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**ECD-II**



**FINAL**

**Labor Management Procedures**

**15 February 2022**

**Republic of the Marshall Islands**

**Multisectoral Early Childhood Development II Project**

**RMI Multisectoral Early Childhood Development Project**

**ECD-II**

**World Bank Project ECD-II (P177329)**

**Labor Management Procedures**

**(LMP)**

**FINAL**

Prepared for World Bank and the Government of the Republic of Marshall Islands by the Centralized Implementation Unit of the RMI Division of Development Assistance (DIDA)

15 February 2022

***Acronyms and Abbreviations***

|  |
| --- |
|  |
| ANC | Antenatal Care |
| AP | Affected Persons (as in Project affected people/parties) |
| BOMI | Bank of Marshall Islands |
| CC | Cabinet Committee (on ECD) |
| CCT | Conditional Cash Transfer |
| CERC | Contingent Emergency Response Component |
| CFA | Compact of Free Association |
| CGM | Community grants manual |
| CIU | Centralized Implementation Unit |
| CSGs | Compact Sector Grants |
| CSO | Civil Society Organization |
| CTF | Compact Trust Fund |
| DA | Designated Account |
| DCO | Disability Coordination Office (MOICA) |
| DIDA | Division of International Development Assistance |
| DVPPA | Domestic Violence Prevention and Protection Act 2011 |
| EAP | Emergency Action Plan |
| ECD | Early Childhood Development |
| ECD-CC | Early Childhood Develop Cabinet Committee |
| ECD-I | (RMI Multisector) Early Childhood Development Project (P166800) |
| ECD- II | (RMI Multisector) Early Childhood Development Project Phase II (P177329) |
| EHDI | Early Hearing Detection Intervention |
| ESIA | Environmental and Social Impact Assessment |
| EHS/G | Environmental Health and Safety / Guidelines |
| EPPSO | Economic Policy, Planning and Statistics Office |
| E&S | Environmental and Social |
| ESCP | Environmental and Social Commitment Plan |
| ESF | Environment and Social Framework (World Bank) |
| ESMF | Environmental and Social Management Framework |
| ESMP | Environment and Social Management Plan |
| ESS | Environment and Social Standard |
| FA | Finance Agreement |
| FBO | Faith-Based Organization |
| FM | Financial Management |
| FMIS | Financial Management Information System |
| FPIC | Free Prior and Informed Consent |
| GBV | Gender-Based Violence |
| GESI | Gender Equity, Social Inclusion |
| GoRMI | Government of the Republic of the Marshall Islands |
| GRM | Grievance redress mechanism |
| GRS | Grievance redress service |
| HCP | Human Capital Project |
| HDI | Human Development Index |
| HESA | Health, Education and Social Affairs |
| HIES | Household Integrated Economic Survey |
| HPA | Historic Preservation Act |
| HT | Human Trafficking |
| IA | Implementing Agency |
| ICHNS | RMI Integrated Child Health and Nutrition |
| IDA | International Development Association |
| IEC | Information, Education, and Communication |
| IQBE | Improve the Quality of Basic Education |
| JSA | Job Safety Analysis |
| KALGOV | Kwajalein Atoll Local Government |
| KRA | Key Results Area |
| L&NA | Loss and Needs Assessment |
| LMP | Labor Management and Health & Safety Procedures (LMP) |
| M&E | Monitoring and Evaluation |
| MALGOV | Majuro Atoll Local Government |
| MEAL | Monitoring, Evaluation and Adaptive Learning |
| MEL | Monitoring, Evaluation, Learning |
| MCH | Maternal and child health |
| MIDPO | Marshall Islands Disabled Persons Organization |
| MIS | Management Information System |
| MISSA | Marshall Islands Social Security Administration |
| MOCIA | Ministry of Culture and Internal Affairs |
| MOE | Ministry of Education |
| MOF | Ministry of Finance |
| MOHHS | Ministry of Health and Human Services |
| MOUs | Memoranda of Understanding |
| MWIU | Ministry of Works, Infrastructure, and Utilities |
| NCD | Non-communicable disease |
| NDMO | National Disaster Management Office |
| NEPA | National Environmental Protection Act |
| NDO | National Disability Organization |
| NGO | Non-governmental Organization |
| NI | Neighboring Islands |
| NOL | No Objections Letter |
| NSP | National Strategic Plan |
| OCS | Office of the Chief Secretary |
| OHS/p | Occupational Health and Safety / Plan |
| PAD | Project Appraisal Document |
| PAT | Parents as Teachers |
| PBF | Performance Based Financing |
| PDO | Project Development Objectives |
| PEA | Preliminary Environmental Assessment |
| PEARL | Pacific Early Age Readiness and Learning Program |
| PICs | Pacific Island Countries |
| PIU | Project Implementation Unit |
| PLWD | People Living with Disabilities |
| POM | Project Operations Manual |
| PPE | Personal Protective Equipment |
| PPM | Project Preparation Mission |
| PSC | Program Steering Committee |
| PRC4ECCE | Pacific Regional Council for Early Childhood Care and Education |
| PSS | Public School System |
| RH | Reproductive Health |
| RMI | Republic of the Marshall Islands |
| RMNCH-N | Reproductive, maternal, newborn and child health and nutrition |
| RPF | Regional Partnership Framework |
| SBCC | Social and Behavior Change Communication |
| SDGs | Sustainable Development Goals |
| SEP | Stakeholder Engagement Plan |
| SEA/SH | Sexual Exploitation and Abuse / Sexual Harassment |
| SIA | Social Impact Assessment |
| SP | Social Protection |
| VAC | Violence against Children |
| TA | Technical Assistance |
| TORs | Terms of Reference |
| TWG | Technical Working Group |
| VNR | Voluntary National Review |
| WB | World Bank |
| WB-EHSG | World Bank Environmental, Health and Safety Guidelines |
| WUTMI | Women United Together Marshall Islands |

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# INTRODUCTION

The World Bank (WB) funded Republic of the Marshall Islands (RMI) ‘*Multisectoral Early Childhood Development Project” (*P166800), designated herein as “**ECD-I**”, was prepared, consulted and appraised in 2018; approved by the WB on February 28, 2019; and is scheduled for completion on December 31, 2024. The Government of the RMI (GoRMI) has requested WB support to expand ECD-I to better meet the needs of vulnerable ‘early years families’ throughout the country.

Accordingly, preparation is now underway for a new WB project: “*Phase II of the RMI Multisectoral Early Childhood Development Project” (*P177329), designated herein as “**ECD-II**”.

These Labor Management Procedures (“LMP”) have been prepared to support ECD-II activities pursuant to RMI national regulations and the World Bank’s Environmental and Social Framework (“ESF”)[[1]](#footnote-2) to ensure that measures are in place to manage risks associated with employment under the Project. ECD I and ECD II will be implemented concurrently while ECD-I continues, using two different sets of Policies/Standards.

For the avoidance of doubt, this LMP document does not apply to activities under ECD-I which falls under OP 4.01.

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

The LMP document is a “live document” that can be updated to meet the demands of the project, and is just one of several environmental and social (E&S) instruments developed to supporting the E&S management aspects of the Project.  Other key E&S documents prepared for project appraisal include:

* Environmental and Social Commitment Plan (ESCP).
* Stakeholder Engagement Plan (SEP).
* Environmental and Social Management Plan (ESMF).

All instruments have been disclosed on the Ministry of Finance website[[2]](#footnote-3).

# PROJECT DESCRIPTION

## Background

ECD-II will support the GoRMI in promoting universal coverage of multisectoral ECD services by:

1. supporting the expansion of public sector delivery of essential ECD services;
2. providing targeted support to increase coverage and intervention intensity of these services for vulnerable early years families; and
3. strengthening the public sector systems necessary to institutionalize and sustain a multisectoral ECD program.

Table 1 shows the Project Development Objective (PDO), components and sub-components

Table 1: Project Development Objectives and Components

|  |
| --- |
| *The PDO for ECD-I is: to improve coverage of multisectoral early childhood development services.*  *The PDO for ECD-II is: To improve coverage of multisectoral early childhood development services in the Republic of the Marshall Islands and, in the event of an Eligible Crisis or Emergency, to provide an immediate response to the Eligible Crisis or Emergency..* |
| **Project Components & Sub-Components** |
| **Component 1:  Improved coverage of essential health and nutrition services**  1.1: Strengthening MOHHS management and stewardship capacity to deliver essential RMNCH-N services  1.2: Enhancing delivery of essential RMNCH-N services  **Component 2: Improved coverage of stimulation and early learning activities**  2.1 Strengthening MOEST management and stewardship of ECD services  2.2 Enhancing delivery of early stimulation and learning activities  **Component 3: Social assistance for early years families**  3.1: Strengthening Government of RMI’s capacity to establish and deliver social assistance program for ECD  3.2: Provision of cash transfers to early years’ families in selected areas  *3.3: Livelihood support to early years families through public works (TBC)*  **Component 4: Strengthening the Multisectoral ECD System**  4.1 National Multisectoral ECD Strategy, Governance**,** Monitoring, and Evaluation  4.2 ECD Awareness and Social and Behavior Change Communication (SBCC) Campaign  4.3 Project Management  **Component 5: Contingent Emergency Response Component (ECD-II only)** |

***Institutional Arrangements***

Project implementing agencies (IAs) are as follows:

* Component 1: Ministry of Health and Human Services (MOHHS)
* Component 2: Ministry of Education, Sports and Training (MOE), Public School System (PSS)
* Component 3: Ministry of Culture and Internal Affairs (MOCIA)
* Component 4: Office of the Chief Secretary (OCS)
* Component 5: OCS through National Disaster Management Office (NDMO); MOHHS/PSS/MOCIA

The ECD Program Steering Committee (PSC), comprised of Secretaries from the relevant line ministries and chaired by the Chief Secretary will provide oversight during implementation.

The Project Implementation Unit (PIU), housed within the OCS, will be responsible for overall coordination, results monitoring, communications and E&S management. The MoF-based CIU will provide support to the PIU and IAs with fiduciary, procurement, and E&S risk management functions.

The Project components are summarized in Table *2* with reference made to worker categories in each case. For more detail on Project Components refer to Project Appraisal Document.. The worker classification system is explained in Section 3.1

Table 2: Summary of Worker Categories for each Project Component

| **Project Component** | **Worker Categories** |
| --- | --- |
| Component 1 -Improved coverage of essential health and nutrition services | |
| Sub-component 1.1: Strengthen MOHHS management and stewardship capacity to deliver essential RMNCH-N services | * PIU and IA Project Workers * TA consultancies |
| Sub-component 1.2: Enhance delivery of essential RMNCH-N services | * PIU and IA Project Workers * Contract workers for service delivery and building works |
| Component 2 - Improved coverage of stimulation and early learning activities | |
| Sub-component 2.1: Strengthening MOEST management and stewardship of ECD services | * PIU and IA Project Workers * TA consultancies * PSS Workers |
| Sub-component 2.2: Enhancing delivery of early stimulation and learning activities | * PIU and IA Project Workers * Contract workers for service delivery and building works |
| Component 3: Social assistance for early years families | |
| Sub-component 3.1: Strengthening GRMI capacity to establish and deliver SA programs | * PIU and IA Project Workers * TA consultancies * GoRMI Worker |
| Sub-component 3.2: Provision of CCT to EY families in selected areas |
| Sub-component 3.3: Livelihood support to EY families through public works (tentative |
| Component 4 - Strengthening the Multisectoral ECD System | |
| Component 4.1: National Multisectoral ECD Strategy and Governance | * PIU and IA Project Workers * TA consultancies * GoRMI Workers |
| Component 4.2: ECD Awareness and SBCC Campaign. |
| Sub-Component 4.3: Project Management |
| Component 5: CERC | |
|  | * PIU and IA Project Workers * GoRMI Workers * Contract workers for service delivery and building works |

# OVERVIEW OF LABOR USE ON THE PROJECT

## Categorization of the Workforce

Worker Classification under ESS2 are set out in Table *2*.

Table 2: ESS2 Worker Classifications

|  |  |
| --- | --- |
| **Direct workers** | ESS2 defines “direct workers” as People employed or engaged directly to work specifically in relation to the Project.  For the purposes of this Project, Guide Note 4.1 of the ESS2 Guidance document states that a “direct worker” is a worker with whom the PIU or any of the IAs has a directly contracted employment relationship and specific control over the work, working conditions, and treatment of the project worker. The worker is employed or engaged by or paid directly by PIU or any of the IAs, and subject to PIU or any of the IAs’ day-to-day instruction and control. Examples of direct workers may include persons employed or engaged by the PIU to carry out design and supervision, monitoring and evaluation, or community engagement in relation to the project.  Para 8 of ESS2 states that government civil servants working in connection with the project, on either a full or part time basis, will remain subject to the terms and conditions of their existing public sector employment agreement or arrangement unless there has been an effective legal transfer of their employment or engagement to the Project. ESS2 will not apply to such government civil servants, except for ESS2 provisions for protecting the workforce and for occupational health and safety.  Technical services to prepare and implement various components of the Project will be provided by consultants/contractors. Consultants/contractors in this context will either be Direct Workers (if directly contracted to the PIU, CIU or IA) or Contracted Workers (if the procurement by PIU, CIU or IA is via a firm). |
| **Contracted workers** | People employed or engaged by a firm to perform work related to core function of the Project, regardless of location.  GN5.1. of the ESS2 Guidance document states that a “contracted worker” is a worker employed or engaged by a third party to perform work or provide services related to the core functions of the project, where the third party exercises control over the work, working conditions, and treatment of the project worker.  In such circumstances, the employment relationship is between the third party and the project worker, even if the project worker is working on an ongoing basis on project activities. |
| **Primary supply workers** | People employed or engaged by primary suppliers. No procurement will be made for this category of worker and the category is not discussed further in the LMP. |
| **Community workers** | This category of workers is not expected to be engaged on the ESSP and is not discussed in this LMP |

## Direct Workers

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

(i) “Direct workers – Government” and

(ii) “Direct workers – other”.

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

### Direct workers – Government

“**Direct workers – Government**” are civil servants employed by any of the IAs who will be engaged on either full time or part time on project development and implementation. Government civil servants will remain subject to the terms and conditions of their existing employment agreements, but with an additional requirement to follow occupational health and safety measures adopted by the project [[3]](#footnote-4)as well as measures to protect the workforce in terms of child labor and forced labor[[4]](#footnote-5).

The MOHHS and the RMI Public Services Commission (PSC) collaboratively manage public sector health workers. The PSC is an established central government agency which has a primary responsibility for public sector management including human resources issues. PSC is responsible for government staff management practices in the health sector including recruitment and selection, discipline and performance management. PSC operates under the Public Services Commission Act and applies the “Public Service Regulations of the Republic of the Marshall Islands 2008” (PS Regulations).

MOCIA staff equally fall under the responsibility of PSC for staff management including recruitment and selection, discipline and performance management.

PSS staff are engaged under the provisions of the PSS Human Resources Regulations 2015. These regulations define a wide range of HR procedures including age limitations for permanent staff (18 years minimum), and a comprehensive grievance mechanism. The Regulations make sexual harassment a cause for reporting to the Commissioner, but they make no reference to OHS or forced labor. Contract engagement is mutually agreed and therefore the work is voluntarily entered into.

PSS is not subject to the provisions of the RMI Public Services Commission (PSC) but PSS workers are government civil servants within the broad scope of the definition in ESS2.

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

### Direct workers - other

“**Direct Workers – Other**” are persons contracted to the Project on a full-time and part-time basis by a RMI Government Agency (e.g. MOF/PIU or any of the IAs). These workers are not RMI civil servants, and will be subject to all the relevant provisions ESS2 and this LMP. This category includes the Project Coordinator, Project Managers, Project Coordinators and any other staff directly contracted to the Project by via CIU. This includes specialist individuals appointed to undertake specific project activities include the development of training material or deliver training etc.

## Contracted workers

This category covers all contracted workers engaged by third parties on the Project.

This category covers contracted workers engaged by the IAs with the administration and contract management tasks of the contract being implemented by the PIU as their day to day responsibility. The exact number, skill sets, and timing of required Project contracted workers will only be determined once implementation begins. This category includes the following:

* Staff of construction company appointed to undertake construction activities; and
* Specialist consultant firms engaged to prepare assessments, develop training programs, materials or provide other TA deliverables for Project activities.

## Project Labour Requirements

Personnel engaged by the Project will comprise those set out in Table *4*.

All Project workers will be required to sign a Code of Conduct which outlines acceptable behaviour for the workers and their role, including reference to SEA/SH (See Annex 1). This Code of Conduct will be updated to reflect the GBV and Child Safeguarding Action Plan once that Plan is completed.

Table 4: Personnel to be engaged on the Project

| **Category under ESS2** | **Type of workers likely to be engaged** | **Key Identified Labor Risks** | **Mitigation Measures** |
| --- | --- | --- | --- |
| **Direct workers**  10-20 workers (est. 50% female) | Staff from MOHHS, PSS and MOCIA  PIU staff | * Terms of employment (employment period, remuneration, tax and insurance payments etc.) set out in ESS2 not secured by contractual agreements. * Workers suffer discrimination and lack of equal opportunity in employment. * Use of child labor contravenes national legislation and international conventions ratified by RMI * Risks of workplace accidents, or emergencies (OHS) (Major Potential Risk) * Sexual Exploitation and Abuse (SEA), Gender Based Violence (GBV) and Violence Against Children (VAC) to workers and community from Project workforce (Major potential risk identified for RMI projects generally) | * All Government Workers fall under existing PSS HR regulations or PSC protocols which cover:   + Employment period, remuneration, tax and insurance payments.   + Transparent procurement processes   + equal opportunity employment. * IAs have confirmed that they will not engage any workers younger than 18 years of age on the Project OHS measures to be implemented as described in the ESMF (See Annexures 3, 4, 5 and 6) * Codes of Conduct (CoC), including SEA/SH are signed by all direct workers (see Annex 1 of this LMP) * All direct workers receive CoC awareness training prior to undertaking project activities. * Project GRM addresses concerns raised concerning GBV, SEA and VAC in regard to the Project - will be immediately referred to the WUTMI Weto in Mour. Violence Against Women and Girls Support Service (WIM). |
| **Contracted workers**  10-20 workers est (30% female) | Individual consultants appointed by the PIU with assistance from the CIU to support project activities.  Contractors engaged for construction activities | * Terms of employment [ESS2] not secured by contractual agreements. * Workers suffer discrimination and lack of equal opportunity in employment. * Use of child labor contravenes national legislation and international conventions ratified by RMI * Risks of workplace accidents, or emergencies (OHS) (Major Potential Risk) * SEA, GBV and VAC to workers and community from Project workforce (Major potential risk identified for RMI projects generally). | * Ensure contracts for construction workers include details on pay and working conditions in line with RMI law and ESS2 requirements. * Procurement processes to be transparent and reflect equal opportunity employment. * Ensure contractual terms specify employment period, remuneration, tax and insurance payments etc.. * IAs have confirmed that they will not engage any workers younger than 18 years of age on the Project * Codes of Conduct (CoC), including SEA/SH, are signed by all contracted workers (see Annex 1 of this LMP document) * All contracted workers receive CoC awareness training prior to undertaking project activities. * Environmental risk and OHS measures to be implemented as set out in the ESMP. * Ensure workers have access to contractor GRM for any workplace, contractual or pay and working condition concerns including GBV, SEA and VAC. |

# BRIEF OVERVIEW OF LABOR LEGISLATION: TERMS AND CONDITIONS

## Non-resident Workers

The RMI Labor (Non-Resident Workers) Act 2006 sets out various requirements of workers including the need to hold work visas by foreign (other than USA) contractors and workers.

## RMI Public Service Commission

The “Public Service Commission Act 1979" established the Public Service Commission (PSC) which is the employing authority of the government charged with the responsibility for developing, coordinating, regulating and administering all personnel matters relating to and affecting the Public Service.

No other RMI Labor Legislation constraints apply to workers potentially engaged on Project activities.

## International Conventions

Since joining the International Labor Organization in July 2007, RMI has ratified two ILO Conventions – the Maritime Labour Convention (MLC) 2006/2007, and Convention 185 – Seafarers’ Identity Documents Convention 2011. Neither relates to the Project, RMI is developing a Country Work Plan with the ILO but this is not applicable to the Project.

## Occupational Health and Safety

There are no GoRMI laws relating to OHS.

Contractors and other workers engaged on the project will be subject to appropriate OHS procedures as set out in Annexures 2,3 and 4 of the ESMF.

# PROJECT-RELATED LABOUR POLICIES AND PROCEDURES

## Terms and conditions of employment

Terms and conditions of direct workers are determined by their individual contracts. All the recruiting procedures will be documented and filed by CIU. in accordance with the requirements of ESS2. Generally forty hour per week employment will be practiced, although there will in some cases be temporary or short term contracts. Requirements and conditions of overtime and leave entitlements will be agreed as part of individual contracts. Employment will in all cases be via a mutually agreed contract or other mutual agreement, employment information will be fully disclosed to the worker. Worker will not be discriminated against and will have recourse to a grievance mechanism if they feel that is the case. Workers will be provided with a safe and functional workplace, including access to potable water, and access to rest room facilities.

## Age of employment

RMI has ratified both the ILO Minimum of Age Convention (C138) and the ILO Worst Forms of Child Labour Convention (C182). The minimum age of employment is not defined in law.

The IAs have confirmed that they will not engage any workers younger than 18 years of age on the Project.

All project employees will be asked to produce identification documents (ID) such as birth certificates, passports, driver’s license or other valid method such as copies of academic certificates, testimony/affidavits from officials of the schools attended, a medical examination, statements from family members and parish/village officials/local authorities.

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

## Sexual Exploitation and Abuse and Sexual Harassment

Women in RMI continue to face multiple barriers that prevent them from enjoying a life free from violence and coercion in a society where they can access equal opportunities and equal rights. Teenage pregnancy, violence against women and girls, vulnerable employment conditions, unemployment, and limited access to justice and protection are priority areas that the Government of the Republic of the Marshall Islands (RMI) and development partners are addressing.

For the purposes of this Project, any Grievance raised in respect of GBV and SEA would be immediately referred to WUTMI “Weto in Mour: Violence Against Women and Girls Support Service (WIM)”.

WIM is co-funded by the government and donor partners, and works to ensure that survivor of GBV and SEA are accommodated in safety, have basic necessities and are provided with transport fares to enable them to attend their appointments with Micronesian Legal Services and with WIM for psychosocial support.

The RMI Domestic Violence Prevention and Protection Act (DVPPA) provides for a temporary protection order if the judge is satisfied that a complainant, or a child in the care of a complainant, is in danger from an act of domestic violence. A judge is available 24/7 to consider protection order applications, with no filing fees charged.

The PSS HR Regulations include a Code of Conduct which among many other things requires staff to refrain from behaving in an insulting or threatening manner with clients and/or staff, including any form of sexual harassment.

The Grievance Mechanism (Section6) includes reference to harassment which includes sexual harassment and abuse.

## Occupational health and safety

There is no Occupational Health and Safety (OHS) legislation in RMI. CIU has adopted World Bank Group EHS Guidelines for OH&S risks for all Project staff and contractors.

Project workers will receive training during induction, thereafter on a regular basis and when changes are made in the workplace, with records of the training kept on file. Training will cover relevant aspects of OHS associated with daily work, including the ability to stop work without retaliation in situations of imminent danger. OHS management is addressed in the ESMF.

## Workers’ rights to refuse unsafe work environments

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

PSS HR Regulations provide that if any employee considers they have ground for complaints arising out of any order by their Controlling Officer to do something or from any other cause, they may report the matter through official channels, but shall nevertheless as far as possible carry out any orders lawfully given to them until the orders are revoked.

The OHS element of the ESMF sets out a provision to cover the ability of workers to refuse unsafe work environments.

# WORKER’S GRIEVANCE MECHANISM

## Direct Workers

“Direct Workers – Government” A project Labor Grievance Mechanism for GoRMI Civil Servants is not required pursuant to para 8 of ESS2. However, the PSS HR Regulations contain a grievance process.

“Direct Workers - other This category of workers will have access to the Labor Grievance Mechanism set out in the LMP. This category includes the Project Manager, Project Coordinators and other Project workers contracted to the Project via CIU.

The Labor Grievance Mechanism will be available to “Direct Workers” for raising workplace related concerns including about the terms of employment, rights at work, unsafe or unhealthy work situations, among others.

Table 5 provides details of the steps involved in processing a labour grievance.

Confidentiality for all grievances will be maintained at all times, and there will be no retaliation against workers for raising a grievance.

## Contracted Workers

All contracts will be required to include a Labor Grievance Mechanism. CIU will assess these contracts for alignment with ESS2. The contract Labor GRM will need to provide provisions for maintaining cconfidentiality for all grievances at all times, and providing for no retaliation against workers for raising a grievance

## Notification

During employee induction, Contract Workers and Direct Workers other will be advised that there is a Labor Grievance Mechanism where workers can raise complaints and have them processed. Moreover, the Project Manager for each Component will provide contact information and provide a location where Contract Workers can log their complaints.

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

Table 5: “Direct Worker – Other” – Labor Grievance Mechanism

| **Step** | **Process** |
| --- | --- |
| **1.** | **Lodgment and initial informal process**   * Managers and Workers are encouraged to use informal methods of resolving disagreements or disputes. * If Workers have a reasonable grievance or complaint regarding their work or the people they work with they should, wherever possible, start by talking it over with their manager. It may be possible to agree a solution informally between the Worker and the manager. * If discussions with line managers fail to resolve the issue, it is still possible to pursue an informal approach without triggering a formal procedure. For example, an independent senior RMI Government official could host an informal meeting or discussion. * Grievances from new employees about recruitment practices will typically need to be made to the DIDA Associate Secretary. |
| **2.** | **Formal grievance hearing**   * If the matter is serious and/or the worker wishes to raise the matter formally, the Worker should set out the grievance in writing to the DIDA Associate Secretary and/or CIU Program Manager. This submission should be factual and avoid language that is insulting or abusive. * The DIDA Associate Secretary and/or CIU Program Manager will then call the Worker and the Worker’s Line Manager (or representative) to a meeting to discuss the Worker’s grievance within a predetermined period of time [nominally 3 weeks] after receiving the complaint. * The Worker has the right to be accompanied by a colleague at this meeting on request. * After the meeting, the DIDA Associate Secretary and/or CIU Program Manager will give the Worker minutes of the meeting signed by both parties and a decision in writing, within a predetermined period of time [nominally 4 weeks]. |
| **3.** | **Appeal to Secretary of Implementing Agency in which Worker is embedded**   * If the Worker is not satisfied with the above decision, the worker may appeal the decision to the Secretary of the Implementing Agency in which the Worker is embedded. * The Secretary will consult with the Chief Secretary’s office in relation to the appeal on the Grievance. * The Secretary will then call the Worker to a meeting to discuss the worker’s grievance within a predetermined period of time [nominally 3 weeks] after receiving the complaint. * The Worker has the right to be accompanied by a colleague at this meeting on request. * After the meeting, the Secretary will give the Worker minutes of the meeting signed by both parties and a decision in writing, within a predetermined period of time [nominally 4 weeks]. * The above decision is final within the terms of DIDA’s and GoRMI internal grievance mechanism which is deemed to cease at this stage. However, the Worker retains the ability to refer the complaint or grievance to the court for arbitration within the laws of RMI. |
| **Note:** Highest priority will be given to grievances concerning workplace GBV, SEA/SH or VAC, The project will first seek to ensure that the victim is safe and has access to required support services. For these reasons, a referral will be made to the WUTMI Weto in Mour: Violence against Women and Girls Support Service.In the case of alleged perpetrators, the matter will be referred to the police for investigation.  This process will be reviewed and confirmed during Worker Code of Conduct awareness sessions, including disclosure options to ensure accountability, confidentiality and sensitivity. | |

# ROLES AND RESPONSIBILITIES

Table *6* sets out LMP-related roles and responsibilities for ECD-II. For details on each project management entity refer to the Project PAD.

Table 6: LMP Responsibilities for each ECD-II Project Management Entity

| Project Management Entity | General Role | LMP Responsibility |
| --- | --- | --- |
| Project Implementing Agencies | MOHHS, MOE/PSS and MOCIA are the agencies responsible for overall project implementation. | * Secretary of each IA is to ensure that:   + All IA workers are aware of OHS provisions of this LMP   + All IA workers engaged on the Project are aware of and have signed the Code of Conduct.   + All Project employees have produced identification documents confirming age is under 18 years. * All Project workers to be aware of and implement OHS requirements as part of routine work activities |
| Project Implementation Unit | A Project Implementation Unit (PIU) will be responsible for project management including a Project Manager and support staff. | * Project Manager (or nominated delegate) to   + Insert LMP provisions in Draft TORs, Bid Documentation and Contracts – in particular ensure contracts for construction workers include details on pay and working conditions in line with ESS2 requirements.   + Ensure LMP provisions including OHS matters are observed by contractors and PIU direct workers   + Ensure all PIU workers and Contractors are aware of and have signed the Code of Conduct.   + All PIU workers and contractors have access to the Labor GRM for any workplace, contractual or pay and working condition concerns including GBV, SEA and VAC.   + Manage the Labor GRM and report any GRM issues to the CIU Safeguards Team and WB Task Team   + Ensure that no person under age of 18 to be contracted or engaged on Hazardous Project activities - verify that all Project employees have produced identification documents confirming age is under 18 years.   + Ensure that copies of the IDs and documents pertaining to the applicant's age and other supporting materials are filed by the PIU.   + Implement workplace processes for project workers:     - to report work situations that they believe are not safe or healthy.     - to remove themselves from a work situation which they have reasonable justification to believe presents an imminent and serious danger to their life or health.     - who remove themselves from such situations will not be required to return to work until necessary remedial action to correct the situation has been taken.     - will not be retaliated against or otherwise subject to reprisal or negative action for such reporting or removal. * All PIU workers to be aware of the Labor GRM provisions and implement OHS requirements as part of routine work activities. |
| Centralized Implementation Unit | The Project will be supported by the Centralized Implementation Unit (CIU) housed within Ministry of Finance, Division of International Development Assistance (DIDA) which will provide fiduciary, and E&S risk management support to the Project. | * CIU Safeguards Team   + Prepare updates to ECD-II Environmental and Social instruments including LMP, Code of Conduct.   + Conduct awareness training of LMP provisions for PIU and IA on project implementation and thereafter on an annual basis   + Provide all direct workers with CoC awareness training prior to undertaking project activities.   + Provide Project workers with training during induction, thereafter on a regular basis and when changes are made in the workplace, with records of the training kept on file. Training to cover relevant aspects of OHS associated with daily work, including the ability to stop work without retaliation in situations of imminent danger.   + Review of all ECD-II Bid and Contract documentation to verify LMP provisions are included   + Conduct periodic audits at least annually, to ensure LMP provisions including OHS provisions applying to all workers (including contract workers) are observed. * CIU Procurement   + Incorporate LMP provisions in any ECD-II Bid and Contract documentation prepared by CIU.   + File all individual contracts for Project workers   + Verify that all Project employees have produced identification documents confirming age is under 18 years. |
| Program Steering Committee | A Program Steering Committee (PSC) chaired by the Chief Secretary will provide the oversight and strategic guidance for the Project implementation. | * Receive reports from Project Manager on OHS, Labor GRM or other LMP matters as appropriate. |
| Contractor Management | Contract management will implement the project activities, report to PIU and CIU and the other project management entities on request. The contractor management will ensure that all provisions of this LMP are applied and implemented for Contract Workers. | * Ensure employment provisions in TOR including OHS matters are observed * Ensure all workers are aware of and have signed the Code of Conduct and that all workers have access to the Labor GRM for any workplace, contractual or pay and working condition concerns including GBV, SEA and VAC. * Immediately advise PM of any labor GRM issues * Ensure that no person under age of 18 to be contracted or engaged on Project activities. * Implement workplace processes for project workers:   + to report work situations that they believe are not safe or healthy.   + to remove themselves from a work situation which they have reasonable justification to believe presents an imminent and serious danger to their life or health.   + who remove themselves from such situations will not be required to return to work until necessary remedial action to correct the situation has been taken.   + will not be retaliated against or otherwise subject to reprisal or negative action for such reporting or removal. |

**ANNEX 1 Code of Conduct**

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

*Direct Workers - IA/PIU staff and individual consultants engaged by PIU;*

*and*

*Contracted Workers - contractors engaged on civil works.*

*Note that this Code of Conduct will be reviewed and updated if necessary based on the outcome of the GBV and Child Safeguarding Plan set out in the Project Stakeholder Engagement Plan.*

**CODE OF CONDUCT[[5]](#footnote-6)**

The ECD-II Project (the Project) has a duty to implement measures to address environmental and social risks related to the Works including the risks of sexual exploitation and abuse (SEA) and sexual harassment (SH).

This Code of Conduct is part of measures required under the Project to deal with potential environmental and social risks related to construction works and other activities undertaken under the Project. It applies to all [INSERT NAME OF IMPLEMENTING AGENCY] and Project Implementation Unit (PIU) staff and individual consultants engaged on the Project; consultant firms providing technical advisory services; and contractors engaged on civil works for the Project. It also applies to the personnel of each subcontractor and any other personnel assisting the contractor in the execution of the Works. All such persons are referred to as “Contractor/Employer’s Personnel” and are subject to this Code of Conduct.

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

The 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**

I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, acknowledge that adhering to environmental, social, health and safety (ESHS) standards and the Project’s occupational health and safety (OHS), and sexual exploitation and abuse (SEA) and sexual harassment (SH) requirements are important.

I agree that while working on the Project I will:

1. Comply with this Code of Conduct and all laws of the Republic of Marshall Islands, regulations, and other requirements, including protecting the health, safety and well-being of other Contractor/Employer’s Personnel and any other persons.
2. Consent to a background check in any place I have worked for more than six months.
3. Attend training courses related to ESHS, OHS, and SEA and SH as requested by my employer.
4. Carry out my duties competently and diligently.
5. Avoid and declare any conflicts of interest (such as benefits, contracts, or employment, or any preferential treatment or favors are not provided to any person with whom there is a financial, family, or personal connection).
6. Ensure the proper use of all worksites including not engaging in theft, carelessness, or waste.
7. Use specified sanitary facilities provided by the employer and not open areas.
8. Maintain a safe working environment including by:

Ensuring that workplaces, machinery, equipment, and processes are safe.

Wearing personal protective equipment when required at Project Site.

Using appropriate protective measures relating to chemical, physical, and biological substances and agents.

Following applicable emergency operating procedures.

Reporting work situations that are not safe or healthy.

Removing myself from a work situation which is an imminent and serious danger to my life or health.

1. Not consume alcohol or use of narcotics, drugs or other substances which can impair faculties during work activities, including attending work under the influence of these substances.
2. Not discriminate against any person based on family status, ethnicity, race, gender, sexual orientation and identity, age, language, religion, marital status, political or other opinion, national origin, disability, health, or other status.
3. Treat all members of the community(ies) and any affected person(s) with respect, including to respecting their religion, culture, beliefs, and traditions.
4. Not use language or behavior toward any person that is inappropriate, harassing, abusive, sexually provocative, demeaning or culturally inappropriate.
5. Comply with all laws of the Republic of the Marshall Islands, including but not limited to, not perpetrating any form of physical or sexual violence.

Not exploit or sexually exploit or abuse (SEA) any person.[[6]](#footnote-7)

1. Not engage in any form of sexual harassment including unwelcome sexual advances, requests for sexual favors, and other unwanted verbal or physical conduct of a sexual nature toward Contractor/Employer’s Personnel other Contractors, visitors to Project Sites or any other persons at or around the Project Sites.
2. Not engage in sexual favors with any Contractor/Employer’s Personnel or members of the community.
3. Not use prostitution in any form at any time.
4. Not engage in Rape.[[7]](#footnote-8)
5. Not engage in Sexual Assault.[[8]](#footnote-9)
6. Not engage in human trafficking of any person or exploit a trafficked person.
7. Not participate in sexual contact or activity with children under the age of 18, except in the case of a pre-existing marriage. Mistaken belief regarding the age of a child or “consent” from the child are not a defense or excuse.
8. Unless there is the full consent[[9]](#footnote-10) by all parties involved, not have sexual interactions with any person.
9. Ensure the protection and safety of children under the age of 18 by:

Informing my manager of the presence of any children on the Project Site or who are engaged in hazardous activities as part of the Project.

Wherever possible, ensuring that another adult is present when working close to children.

Not inviting unaccompanied children, who are not my family, into my home.

Not accessing child pornography.

Refraining from physical punishment or discipline of children.

Taking appropriate caution when photographing or filming children for work-related purposes.[[10]](#footnote-11)

1. Report through the GRM or to my manager any breaches of this Code of Conduct.
2. Not retaliate against any person who reports violations of this Code of Conduct.

I understand that:

1. failures to comply with this Code of Conduct constitute acts of gross misconduct and are therefore grounds for sanctions, penalties, and/or potential termination of employment. Prosecution by the police of those who break the law of the Republic of Marshall Islands may be pursued if appropriate.
2. if I breach this Code of Conduct, my employer will take disciplinary action which could include:

* Informal or formal warning.
* Additional training.
* Loss of up to a salary for a period of time.
* Suspension of employment (without payment of salary), for a period of time.
* Termination of employment.
* Report to the police or other relevant authorities.

I do hereby acknowledge that I have received and read this Code of Conduct in a language that I comprehend, I agree to comply with the standards contained therein and understand my roles and responsibilities to prevent and respond to ESHS, OHS, and SEA and SH.

**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.

I understand that any action inconsistent with this Code of Conduct or failure to act mandated by this Code of Conduct may result in disciplinary action and may affect my ongoing employment.

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

Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Position: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

1. Specifically Environmental and Social Standard 2 (ESS2) “*Labor and Working Conditions and Occupational Health and Safety* [↑](#footnote-ref-2)
2. <https://rmi-mof.com/division-of-international-development-assistance-dida/reports/> [↑](#footnote-ref-3)
3. ESS2 paragraphs 24 to 30 [↑](#footnote-ref-4)
4. ESS 2 paragraphs 17 to 20 [↑](#footnote-ref-5)
5. All Contractors, Consultants and Workers are required to sign this Code of Conduct as a condition of employment. This one is for WB MIMIP workers. [↑](#footnote-ref-6)
6. **SEA** means any actual or attempted abuse of position of vulnerability, differential power, or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially, or politically from the sexual exploitation of another. In Bank financed projects/operations, sexual exploitation occurs when access to or benefit from Bank financed Goods, Works, Consulting or Non-consulting services is used to extract sexual gain [↑](#footnote-ref-7)
7. **Rape** means physically forced or otherwise coerced penetration—even if slight—of the vagina, anus or mouth with a penis or other body part. It also includes penetration of the vagina or anus with an object. Rape includes marital rape and anal rape/sodomy. The attempt to do so is known as attempted rape. Rape of a person by two or more perpetrators is known as gang rape. [↑](#footnote-ref-8)
8. **Sexual assault** means any form of non-consensual sexual contact that does not result in or include penetration. Examples include attempted rape, as well as unwanted kissing, fondling, or touching of genitalia and buttocks. [↑](#footnote-ref-9)
9. **Consent** is defined as the informed choice underlying an individual’s free and voluntary intention, acceptance, or agreement to do something. No consent can be found when such acceptance or agreement is obtained using threats, force or other forms of coercion, abduction, fraud, deception, or misrepresentation. Consent cannot be given by a child under the age of 18, even where legislation in the RMI has a lower age. [↑](#footnote-ref-10)
10. Including: complying with local traditions or restrictions for reproducing personal images, obtaining informed consent from the child and a parent or guardian of the child, and presenting children in a dignified and respectful manner. [↑](#footnote-ref-11)