**MARSHALL ISLANDS  
URBAN RESILIENCE PROJECT**

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**04 April 2022**

**LABOR MANAGEMENT PROCEDURES**



**REPUBLIC OF THE MARSHALL ISLANDS  
URBAN RESILIENCE PROJECT**

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Ministry of Works Infrastructure and Utilities   
as Implementing Agency

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

04 April 2022

***Acronyms and Abbreviations***

|  |
| --- |
|  |
| CIU | Centralized Implementation Unit |
| DIDA | Division of International Development Assistance |
| 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 |
| GoRMI | Government of the Republic of the Marshall Islands |
| GRM | Grievance redress mechanism |
| HT | Human Trafficking |
| IA | Implementing Agency |
| IDA | International Development Association |
| LMP | Labor Management Procedures |
| MWIU | Ministry of Works, Infrastructure, and Utilities |
| OHS/p | Occupational Health and Safety / Plan |
| PAD | Project Appraisal Document |
| PDO | Project Development Objective |
| PIU | Project Implementation Unit |
| PSC | Public Service Commission |
| RMI | Republic of the Marshall Islands |
| RMI URP | Marshall Islands Urban Resilience Project |
| SEAH | Sexual exploitation, abuse and harassment |
| SEP | Stakeholder Engagement Plan |
| TORs | Terms of Reference |
| VAC | Violence Against Children |
| WB | World Bank |

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# INTRODUCTION

The Government of the Republic of the Marshall Islands (GoRMI) has requested support from the World Bank (WB) for the Marshall Islands Urban Resilience Project (“RMI URP” or “the Project”) which has the Project Development Objective (PDO) “to strengthen the resilience of select human settlements in the Republic of the Marshall Islands to the impacts of natural hazards and climate change”.

These Labor Management Procedures (“LMP”) will support RMI URP 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.

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 (SEAH).

The LMP document is a “living document” that can be updated to meet the demands of the project and is one of several environmental and social (E&S) instruments prepared for project appraisal and implementation. Other E&S documents include the:

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

All E&S instruments have been disclosed on websites of the Centralized Implementation Unit (CIU) of the RMI Ministry of Finance (MOF) and will also be disclosed on the MoF website when this site is operational [[2]](#footnote-3).

# PROJECT DESCRIPTION

## Background

The Project comprises four components: (i) Risk Informed Adaptation Planning; (ii) Coastal Resilience Investments; (iii) Resilient Public Facilities and Spaces; and (iv) Project Management and Implementation Support.

Direct beneficiaries of coastal resilience measures under Component 2 will include the population of Majuro, or approximately 15,000 Marshallese, while direct beneficiaries from resilient public facilities is approximately 1,000 people. Approximately 200 government officials will benefit directly from capacity building and training activities supported by the project. Indirect beneficiaries of risk-informed adaptation planning strategies and policies under Component 1 could benefit the entire country population of RMI (approximately 42,000 people). The Project will adopt universal access requirements and participatory approaches to ensure the voices and needs of people of all ages, abilities and genders are addressed.

Achievement of the PDO will be measured by:

* Risk-informed policies, guidelines or strategies adopted to support adaptation planning (number).
* Critical assets protected by improved coastal infrastructure that reduces risks to coastal hazards and effects of climate change (number)).
* People provided with urban living conditions (number, gender disaggregated)

The results indicators will be disaggregated by gender where relevant, and sub-indicators will be quantified where possible to ensure effectiveness of project monitoring and evaluation.

***Institutional Arrangements***

Diagram

Description automatically generatedThe Project will be implemented by one implementing agency (IA), the MWIU through a Project Implementation Unit (PIU), which would be established within the MWIU and include a Project Manager, Project Engineer, Project Officer, and relevant technical consultants. Support for Fiduciary and E&S Risk Management will be provided by the Centralized Implementation Unit (CIU). Figure 1 illustrates proposed implementation arrangements.

**Figure 1**: **Implementation Arrangements for the Project**

The Project components are summarized in Table *1* with reference made to worker categories in each case. For more detail on Project Components refer to the Project Appraisal Document (PAD) and the ESMF. The worker classification system is explained in Section 3.1

Table 1: Summary of Worker Categories for each Project Component

| **Project Component** | **Worker Categories** |
| --- | --- |
| Component 1 - Risk-Informed Adaptation Planning | |
|  | * PIU and any MWIU Workers working on the project in a part time or full time capacity * TA consultancies |
| Component 2 - Coastal Resilience Investments | |
|  | * PIU and any MWIU Workers working on the project in a part time or full time capacity * TA consultancies * Contract workers for service delivery and building works |
| Component 3: Resilient Public Facilities | |
|  | * PIU and any MWIU Workers working on the project in a part time or full time capacity * TA consultancies * Contract workers for service delivery and building works |
| Component 4 - Project Management and Implementation Support | |
|  | * PIU any MWIU Workers working on the project in a part time or full time capacity * TA consultancies |

# OVERVIEW OF LABOR USE ON THE PROJECT

## Categorization of the Workforce

This LMP has been prepared in accord with ESS2, including the Worker Classification system as set out in Table *2*, which provides the basis of requirements as set out in the following sections.

Table 2: Worker Classifications

|  |  |
| --- | --- |
| **Direct workers** | “Direct workers” are people employed or engaged directly to work specifically on Project functions.  “Direct workers have a contract employment relationship with the GRMI, and the PIU has specific control over the work, working conditions, and treatment of the project worker. They are paid directly with Project funds and subject to PIU day-to-day instruction, management 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.  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, in which caseonly provisions for protecting the workforce and for occupational health and safety will apply.  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 with Project funds) or Contracted Workers (if the procurement by PIU with Project funds is via a firm). |
| **Contracted workers** | Contracted workers are people employed or engaged by a firm to perform work related to a core function of the Project, regardless of location.  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** | Primary supply workers are people who are employed or engaged by primary suppliers who provide Project goods and materials essential to the core function of the Project on an ongoing basis. It is not anticipated that procurement will be made for primary supply workers and the category is not discussed in detail further in the LMP. However, if necessary primary supply worker sections of this LMP will be reviewed and updated after the completion of the sustainable aggregates study during project implementation. |
| **Community workers** | This category of workers is not expected to be engaged on the RMI URP 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 MWIU as IA 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).

“Direct workers – Government” in the Project will be any employees engaged by the MWIU as Implementing Agency. In RMI, 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).

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

“Direct workers – Government” are all subject to standard GoRMI pay and working conditions and therefore fall outside the scope of ESS2 except for OHS.

### Direct workers - other

“**Direct Workers – Other**” are persons contracted to the Project on a full-time and part-time basis by the MWIU/PIU. 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 Manager, Project Officers, Engineering Advisor, and any other staff directly contracted to the Project by PIU. 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 contracted workers engaged by the PIU 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 companies appointed to undertake civil works activities; and
* Staff of specialist consultant firm(s) engaged to design structures, regulatory reviews, prepare assessments, develop awareness raising and training programs, materials or provide other technical assistance (TA) deliverables for Project activities.

## Project Labour Requirements and Key Project Labor Risks

Personnel engaged by the Project are set out in Table 3, which also identifies mitigation measures for the following areas of potential Project labor risk:

* Terms of employment 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) arising from hazardous work, use of heavy machinery, use of hazardous material, work at heights
* 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)
* 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

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 SEAH (See Annex 1).

Table 3: 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**  5-10 workers (est. 50% female) | Staff from MWIU working on the project in a part time or full time capacity  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 PSC protocols which cover:   + Employment period, remuneration, tax and insurance payments.   + Transparent procurement processes   + equal opportunity employment. * The IA has confirmed it 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 Appendices AC and F of the ESMF). * 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’ workers engaged on 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.. * IA has confirmed that it will not engage any workers younger than 18 years of age on the Project – will be a condition of contract for Contractors/Consulting Firms * 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. * OHS measures to be implemented by contractors as set out in the ESMF. * 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

No laws, regulations or statutory provisions are in place in RMI to regulate working conditions, access to workers organizations, terms and conditions applying to workers potentially engaged on Project activities. ESS2 will be the sole guiding standard for the Project in these areas.

## 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.

## International Conventions

Since joining the International Labor Organization in July 2007, RMI has ratified three ILO Conventions, two of which the Maritime Labour Convention (MLC) 2006/2007, and Convention 185 – Seafarers’ Identity Documents Convention 2011 do not relate to the Project. RMI has also ratified the ILO Worst Forms of Child Labour Convention (C182), which applies to persons under the age of 18 and is therefore not relevant to this Project given that no workers under the age of 18 will be engaged on the Project. The minimum age of employment in RMI is not defined in law.

## 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 Appendices A, C and F of the ESMF. MWIU incorporates project specific OHS provisions in standard bid documents (See Appendix F); and Section 3315[[5]](#footnote-6) of the Draft Marshall Islands Building Code which specifies adherence to OHSA fall protection rules.

OHS risks for Direct Workers will be identified in subproject specific E&S risk assessments and activity specific ESMPs. OHS responsibilities are identified in Table 5 of this LMP.

# 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 the CIU Procurement Team. Requirements and conditions of overtime and leave entitlements (statutory holidays, annual holidays, sick leave and compassionate leave) will be agreed as part of individual contracts. Employment conditions will, in all cases, be via a mutually agreed contract or other mutual agreement, employment information will be fully disclosed to the worker. Workers will be paid on a regular basis, 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.

In particular at the beginning of employment workers will be provided with information on the following as appropriate

* The name and legal domicile of the employer;
* The worker’s name;
* The worker’s job title;
* The date employment began;
* Where the employment is not permanent, the anticipated duration of the contract;
* The place of work, or where the work is mobile, the main location;
* Housing and accommodation provisions and payment required, if any;
* Provisions regarding food and payment required, if any;
* Hours of work, rest breaks, leave entitlements, and other related matters;
* Rules relating to overtime and overtime compensation;
* The levels and rules relating to the calculation of salary, wages, and other benefits, including any rules related to timing of payment and deductions;
* The pension and other welfare arrangements if any applicable to the worker;
* The length of notice that the worker can expect to give and receive on termination of employment;
* The disciplinary procedures that are applicable to the worker, including details of representation available to the worker and any appeals mechanism;
* Details of grievance procedures, including the person to whom grievances should be addressed; and
* Any collective bargaining arrangements if any that apply to the worker.

## Age of employment

The minimum age of employment in RMI is not defined in law.

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

All project workers 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.

## Gender Based Violence, Sexual Exploitation, Abuse ,Harassment and Violence against Children

Women and girls in RMI continue to face multiple barriers that prevent them from enjoying a life free from violence and coercion and 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 GoRMI and development partners are addressing. This support includes capacity building and institutional strengthening of the Ministry of Internal and Cultural Affairs, the government agency responsible for coordination of gender-based violence and violence against children; financial support for Women United in Marshall Islands (WUTMI) “Weto in Mour: Violence Against Women and Girls Support Service (WIM)” – the lead GBV/VAC specialist agency in the RMI, and extending/strengthening counselling and other prevention and responsive services in the neighboring islands.

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 Project Grievance Mechanism (Section 6) includes procedures to deal with complaints related to sexual exploitation, abuse and harassment.

Mandatory GBV induction training will be provided by the CIU to all Project workers within 1 month of commencement of employment. This training will include information on identifying and responding to situations involving actual/potential GBV, SEAH, VAC and HT,, using a survivor-centered approach and the roles of responsibilities of all parties in relation to dealing with these situations. This training is being designed by the CIU GBV Specialist, with support from the World Bank. team.

## 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.

To ensure OHS protection in the absence of national legislation, workers will be required to operate in accordance with relevant the WBG EHS Guidelines and Contractor staff will need to adhere to Occupational Health and Safety Procedures (OHSP) to be prepared by the Contractor which include working conditions.

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 for Contractors is addressed in the ESMF. OHS risks for Direct Workers will be be identified in subproject specific E&S risk assessments and ESMP.

Contractors are required to prepare and implement OHSP which are to be approved in writing by the PIU prior to commencing works. Contractors are to conduct training for all workers on the OHSP and on health and safety matters as required by good engineering practice.

Workers are to be provided with appropriate PPE suitable for civil work such as safety boots, helmets, gloves, protective clothes, goggles and ear protection (as appropriate) at no cost to the workers. Workers are to be provided by the Contractor, with potable water supplies, first aid facilities, a toilet and hand washing facilities at works sites.

All workers are to receive awareness raising on, and will be required to sign, a Code of Conduct (CoC) (**An**nex 1 of this LMP) which outlines acceptable behavior for the workers and their role, including reference to GBV, SEA/SH.

In addition, relevant OHS requirements set out in the ESMF will be required to be inserted into bidding documents.

## 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.

The COC (Annex 1) sets out a recognition for workers to refuse unsafe work environments without repercussions.

# WORKER’S GRIEVANCE MECHANISM

## Direct Workers

“Direct Workers – Government” A project Labor Grievance Mechanism for GoRMI Civil Servants does not apply pursuant to para 8 of ESS2.

“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 Officers, Engineering Advisor and other Project workers contracted to the Project via PIU.

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 4 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.

The Workers Labor Grievance Mechanism will also include procedures for dealing with workplace matters involving SEA/H.

Table 4: “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. | |

## Contracted Workers

All contracts will be required to include a Labor Grievance Mechanism. CIU Safeguards will assess these contracts for alignment with the LMP and ESS2. The contract Labor Grievance Mechanism 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 will provide contact information and provide a location where Contract Workers can log their complaints.

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

# ROLES AND RESPONSIBILITIES

Table *5* sets out LMP-related roles and responsibilities for RMI URP.

Table 5: LMP Responsibilities for each RMI URP Project Management Entity

| **Project Entity** | **General Role** | **LMP Responsibility** |
| --- | --- | --- |
| Project Implementing Agency | MWIU is the agency responsible for overall project implementation. | * Secretary of MWIU is to ensure that:   + All MWIU workers engaged either part time of full time on the Project are aware of OHS provisions of this LMP   + All MWIU workers engaged either part time of full time on the Project have produced identification documents confirming age is over 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, Engineer 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 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 GM for any workplace, contractual or pay and working condition concerns including GBV, SEA and VAC.   + Manage the Labor GM and report any GM issues to the CIU Safeguards Team and WB Task Team   + Verify that all Project workers have produced identification documents confirming age is over 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 GM 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 RMI URP 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 RMI URP 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 RMI URP 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. |
| Project Steering Committee | A Project Steering Committee (PSC) will provide the oversight and strategic guidance for the Project implementation. | * Receive reports from Project Manager on OHS, Labor GM or other LMP matters as appropriate. |
| Contract Workers | Contractor | * 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 GM for any workplace, contractual or pay and working condition concerns including GBV, SEA and VAC. * Immediately advise Project Manager of any labor GM 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 - and individual consultants engaged by PIU;*

*and*

*Contracted Workers - contractors engaged on civil works.*

**CODE OF CONDUCT[[6]](#footnote-7)**

The RMI URP 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 allMWIU 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 behavior 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 SEAH 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.
6. Not exploit or sexually exploit or abuse (SEA) any person.[[7]](#footnote-8)
7. 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.
8. Not engage in sexual favors with any Contractor/Employer’s Personnel or members of the community.
9. Not use prostitution in any form at any time.
10. Not engage in Rape.[[8]](#footnote-9)
11. Not engage in Sexual Assault.[[9]](#footnote-10)
12. Not engage in human trafficking of any person or exploit a trafficked person.
13. 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.
14. Unless there is the full consent[[10]](#footnote-11) by all parties involved, not have sexual interactions with any person.
15. 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.[[11]](#footnote-12)

1. Report through the GM or to my manager any breaches of this Code of Conduct.
2. Be able to refuse to work in unsafe or unhealthy work situations without repercussions.
3. 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. Refer <https://www.ciudidasafeguards.com/> and <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. “Worker Safety and Fall Protection” [↑](#footnote-ref-6)
6. All Contractors, Consultants and Workers are required to sign this Code of Conduct as a condition of employment.. [↑](#footnote-ref-7)
7. **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-8)
8. **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-9)
9. **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-10)
10. **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-11)
11. 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-12)