and disease</p>	<p>None</p>

<p><u>Sexual Offences Act 1998</u></p> <p>The Act recognizes a wide range of offences and has provisions geared at offering greater protection to children and persons with mental disorders. Not all offences under this Act involve what would be considered gender-based violence, for example prostitution. Some acts amount to offences even if they are consensual (example buggery). Offences recognized include:</p> <p>Rape Buggery Indecency between a woman and a girl Gross indecency Indecent assault Unlawful sexual connection Incest Sex trafficking/procuration</p>	<p>To avoid employers and contractors engaging in Gender Based Violence, SEA and SH.</p>	<p>ESS2: A GRM should be in place for direct and contracted workers to avoid Sexual exploitation and abuse (SEA), sexual harassment (SH) and other forms of harassment in the workplace.</p>	<p>None</p>
<p>Ministry of Health, Wellness and New Health Investment</p>	<p>The Ministry is the arm of Government responsible for the advocacy and compliance in respect of the</p>	<p>ESS2: emphasizes OHS standards and is therefore consistent with requirements for ensuring the implementation of the COVID-19 protocols in the workplace. In</p>	<p>None</p>

	COVID-19 protocols.	addition, ESF/Safeguard's Interim Note – COVID-19 considerations in construction/civil works projects April 2020 applies.	
Environmental Health Services Act (No. 8 of 1997)	This will ensure that the Project avoids discharging waste and pollutants in public areas.	ESS4: calls for measures to minimize the potential for community exposure to hazardous materials and substances that may be discharged by a project	None
Accidents and Occupational Diseases (Notification) Act, No. 29 of 1952)	This Act provides for the notification of accidents and occupational diseases.	ESS2 provides that OHS measures will be designed and implemented to address documentation and reporting of occupational accidents, diseases and incidents	None
Noxious and Dangerous Substances (Control) Act, 1981 (no. 4 of 1982)	This provides for the control of noxious and dangerous substances, thus enhancing the safety of project workers & affected communities	ESS2: calls for implementation of procedures to maintain safe work environments that includes the use of appropriate measures relating to chemical, physical and biological substances and agents.	None

5.0 RESPONSIBLE STAFF

The responsibility for managing direct workers will be that of the Project Manager of the Project Implementation Unit (PIU). The Project Manager, with the assistance of PIU staff, will be responsible for the recruitment and management of contractors. The responsibilities of the contractors with respect to social and environmental requirements will be specified in their contracts. Nonetheless, the PIU Project Management, in particular the Social and Environmental Officers, shall conduct orientation sessions for contractors on OHS, SH/SEA and rights and obligations, prior to the commencement of the Project. The responsibility for the recruitment and management of workers e.g., construction workers (skilled and unskilled) rests with the contractors. The Project Manager will delegate certain responsibilities to the PIU staff. For example, the Environmental Specialist will be responsible for training PIU staff, contractors and subcontractors in Occupational Health and Safety measures, prior to commencement of project implementation. The Social Officer will conduct training/orientation sessions for the PIU staff as well as for project workers on the job site on their rights and obligations, including in relation to the avoidance of SEA and SH. He or She will also conduct orientation sessions on the Grievance Redress Mechanism (GRM) and, along with the Environmental Officer, monitor its implementation. Training targeted at the PIU staff will be conducted prior to the start of project implementation. In the case of workers recruited to work on the construction and other investment activities, the training will be done at the time of their recruitment. Before commencing the works on site, the Contractor shall provide training to all his/her workers on basic ESHS risks associated with the proposed construction works and worker's responsibility. The training programme shall be repeated semi-annually.

The Contractor will be responsible for repairing the WNT, feeder trails and the amenities within the national parks, while adhering to the labour management procedures prescribed by ESS2. The Contractor will be required, not only to implement the procedures, but also to monitor the behaviour of his/her employees on the work site. Moreover, the Contractor is required to implement the Code of Conduct, which should be drawn up by him/her and approved by the PIU. The role of monitoring the implementation of the Labour Management Procedures rests with the PIU. The PIU Project Manager, will ensure that all PIU staff sign the code of conduct, thus leading by example.

6.0 POLICIES AND PROCEDURES

In an effort to mitigate the environmental and social impact relating to the Project, mitigation measures will be put in place by incorporating standardized clauses in the contract documents so that the contractors and subcontractors will be aware of environmental and social obligations under the Project, including without limitation those related to labour and working conditions set out in this LMP and in the Environmental and Social Framework (specifically, under ESS2) of the World Bank. The PIU will ensure compliance of the following clauses, including compliance by contractors and subcontractors and any other Project Workers.

6.1 Purpose

The primary purpose of these Occupational Health and Safety (OHS) measures is the safety and health of all the project employees at work and the protection of the environment and conservation of resources associated with the Project. The measures also establish and define the authority for the OHS and associated safety systems. These measures will be enforced on all project activities, contractors and sub-contractors through contractual arrangements as is appropriate.

6.2 Scope

Occupational health and safety (OHS), or workplace health and safety (WHS), is concerned with the safety, health, and welfare of people at work. Safety is defined as “the well-being of project employees whilst at work or carrying out work duties”. Project Employee is defined as “anyone employed by activities of the project including employees of contractors and sub-contractors on a full-time or a part-time basis. OHS Management System refers to the standards, policies, guidelines, that address project worker's safety, monitoring and evaluation of safety, worker's health, work and general environment.

6.3 Measures /procedures

The obligations of the Project under the OHS policy includes the following:

- Compliance with all national and international OHS legislation that are applicable to the Government of Dominica and the World Bank;
- Compliance with the Environmental and Social Framework of the World Bank;
- Prevention of injury and ill health of all project workers;
- Establishment of safety systems, processes and performance;
- Continuous improvement of Safety Systems;
- Management and mitigation of adverse environmental and social impacts;
- Prevention of use of faulty equipment or sub-standard equipment.

The Project will commit to safety considerations in the conduct of all its activities and that of contractors and sub-contractors. The Project will provide systems, processes, procedures, the necessary safety equipment and gears, and training for all project employees so that all activities are conducted in a safe environment. Employees will be responsible, subject to their roles, for the maintenance of a safe environment including the assessment of risks and actions to mitigate minimize and manage risks to the safety of the work environment.

The project will develop and implement systems, processes, policies, and services that achieve industry best practice and are compliant with the laws of Dominica and the World Bank standards and policies in relation to safety. Employees at all levels have the authority to stop any activity they consider to be a danger to themselves or other workers, the public or the environment.

There will be no retaliation to project workers for stop work whistle blowing. The Project's Environmental Officer is responsible for the implementation and monitoring of the safety management systems. The Environmental and Social Officers will develop sub-policies, guidelines, procedures, instructions and training and awareness materials to support this policy.

The Project will also ensure that all Project Workers, as defined in ESS2, part of the Project:

- Receive a contract in writing prior to the commencement of their employment, setting out clearly their rights and obligations, as required under ESS2;
- Ascribe to the principle of not harming people;
- Are informed that sexual harassment (SH), sexual exploitation and abuse (SEA) will not be tolerated;
- Note that discrimination will not be tolerated in the workplace;
- Are aware that © employment of project workers will be based on the principle of equal opportunity and fair treatment, and that discrimination on the basis of sex, race, disability, religion or sexual orientation with respect to any aspects of the employment relationship, such as recruitment and hiring, compensation (including wages and benefits), working conditions and terms of employment will not be tolerated under the Project;
- Given that there are direct workers under PIU, the PIU will adapt and receive training on Code of Conduct to Mitigate the SH/SEA risks as well as on OHS measures required under ESS2;
- That there must be compliance with the laws of the Country and ESS2 at all times;
- That there must also be compliance with the Environmental and Social Standards of the Bank, including the Environment and Social Standard (ESS2) on Labour and Working Conditions;
- That all health and safety measures are to be adhered to as laid out under World Bank's Environmental and Social Standard (ESS2) on Labour and Working Conditions and on Community Health and Safety.
- That all COVID-19 Protocols as indicated in Annex 2 must be adhered to.

7.0 TERMS AND CONDITIONS OF EMPLOYMENT

7.1 Age of Employment

The national legislations that provide guidance in terms of the age of employment are the **Employment of Women, Young persons, and Children Act Chapter 90:06** of Dominica, which states that the minimum age of employment in Dominica is fourteen (14) years old; as well as the Education Act of 1997, which stipulates that education is compulsory for children up to the age of sixteen (16). In addition to these Acts, Dominica is a signatory to or is bound by the following international conventions and laws related to the minimum age of employment:

- Convention on the Rights of the Child (CRC): “Signed on the 19th of April 1990 and ratified on the 9th October 1990” (UNICEF, 2015)
- Minimum Age Convention, 1973 (No.138) (International Labour Organization, 2017)
- Forced Labour Convention, 1930 (No. 29) (International Labour Organization, 2017)
- Worst Forms of Child Labour Convention, 1999 (No. 182 (International Labour Organization, 2017))
- Labour Contracts Act Chapter 89:04

Notwithstanding these provisions, the minimum age for employment in the Project will be 18 years of age. This is intended to ensure that the Project does not create a disincentive to children pursuing their education.

Should a breach be detected by PIU officials or others, the contractor will be immediately issued a show cause notice for termination of contract and the matter will be duly reported to the labour authorities. In addition, the World Bank will be notified promptly and within a maximum of 48 hours.

7.1.1 Minimum Age Verification

The following process will be followed to verify the age of project workers to ascertain that compliance with the Minimum Age under the Project per this LMP: All project employees will be asked to produce identification documents (ID) that are acceptable in local laws, employment and human resources practices as “proof of age”. These forms of ID will be birth certificates, national drivers’ licenses and national registration cards. In the absence of one of those forms of IDs the Project will apply and document an age verification process. The age verification process will consist of alternative methods including 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. In addition, all documents will be cross-referenced and subjected to a verification process to ensure the validity of the documents. In instances where the documents are thought to be falsified the project will conduct the same verification process with the relevant Government of Dominica Ministries, Agencies and Departments to ensure their authenticity. Throughout the verification processes due care and precaution measures will be adopted to ensure that the applicant or employee’s data are protected and their right to privacy is guaranteed. All copies of the IDs and documents pertaining to the applicant's age and other supporting materials will be kept in files with the human resources personnel. Audits and controls of the process will be a requirement of the contractors and included in the contracts, in keeping with the Labour Contracts Act Chapter 89:04.

7.1.2 Risk Mitigation for Underage Workers

If underage workers are found working on the project the following actions will be undertaken:

- Termination of the contract and services agreement immediately as per the Labour

Contracts Act Chapter 89:04 and the Employment of Women, Young persons, and Children Act Chapter 90:06 of Dominica.

- Schedule a meeting with the child and seek to determine the reasons for seeking employment.
- Refer the child to other support services including social services and the Ministry of Education.
- Leverage the services of Non-government and Community Based Organizations to assist the child.
- Consider employing another adult member of the family if the child’s family is deemed vulnerable or in dire circumstances. Section 16 of the Employment of Women, Young persons, and Children Act Chapter 90:06 stipulates: “Any person guilty of an offence against this Act or any Rules made thereunder for which no penalty is expressly provided is liable on summary conviction to a fine of two hundred and fifty dollars and in the case of a second or subsequent offence to a fine of five hundred dollars.”

7.2 Other Terms and Conditions of Employment

All workers employed on the Project will be provided with written contracts and non-discrimination must be exercised by the Contractor in the recruitment of workers and in relation to the conditions of work. The employment of project workers will be based on the principle of equal opportunity and fair treatment, and there will be no discrimination with respect to any aspects of the employment relationship, such as recruitment and hiring, compensation (including wages and benefits), working conditions and terms of employment, access to training, job assignment, promotion, termination of employment or retirement, or disciplinary practices. In addition, employees will be paid no less than the minimum wage as established by the Government of Dominica. The minimum wage, revised and effective as of September 1, 2021, stands at EC\$ 7.50 per hour for unskilled construction workers. The minimum wage for the various categories of workers is listed in Table 5.

Table 5: Minimum Wage Effective September 1, 2021

Category	Hourly Wage (EC\$)
Daily Paid and Tourism Workers	\$7.50
Agricultural Workers	\$7.50
Cooks	\$7.25
Bartenders/Servers	\$7.24
Vehicle Drivers/Messengers	\$7.50
Security Guards	\$8.00
Unskilled Construction Workers/Handy men	\$7.50
Juveniles/Trainees	\$5.67

Source: www.news.gov.dm, Minimum wage increase for Dominicans

The Project will adhere to the legal provisions in respect of hours of work, for overtime work and associated pay. The working day should not exceed 8 hours, including at least a half hour break. Consequently, a working week will consist of 40 hours. A worker, who agrees to do overtime work, should be paid at the rate of one and a half times the regular wage.

Workers will be entitled to two weeks' annual vacation leave with pay after a year of continuous employment. Part-time workers will be entitled to vacation leave pro-rated on two weeks based on the number of hours worked in relation to 1760 hours per year. Alternatively, the part-time worker may be awarded pay in lieu of leave.

Should the situation arise, a pregnant employee who has completed a year of continuous employment on the Project will be granted maternity leave for a period of three weeks before delivery and at least six weeks after; and will be paid a salary of half her weekly wage for a period of four weeks from the date of the commencement of the leave.

8.0 GRIEVANCE REDRESS MECHANISM (GRM)

The Project will provide a specific Grievance Redress Mechanism (GRM) for all Project Workers, to enable them to lodge a complaint without fear of victimization. The complaints could be related to conditions of work, including discriminatory practices, pay disputes and inadequate physical facilities. Grievances could also be related to Sexual Exploitation and Abuse (SEA) and Sexual Harassment (SH). However, SEA and SH complaints will be handled in a separate channel in a way that addresses the sensitivity of the issue and the need for confidentiality and anonymity. The GRM procedures will therefore be addressed in two parts as follows:

- Labour Management GRM
- Procedures for Treatment of GBV (SEA and SH)

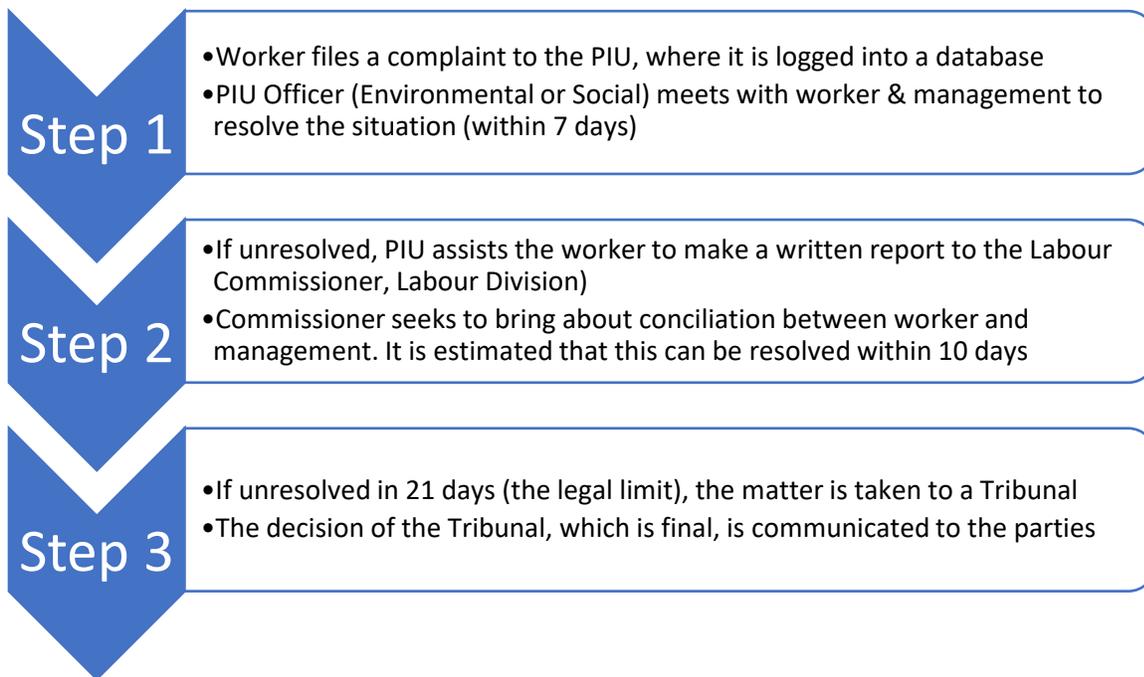
8.1. Labour Management GRM

A worker, who feels aggrieved, can submit a complaint in person, in writing via email, by telephone or anonymously to the Project Implementation Unit (PIU). This communication must provide a clear description of the grievance, indicating the time and place of the incident. The complaint is logged by the Administrative Officer and passed to the Social Officer or the Environmental Officer, who investigates and meets with the parties with a view to resolving the case. It is estimated that this period of assessment and conciliation will be completed in seven (7) days. Failure to arrive at a settlement at the level of the PIU means that the matter must be taken to another level, that of the Labour Commissioner. The PIU's designated officer (Social or Environmental Officer) assists the complainant in drafting a letter to the Labour Commissioner, Labour Division in the Ministry of National Security and Home Affairs indicating the names of the employer and employee; and briefly stating the facts and circumstances giving rise to the

complaint. The Commissioner meets with the parties with a view to having them arrive at conciliation.

It is hoped that this could be settled within a period of ten days. However, if the matter is not resolved within 21 days, the legally established timeframe, the matter is taken to the Tribunal. The Tribunal's decision, which is final, is communicated to the parties. The PIU follows up with the complainant with a view to ensuring that victimization is avoided. Please see the Flow Chart in Figure 1, which captures the steps involved in lodging a complaint under the LMP GRM.

Figure 1: Flow Chart Illustrating Labour Management GRM



The Administrative Officer, the Environmental Officer and the Social Officer will be responsible for registering, tracking, addressing and resolving any complaints raised by Project Workers. The PIU will maintain a Data Base, managed by the Administrative Officer, to log all complaints and to track each from the date received to the date resolved and highlight how each case was investigated and resolved. The GRM allows for complaints to be submitted to the PIU, by phone, email, letter and in person, as follows:

- In person: EALCRP PIU, 19 King George V St., Roseau
- Letter: Attention Project Manager, EALCRP PIU, 19 King George V St., Roseau
- Phone: 266 3998
- Email: grmgef@dominica.gov.dm
- Anonymous: phone, email, letter, etc.

Grievance reports will be prepared on a monthly basis by the PIU and will be available for monitoring purposes and for review by the World Bank.

The Tribunal will serve as the grievance committee and will be notified by the PIU once a complaint is unresolved in 21 days. The PIU will arrange the venue, date and time of the Tribunal meetings. The Tribunal can be contacted through the PIU. The Tribunal will comprise of representatives from the The Ministry of Blue and Green Economy, Agriculture, and National Food Security, National Security and Home Affairs (Division of Labour and the Chambers of the Attorney General) and PIU.

8.2 Procedures for Treatment of GBV (SEA and SH)

The Project will adopt a survivor centred approach, focusing on confidentiality of the information and the safety of the complainant. Thus, every effort will be made to have the survivor feel comfortable with the approach being taken and to provide her/him with the menu of available services, for her/his decision.

This Project is not considered high-risk for sexual exploitation and abuse (SEA) and sexual harassment (SH) cases. However, occasional cases of SEA and SH can occur, can be very sensitive and may not be reported due to the risks of stigmatization, rejection and reprisals against victims/survivors. This risk creates and reinforces a culture of silence of survivors who may be unwilling to approach the PIU directly. To enable such victims to safely access grievance mechanisms, the PIU will put in place additional channels for mitigating and registering complaints in a safe and confidential manner, including seeking a GBV service provider or Counselling Services, or family Health Care Professional to manage investigation and resolution of grievances and where necessary to support SEA/SH survivors immediately after receiving a complaint and beyond closure of complaint.

The following procedures are specific to gender issues with the objective of enabling the PIU to address any grievance in connection with project-related sexual harassment (SH) and sexual exploitation and abuse (SEA) in a very confidential manner and in compliance with the provisions of the relevant national laws, specifically the Protection Against Domestic Violence Act 2001 and the Sexual Offences Act of 1998.

A special channel will be devoted to SH/SEA issues in this GRM. In this regard, the PIU through the Permanent Secretary (PS) in the Ministry of BGEANFS, will secure support services from a GBV practitioner in managing and resolution of SH/SEA grievances/complaints.

This GRM also allows for complaints to be submitted to the PIU anonymously, online, phone, email, letter and in person through any one of the following 5 options:

- In-person: Social Specialist: PIU, 19 King George V St., Roseau or designated GBV service provider
- Letter: Attention Project Manager, PIU, 19 King George V St., Roseau
- Phone: 266 3998
- Email: grmgbvgef@dominica.gov.dm. **This dedicated email account is established for SEA and SH complaints. This could be linked to Social Worker, Bureau of Gender**

Affairs, a GBV service provider. The Director of the Bureau of Gender Affairs has given a commitment to assist, noting that the Social Worker has the back-up of a Counsellor in the same Ministry (Ministry of Youth Development and Empowerment, Youth at Risk, Gender Affairs, Seniors Security and Dominicans with Disabilities).

- Anonymous: phone, email, letter, etc.

Significantly, unlike the other GRMs under this project, a dedicated email account directed to the in-box of the identified GBV practitioner is added among the options for submitting complaints.

All complaints will be reviewed and investigated by the Social Officer and GBV practitioner/service provider, who will then prepare a report with recommendations and clear justification for the recommendations. The meeting will be chaired by the GBV practitioner and the Report will be prepared and submitted to the PIU Manager by the Social Officer, under confidential cover.

It is expected that there will be a normal response time of 7 days for each case. However, depending on the nature of the complaint, on the determination of the GBV practitioner the survivor complainant may be contacted immediately. More complex cases may require up to 14 days to respond, and the complainant will be informed accordingly of the extension of the timeframe for response as well as who is responsible for the resolution of the complaint submitted.

Complaints not resolved by the PIU (at the level of the Social Officer and GBV practitioner will be referred for further consideration at a further meeting of the Social Officer and GBV practitioner but chaired by the Permanent Secretary (PS) MBGEANFS.

Regarding data management, the PIU will maintain a data base, managed by the Social Officer, who will also submit a monthly grievance report to the PIU Manager.

Grievance reports will include a name, date of receipt and resolution, contact information with a detailed description of each case and how it was investigated and resolved.

The Social Officer will be responsible for registering, and tracking all complaints received.

Non-Retaliation Statement

The World Bank and the Ministry of Blue, Green Economy, Agriculture and National Food Security will ensure that there is no coercion, retaliation, intimidation, or harassment directed against any Stakeholder or Beneficiary who makes a report or comment during stakeholder consultation or in a public meeting organized by the Project. If any Stakeholder or Beneficiary feels that he or

she has been retaliated against for making a report or participating in the stakeholder consultation, the alleged violation should be reported using the Grievance Redress Mechanism.

9.0 CONTRACTOR MANAGEMENT

It is mandated that the contractor execute the management of the contract in a manner that is acceptable to the client and is in accordance with the World Bank rules and regulations as it relates to ESS2, specifically relating to the selection process for contractors, management of labour issues, including terms and conditions of employment (wages, working hours, leave, social security, non-discrimination, etc.), occupational health and safety, management of project workers grievances, procedures for managing and monitoring of performance for contractors, as well as reporting on workers under the project.

The PIU will ensure that Contractors' labour management records and reports are taken to include samples of employment contracts or arrangements between third parties and contracted workers, records relating to grievances received and their resolution, reports relating to safety inspections, including fatalities and incidents and implementation of corrective actions, records relating to incidents of non-compliance with national law, and records of training provided for contracted workers to explain occupational health and safety risks and preventive measures.

9.1 Information on Public Records

The Contractor must have in place information on corporate registers and documents relating to the violation of applicable law, including reports from labour inspectorates and other enforcement bodies.

9.2 Certification and Approval of Business and Workers

Documentation of approved business licenses, registration, permits and other approvals and workers' certification/permits and training to perform the work.

9.3 Health and Safety

Contractor should have in place labour management systems as it relates to occupational health and safety. Detailed Records of all accidents and incidents and corresponding root cause analysis with a corrective mitigation plan. First aid cases, high potential near misses, and remedial and preventive activities required. Identification and establishment of safety committee and records of meetings.

9.4.4 Workers Payroll Records

Documentation of the number of hours worked and pay (wages, benefits and social security deductions, for example) received inclusive of all payments made on their behalf.

9.5. Community Workers

The PIU will clearly identify the terms and conditions on which community labour will be engaged, including amount and method of payment (if applicable) and times of work. Community workers can raise grievances in relation to the project. The PIU will assess the potential risks and impacts of the activities to be conducted by community workers and, at a minimum, apply the relevant requirements of the General Environmental Health Safety Guidelines. The PIU will also assess whether there is a risk of child labour or forced labour within community labour. The labour management procedures will set out roles and responsibilities for monitoring community workers.

9.6. Primary Supply Workers

The Primary Suppliers are those merchants who will supply the project with materials to include lumber, tarish, cement, aggregate and miscellaneous items required for the rehabilitation of trails and the National Park. PIU will therefore seek information from these merchants to identify potential risks of child labour, forced labour and serious safety issues which may arise in relation to primary suppliers (merchants), and where there is a significant risk of child labour or forced labour or breach in their safety protocols, the PIU will set out roles and responsibilities for monitoring primary suppliers. If child labour or forced labour cases are identified, the PIU will require the primary supplier to take appropriate steps to remedy them.

The PIU will require the relevant primary supplier 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 ability of the PIU to address these risks will depend upon the PIU level of control or influence over its primary suppliers. Where remedy is not possible, the PIU will, within a reasonable period, shift the project's primary suppliers to suppliers that can demonstrate that they are meeting the relevant requirements of ESS 2.

ANNEX 1. SAMPLE CODE OF CONDUCT

CODE OF CONDUCT FOR CONTRACTOR'S PERSONNEL

We are the Contractor, [enter name of Contractor]. We have signed a contract with The Ministry of Blue and Green Economy, Agriculture and National Food Security, for Leveraging of Ecotourism Biodiversity Protection Project. These Works will be carried out at WTN and National Parks. Our contract requires us to implement measures to address environmental and social risks related to the Works, including the risks of sexual exploitation and abuse and sexual harassment. 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, labourers and other employees (permanent or part time/temporary) at the Works Sites 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's Personnel" and are subject to this Code of Conduct. This Code of Conduct identifies the behaviour that we require from all Contractor's Personnel. Our workplace is an environment where unsafe, offensive, abusive or violent behaviour will not be tolerated and where all persons should feel comfortable raising issues or concerns without fear of retaliation.

REQUIRED CONDUCT Contractor's Personnel shall:

1. Carry out his/her duties competently and diligently;
2. Comply with this Code of Conduct, the World Bank Environmental and Social Standards, 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 (PPE);
 - (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 serious 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 Sexual Harassment, which means unwelcome sexual advances, requests for sexual favours, and other 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 operations/projects, 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 Sexual Abuse, which means the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal coercive conditions;
 9. 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 health and safety matters, Sexual Exploitation and Abuse (SEA), and Sexual Harassment (SH);
 11. Report violations of this Code of Conduct no later than 48 hours from occurrence and record comprehensively in the Project records;
 12. Not retaliate against any person who reports violations of this Code of Conduct, whether to us or the Employer who makes use of the grievance mechanism for Contractor's Personnel or the project's Grievance Redress Mechanism.

RAISING CONCERNS

If any person observes behaviour 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. This can be done in either of the following ways:

1. Contact [enter name of the Contractor's Social Expert with relevant experience in handling sexual exploitation, sexual abuse and sexual harassment cases, or if such person is not required under the Contract, another individual designated by the Contractor to handle these matters] in writing at this address [] or by telephone [] or in person at []; or
2. Call [] to reach the Contractor's hotline (if any) and leave a message. 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 persons who experience the alleged incident, as appropriate. There will be no retaliation against any person who raises a concern in good faith about any behaviour 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's Personnel may result in serious consequences, up to and including termination and possible referral to legal authorities.

FOR CONTRACTOR'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's contact person(s) with relevant experience (including for sexual exploitation, abuse and harassment cases) in handling those types of cases] requesting an explanation.

Name of Contractor's Personnel: *[insert name]*

Signature: _____

Date (day/month/year/): _____

Countersignature of authorized representative of the Contractor:

Signature: _____

Date (day/month/year/): _____

ANNEX 2. ESF/SAFEGUARDS INTERIM NOTE - COVID 19 CONSIDERATIONS IN CONSTRUCTION/CIVIL WORKS PROJECTS

**INTERIM GUIDANCE ON COVID-19
APRIL 7, 2020**

VERSION 1:

ESF/SAFEGUARDS INTERIM NOTE: COVID-19 CONSIDERATIONS IN CONSTRUCTION/CIVIL WORKS PROJECTS

This note was issued on April 7, 2020 and includes links to the latest guidance as of this date (e.g. from WHO). Given the COVID-19 situation is rapidly evolving, when using this note it is important to check whether any updates to these external resources have been issued.

1. INTRODUCTION

The COVID-19 pandemic presents Governments with unprecedented challenges. Addressing COVID-19 related issues in both existing and new operations starts with recognizing that this is not business as usual and that circumstances require a highly adaptive responsive management design to avoid, minimize and manage what may be a rapidly evolving situation. In many cases, we will ask Borrowers to use reasonable efforts in the circumstances, recognizing that what may be possible today may be different next week (both positively, because more supplies and guidance may be available, and negatively, because the spread of the virus may have accelerated).

This interim note is intended to provide guidance to teams on how to support Borrowers in addressing key issues associated with COVID-19, and consolidates the advice that has already been provided over the past month. As such, it should be used in place of other guidance that has been provided to date. This note will be developed as the global situation and the Bank's learning (and that of others) develops. This is not a time when 'one size fits all'. More than ever, teams will need to work with Borrowers and projects to understand the activities being carried out and the risks that these activities may entail. Support will be needed in designing mitigation measures that are implementable in the context of the project. These measures will need to take into account capacity of the Government agencies, availability of supplies and the practical challenges of operations on-the-ground, including stakeholder engagement, supervision and monitoring. In many circumstances, communication itself may be challenging, where face-to-face meetings are restricted or prohibited, and where IT solutions are limited or unreliable.

This note emphasizes the importance of careful scenario planning, clear procedures and protocols, management systems, effective communication and coordination, and the need for high levels of responsiveness in a changing environment. It recommends assessing the current situation of the project, putting in place mitigation measures to avoid or minimize the chance of infection, and planning what to do if either project workers become infected or the work force includes workers from proximate communities affected by COVID-19. In many projects, measures to avoid or minimize will need to be implemented at the same time as dealing with sick workers

and relations with the community, some of whom may also be ill or concerned about infection. Borrowers should understand the obligations that contractors have under their existing contracts (see Section 3), require contractors to put in place appropriate organizational structures (see Section 4) and develop procedures to address different aspects of COVID-19 (see Section 5).

2. CHALLENGES WITH CONSTRUCTION/CIVIL WORKS

Projects involving construction/civil works frequently involve a large work force, together with suppliers and supporting functions and services. The work force may comprise workers from international, national, regional, and local labour markets. They may need to live in on-site accommodation, lodge within communities close to work sites or return to their homes after work. There may be different contractors permanently present on site, carrying out different activities, each with their own dedicated workers. Supply chains may involve international, regional and national suppliers facilitating the regular flow of goods and services to the project (including supplies essential to the project such as fuel, food, and water). As such there will also be regular flow of parties entering and exiting the site; support services, such as catering, cleaning services, equipment, material and supply deliveries, and specialist sub-contractors, brought in to deliver specific elements of the works.

Given the complexity and the concentrated number of workers, the potential for the spread of infectious disease in projects involving construction is extremely serious, as are the implications of such a spread. Projects may experience large numbers of the work force becoming ill, which will strain the project's health facilities, have implications for local emergency and health services and may jeopardize the progress of the construction work and the schedule of the project. Such impacts will be exacerbated where a work force is large and/or the project is in remote or under-serviced areas. In such circumstances, relationships with the community can be strained or difficult and conflict can arise, particularly if people feel they are being exposed to disease by the project or are having to compete for scarce resources. The project must also exercise appropriate precautions against introducing the infection to local communities.

3. DOES THE CONSTRUCTION CONTRACT COVER THIS SITUATION?

Given the unprecedented nature of the COVID -19 pandemic, it is unlikely that the existing construction/civil works contracts will cover all the things that a prudent contractor will need to do. Nevertheless, the first place for a Borrower to start is with the contract, determining what a contractor's existing obligations are, and how these relate to the current situation.

The obligations on health and safety will depend on what kind of contract exists (between the Borrower and the main contractor; between the main contractors and the sub-contractors). It will differ if the Borrower used the World Bank's standard procurement documents (SPDs) or used national bidding documents. If a FIDIC document has been used, there will be general provisions relating to health and safety. For example, the standard FIDIC, Conditions of Contract for Construction (Second Edition 2017), which contains no 'ESF enhancements', states (in the General Conditions, clause 6.7) that the Contractor will be required:

- to take all necessary precautions to maintain the health and safety of the Contractor's Personnel
- to appoint a health and safety officer at site, who will have the authority to issue directives for the purpose of maintaining the health and safety of all personnel authorized to enter and or work on the site and to take protective measures to prevent accidents
 - to ensure, in collaboration with local health authorities, that medical staff, first aid facilities, sick bay, ambulance services and any other medical services specified are available at all times at the site and at any accommodation
 - to ensure suitable arrangements are made for all necessary welfare and hygiene requirements and for the prevention of epidemics

These requirements have been enhanced through the introduction of the ESF into the SPDs (edition dated July 2019). The general FIDIC clause referred to above has been strengthened to reflect the requirements of the ESF. Beyond FIDIC's general requirements discussed above, the Bank's Particular Conditions include a number of relevant requirements on the Contractor, including:

- to provide health and safety training for Contractor's Personnel (which include project workers and all personnel that the Contractor uses on site, including staff and other employees of the Contractor and Subcontractors and any other personnel assisting the Contractor in carrying out project activities)
- to put in place workplace processes for Contractor's Personnel to report work situations that are not safe or healthy
 - gives Contractor's Personnel the right to report work situations which they believe are not safe or healthy, and to remove themselves from a work situation which they have a reasonable justification to believe presents an imminent and serious danger to their life or health (with no reprisal for reporting or removing themselves)
 - requires measures to be in place to avoid or minimize the spread of diseases including measures to avoid or minimize the transmission of communicable diseases that may be associated with the influx of temporary or permanent contract-related labour
 - to provide an easily accessible grievance mechanism to raise workplace concerns

Where the contract form used is FIDIC, the Borrower (as the Employer) will be represented by the Engineer (also referred to in this note as the Supervising Engineer). The Engineer will be authorized to exercise authority specified in or necessarily implied from the construction contract. In such cases, the Engineer (through its staff on site) will be the interface between the PIU and the Contractor. It is important therefore to understand the scope of the Engineer's responsibilities. It is also important to recognize that in the case of infectious diseases such as COVID-19, project management – through the Contractor/subcontractor hierarchy – is only as effective as the weakest link. A thorough review of management procedures/plans as they will be implemented through the entire contractor hierarchy is important. Existing contracts provide

the outline of this structure; they form the basis for the Borrower to understand how proposed mitigation measures will be designed and how adaptive management will be implemented, and to start a conversation with the Contractor on measures to address COVID-19 in the project.

4. WHAT PLANNING SHOULD THE BORROWER BE DOING?

Task teams should work with Borrowers (PIUs) to confirm that projects (i) are taking adequate precautions to prevent or minimize an outbreak of COVID-19, and (ii) have identified what to do in the event of an outbreak. Suggestions on how to do this are set out below:

- The PIU, either directly or through the Supervising Engineer, should request details in writing from the main Contractor of the measures being taken to address the risks. As stated in Section 3, the construction contract should include health and safety requirements, and these can be used as the basis for identification of, and requirements to implement, COVID-19 specific measures. The measures may be presented as a contingency plan, as an extension of the existing project emergency and preparedness plan or as standalone procedures. The measures may be reflected in revisions to the project's health and safety manual. This request should be made in writing (following any relevant procedure set out in the contract between the Borrower and the contractor).
 - In making the request, it may be helpful for the PIU to specify the areas that should be covered. This should include the items set out in Section 5 below and take into account current and relevant guidance provided by national authorities, WHO and other organizations. See the list of references in the Annex to this note.
 - The PIU should require the Contractor to convene regular meetings with the project health and safety specialists and medical staff (and where appropriate the local health authorities), and to take their advice in designing and implementing the agreed measures.
 - Where possible, a senior person should be identified as a focal point to deal with COVID-19 issues. This can be a work supervisor or a health and safety specialist. This person can be responsible for coordinating preparation of the site and making sure that the measures taken are communicated to the workers, those entering the site and the local community. It is also advisable to designate at least one back-up person, in case the focal point becomes ill; that person should be aware of the arrangements that are in place.
 - On sites where there are a number of contractors and therefore (in effect) different work forces, the request should emphasize the importance of coordination and communication between the different parties. Where necessary, the PIU should request the main contractor to put in place a protocol for regular meetings of the different contractors, requiring each to appoint a designated staff member (with back up) to attend such meetings. If meetings cannot be held in person, they should be conducted using whatever IT is available. The effectiveness of mitigation measures will depend on the weakest implementation, and therefore it is important that all contractors and sub-contractors understand the risks and the procedure to be followed.

- The PIU, either directly or through the Supervising Engineer, may provide support to projects in identifying appropriate mitigation measures, particularly where these will involve interface with local services, in particular health and emergency services. In many cases, the PIU can play a valuable role in connecting project representatives with local Government agencies, and helping coordinate a strategic response, which takes into account the availability of resources. To be most effective, projects should consult and coordinate with relevant Government agencies and other projects in the vicinity.
- Workers should be encouraged to use the existing project grievance mechanism to report concerns relating to COVID-19, preparations being made by the project to address COVID-19 related issues, how procedures are being implemented, and concerns about the health of their co-workers and other staff.

5. WHAT SHOULD THE CONTRACTOR COVER?

The Contractor should identify measures to address the COVID-19 situation. What will be possible will depend on the context of the project: the location, existing project resources, availability of supplies, capacity of local emergency/health services, the extent to which the virus already exist in the area. A systematic approach to planning, recognizing the challenges associated with rapidly changing circumstances, will help the project put in place the best measures possible to address the situation. As discussed above, measures to address COVID-19 may be presented in different ways (as a contingency plan, as an extension of the existing project emergency and preparedness plan or as standalone procedures). PIUs and contractors should refer to guidance issued by relevant authorities, both national and international (e.g. WHO), which is regularly updated (see sample References and links provided in the Annex).

Addressing COVID-19 at a project site goes beyond occupational health and safety, and is a broader project issue which will require the involvement of different members of a project management team. In many cases, the most effective approach will be to establish procedures to address the issues, and then to ensure that these procedures are implemented systematically. Where appropriate given the project context, a designated team should be established to address COVID-19 issues, including PIU representatives, the Supervising Engineer, management (e.g. the project manager) of the contractor and sub-contractors, security, and medical and OHS professionals. Procedures should be clear and straightforward, improved as necessary, and supervised and monitored by the COVID-19 focal point(s). Procedures should be documented, distributed to all contractors, and discussed at regular meetings to facilitate adaptive management. The issues set out below include a number that represent expected good workplace management but are especially pertinent in preparing the project response to COVID-19.

(a) ASSESSING WORKFORCE CHARACTERISTICS

Many construction sites will have a mix of workers e.g. workers from the local communities; workers from a different part of the country; workers from another country. Workers will be

employed under different terms and conditions and be accommodated in different ways. Assessing these different aspects of the workforce will help in identifying appropriate mitigation measures:

- The Contractor should prepare a detailed profile of the project work force, key work activities, schedule for carrying out such activities, different durations of contract and rotations (e.g. 4 weeks on, 4 weeks off).
- This should include a breakdown of workers who reside at home (i.e. workers from the community), workers who lodge within the local community and workers in on-site accommodation. Where possible, it should also identify workers that may be more at risk from COVID-19, those with underlying health issues or who may be otherwise at risk.
- Consideration should be given to ways in which to minimize movement in and out of site. This could include lengthening the term of existing contracts, to avoid workers returning home to affected areas, or returning to site from affected areas.
 - Workers accommodated on site should be required to minimize contact with people near the site, and in certain cases be prohibited from leaving the site for the duration of their contract, so that contact with local communities is avoided.
 - Consideration should be given to requiring workers lodging in the local community to move to site accommodation (subject to availability) where they would be subject to the same restrictions.
 - Workers from local communities, who return home daily, weekly or monthly, will be more difficult to manage. They should be subject to health checks at entry to the site (as set out above) and at some point, circumstances may make it necessary to require them to either use accommodation on site or not to come to work.

(b) ENTRY/EXIT TO THE WORK SITE AND CHECKS ON COMMENCEMENT OF WORK

Entry/exit to the work site should be controlled and documented for both workers and other parties, including support staff and suppliers. Possible measures may include:

- Establishing a system for controlling entry/exit to the site, securing the boundaries of the site, and establishing designating entry/exit points (if they do not already exist). Entry/exit to the site should be documented.
- Training security staff on the (enhanced) system that has been put in place for securing the site and controlling entry and exit, the behaviors required of them in enforcing such system and any COVID - 19 specific considerations.
- Training staff who will be monitoring entry to the site, providing them with the resources they need to document entry of workers, conducting temperature checks and recording details of any worker that is denied entry.
- Confirming that workers are fit for work before they enter the site or start work. While procedures should already be in place for this, special attention should be paid to workers with underlying health issues or who may be otherwise at risk. Consideration should be given to demobilization of staff with underlying health issues.

- Checking and recording temperatures of workers and other people entering the site or requiring self-reporting prior to or on entering the site.
 - Providing daily briefings to workers prior to commencing work, focusing on COVID-19 specific considerations including cough etiquette, hand hygiene and distancing measures, using demonstrations and participatory methods.
- During the daily briefings, reminding workers to self-monitor for possible symptoms (fever, cough) and to report to their supervisor or the COVID-19 focal point if they have symptoms or are feeling unwell.
- Preventing a worker from an affected area or who has been in contact with an infected person from returning to the site for 14 days or (if that is not possible) isolating such worker for 14 days.
 - Preventing a sick worker from entering the site, referring them to local health facilities if necessary or requiring them to isolate at home for 14 days.

(c) GENERAL HYGIENE

Requirements on general hygiene should be communicated and monitored, to include:

- Training workers and staff on site on the signs and symptoms of COVID-19, how it is spread, how to protect themselves (including regular handwashing and social distancing) and what to do if they or other people have symptoms (for further information see [WHO COVID-19 advice for the public](#)).
- Placing posters and signs around the site, with images and text in local languages.
- Ensuring handwashing facilities supplied with soap, disposable paper towels and closed waste bins exist at key places throughout site, including at entrances/exits to work areas; where there is a toilet, canteen or food distribution, or provision of drinking water; in worker accommodation; at waste stations; at stores; and in common spaces. Where handwashing facilities do not exist or are not adequate, arrangements should be made to set them up. Alcohol based sanitizer (if available, 60-95% alcohol) can also be used.
- Review worker accommodations, and assess them in light of the requirements set out in [IFC/EBRD guidance on Workers' Accommodation: processes and standards](#), which provides valuable guidance as to good practice for accommodation.
- Setting aside part of worker accommodation for precautionary self-quarantine as well as more formal isolation of staff who may be infected (see paragraph (f)).

(d) CLEANING AND WASTE DISPOSAL

Conduct regular and thorough cleaning of all site facilities, including offices, accommodation, canteens, common spaces. Review cleaning protocols for key construction equipment (particularly if it is being operated by different workers). This should include:

- Providing cleaning staff with adequate cleaning equipment, materials and disinfectant.

- Review general cleaning systems, training cleaning staff on appropriate cleaning procedures and appropriate frequency in high use or high-risk areas.
- Where it is anticipated that cleaners will be required to clean areas that have been or are suspected to have been contaminated with COVID-19, providing them with appropriate PPE: gowns or aprons, gloves, eye protection (masks, goggles or face screens) and boots or closed work shoes. If appropriate PPE is not available, cleaners should be provided with best available alternatives.
- Training cleaners in proper hygiene (including handwashing) prior to, during and after conducting cleaning activities; how to safely use PPE (where required); in waste control (including for used PPE and cleaning materials).
- Any medical waste produced during the care of ill workers should be collected safely in designated containers or bags and treated and disposed of following relevant requirements (e.g., national, WHO). If open burning and incineration of medical wastes is necessary, this should be for as limited a duration as possible. Waste should be reduced and segregated, so that only the smallest amount of waste is incinerated (for further information [see WHO interim guidance on water, sanitation and waste management for COVID-19](#)).

(e) ADJUSTING WORK PRACTICES

Consider changes to work processes and timings to reduce or minimize contact between workers, recognizing that this is likely to impact the project schedule. Such measures could include:

- Decreasing the size of work teams.
 - Limiting the number of workers on site at any one time.
 - Changing to a 24-hour work rotation.
- Adapting or redesigning work processes for specific work activities and tasks to enable social distancing, and training workers on these processes.
 - Continuing with the usual safety trainings, adding COVID-19 specific considerations. Training should include proper use of normal PPE. While as of the date of this note, general advice is that construction workers do not require COVID-19 specific PPE, this should be kept under review (for further information see [WHO interim guidance on rational use of personal protective equipment \(PPE\) for COVID-19](#)).
 - Reviewing work methods to reduce use of construction PPE, in case supplies become scarce or the PPE is needed for medical workers or cleaners. This could include, e.g. trying to reduce the need for dust masks by checking that water sprinkling systems are in good working order and are maintained or reducing the speed limit for haul trucks.
 - Arranging (where possible) for work breaks to be taken in outdoor areas within the site.
 - Consider changing canteen layouts and phasing meal times to allow for social distancing and phasing access to and/or temporarily restricting access to leisure facilities that may exist on site, including gyms.
 - At some point, it may be necessary to review the overall project schedule, to assess the extent to which it needs to be adjusted (or work stopped completely) to reflect prudent work

practices, potential exposure of both workers and the community and availability of supplies, taking into account Government advice and instructions.

- **PROJECT MEDICAL SERVICES**

Consider whether existing project medical services are adequate, taking into account existing infrastructure (size of clinic/medical post, number of beds, isolation facilities), medical staff, equipment and supplies, procedures and training. Where these are not adequate, consider upgrading services where possible, including:

- Expanding medical infrastructure and preparing areas where patients can be isolated. Guidance on setting up isolation facilities is set out in [WHO interim guidance on considerations for quarantine of individuals in the context of containment for COVID-19](#). Isolation facilities should be located away from worker accommodation and ongoing work activities. Where possible, workers should be provided with a single well-ventilated room (open windows and door). Where this is not possible, isolation facilities should allow at least 1 meter between workers in the same room, separating workers with curtains, if possible. Sick workers should limit their movements, avoiding common areas and facilities and not be allowed visitors until they have been clear of symptoms for 14 days. If they need to use common areas and facilities (e.g. kitchens or canteens), they should only do so when unaffected workers are not present and the area/facilities should be cleaned prior to and after such use.
- Training medical staff, which should include current WHO advice on COVID-19 and recommendations on the specifics of COVID-19. Where COVID-19 infection is suspected, medical providers on site should follow [WHO interim guidance on infection prevention and control during health care when novel coronavirus \(nCoV\) infection is suspected](#).
- Training medical staff in testing, if testing is available.
- Assessing the current stock of equipment, supplies and medicines on site, and obtaining additional stock, where required and possible. This could include medical PPE, such as gowns, aprons, medical masks, gloves, and eye protection. Refer to WHO guidance as to what is advised (for further information see [WHO interim guidance on rational use of personal protective equipment \(PPE\) for COVID-19](#)).
- If PPE items are unavailable due to world-wide shortages, medical staff on the project should agree on alternatives and try to procure them. Alternatives that may commonly be found on construction sites include dust masks, construction gloves and eye goggles. While these items are not recommended, they should be used as a last resort if no medical PPE is available.
- Ventilators will not normally be available on work sites, and in any event, intubation should only be conducted by experienced medical staff. If a worker is extremely ill and unable to breathe properly on his or her own, they should be referred immediately to the local hospital (see (g) below).
- Review existing methods for dealing with medical waste, including systems for storage and disposal (for further information see [WHO interim guidance on water, sanitation and](#)

[waste management for COVID-19](#), and [WHO guidance on safe management of wastes from health-care activities](#)).

(g) LOCAL MEDICAL AND OTHER SERVICES

Given the limited scope of project medical services, the project may need to refer sick workers to local medical services. Preparation for this includes:

- Obtaining information as to the resources and capacity of local medical services (e.g. number of beds, availability of trained staff and essential supplies).
- Conducting preliminary discussions with specific medical facilities, to agree what should be done in the event of ill workers needing to be referred.
- Considering ways in which the project may be able to support local medical services in preparing for members of the community becoming ill, recognizing that the elderly or those with pre-existing medical conditions require additional support to access appropriate treatment if they become ill.
- Clarifying the way in which an ill worker will be transported to the medical facility, and checking availability of such transportation.
- Establishing an agreed protocol for communications with local emergency/medical services.
- Agreeing with the local medical services/specific medical facilities the scope of services to be provided, the procedure for in-take of patients and (where relevant) any costs or payments that may be involved.
- A procedure should also be prepared so that project management knows what to do in the unfortunate event that a worker ill with COVID-19 dies. While normal project procedures will continue to apply, COVID-19 may raise other issues because of the infectious nature of the disease. The project should liaise with the relevant local authorities to coordinate what should be done, including any reporting or other requirements under national law.

(h) INSTANCES OR SPREAD OF THE VIRUS

WHO provides detailed advice on what should be done to treat a person who becomes sick or displays symptoms that could be associated with the COVID-19 virus (for further information see [WHO interim guidance on infection prevention and control during health care when novel coronavirus \(nCoV\) infection is suspected](#)). The project should set out risk-based procedures to be followed, with differentiated approaches based on case severity (mild, moderate, severe, critical) and risk factors (such as age, hypertension, diabetes) (for further information see [WHO interim guidance on operational considerations for case management of COVID-19 in health facility and community](#)). These may include the following:

- If a worker has symptoms of COVID-19 (e.g. fever, dry cough, fatigue) the worker should be removed immediately from work activities and isolated on site.

- If testing is available on site, the worker should be tested on site. If a test is not available at site, the worker should be transported to the local health facilities to be tested (if testing is available).
- If the test is positive for COVID-19 or no testing is available, the worker should continue to be isolated. This will either be at the work site or at home. If at home, the worker should be transported to their home in transportation provided by the project.
- Extensive cleaning procedures with high-alcohol content disinfectant should be undertaken in the area where the worker was present, prior to any further work being undertaken in that area. Tools used by the worker should be cleaned using disinfectant and PPE disposed of.
- Co-workers (i.e. workers with whom the sick worker was in close contact) should be required to stop work, and be required to quarantine themselves for 14 days, even if they have no symptoms.
 - Family and other close contacts of the worker should be required to quarantine themselves for 14 days, even if they have no symptoms.
 - If a case of COVID-19 is confirmed in a worker on the site, visitors should be restricted from entering the site and worker groups should be isolated from each other as much as possible.
 - If workers live at home and has a family member who has a confirmed or suspected case of COVID-19, the worker should quarantine themselves and not be allowed on the project site for 14 days, even if they have no symptoms.
 - Workers should continue to be paid throughout periods of illness, isolation or quarantine, or if they are required to stop work, in accordance with national law.
- Medical care (whether on site or in a local hospital or clinic) required by a worker should be paid for by the employer.

(i) CONTINUITY OF SUPPLIES AND PROJECT ACTIVITIES

Where COVID-19 occurs, either in the project site or the community, access to the project site may be restricted, and movement of supplies may be affected.

- Identify back-up individuals, in case key people within the project management team (PIU, Supervising Engineer, Contractor, sub-contractors) become ill, and communicate who these are so that people are aware of the arrangements that have been put in place.
- Document procedures, so that people know what they are, and are not reliant on one person's knowledge.
- Understand the supply chain for necessary supplies of energy, water, food, medical supplies and cleaning equipment, consider how it could be impacted, and what alternatives are available. Early pro-active review of international, regional and national supply chains, especially for those supplies that are critical for the project, is important (e.g. fuel, food, medical, cleaning and other essential supplies). Planning for a 1-2 month interruption of critical goods may be appropriate for projects in more remote areas.
- Place orders for/procure critical supplies. If not available, consider alternatives (where feasible).

- Consider existing security arrangements, and whether these will be adequate in the event of interruption to normal project operations.
- Consider at what point it may become necessary for the project to significantly reduce activities or to stop work completely, and what should be done to prepare for this, and to re-start work when it becomes possible or feasible.

(j) TRAINING AND COMMUNICATION WITH WORKERS

Workers need to be provided with regular opportunities to understand their situation, and how they can best protect themselves, their families and the community. They should be made aware of the procedures that have been put in place by the project, and their own responsibilities in implementing them.

- It is important to be aware that in communities close to the site and amongst workers without access to project management, social media is likely to be a major source of information. This raises the importance of regular information and engagement with workers (e.g. through training, town halls, tool boxes) that emphasizes what management is doing to deal with the risks of COVID-19. Allaying fear is an important aspect of work force peace of mind and business continuity. Workers should be given an opportunity to ask questions, express their concerns, and make suggestions.
 - Training of workers should be conducted regularly, as discussed in the sections above, providing workers with a clear understanding of how they are expected to behave and carry out their work duties.
 - Training should address issues of discrimination or prejudice if a worker becomes ill and provide an understanding of the trajectory of the virus, where workers return to work.
 - Training should cover all issues that would normally be required on the work site, including use of safety procedures, use of construction PPE, occupational health and safety issues, and code of conduct, taking into account that work practices may have been adjusted.
 - Communications should be clear, based on fact and designed to be easily understood by workers, for example by displaying posters on handwashing and social distancing, and what to do if a worker displays symptoms.

(k) COMMUNICATION AND CONTACT WITH THE COMMUNITY

Relations with the community should be carefully managed, with a focus on measures that are being implemented to safeguard both workers and the community. The community may be concerned about the presence of non-local workers, or the risks posed to the community by local workers' presence on the project site. The Project should set out risk-based procedures to be followed, which may reflect WHO guidance (for further information see [WHO Risk Communication and Community Engagement \(RCCE\) Action Plan Guidance COVID-19 Preparedness and Response](#)). The following good practice should be considered:

- Communications should be clear, regular, based on fact and designed to be easily understood by community members.

- Communications should utilize available means. In most cases, face-to-face meetings with the community or community representatives will not be possible. Other forms of communication should be used: posters, pamphlets, radio, text message, electronic meetings. The means used should take into account the ability of different members of the community to access them, to make sure that communication reaches various groups.
- The community should be made aware of procedures put in place at site to address issues related to COVID-19. This should include all measures being implemented to limit or prohibit contact between workers and the community. These need to be communicated clearly, as some measures will have financial implications for the community (e.g. if workers are paying for lodging or using local facilities). The community should be made aware of the procedure for entry/exit to the site, the training being given to workers and the procedure that will be followed by the project if a worker becomes sick.
 - If project representatives, contractors or workers are interacting with the community, they should practice social distancing and follow other COVID-19 guidance issued by relevant authorities, both national and international (e.g. WHO).

6. EMERGENCY POWERS AND LEGISLATION

Many Borrowers are enacting emergency legislation. The scope of such legislation, and the way it interacts with other legal requirements, will vary from country to country. Such legislation can cover a range of issues, for example:

- Declaring a public health emergency
- Authorizing the use of police or military in certain activities (e.g. enforcing curfews or restrictions on movement)
- Ordering certain categories of employees to work longer hours, not to take holiday or not to leave their job (e.g. health workers)
- Ordering non-essential workers to stay at home, for reduced pay or compulsory holiday

Except in exceptional circumstances (after referral to the World Bank's Operations Environmental and Social Review Committee (OESRC)), projects will need to follow emergency legislation to the extent that these are mandatory or advisable. It is important that the Borrower understands how mandatory requirements of the legislation will impact the project. Teams should require Borrowers (and in turn, Borrowers should request Contractors) to consider how the emergency legislation will impact the obligations of the Borrower set out in the legal agreement and the obligations set out in the construction contracts. Where the legislation requires a material departure from existing contractual obligations, this should be documented, setting out the relevant provisions.

ANNEX 3: LABOUR LEGISLATION

BRIEF OVERVIEW OF LABOUR LEGISLATION: TERMS AND CONDITIONS

This section sets out the key aspects of national labour legislation with regard to the terms and conditions of work and how national legislation applies to different categories of workers identified in Section 1.

The overview focuses on legislation which relates to the items set out in ESS 2, paragraph 11 (i.e., wages, deductions and benefits). The Labour Laws of the Government of Dominica will apply to all the Project Workers.

The Division of Labour within the Ministry of Justice, Immigration and National Security is responsible for enforcing labour standards in Dominica across all sectors, including those where workers are not commonly unionized, such as the informal sector. The work of the Labour Division is informed by the **Labour Standards Act Chapter 89:05** of the Revised Laws of Dominica. The Department is headed by the Labour Commissioner assisted by the Deputy Labour Commissioner, Labour Officers and other support staff. On the Division's online platform, it states that the Department is in charge of Citizenship and Naturalization, work and residence permit, student and entry visas, as well as industrial relations, labour and productivity, recruitment of workers, trade disputes and Trade Union issues. Information is provided on procedures to follow in the event of a complaint against an employer. No mention is made of gender issues.

- **Labour Standards Act Chapter 89:05**

The Labour Standards Act Chapter 89:05 seeks to provide for the fixing of wages of workers, the hours of work, their leave and generally matters pertaining to the welfare of workers. Specifically, the Act addresses:

- Minimum wages, hours of work, vacation leave, maternity leave, and equal wages.
- Establishes that minimum wages for specific sectors of economic activity are to be fixed by ministerial proclamation.
- Provides for the establishment of advisory boards to advise on such matters. Establishes normal working hours at eight per day and forty per week.
- Obliges employers to pay employees overtime for all work above this at the rate of one and a half times the normal wage. Provides for one day of rest per week.
- Regulates vacation leave. Provides for at least two weeks to three weeks of leave per year depending on the number of years worked.
- Regulates the granting of such leave.
- Governs maternity leave.
- Provides for six weeks of maternity leave prior to confinement and six weeks after confinement. Regulates application for and entitlement to maternity leave.
- Establishes equality of wages between male and female employees.

- Provides for transfers of businesses. Provides for the administration and enforcement of regulations. Regulates inspections and inspectors. Provides for complaints to labour tribunals. Provides for the keeping of records.

In addition, the Sections 24 to 26 of the Labour Standards Act Chapter 89:05, addresses discrimination and stipulate:

- Section 24.” No employer shall establish or maintain differences in wages Equal wages. between male and female employees employed in the same business who are performing, under the same working conditions, the same or similar work or jobs requiring similar skill, effort and responsibility.
- Section 25.” Payment to male and female employees of different wages does not constitute a violation of Section 24 if the difference is based on any factor or factors other than sex that justify such a difference.
- Section 26. “No employer shall reduce the wages of an employee in order to comply with Section 24.”

- **The Labour Contracts Act Chapter 89:04.26**

Any person who employs another shall, not later than fourteen days from the date on which the employment commences, prepare a labour contract in writing correctly describing the terms and conditions of employment that have been agreed upon by the employer and the employee. Where, pursuant to section 3, a labour contract has been prepared by an employer respecting the employment of an employee: (a) a copy of the labour contract shall be delivered forthwith by the employer to the employee for his inspection; (b) the employer and employee shall sign the labour contract including any amendments agreed upon within three days of the date on which it was delivered to the employee; and (c) the employer shall give the employee a signed copy of the labour contract.

A labour contract between an employer and an employee shall set out:

- (a) the names of the employee and the employer;
- (b) the date on which the employment of the employee began or will begin;
- (c) a description of the duties of the employee;
- (d) the rate of pay that the employee is entitled to receive in respect of his employment, or the method to be used for calculating the pay of the employee;
- (e) the intervals at which the employee will receive his pay, being intervals not exceeding one months in duration;
- (f) the period of time during which the employee will be on probation;
- (g) the normal hours of work of the employee;
- (h) the rate of pay that the employee is entitled to receive for hours worked by him in excess of or outside his normal working hours;
- (i) the annual leave to which the employee is entitled and the pay that he is entitled to

- receive during the period of his annual leave;
- (j) the sick leave to which the employee is entitled and the pay that he is entitled to receive during any period of sickness;
- (k) the length of notice that the employer and employee must give in order to terminate the labour contract; and
- (l) any other term or condition of employment that has been agreed upon.

BRIEF OVERVIEW OF LABOUR LEGISLATION: OCCUPATIONAL HEALTH AND SAFETY

Labour occupational health and safety in Dominica is enforced by the Employment Safety Act (No. 3 of 1982) and the Factory and Machinery Rules (S.R.O. 16/1944). These are the main Acts containing provisions in relation to occupation safety and health, and more details can be found in other regulations such as the Environmental Health Services Act (No. 8 of 1997), Accidents and Occupational Diseases (Notification) Act, Chap. 89:51 (Act No. 29 of 1952) (Cap. 108 of 1961), and the Noxious and Dangerous Substances (Control) Act, 1981 (no. 4 of 1982).

- **Ministry of Health, Wellness and New Health Investment**

The Ministry of Health, Wellness and New Health Investment is the arm of the Government responsible for the advocacy and compliance of COVID 19 protocols.

- **Employment Safety Act (No. 3 of 1982)**

The Employment Safety Act (No. 3 of 1982) provides for reorganizing the system under which safety and health at work is safeguarded and to extend it to cover everyone at work; to provide for the establishment of consultative and advisory committees; to provide for the appointment of safety officers and for purposes connected with those matters.

- **Environmental Health Services Act (No. 8 of 1997)**

Provides for the regulation of the discharge of waste and pollutants in public areas. Allows the Health Minister to make regulations concerning, inter alia, the hygiene of workplaces and exposure to substances in workplaces.

- **Accidents and Occupational Diseases (Notification) Act, Chap. 89:51 (Act No. 29 of 1952) (Cap. 108 of 1961).**

Provides for the notification of accidents and occupational diseases. Establishes the processes of the notification of accidents. Grants the administrator in Council with the power to extend dangerous occurrences provisions to notification of accidents. Provides for inquests in cases of death by accident. Grants the Administrator the power to direct formal investigation of accidents and cases of occupational diseases. Sets penalties for offences. Applies the act to public servants. Grants the Administrator with the power to make regulations for the purposes of carrying out the act. The Schedule provides Forms for use with the act.

- **Noxious and Dangerous Substances (Control) Act, 1981 (no. 4 of 1982)**

Provides for the control of noxious and dangerous substances. Governs the licensing requirements for storage of such substances and for the inspection of premises. Grants the minister responsible for trade with the power to make regulations for the purposes of carrying out the act.

The occupational health and safety (OHS) measures of the project will be designed based on the guideline provided in the Environmental and Social Framework of the project, and will be implemented to address: (a) identification of potential hazards to project workers, particularly those that may be life threatening. (b) Provision of preventive and protective measures, including modification, substitution, or elimination of hazardous conditions or substances; (c) Training of project workers and maintenance of training records. (d) Documentation and reporting of occupational accidents, diseases and incidents (e) emergency prevention and preparedness and response arrangements to emergency situations (f) Remedies for adverse impacts such as occupational injuries, deaths, disability and disease.