

# Kingdom of Cambodia

Land Allocation for Social and Economic Development Project III  
(LASED III)

## **LABOR AND WORKING CONDITIONS PROCEDURES (LWCP)** Annex 4 to Environmental and Social Management Framework

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*Phnom Penh, Cambodia*  
*March 31, 2020*

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## ABBREVIATIONS USED IN THE TEXT

<b>Term</b>	<b>Definition</b>
C/SF	Commune / Sangkat Fund
E&S	Environmental and Social
EA/IA	Executing Agency/Implementing Agency
ERW	Explosive Remnants of War
ESCP	Environmental and Social Commitment Plan
ESHS	Environmental, Social, Health and Safety
ESMF	Environmental and Social Management Framework
ESMP	Environmental and Social Management Plan
ESP	Environmental and Social Profile
ESS	Environmental and Social Standard
GCC	General Conditions of Contract
GDA	General Department of Agriculture (of MAFF)
GDH	General Department of Housing (of MLMUPC)
GRM	Grievance Redress Mechanism
IC	Indigenous Community
ICLT	Indigenous Community Land Title
ILO	International Labour Organisation
IP	Indigenous People
JSDF	Japan Social Development Fund
LASED	Land Allocation for Social and Economic Development
LWCP	Labor and Working Conditions Procedures
LWD	Life with Dignity
MAFF	Ministry of Agriculture, Forests and Fisheries
MEF	Ministry of Economy and Finance
M&E	Monitoring and Evaluation
MLMUPC	Ministry of Land Management, Urban Planning and Construction
MOI	Ministry of Interior
MoLVT	Ministry of Labour and Vocational Training
MoSAVY	Ministry of Social Affairs, Veterans and Youth Rehabilitation
MRD	Ministry of Rural Development
NGO	Non-Governmental Organisation
OHS	Occupational Health and Safety
PIM	Project Implementation Manual
RGC	Royal Government of Cambodia
SEP	Stakeholder Engagement Plan
SLC	Social Land Concession
STD	Sexually Transmitted Disease
WGRM	Worker Grievance Redress Mechanism

## 1 INTRODUCTION

### 1.1 Purpose of the Labor and Working Conditions Procedures

1. This Labor and Working Conditions Procedures (LWCP) document is prepared for the Land Allocation for Social and Economic Development Project III (LASED III) project in accordance with the requirements of the World Bank's Environmental and Social Framework and in particular with Environmental and Social Standard 2 (ESS2) on Labor and Working Conditions.
2. The LWCP reflects the commitment of Royal Government of Cambodia (RGC) as the Borrower to develop and implement labor management procedures for project workers in all categories (direct workers, contracted workers, primary supply workers and community workers) to ensure compliance with the standards set by ESS2. Key procedures including Worker Grievance Mechanism and Procedure for Child Labor and Forced Labor are described in the LWCP and Annexes. The following further procedures will be developed during the project inception period: (1) Occupational Health and Safety Strategy; (2) Terms and Conditions of Employment; (3) Environmental, Social, Health and Safety Specifications; (4) Community Labor Management Procedure; (5) Works Risk Assessment Format; and (6) Works Site Occupational Health and Safety Plan. The scope and application of these documents are described in Annex 3.
3. Labor management procedures will comply with relevant national laws, regulations and standards for labor and working conditions and World Bank's ESS2, and where there are differences the more stringent provisions will be applied.
4. Section 2 of the LWCP briefly describes the requirements of ESS2, the corresponding legal framework for labor and working conditions in Cambodia, standard contracting frameworks and lessons learned labor management in the LASED and LASED II projects. A simple gap analysis is presented as Annex 1. Section 3 defines the scope of application of the LWCP to categories of worker and project activities and includes an approximate schedule of numbers, timing and task type for each category of project worker. Section 4 comprises an analysis of key labor risks for each sub-area covered by ESS2. Section 5 describes roles and responsibilities for labor management in LASED III. Section 6 describes policies, procedures and risk mitigation measures. Section 7 defines project principles regarding age of employment, which are reflected in the Procedure for Child Labor and Forced Labor (Annex 2). Section 8 describes the Project Worker Grievance Mechanism. Section 9 describes monitoring, evaluation and reporting arrangements.

## 2 ESS2 AND LEGAL REQUIREMENTS

### 2.1 Requirements of ESS2

5. The requirements of ESS2 cover the following areas: (a) working conditions and management of worker relationships; (b) protecting the workforce; (c) workers' access to a grievance mechanism; and (d) Occupational Health and Safety (OHS).
6. **Working conditions and management of worker relationships** includes requirements that:
  - a. Project workers are provided with clear **terms and conditions of employment**, consistent with national legal requirements;
  - b. The principles of **nondiscrimination and equal opportunity** are applied to project workers, and vulnerable project workers are protected;
  - c. The rights of workers to form workers organizations, consistent with national law, are respected.
7. **Protecting the work force requirements** include:

- a. Provisions to prevent employment of children below the age of 14 or the national legal minimum, whichever is higher, and restrictions on employment of children under 18;
  - b. Prevention of forced labor, including debt bondage.
8. Direct and contracted workers must have access to a **grievance mechanism**. The grievance mechanism for contracted workers must be provided by the direct employer and is separate from the project grievance mechanism.
9. OHS requirements must address:
- a. Identification of potential hazards to project workers, particularly those that may be life threatening;
  - b. Provision of preventative and protective measures, including modification, substitution or elimination of hazardous conditions or substances;
  - c. Training of project workers and maintenance of training records;
  - d. Documentation and reporting of occupational accidents, diseases and incidents;
  - e. Emergency prevention preparedness and response arrangements to emergency situations; and
  - f. Remedies for adverse impacts such as occupational injuries, deaths, disabilities and disease.

## 2.2 National Labor and Employment Laws

10. The framework of law and regulation on labor and employment in Cambodia includes:
- a. Labor law of 1997; which includes provisions on non-discrimination; prohibition of forced labor including debt bondage; regulation of working conditions; restrictions on employment of minors (under 18 years old); maternity leave; special provisions for employment of agricultural workers; health and safety; trade union rights etc.;
  - b. International Labor Organization (ILO) conventions No. 138, Minimum Age; and No. 182, Worst Forms of Child Labor, have been ratified by RGC;
  - c. Ministry of Social Affairs, Veterans and Youth Rehabilitation (MoSAVY) Prakas (proclamation) No. 106 on the Prohibition of Children Working in Hazardous Places (28 April 2004).
11. The minimum age for employment under the Labor Law of 1997 is 15, with restrictions applied to employment of children aged under 18 (Article 177).
12. Chapter XI of the labor law guarantees workers' rights to form unions. The Labor Law includes provisions against discrimination for union membership and to regulate collective negotiation of pay and conditions.
13. The Labor Law (Article 107) provides for a guaranteed minimum wage, which is set by secondary legislation. To date, however, the minimum wage has been applied consistently only in the garment industry and is now being gradually extended to other sectors (check).
14. Overall, the Labor Law is a comprehensive document that meets many of the requirements of ESS2. A gap analysis matrix indicating correspondence between key ESS2 requirements and the Labor Law is presented as Annex 1. The identified gaps are:
- a. Labor Law requirements on worker's rights to clear terms and conditions of employment are restricted to enterprises with 8 or more workers, which is not consistent with ESS2;
  - b. Labor Law permits light work for children under the mandatory minimum employment age (15) in certain circumstances: this is not consistent with ESS2;

- c. Labor Law also provides that exceptions can be granted to restrictions on hazardous work by children aged 15-18; this is not consistent with ESS2.
- d. Further, prohibitions on child labor are applied only in formal employment contexts, while most child workers are in non-formal employment, to which ESS2 applies;
- e. Labor Law does not clearly specify that workers must have access to a grievance mechanism, which is required by ESS2;
- f. Labor Law does not include clear requirements for reporting of occupational health and safety incidents, as required by ESS2.

15. However, it should be noted that common employment practice in Cambodia frequently varies from the provisions of the Labor Law, which are not widely known or understood outside certain sectors such as the garment industry. Annex 1 identifies gaps between common practice and ESS2 requirements, including:

- a. Less formal enterprises may not be aware of rules relating to terms and conditions of employment. It is unlikely that employment cards (required by law) could be obtained for any type of temporary worker;
- b. No clear enforcement mechanism for rules on non-discrimination and equal opportunity. It is not clear that quotas for employment of people with disabilities are set by Sub-Decree (as required by the Law) and / or enforced in practice;
- c. Although the law guarantees workers' rights to unionize, labor unions are prominent in garment industry but not common in other sectors;
- d. Employment of children working alongside parents in agricultural labor is known to occur. There are persistent allegations that this is also a common practice in brick kilns, associated with debt bondage and hazardous working conditions. ILO-IPEC Time-Bound Program, 2004, targeted 10 locations / sectors including salt production, fishing, rubber plantations, brick industry, child domestic workers and child porters;
- e. Debt bondage is known to occur;
- f. Enforcement of safety standards is weak, especially in informal sectors and in the construction industry;
- g. Despite employers' legal liability for workplace accidents, only 11% of construction workers insured (Phnom Penh Post 09/01/2020).

16. Therefore, project measures will need to make good the gaps between Labor Law and ESS2, but also include measures to enforce compliance with Labor Law requirements where these are consistent with ESS2. Furthermore, when there are differences between national Labor Law and ESS2, the more stringent provisions will be applied. Annex 1 outlines these project measures, which are discussed in more detail in Sections 4 and 5 below.

### **2.3 Labor and Working Conditions Inspection**

17. The Labor Law establishes a labor inspection function under Ministry of Labor and Vocational Training (MoLVT). The mission of Labor Inspection is (Article 334):

- a. To ensure enforcement of the present Labor Law and regulatory texts that are provided for, as well as other laws and regulations that are not yet codified and that relate to the labor system;
- b. To provide information and technical advice to employers and to workers on the effective ways of observing the legal provisions;
- c. To bring to the attention of the competent authority any improprieties or abuses that are not specifically covered by the existing legal provisions;
- d. To give advice on issues relating to the arrangement or restructuring of enterprises and organisms that have been authorized by the administrative authorities and covered by Article 1 of the law;

- e. To monitor the enforcement of the legal provisions regarding the living conditions of workers and their families.

18. The Labor Law also makes “Labor Inspectors and Labor Controllers” responsible for inspection and enforcement of legislative provisions and regulations regarding health, working conditions and safety (Article 233).

19. Information on the current functioning of the labor inspection system is available from ILO<sup>1</sup>. MoLVT has separate departments for Labor Inspection and for OHS. At sub-national level, labor inspectors assume all the labor inspection functions without distinction, both OHS and working conditions. There appears to be no guidance from the central authority on how to plan and program inspection activities, leaving provinces to decide independently on their own inspection priorities and actions.

20. The National Social Security Fund has its separate team of labor inspectors.

#### **2.4 Labor and Working Conditions in Standard Contracting Frameworks**

21. RGC’s Procurement Manual for All Externally Financed Projects in Cambodia, curated by Ministry of Economy and Finance (MEF) is applied to procurement of works and services at national level in donor-financed projects and will be applied in LASED III. The General Conditions of Contract (GCC) for works include the provisions that

- a. The Contractor shall be responsible for the safety of all activities on the Site (Clause 9);
- b. During continuance of the contract, the Contractor and his subcontractors shall abide at all times by all labor laws, including child labor related enactments, and other relevant rules (Clause 13).

22. For small works contracted through local administrations (including in LASED II and potentially in LASED III) the procurement framework of the Commune-Sangkat Fund Project Implementation Manual (C/SF PIM) 2019 is applied. The contract conditions of this document do not specify provisions for labor and working conditions, but general provisions of Cambodian law are presumed to apply. National Committee for Sub-National Democratic Development – Secretariat (NCDD-S), which curates this document, is currently developing proposals to revise the document, including labor contracting provisions, to bring it into line with the Green Climate Fund Performance Standard on Labor and Working Conditions, which has similar requirements to ESS2. However, until this revision is completed, ESS2 requirements will be applied to fill in the gaps and it cannot be assumed that the revised edition of the C/SF PIM will adequately comply with ESS2 requirements.

#### **2.5 Lessons Learned from LASED / LASED II and Site Observations**

23. The LASED and the ongoing LASED II projects have a broadly similar scope of activities and labor management issues as are expected in LASED III.

24. The labor management procedures applied in LASED and LASED II projects, both for direct project workers and for contracted workers, do not fully meet the requirements of ESS2. There has been no systematic monitoring of the issue and consequently only limited lessons can be learned. For example, project worker labor management issues are not discussed in the project Mid-Term Review (MTR) report.

25. Basic human resources procedures applicable to direct project workers in the LASED II PIM do not include references to workers’ rights, OHS or a specific worker’s grievance mechanism. Labor management requirements for contractors are limited to very general provisions in standard contract

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<sup>1</sup> [https://www.ilo.org/labadmin/info/WCMS\\_209354/lang--en/index.htm](https://www.ilo.org/labadmin/info/WCMS_209354/lang--en/index.htm)



documents and are not systematically monitored. As an example of improved practice, it is noted that a Non-Governmental Organization (NGO) project partner, Life With Dignity (LWD), enforces a code of conduct for child labor and forced labor in works contracts.

26. Labor hire and management procedures of contractors, particularly for construction works, are fairly informal. It is observed that OHS standards, particularly provision and use of personal protection equipment (PPE), provision of safe scaffolding, etc., are not enforced at rural construction sites.

27. Most works at SLC sites involve a relatively small labor force which is brought to the site by the contractor (and may therefore be resident at the site while works are in progress). For some tasks, for example grass planting, contractors hire labor from within the beneficiary community. Some works at SLC sites were also carried out by community labor with payments in cash and rice. In both situations, women and men received equal pay and more women than men were employed. There have been no reports of child labor either in project reporting (though it is not clear that specific monitoring took place) or in discussions with focus groups and individual community members at SLC sites.

28. There was an incident at the Ti Po SLC site in Kampong Thom Province in which wages due to members of the SLC community, who were hired by a construction contractor (thus regarded as contracted workers for ESS2 purposes) were not paid, apparently for reasons related to abscondment of the site supervisor. The workers then blockaded the construction company equipment, leading to intervention by the local authorities and payment of the outstanding wages.

29. LASED and LASED II infrastructure sub-projects include schools, health facilities and other community buildings which make use of roof tiles manufactured in kilns in Cambodia. There are around 400 kilns employing between 5,000 and 6,000 workers, mainly in Phnom Penh and Kandal province. Some 31 per cent of kilns use modern technology with the rest using traditional technology based on burning firewood. Following concerns raised by the human rights NGO, Ministry of Labor and Vocational Training led a campaign of inspection of brick kilns in 2019. About 100 kilns were inspected by a MoLVT working group and the rest by Provincial inspection teams. One kiln was fined five million riel (equivalent USD 1250) for use of child labor and other kilns received instruction or were ordered to cease dangerous working practices. LICADHO (Cambodian League for the Promotion of Human Rights), a local NGO, applauded the inspection effort and recommended regular repeat inspections to prevent child labor and also checks on whether workers are indebted to the employer which was seen as driving the use of child labor in family work teams<sup>2</sup>.

### **3 SCOPE OF THE LABOR AND WORKING CONDITIONS PROCEDURES**

#### **3.1 Types of Project Worker and Applicability**

30. The LWCP will apply to staff other than civil servants who are employed directly by the project at project offices and at the SLC and Indigenous Community Land Title (ICLT) sites; employees of contractors and service providers; and project beneficiaries engaged in community works. Employees of direct suppliers to the project are considered as primary supply workers and are covered by provisions of the LWCP relating to prevention of child labor, forced labor and serious safety issues.

31. Members of beneficiary households engaged in household livelihoods activities (for example, farming on SLC or ICLT land) are not considered as project workers. However, insofar as the household livelihood activities are planned, enabled or facilitated through the project, project executing agency/implementing agency (EA/IA) and partner agencies will endeavor to ensure that relevant protections, particularly occupational health and safety and restriction of child labor, are extended to these activities.

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<sup>2</sup> Phnom Penh Post, 11<sup>th</sup> September 2019 <https://www.phnompenhpost.com/national/brick-kiln-fined-1250-exploiting-child-labour>

32. **Direct project workers** will include non-civil servant advisers support staff who sign individual contracts with MLMUPC as EA with national IA and with the Provincial Project Teams. Staff of NGOs acting as project partners may also be considered as within this category. The project will support one Commune Clerk Assistant per Commune, one Community Development Facilitator per community and one Community Agriculture Facilitator in each SLC and ICLT, who are also direct project workers.

33. **Contracted workers** (people employed or engaged by third parties to perform work related to core functions of the project) will include employees of construction contractors and service providers, and suppliers of goods in some circumstances (e.g. if the supply contract includes installation at a project site).

34. **Primary supply workers** are people employed or engaged by suppliers who, on an ongoing basis, provide directly to the project goods or materials essential for the core functions of the project. Importantly, workers of suppliers to construction contractors may be considered as falling within this category. This category includes workers in sectors where the Environmental and Social Management Framework (ESMF) has identified concerns about OHS standards, use of child labor and forced labor including commercial agriculture establishments supplying planting materials to the project, and workers producing construction materials including bricks and tiles.

35. **Community** members and project beneficiaries engaged in community labor, for example community works, whether paid or unpaid, are considered as **community workers**. ESS2 provisions are to be applied to community workers, providing labor on a voluntary basis, proportionately with (a) the nature and scope of the project; (b) the specific project activities in which the community workers are engaged; and (c) the nature of the potential risks and impacts to the community workers.

36. The following types of task will be considered as community work within LASED III:

- a. Community organization and educational tasks undertaken by individual community members on a voluntary basis and without a formal contract or remuneration from project funds (except for expenses);
- b. Work carried out on agriculture demonstration plots under the direction and supervision of project staff or consultants (e.g. a farmer field school group learning through a practical exercise on the demonstration plot);
- c. Community works tasks including earthworks, grass planting, tree planting, minor construction etc. where EITHER the work is unpaid OR any payment in cash or kind is directly from a project EA/IA or project partner and not from a contractor OR where payment is from a contractor who is obliged to employ community labor as a specific condition of the contract, with the objective of creating employment opportunities.

37. In all cases, community work tasks will be managed directly by or in cooperation with the Commune Council (for SLC sites) or indigenous community leaders (for ICLT).

38. In the case where a works contractor chooses to employ community members, for example for grass planting, when this is not a specific condition of the contract, those workers are to be considered as contracted workers not community workers.

39. Identification of project locations (SLC and ICLT) and sub-project activities will be demanded during implementation, so it is not possible to provide an accurate breakdown of categories, numbers or scheduling of project workers at this stage. Table 1 on the following page has been prepared in order to give an approximate indication of the numbers of workers in each category.

Table 1: Schedule of Project Workers By Category

Type of Worker	Base location	Estimated Number	Scheduling	Types of Work
<b>Direct Project Workers</b>				
Finance and Administration	Phnom Penh	12	Full project period	Office work, some field visits
	Provinces	8	Full project period	Office work, some field visits
Professional Advisers	Phnom Penh	30	Full project period	Office and field work
	Provinces	23	Full project period	Office and field work
Commune Clerk Assistant	Commune	71	Full project period	Office and field work
Community Development Facilitator	Commune	45	Full project period	Mainly field work
Community Agriculture Facilitator	Commune	26	Full project period	Mainly field work
<b>Contracted Workers</b>				
Professional Staff of service providers, for evaluation surveys etc.	Phnom Penh	Up to about 20	Short term / intermittent work	Office work and field surveys
Professional Staff of service providers to support livelihoods sub-projects	Provinces	Up to about 20	Short term / intermittent work	Trainings etc. delivered in at SLC/ICLT sites
Professional staff of engineering services firms		Up to about 100	Short term / intermittent work	Survey, design and construction supervision
Support staff of service providers	Phnom Penh	Up to about 50	Short term / intermittent work	Drivers etc., mainly in field
Staff of NGO partners	Province or Phnom Penh	?	Long term and short term staff	Professional work at province and in field
Professional / supervisory staff of works contractors	Provinces	Usually 1 – 5 per site	According to length of construction contracts, usually 1 month – 6 months, years 2-5	Works administration and technical direction
Skilled and semi-skilled construction worker staff of works contractors	Provinces	Up to 80 on larger contracts	According to length of construction contracts, usually 1 month – 6 months, years 2 - 5	Machine drivers, building foremen / technicians etc.
Unskilled construction labor hired from the community	Communes	About 100 pers, for few days only	Hired on day basis usually for short periods	Grass planting, other types of labor-intensive task
<b>Primary Supply Workers</b>				
Employees of suppliers of materials provided to SLC land recipients		Not known	Years 2 - 5	Building materials supplies, food supplies etc.
Employees of suppliers of agriculture materials used in demonstrations		Not known	Years 2 - 5	Agriculture input supplies Commercial farm laborer
Employees of direct suppliers of construction materials to works contractors		Not known	Years 2 - 5	Construction materials supply Manufacture of bricks and tiles Quarry work (crushed rock, gravel, sand)
<b>Community Workers</b>				
Community workers (non-manual)	SLC / ICLT	2 – 3 per site?	Ongoing, intermittent	Community volunteer, demonstration farmer etc.
Community workers (manual)	SLC / ICLT	Not known	Short-term tasks	MAFF propose community workers to dig test holes, 2 pers x 42 sites, 5 holes per site

40. The largest number of workers in any one category will be construction workers on works contracts. The project have prepared an estimate of the labor required for 18 packages of civil works in project years 2-5, totaling about 250,000 work-days. Table 2 provides a summary of this information.

*Table 2: Estimate of Contractors' Work-Force Work Days (provided by the project teams)*

Project Year	Number of Packages	Total Site Days	Total Labor-Days	Average Workers on 1 site
1	1	800	17,200	22
2	6	2,770	108,015	39
3	5	1,872	71,327	38
4	4	1,048	44,128	42
5	2	160	12120	76

## 4 ASSESSMENT OF KEY LABOR RISKS

### 4.1 Scope of Project Activities

41. Activities carried out by project workers in LASED III will include:
- a. Project administration and technical tasks carried out in project offices in Phnom Penh and target provinces (direct project workers and contracted workers in professional categories);
  - b. Participatory planning and community engagement tasks in proposed and actual SLC and ICLT communities in rural (often remote) areas of target provinces (direct project workers and community workers);
  - c. Land titling activities including surveying, mapping and demarcation of land proposed for SLC and ICLT (direct project workers and community workers, some contracted workers);
  - d. Implementation of livelihood support projects, mainly agriculture extension (direct project workers, contracted workers and community workers; primary supply workers may be involved in producing agriculture planting materials);
  - e. Construction of roads, irrigation systems, community buildings and other small-scale infrastructure sub-projects (mainly contracted workers including supervisory, technical, semi-skilled and nonskilled workers of construction contractors, and supervising engineers who will be professional staff of service providers).
42. Project locations will be selected during implementation on a demand-led basis. It is expected that most locations will be in the northeast provinces of Cambodia. Environmental and social conditions in these provinces and at example locations are described in the Environmental and Social Profile (ESP).

### 4.2 Occupational Health and Safety

43. No major risks are foreseen to direct project workers in project offices in Phnom Penh or Provinces. Labor management procedures required for compliance with the LWCP will be drafted and included in or annexed to the PIM (see Annex 3).
44. Travel to and work at project sites, which can be in remote areas, may expose direct project workers to OHS risks. These risks include (a) risk of road traffic accidents (RTA), particularly for workers travelling by motorcycle; (b) security risks including robbery; (c) risk of water-borne or vector-transmitted diseases including malaria and dengue; and (d) risk of snakebite and insect stings. There is also some risk that explosive remnants of war (ERW) are present at project sites. All project sites will be subject to a site-specific OHS risk assessment and management plans which will be described, with mitigation measures, in an Environmental and Social Management Plan (ESMP) for the site.
45. Risks to contracted workers in professional categories (e.g. staff of service providers) are similar to those applying to direct project workers. Service providers should be required to apply equivalent measures to ensure the safety of their staff.

46. Common labor management practice for management of manual workers and laborers, particularly in the construction industry, may result in exposure of workers to risks including (a) unclear or nonspecific terms and conditions of employment; (b) potential discrimination against women or members of other groups; (c) denial of workers' rights to organize; and (d) no access to a grievance redress mechanism. The ESHS specification will clearly state required standards in respect of each of these and compliance will be monitored as part of construction supervision.

47. Contracted manual workers and laborers, particularly in construction works, are likely to be exposed to significant occupational health and safety risks which are not adequately mitigated by common practices in the Cambodian construction industry. Risks are likely to include:

- a. Risks of workplace accidents, particularly when operating construction equipment, when working at height on building construction, and when handling heavy equipment and materials;
- b. Risks from exposure to hazardous substances (dust, cement, chemicals used in construction etc.);
- c. Risks associated with living conditions in site camps, which may include inadequate provision of water and sanitation as well as the risk that construction camps become locations for transmission of sexually transmitted diseases (STD) or expose workers to vector-transmitted diseases such as malaria and dengue and to risk of snakebites and insect stings;
- d. Potentially, risks from encountering ERW during construction works.

48. Potential health and safety hazards to community workers will depend on the types of task undertaken. In the main, these are likely to be non-hazardous. Potential risks could include:

- a. Risks arising if construction works, particularly construction of buildings and structures or deep excavations, are implemented through community works;
- b. Risks associated with the location, which could include risks of encountering venomous snakes and insects, and potentially ERW;
- c. For volunteers and facilitators who are not contracted and paid by the project EA/IA or implementing partners, and who may be considered as community workers in this context, the same risks associated with travel as apply to direct project workers.

### **4.3 Fair Treatment and Nondiscrimination**

49. Risks of unfair or discriminatory hiring practices could occur in hiring of direct project workers and in hiring of workers by contractors and primary suppliers (though this has not been specifically identified in LASED / LASED II implementation). Engagement of community workers could also be unfair or discriminatory, particularly where community work is rewarded with payments in cash or in kind or with other benefits.

### **4.4 Forced Labor and Restriction of Child Labor**

50. Most works carried out by contractors under LASED III will not be labor intensive and the incentive for contractors to employ child labor are small. No evidence of child labor or forced labor has been observed or reported in relation to works contracts in LASED II, albeit the issue has not been monitored systematically. However, a risk remains that child labor could occur, and the project will require measures to avoid this risk. Use of child labor (usually accompanied by parents) and debt bondage labor – often in highly dangerous conditions - has been documented at brick kilns in Cambodia<sup>3</sup>. Bricks and tiles for building construction in LASED III are likely to be sourced from local

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<sup>3</sup> LICHADO 2007: Child Labor in Brick Factories: Causes and Consequences. Also many more recent news articles.

producers. There is also a risk of children working alongside their parents as agriculture laborers at commercial farms that may supply agriculture planting materials could be obtained from suppliers that make use of child labor and / or debt bondage labor.

#### **4.5 Workers' Organizations**

51. Workers in the sectors considered as project workers (Section 3 above) are not commonly unionized in Cambodia and it is difficult to discern evidence of attempts to organize. There is a risk that, if project workers attempt to organize, they may find their right to do so denied or restricted.

#### **4.6 Workers Grievances**

52. The Labor Law does not appear to require that employers institute a formal grievance mechanism for employees, and it is unlikely that private sector contractors to the project will have a formal, pre-existing system or be aware of how to establish such a system. Therefore, project workers who encounter a workplace issue or wish to pursue a grievance may find they have no avenue to do so, or that they face retaliatory sanctions for doing so.

#### **4.7 Potential for Accidents and Emergencies**

53. In addition to RTA and work-related accidents as discussed above, areas of the target provinces are subject to periodic flooding. In limited areas, this may include flash flooding and sudden flooding associated with release of water from upstream dams. Forest fires occur in the target provinces but do not seem to constitute a major threat to safety: climate change could make this risk more severe. Windstorms and lightning strikes are also potential hazards in the target areas.

54. These risks will be assessed in relation to each project site as part of the ESMP and appropriate emergency response measures will be adopted as needed.

#### **4.8 Gender Based Violence**

55. Gender Based Violence (GBV) is a known risk in rural Cambodia and is often intra-household or intra-community in nature. GBV risks related to management of project workers might include:

- a. Potential risks to women project workers travelling in remote areas (management of this risk should not result in any discouragement of employment of women in relevant capacities); and
- b. Potential risks of GBV committed by contractors' workers, including those temporarily resident in site camps for construction works.

56. It is noted that no specific cases of GBV related to management of project workers in LASED or LASED II have been reported.

## **5 ROLES AND RESPONSIBILITIES FOR LABOUR AND WORKING CONDITIONS**

57. MLMUPC is the project executing agency (EA) with overall responsibility to ensure that the project commitments to Labor and Working Conditions Procedures (LWCP) are upheld. In addition, the Ministry of Agriculture, Forestry and Fisheries (MAFF), the project's implementing agency along with five Provincial Project Teams, NGO implementing partners and Commune Councils will also have responsibility to manage and monitor working conditions of workers employed in the project. Contracted workers will be engaged through contractors and service providers. Direct supply workers may be employed by suppliers contracted to the IA or to works contractors. Community workers and

community development facilitators will be directly managed by Commune Councils and community leaders with support from the Provincial Project Teams.

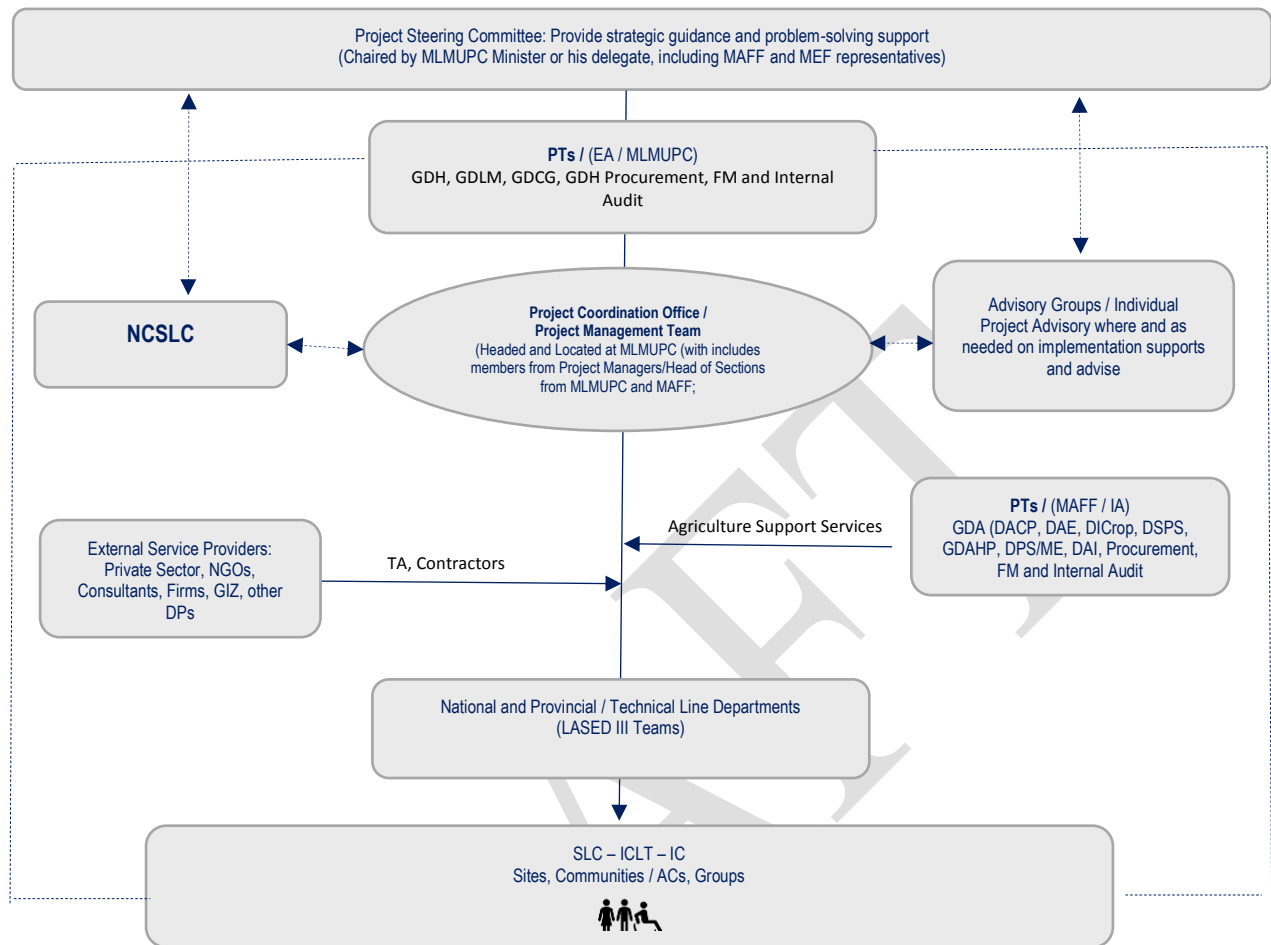


Figure 1: LASED III Project Implementation Structure

58. Direct project workers will be contracted by the EA, the IA, Provincial project teams, and NGO project partners, respectively.

59. In each case, the project director, project manager or senior official with ultimate responsibility for personnel management will be responsible for ensuring compliance with the LWCP. Day-to-day tasks will be undertaken by human resource officers and administrators according to the agency. Both senior managers and human resources administrators will require a thorough understanding of the LWCP.

60. Direct project workers at community level will be supervised by Commune chiefs and community leaders, with support from the Provincial Project Team. Officials with supervisory roles will be adequately training to have full understanding of the requirements of the LWCP. The Provincial E&S Risk Management Advisers will be responsible to monitor and report on labor and working conditions compliance for these workers.

61. Contractors and services providers at national level will be hired through National Competitive Bidding procurement procedures implemented by MLMUPC. However, in some cases, management of contractors and service providers will be the responsibility of MAFF or Provincial Project Teams.

62. Supervision engineers for works contracts will be engaged through engineering services firms. These supervision engineers will be responsible for verifying compliance with contract conditions

related to labor and working conditions, which will be set out in an Environmental, Social, Health and Safety (ESHS) Specification.

63. Commune Councils will be responsible for engaging and managing contractors for small works, with support from the Provincial Project Team. The Provincial Infrastructure Adviser will be responsible for contract supervision.

64. Contractors and service providers will be responsible for compliance with LWCP for their employees, including professional staff, full-time technical and manual workers, and casual employees who may include members of SLC and ICLT communities. Contractors and service providers will be bound by ESHS Specifications which will include labor and working conditions provisions. Compliance with the ESHS specification will be a condition of payment and will be monitored by contract supervisors. For works contracts, supervision engineers employed by technical service providers will be responsible for certifying compliance with the ESHS specification. These supervision engineers, as well as the supervisory staff of the contractors, are likely to require training in order to be able to perform this function.

65. MLMUPC will develop OHS standards for the project as a whole and will monitor their implementation through the IA project partners, contractors and communities. The project Social Risk Management Adviser will have primary responsibility for this task and will be assisted by E&S Risk Management Focal Points at the IA and E&S Risk Management Focal Points in project partner agencies.

66. MLMUPC, through the Social Risk Management Adviser, will oversee preparation of training materials and awareness raising materials for labor and working conditions risk management. MLMUPC will ensure that required trainings are delivered, either directly by MLMUPC or by the IA. MLMUPC will report on the delivery and effectiveness of the training program.

67. MLMUPC will establish and oversee the Workers Grievance Mechanism (Section 8 below).

## **6 POLICIES, PROCEDURES AND RISK MITIGATION MEASURES**

### **6.1 Labor Management Procedures**

68. MLMUPC will adopt and have overall responsibility to ensure compliance with the following instruments:

- a. Child Labor and Forced Labor Procedures (see Annex 2)
- b. OHS Strategy for Direct Project Workers
- c. Terms and Conditions for Employment of Direct Project Workers
- d. Environmental, Social, Health and Safety Specifications which will include enforceable contract conditions for employment, management and occupational health and safety of contracted workers. Three versions will be produced, (a) for use with service provider contracts; (b) for use with nationally procured works contracts; and (3) a simplified version for use with small works contracts procured at Commune level;
- e. Community Labor Management Procedure;
- f. Workers' Grievance Redress Mechanism (Section 8).

### **6.2 Site-Specific OHS Risks and Management Plans**

69. For each project location, an ESMP will be prepared based on E&S risk screening. The ESMP will identify specific risks, including OHS risks, at the project location.



70. E&S risk screening will be carried out for all livelihoods and infrastructure sub-projects. All infrastructure sub-projects, and livelihoods sub-projects where significant risks are identified, will have a sub-project ESMP which will include OHS measures as needed.

71. Works contractors will be required to prepare a site-specific OHS plan for site works, including (a) assessment of risks including work accidents, hazardous substances, risks associated with the location; risks related to site camps etc.; (b) measures to ensure safe working around construction machinery; (c) measures to ensure safe working at heights; (d) measures to ensure safe handling of hazardous materials; (e) personal protection equipment to be provided, including type and number; and (f) employment of any workers aged 15-17; (g) , identifying the workers and the tasks they will be responsible for; (g) location, facilities and layout of site camps; (h) first aid provisions on site; and (i) accident and emergency procedures including location of relevant health facilities. Engineering supervisors will work with works contractors to prepare and finalize these OHS plans.

72. MLMUPC will develop and adopt a Community Labor Management Procedure which will include a site-specific OHS risk assessment procedure for any activity involving collective tasks by community workers (e.g. community-based works). The risk assessment will be carried out in advance with assistance of the Provincial E&S Risk Management Adviser. Tasks not consistent with the risk management measures for community workers (Section 6.6 below) will be excluded. A risk management plan for the community work task will be adopted in accordance with Section 6.6 below.

### **6.3 Direct Project Workers**

73. MLMUPC as EA will establish an occupational health and safety (OHS) strategy for all direct project workers including those employed at national provincial and commune or community levels. The strategy will identify potential health and safety hazards associated with project work, particularly including risks of travel to remote sites. Project direct workers will be consulted for their inputs and health and safety concerns. The OHS strategy will identify appropriate mitigation measures. E&S Risk Management Advisor of the national project team will be nominated as OHS Focal Point and will manage the OHS strategy and to update it as needed. The OHS strategy will include a reporting system with a register of health and safety incidents (accidents and other incidents affecting workers' health and safety) which will be centrally maintained by the OHS focal point.

74. OHS strategy will include specific measures to ensure the safety of workers travelling to remote sites, including (1) project cars to be driven by professional drivers only; (2) compulsory helmet use for drivers and passengers on project motorcycles at all times, and on private motorcycles when used for project-related tasks; (3) travel by motorcycle for project-related purposes to be in daylight hours only; and (4) measures to monitor, anticipate and avoid potential security risks while travelling, including liaison with local police and authorities and encouraging project workers to share any concerns they may have.

75. Project workers in remote areas will receive health and safety training including prevention of infection through contaminated food and / or water and or through vector-borne diseases and avoidance of snakebites and insect stings. Site-specific risks will be assessed as part of the ESMP which will include plans for emergency evacuation and identification of emergency health facilities. If necessary, stocks of snakebite antivenom will be maintained at project sites, or availability otherwise ensured.

76. ERW risks will be assessed for all sites with the assistance of Cambodia Mines Action Centre / Cambodia Mines Action Authority and appropriate risk mitigation measures adopted.

77. Terms and Conditions for Employment of Direct Project Workers will require that all EA/IA and project partner agencies adopt and monitor a nondiscriminatory hiring policy. Implementation will be monitored by MLMUPC, with all IA and partner agencies required to report.

78. The Terms and Conditions for Employment of Direct Project Workers will reaffirm the rights of all project workers under the Labor Law, including the right to organize.

#### **6.4 Contracted Workers**

79. The ESHS Specifications will be included in contract documentation for all contracts under which contracted workers will be employed. Compliance with the ESHS Specifications will be mandatory and will be verified by the supervising official or engineer, as part of the payment approval process. The ESHS Specifications will include the following provisions:

- a. Ensuring workplace health and safety standards in full compliance with Cambodian law, at a minimum, and including (1) basic safety awareness training to be provided to all persons as a pre-condition for presence at an active construction site; (2) all vehicle drivers to have appropriate licenses, and all construction equipment operators to be trained including in safety procedures; (3) Safe management of the area around operating equipment (e.g. turning circle of excavators), including stationing a flag-person where necessary; (4) all workers on construction sites to be equipped with hard helmets, safety boots and protective gloves; (5) secure scaffolding and fixed ladders to be provided for work above ground level; (6) First aid equipment and facilities to be provided in accordance with the Labor Law; (8) at least one supervisory staff trained in safety procedures to be present at all times when construction work is in progress; and (9) adequate provision of hygiene facilities, resting areas etc.
- b. All workplace health and safety incidents to be properly recorded in a register which will be shared with the supervising engineer. The format for this register will be provided with the ESHS and will include (1) time and place of incident; (2) type of incident; (3) type of injury or other impact occurring, and number of workers affected; and (4) actions taken (first aid, evacuation etc.).
- c. All workers to be covered by insurance against occupational hazards;
- d. All work sites to have a health and safety plan including identification of potential hazards and actions to be taken in case of emergency, including location of accident and emergency facilities;
- e. Any on-site accommodation to be safe and hygienic, including provision of an adequate supply of potable water, washing facilities, sanitation, accommodation and cooking facilities. Location and layout of site camps to be agreed with construction supervisors and risk assessment conducted. The EBRD / IFC Guidance Note on Workers' Accommodation: Processes and Standards<sup>4</sup> should be used as a benchmark for acceptable quality of on-site accommodation for contracted workers;
- f. Workers residing at site accommodation to receive training in preventing prevention of infection through contaminated food and / or water and or through vector-borne diseases; and in avoidance of sexually transmitted diseases.
- g. Fair and nondiscriminatory employment practices. Where contractors hire workers from the beneficiary community, disadvantaged and vulnerable community members are to have equal access to opportunities. Where large numbers of community members are employed, childcare facilities to be provided.
- h. Employment of children to be restricted in accordance with Section 7 below and with the Child and Forced Labor Procedure (Annex 2)
- i. Construction materials manufactured in Cambodia be procured only from suppliers able to certify, supported by Ministry of Labor inspection, that no forced labor (including debt bondage labor) or child labor (except as permitted by the Labor Law) has been used in production of the materials;
- j. All employees to be aware of their rights under the Labor Law, including the right to organize;

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<sup>4</sup> International Finance Corporation (IFC) and European Bank for Reconstruction and Development (EBRD) 2009: Workers' Accommodation: Processes and Standards.

- k. All employees to be informed of their rights to submit a grievance through the Project Worker Grievance Mechanism.

80. Monitoring compliance with the ESHS Specification including LWCP requirements will be treated as a core component of contract supervision which will be the responsibility of the supervising engineer (works contracts) or supervising project official, who may be staff of any of the project EA/IA or partners agencies. Certification that these conditions have been complied with will be a condition for release of payment. In any case where breach of these conditions is identified, the supervisor will issue a written notice instructing corrective action. In case of a serious and immediate risk to health and safety in construction works, works on the site will be suspended until the corrective action is taken. In less urgent cases, works on the site will be suspended after 7 days if the corrective action has not been taken.

81. Where project beneficiary communities are engaged as contracted workers, the responsible EA/IA together with the Commune Council and community leaders will adopt additional measures to ensure that vulnerable and disadvantaged members of the community have the opportunity to benefit. These measures will be implemented by Commune Councils and community leaders with the support of the Provincial Project Team. The E&S Risk Management Advisers will monitor and report on employment of workers from the project beneficiary communities. Reporting will include details of age group, gender, ethnicity and employment of people with disabilities. Contractors employing large numbers of workers from the community will be required to provide childcare services (i.e. by hiring community members specifically for this task) in order to ensure that women with childcare responsibilities are not excluded.

#### **6.5 Primary Supply Workers**

82. The Child Labor and Forced Labor Procedure (Annex 2) includes provisions to ensure that primary supply workers are employed in conditions that comply with ESS2 and Cambodian labor law on employment of children and on prohibition of forced labor including debt bondage. Compliance with these provisions is to be considered as a condition of any contract or sub-contract within LASED III scope of activities.

83. For primary supply workers of suppliers to construction contractors, compliance will be included in the obligations of the contractor, as outlined above. In the known risk case of bricks and tiles produced at Cambodian kilns, the contractor will be required to verify compliance through direct inspection or by obtaining a certificate of compliance Ministry of Labor inspectors.

84. Project EA/IA or implementing partners will be responsible to ensure compliance of suppliers from whom they purchase directly. In the known risk case of suppliers of agriculture planting materials, verification will be by direct inspection or by obtaining a certificate of compliance Ministry of Labor inspectors.

#### **6.6 Community Workers**

85. As required by ESS2, all EA/IA and project partner agencies initiating community work tasks will take measures to ensure that community work labor is provided on a voluntary basis as the outcome of an individual of community agreement. EA/IA and project partner agencies will apply relevant provisions of ESS2 in a manner that reflects and is proportionate to (a) the nature and scope of the project; (b) the specific project activities in which the community workers are engaged; and (c) the nature of the potential risks and impacts to the community workers.

86. Accordingly, MLMUPC will prepare and adopt a Community Labor Management Procedure that will include the following provisions:

- a. Establish terms and conditions, including amount and method of payment, for each category of community workers;
- b. Establish a procedure for health and safety risk assessment to identify any OHS risks that may arise from the proposed tasks. Prepare an OHS risk management plan for the task with relevant avoidance and mitigation measures to be taken, which may include, inter alia, (1) provision of workplace safety equipment; (2) provision of workplace first aid facilities; (3) ensuring that community members are not required to undertake hazardous tasks such as operating vehicles and equipment without appropriate training; and (4) ensuring that a trained supervisor is present when any potentially hazardous task is undertaken;
- c. For all community work tasks, identify actions to be taken in an emergency, including provision for transport of casualties to an accident and emergency facility;
- d. For all community work tasks, identify a focal point or community development coordinator responsible for health and safety during the community task, who will receive appropriate training and who will maintain a register of any health and safety related incidents that arise;
- e. Prohibit potentially dangerous types of construction work including (1) operating any type of ride-on construction equipment; (2) construction work above ground level; (3) construction work in excavations greater than shoulder depth; (4) handling hazardous materials (cement is acceptable);
- f. Prohibit participation of children below the age of 15 in community work tasks.
- g. Children aged 15-17 will not be employed or engaged in connection with the project in a manner that is likely to be hazardous or interfere with the child's education or be harmful to the child's health or physical, mental, spiritual, moral or social development.

## **7 AGE OF EMPLOYMENT**

87. In accordance with Cambodian law, the minimum age for employment for any category of project worker is 15.

88. Children under the age of 18 will not be employed as direct project workers under any circumstances.

89. Children aged 15-17 will not be employed or engaged in connection with the project in a manner that is likely to be hazardous or interfere with the child's education or be harmful to the child's health or physical, mental, spiritual, moral or social development. Subject to this general requirement, children aged 15-17 will only be employed as contracted workers under the following conditions:

- a. The identity, age and proposed role of the child worker will be notified to the supervising official or engineer in advance;
- b. Children aged 15-17 will not work unsupervised at any time;
- c. Children aged 15-17 will not be employed in any capacity in construction of buildings and structures, or any capacity that requires entering excavations more than shoulder-deep;
- d. Children aged 15-17 not to be employed in any capacity that requires handling of potentially hazardous construction materials, including cement;
- e. Children aged 15-17 who are enrolled in school are not to be employed during school hours.

90. Direct suppliers of materials to the project will be required to comply with Cambodian law regarding employment of child labor, in production, handling and transport of any materials supplied to the project or to its contractors.

91. Children aged below 15 years may not participate in community work tasks. Restrictions on community work by children aged 15-17 are listed in paragraph 85 above.

92. EA/IA and project partner agencies will be responsible to verify and monitor the age of project direct workers before start of employment. Normally this will be done through a check of national ID card.

93. Contractors will be responsible to verify and monitor the age of contracted workers. Supervising officials and engineers may request proof of age of any worker suspected to be under 15, or under 18 and carrying out a task not permitted for this age group.

94. All direct supplies to the project will be informed that compliance with Labor Law provisions on child labor and World Bank's requirements under ESS2 are mandatory condition of the contract. Additional verification will be undertaken for the following known high-risk sectors;

- a. Commercial agriculture plantations in Cambodia, supplying planting materials to the project;
- b. Kilns manufacturing bricks and tiles for supply to the project.

95. Verification may be undertaken by EITHER:

- a. Direct inspection of the premises of the supplier, with the presence of the Provincial E&S Risk Management Adviser; OR
- b. Provision of a certificate issued by Ministry of Labor / Provincial Department of Labor, certifying that the premises of the supplier has been inspected and no breaches of Cambodian law on child labor or forced labor have been found.

96. A breach of these minimum age of employment provisions by a project implementing partner, if intentional or arising from a failure to carry out mandatory checks, will lead to cancellation of the partnership agreement. A breach by a contractor, if intentional or arising from a failure to carry out mandatory checks, will lead to termination of the contract.

97. If it is established that the breach occurred despite the contractor, supplier or partner agency conducting mandatory checks in good faith (e.g. the worker submitted false evidence of age) the contract or partnership agreement will be suspended until full and effective compliance with prohibitions on child labor and forced labor has been verified. Further payment for any part goods supplied or works or services completed with the use of child labor or forced labor will be withheld.

98.

99. Verification of compliance with child labor restrictions by suppliers in high-risk sectors (above) is to be completed before supplies are delivered to site or payment is made. For construction works by contractors, no payment will be made for any part of the works constructed using bricks or tiles unless compliance with child labor restrictions by the supplier has been verified.

100. These provisions will be included in the Child Labor and Forced Labor Procedures to be adopted by MLMUPC and enforced in all components of the project (Annex 2).

101. Any case of breach of child labor and forced labor restrictions are considered as severe incidents and as such must be notified to World Bank Task Team Leader within 48 hours. World Bank will have the right to review the adequacy of any sanctions applied.

## **8 WORKER GRIEVANCE MECHANISM**

### **8.1. Project Workers**

102. MLMUPC will establish a worker grievance redress mechanism (WGRM) that will be accessible to project direct workers and contracted workers. The WGRM is separate from the project Grievance Redress Mechanism described in the Stakeholder Engagement Plan (SEP).

103. The purpose of the WGRM is to address workplace concerns promptly, using an understandable and transparent process that provides timely feedback to those concerned in a language they understand, without any retribution. The WGRM will operate in an independent and objective manner.

104. All project direct workers and contracted workers will be informed of their right to access the WGRM, and contact details for the relevant focal point to whom grievances should be addressed in the first instance.

105. Project partner agencies and contractors may establish their own worker grievance redress mechanism and may advise workers to address grievances to this internal mechanism in the first instance but must make workers aware of their right to access the WGRM. Use of an internal grievance redress mechanism will not be a precondition for a grievance being considered by the WGRM.

106. All EA/IA, including Provincial Project Teams, and project partner agencies will appoint Focal Points for the WGRM. Contact details for the Focal Point will be disseminated to workers. Workers options for submitting a grievance to the Focal Point must include (1) the regular duty station office location where the Focal Point may be met in person or mail delivered; (2) a telephone number (the Project will provide a dedicated number for this purpose) and hours during which the number will be active; and (3) a social media account where grievances may be submitted (this should be operated in a way that does not make grievances submitted visible to other users).

107. On notification of a grievance, the Focal Point will record the grievance in a standard format and copy the record to a central register which will be managed by the MLMUPC Focal Point for the WGRM.

108. The WGRM Focal Points will not share the WGRM grievance register with any other person, except for the details required for investigation and resolution of the grievance. The MLMUPC Focal Point for WGRM will prepare summary data on grievances handled and outcomes for reporting purposes.

109. The first step in investigating any grievance, within seven days of notification of the grievance, will be for the WGRM Focal Point who has received the complaint, together with the Provincial E&S Risk Management Adviser, to meet with the complainant. The complainant may bring a representative or helper of his / her choice to this meeting. The meeting participants will jointly examine the complainant's terms and conditions of employment to determine whether the grievance is valid. The complainant will then decide whether he/she wishes to proceed to the second step.

110. The second step will be to notify the employer (the director of the relevant EA/IA, project partner agency, or contractor) of the grievance and invite the employer to participate in a meeting to review the grievance, to be held within fourteen days after the initial notification of the grievance. The employer may choose to rectify the grievance at this stage. If the complainant notifies the Focal Point that the grievance has been rectified to his / her satisfaction, the meeting can be cancelled.

111. The participants in the grievance review meeting will be (1) the director of the responsible EA/IA or project partner agency, as chair; (2) the employer or his / her representative; (3) the complainant, who may bring his/her chosen representative or helper; (4) the Focal Point for the GRM; and (5) the Provincial E&S Risk Management Adviser (in a target Province) or the national Social Risk Management Adviser (in Phnom Penh). In the case that the direct employer is the director of the responsible EA/IA or project partner agency, the meeting will be chaired by a senior official of MLMUPC. The Risk Management Adviser will be responsible to prepare for the meeting by carefully examining the grievance and the complainant's Terms and Conditions of employment and will give his/her opinion on the validity of the grievance. Where facts are in dispute, the meeting may choose to invite witnesses for questioning. At the end of the meeting the chair of the meeting will give his/her recommendation for resolution of the grievance.

112. If the recommendation of the EA/IA or partner agency is not accepted either by the employer or by the complainant, the grievance will be referred to the project-level WGRM Grievance Committee. The complainant will be invited to put their complaint directly to the committee and the costs of doing so (e.g. travel costs) will be paid by the project. The grievance committee will then decide what further action is needed. The decision of the WGRM Grievance committee will be regarded as mandatory for internal project purposes; i.e. the employer of the complainant will be obliged to comply. If the employer is a contractor, compliance will become a condition for release of further payments under the contract.

113. At the conclusion of the grievance procedure, a letter will be issued by the chair of the relevant grievance committee (project or agency level, depending on the stage the grievance has reached) informing the complainant that the procedure is closed and recording the result. Except in the case that the grievance procedure is concluded (at the decision of the complainant) before notifying the employer, the letter will be copied to the employer.

114. The result of the grievance procedure will be recorded in summary form in the WGRM register which is consolidated at national level by the national WGRM focal point.

115. All documents related to the grievance procedure will be retained in a confidential file by the WGRM focal point at Province or agency level until the grievance procedure is completed. After that the file will be passed to the national WGRM focal point for safekeeping.

116. No sanctions or retaliation of any kind are to be applied to a complainant as a consequence of having raised a complaint. Sanctions or retaliation by a contractor against a contracted worker who raises a grievance, or undue pressure to withdraw the grievance, constitute breach of contract.

117. The project worker grievance mechanism does not in any way limit the right of the project worker to seek recourse through other channels including the courts.

118. The WGRM process is depicted in Figure 2.

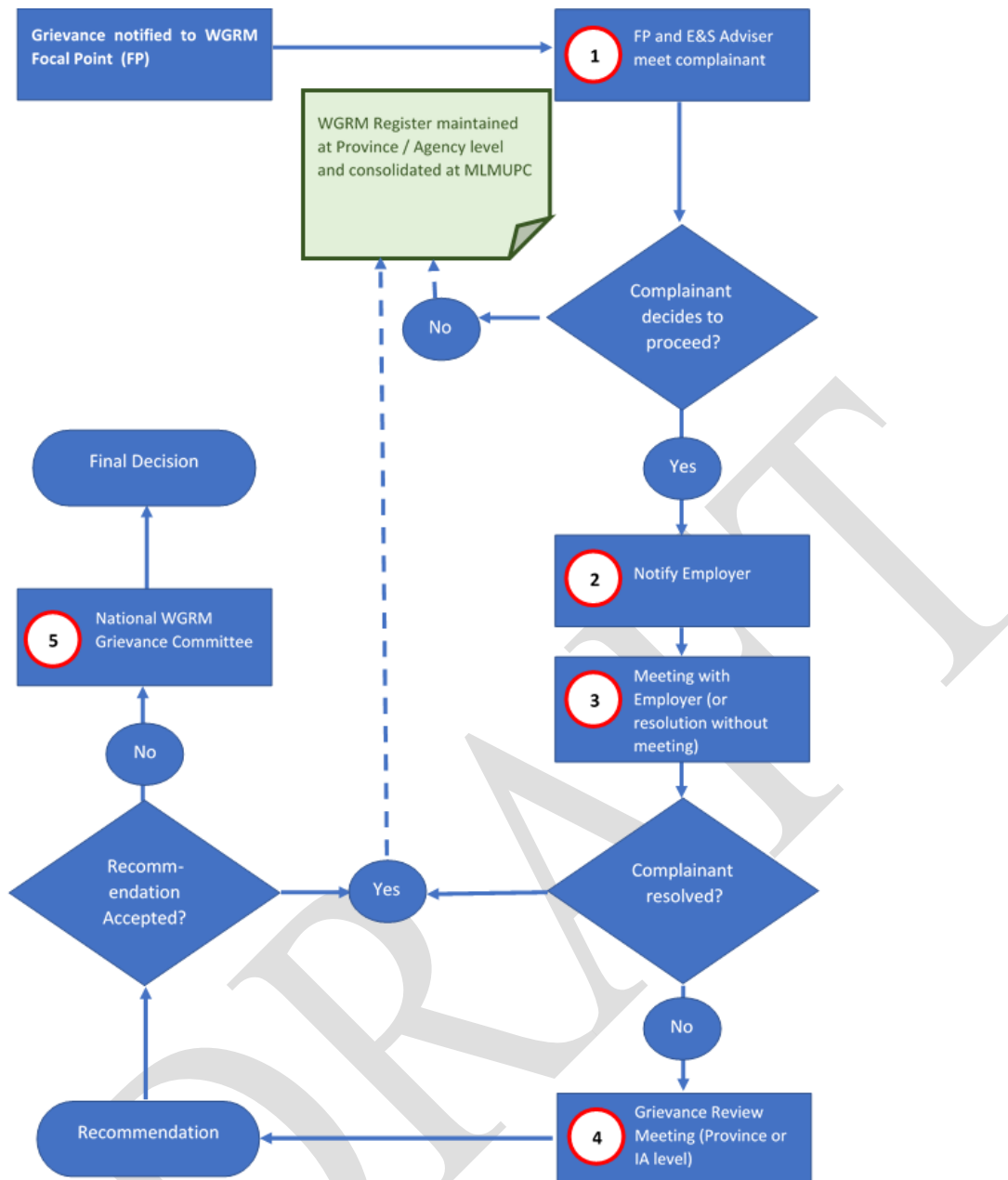


Figure 2: Worker Grievance Redress Mechanism Process

### 8.1 Grievance Mechanism for Community Workers

119. Community workers, who will be members of the project beneficiary communities, will have access to the general project Grievance Redress Mechanism (GRM) which is defined in the SEP. Key features of the GRM are (1) a national Grievance Redress Committee (GRM); (2) Provincial Grievance Redress Committees (PGRM) in each Province, including representatives of SLC and ICLT communities; and GRM focal points in each implementing agency. Grievances may be submitted by any suitable method and all project staff will be trained to record grievances and to advise complainants of their rights. All grievances will be recorded in a national register. The grievance investigation and redress system is illustrated in Figure 3.



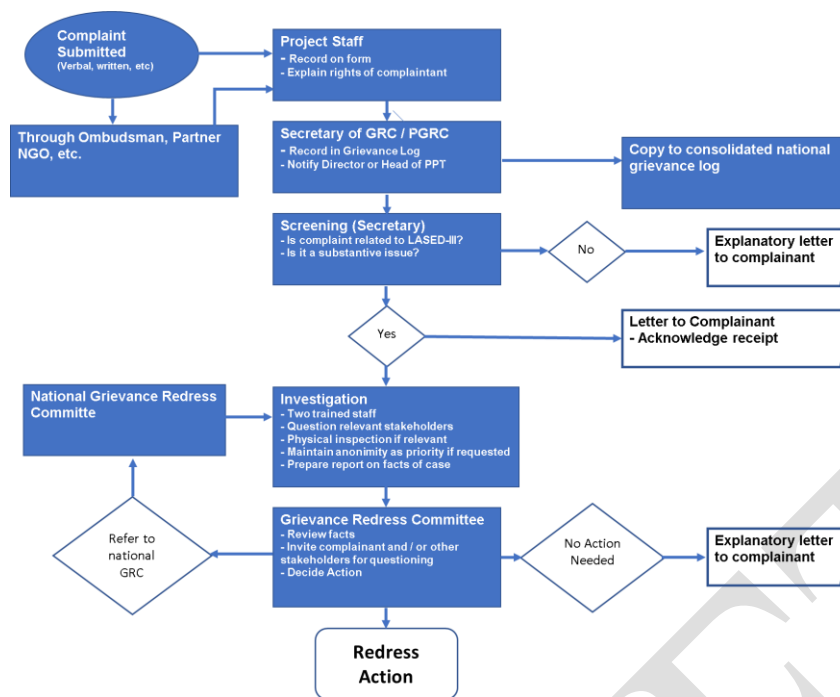


Figure 3: Project Grievance Redress Mechanism (in SEP)

339. Indigenous People will be provided with additional assistance to ensure they have equal access to the GRM. The project will support and pay the costs of a facilitator chosen by the IP and conversant in the IP language or dialect, to serve as an advocate for the complainant. Grievances related to matters internal to the IP community will be handled within the IC, following culturally acceptable dispute resolution processes, in the first instance.

## 9 MONITORING, EVALUATION AND REPORTING

120. MLMUPC will monitor implementation of the LWCP and systematically report on activities and outcomes in a dedicated section of the periodic and annual project reports.

121. Reporting will include:

- a. Awareness raising materials produced and trainings undertaken;
- b. Outcomes of recruitment of direct project workers by age group, gender and ethnicity;
- c. Records of the project direct worker grievance mechanism;
- d. Recording of occupational health and safety incidents. These are to be systematically recorded and reported through the responsible EA/IA or project partner agency in a standard format including (1) type of incident; (2) severity class of incident (major, moderate, minor); incident classification (e.g. fatality, illness, medical treatment, etc.), and notification timeframe (e.g. Immediately, within 72 hours, etc.).
- e. Cases of serious breaches of contractors' obligations under the LWCP, and remedial actions taken.

122. The effectiveness of implementation of the LWCP will be evaluated by an independent evaluator as part of the ESS Audit described in the ESMF and ESCP. This evaluation will include confidential interviews with project workers in all categories to determine their awareness of their workplace rights and their experience of working conditions under LASED.

## 10 CAPACITY BUILDING

123. The provisions outlined in these LWCP are in most respects consistent with the requirements of the Labor Law 1997, with only limited additional provisions (for example, the Worker Grievance Redress Mechanism) to meet the requirements of ESS2.

124. However, the provisions of these LWCP considerably exceed actual practice in labor management in Cambodia, particularly in the Cambodian construction industry. It must be anticipated that labor managers in LASED III EA/IA, project partner agencies, contractors and suppliers, and particularly local construction contractors will find it challenging to meet these obligations. To address this, the project will develop and deliver trainings and simple awareness raising materials.

125. Key project personnel who will require training include:

- a. Human resources staff or administration staff responsible for recruitment of direct project workers;
- b. Procurement staff;
- c. Provincial E&S Risk Management Advisers;
- d. E&S Risk Management Focal Points in each EA/IA and each Province, and E&S Risk;
- e. Management Focal Points in each project partner agency;
- f. Staff, consultants and consultants' staff acting as contract supervisors and responsible for monitoring compliance with the policy.

126. Capacity building and awareness activities are covered under the proposed budget in the umbrella instrument, ESMF. Provincial E&S Risk Management Advisers will train Commune Councilors, community leaders and others in the application of this Procedure to community work tasks.

127. MLMUPC will develop and deliver a short training course for contractors and / or contractors site managers, explaining the obligations of the contractor as set out in the ESHS Specifications. Attendance at this course is to be a pre-condition for bidding for LASED works contracts. Supervising engineers are also to attend these courses. Courses will be delivered at national level by the Social Risk Management Adviser and at Provincial level by the Provincial E&S Risk Management Adviser.

128. MLMUPC will also prepare a simple booklet, in accessible Khmer language and with easily understood illustrations, explaining the requirements of the LWCP as applicable to contracted workers in the project. The booklet will include details of the Worker Grievance Redress Mechanism. This booklet will be disseminated to all project direct workers.

## 11 STAKEHOLDER CONSULTATION AND DISCLOSURE OF THE LWCP

129. Consultation with stakeholders on LASED III ESF instruments including these LWCP will be undertaken in parallel with appraisal – after the documents have been publicly disclosed that will be on late April 2020. Disclosure and consultations will need to be planned to take place with interested and affected stakeholder in the northeast provinces (where most IP Communities, including all those that have received ICLT to date, and most existing SLC are located) as well as in Phnom Penh. In view of government measures to avoid the spread of COVID-19 to transfer face-to-face consultations to virtual consultations to the extent possible and appropriate. The proposed LASED III consultation during COVID 19 would be organized as following the WB financing project a 3-way approach including online, phone calls / emails and commune office.

### A. Online:

- Implementing agencies (IAs) including MLMUPC, MAFF announce the documents are online on their website and other online sources (such as Facebook page) providing links to documents. This also includes translation into Khmer executive summaries of

documents, GRM and Table 10 on ESMFs (summary of risks/impacts and mitigation measures). MLMUPC produces a short 5-10 min video (or audio) explaining the project, impacts, mitigation measures, GRM, where documents can be found online and how to share concerns/comments/questions.

**B. Phone Calls:**

- IAs designate SEO staff to quickly draw up a list of participants/affected people from project area and their telephone numbers -- ensuring there is a good representation of women in the list.
- During each phone call, the SEO team can brief each person (participant) on the project, potential impacts and risks as well as mitigation measures, grievance redress and contact info, and ask for their feedback. They can also send a link via SMS, after the phone call, with the Facebook and YouTube (if have) pages and links of the documents. Participants can also be asked to forward the information to their neighbors.

**C. Commune Office:**

- All translated documents, including GRM and Table 10 of ESMF (summary of risks/impacts and mitigation measures), to be made available at commune office. Posters letting people know of documents can also be posted in visible locations such as outside of schools, pagodas and markets.

**D. Documentation and Feedback**

- a. In phone calls and Facebook/website, IA to establish a clear deadline to receive the feedback of the draft documents.
- b. As comments/questions get posted, for these to be included on Facebook site so other people can also see them (since in consultation people get to hear other people as questions).
- c. Based on the feedback, prepare a Consultations Report, noting the method used and comments/questions received.

130. A record of stakeholder engagement consultations and key issues is presented as Annex 11 to the SEP.

## ANNEX 1: GAP ANALYSIS OF THE LABOR LAW (1997) VS. ESS2 REQUIREMENTS

ESS2 REQUIREMENT	LABOR LAW	KEY GAPS	COMMENT ON PRACTICE	PROJECT MEASURES
Terms and Conditions of Employment	<p>Employer must keep a copy of the Labour Law at disposal of workers (Art.14)</p> <p>All enterprises with 8 or more workers to establish and display internal regulations (Sect. III)</p> <p>All workers to have employment cards (except seasonal farm workers)</p> <p>Contracts can be written or verbal (Art. 65)</p>	Limitation to enterprises with 8 or more workers is not consistent with ESS2	<p>Less formal enterprises may not be aware of these rules.</p> <p>Unlikely that employment cards could be obtained for any type of temporary worker</p>	<p>Project direct workers will have clear terms and conditions of employment.</p> <p>Contractors to be required to comply with Labour Law provisions.</p>
Non-Discrimination and Equal Opportunity	<p>Labour Law (Arti.12) prohibits discrimination</p> <p>Law on the Protection and the Promotion of the Rights of Persons with Disabilities (2009), Chapter 7 prohibits discrimination and mandates a quota system for employment of people with disabilities.</p>		<p>No clear enforcement mechanism</p> <p>Not clear that quotas for employment of people with disabilities are set by Sub-Decree (as required by the Law) and / or enforced in practice.</p>	<p>Non-discrimination and equal opportunity to be applied to employment of project direct workers.</p> <p>Fair and non-discriminatory employment practices to be required for contracted workers. Where contractors hire workers from the beneficiary community, disadvantaged and vulnerable community members are to have equal access to opportunities. Where large numbers of community members are employed, childcare facilities to be provided.</p>
Rights to Organise	<p>Chapter V provides framework for collective labour agreements</p> <p>Chapter XI guarantees right to form a union (except public employees)</p>		Labour unions are prominent in garment industry but not common in other sectors	WGRM will be available to workers who are denied their right to organise
Prevention / restriction of child labour	Minimum working age is 15 (Art. 177), but children aged 12-15 can be hired for light work that does not interfere with	ESS2 does not permit light work for children under minimum	Employment of children working alongside parents in agricultural labour is known to occur. There are	No children aged under 15 to be employed under any circumstances (including community work).

	<p>schooling. Prakas 002 (2008) details permitted types and hours of light work.</p> <p>Workers under 18 not permitted to undertake hazardous work (Art. 177)</p> <p>Workers under 18 not permitted to work at night (but many exceptions, Art. 175)</p> <p>Ministry of Labour can permit exemptions from minimum working age provisions (Art. 177)</p> <p>Prakas 106 (2004) provides a list of hazardous tasks prohibited to child workers except with permission from MoLVT. Prohibited list includes work at construction sites except for “designated safe areas”</p>	<p>employment age (15 in Cambodia)</p> <p>Exception in case that hazardous work is permitted in advance by MoLVT (Art 177 and Prakas 106) does not appear to be consistent with ESS2</p> <p>ILO (2014) note that prohibitions on child labour are applied only in the context of formal employment, whereas most child workers are in non-formal work agriculture</p>	<p>persistent allegations that this is also a common practice in brick kilns, associated with debt bondage and hazardous working conditions.</p> <p>ILO-IPEC Time-Bound Programme, 2004, targeted 10 locations / sectors including salt production, fishing, rubber plantations, brick industry, child domestic workers and child porters (at border crossing?)</p>	<p>Children aged 15-17 will not be employed as direct project workers under any circumstances.</p> <p>Children aged 15-17 will not be employed as contracted workers in a manner that is likely to be hazardous or interfere with the child’s education or be harmful to the child’s health or physical, mental, spiritual, moral or social development.</p> <p>Children aged 15-17 will only be employed as contracted workers with advance notification and under restricted conditions (see Child Labour and Forced Labour Procedure, CLFLP).</p> <p>Age of employees to be verified and monitored as part of contract supervision.</p> <p>Suppliers to certify non-use of child labour, with verification measures in high-risk sectors (CLFLP)</p>
Prevention of forced labour	Forced labour (Art. 15) and debt bondage (Art.16) are prohibited		Debt bondage is known to occur	<p>Any kind of forced labour, including debt bondage, prohibited.</p> <p>Suppliers to certify non-use of forced labour, with verification measures in high-risk sectors (CLFLP)</p> <p>Project to monitor and report including notification on any incident within 48 hours.</p>
Grievance Mechanism	Not specifically mentioned, except for role of shop stewards in grievance mediation (Art. 284, 297)	Legislation does not guarantee workers’ access to a grievance mechanism		Project to establish and operationalise a project worker grievance mechanism. Project will monitor and report on implementation of the mechanism,
Identification of potential hazards	All establishments and work places must be set up to guarantee the safety of workers (Art. 230)		Enforcement of safety standards is weak, especially in informal sectors and in the construction industry	Health and safety risk assessment procedure to be established

Provision of preventive and protective measures	Art. 229 says this is to be covered by a Prakas			Occupational Health and Safety (OHS) strategy established for direct project workers  Workplace safety measures for contracted workers under Environment, Social, Health and Safety Specification (ESHS)
Training of workers and maintenance of training records	Safety training not specifically mentioned			ESHS to require appropriate safety training for workers
Documentation and reporting of occupational accidents, disease and incidents	Not clear	ESS2 requires reporting procedures		All workplace health and safety incidents to be recorded in a register, required by ESHS
Emergency Preparedness	Not specifically mentioned			All worksites to have health and safety plan including emergency plans (ESHS)
Remedies for adverse impacts	Managers of enterprise are liable for all work-related accidents (Art. 249)  Insurance to be obligatory (Art. 256) but wording is not very clear		Only 11% of construction workers insured (Phnom Penh Post 09/01/2020)	All workers to be insured for occupational hazards (ESHS)

**ANNEX 2: CHILD LABOR AND FORCED LABOR PROCEDURE**

**KINGDOM OF CAMBODIA**

**LAND ALLOCATION FOR SOCIAL AND ECONOMIC DEVELOPMENT PROJECT III  
(LASED III)**

**CHILD LABOR AND FORCED LABOR PROCEDURE  
DRAFT**

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## A. Scope and Purpose

1. This Labor and Working Conditions Procedures (LWCP) is prepared for the Land Allocation for Social and Economic Development III (LASED III) project in accordance with the requirements of the World Bank's Environmental and Social Framework and in particular with Environmental and Social Standard 2 (ESS2) on Labor and Working Conditions.
2. The purpose of this document is to set out procedures that will be adopted by Ministry of Land Management, Urban Planning and Construction (MLMUPC) as Executing Agency (EA) of the Royal Government of Cambodia's (RGC) Land Allocation for Social and Economic Development Project III (LASED III) as well as by Ministry of Agriculture, Forestry and Fisheries (MAFF) as Implementing Agency (IA) to protect against abuses of child labor and / or forced labor during implementation of the project, including all its components, activities and sub-projects.
3. The procedures in this document are a mandatory requirement for all agencies, contractors and suppliers engaged in management of labor for the purpose of any activity that constitutes, or is carried out as a direct consequence of, the LASED III project.
4. This Procedure applies to engagement and management of project workers falling into one of the following categories: project direct worker, project contracted worker, primary supply worker, project community worker, as defined below. Civil servants are not considered as project workers for the purpose of these Procedures.

## B. Definitions

5. **Child Labor** means the employment or engagement of persons aged less than 15 years to carry out any form of work task for a employer, and the employment or engagement of persons aged less than 18 years to carry out any form of work task except in the conditions specifically permitted by this Procedure.
6. **Contracted Worker** means people employed or engaged directly by contractors or sub-contractors for work tasks related to implementation of a contract financed through the LASED III AWPB or directly contributing to implementation of LASED III
7. **Forced Labor** means work that is performed involuntarily and under the menace of any penalty. It includes situations where in which persons are coerced to work through the use of violence or intimidation, by manipulation of debt, retention of identity papers or threats of other forms of retaliation. Hiring of people to work to pay off debt is considered as forced labor for the purpose of this Procedure.
8. **Project Community Worker** means people who are either land recipients in a Social Land Concession supported by LASED III, or members of an indigenous community applying for or holding an Indigenous Community Land Title (ICLT) supported by LASED III, and who are voluntarily contributing manual or non-manual labor on a paid or unpaid basis, in a task organized by or in cooperation with the Commune Council or an indigenous community group and corresponding to one of the following situations:
  - a. Community organization and educational tasks undertaken by individual community members on a voluntary basis and without a formal contract or remuneration from project funds (except for expenses);
  - b. Work carried out on agriculture demonstration plots under the direction and supervision of project staff or consultants (e.g. a farmer field school group learning through a practical exercise on the demonstration plot);
  - c. Community works tasks including earthworks, grass planting, tree planting, minor construction etc. where EITHER the work is unpaid OR any payment in cash or kind is

directly from a project EA/IA or project partner and not from a contractor OR where payment is from a contractor who is obliged to employ community labor as a specific condition of the contract, with the objective of creating employment opportunities.

9. **Project Direct Worker** means people (other than civil servants) employed or engaged directly by the EA, IA, PPT or project partner agencies, or engaged by Provincial line departments, SNA or local communities, for work tasks related to LASED III

10. **Primary Supply Workers** means people employed or engaged by suppliers who (1) hold a written contract to supply goods or materials needed for implementation of LASED III; of (2) suppliers of materials needed for implementation of a contract financed through the LASED III AWPB or directly contributing to implementation of LASED III.

### **C. Parties Expected to Follow the Procedure**

11. The following parties will be responsible for labor management under LASED III and are required to follow this Procedure:

- d. MLMUPC
- e. MAFF
- f. Provincial Project Teams (PPT)
- g. Any non-governmental organization (NGO) acting as a project partner and receiving funds through the LASED III AWPB, or otherwise implementing activities under agreement or Memorandum of Understanding with LASED III agencies for purposes related to LASED III;
- h. Provincial Line Departments, Sub-National Administrations (SNA, including Provincial Administration, District Administration and Commune Council) receiving funds or participating in activities funded by LASED III;
- i. Contractors, including providers of professional services, implementing contracts financed through the LASED III AWPB;
- j. Suppliers of materials under written contract financed through the LASED III AWPB;
- k. Suppliers of materials to LASED III contractors.

### **D. Procedures**

#### **Minimum Age of Employment**

12. In accordance with Cambodian law, the minimum age for employment for any category of project worker is 15.

13. Children under the age of 18 will not be employed as project direct workers under any circumstances.

14. Children aged 15-17 will not be employed as contracted workers in a manner that is likely to be hazardous or interfere with the child's education or be harmful to the child's health or physical, mental, spiritual, moral or social development. Children aged 15-17 will only be employed as project contracted workers under the following conditions:

- a. Children aged 15-17 will not work unsupervised at any time;
- b. Children aged 15-17 will not be employed in any capacity in construction of buildings and structures, or any capacity that requires entering excavations more than shoulder-deep;
- c. Children aged 15-17 not to be employed in any capacity that requires handling of potentially hazardous construction materials, including cement;
- d. Children aged 15-17 who are enrolled in school are not to be employed during school hours.

15. Children aged below 15 years will not be permitted to work as project community workers.
16. Children aged 15-17 who are enrolled in school will not be permitted to work as project community workers tasks during school hours. Children aged 15-17 may not participate in community work tasks unsupervised.

### **Prohibition of Forced Labor**

17. Any kind of forced labor, as defined above is strictly prohibited in any activity contributing to implementation of LASED III.

### **Verification**

18. EA/IA and project partner agencies must verify the age of project direct workers before start of employment. Normally this will be done through a check of national ID card.
19. EA/IA and project partners must require compliance with minimum age and prohibition of forced labor as a condition of contract with contractors and suppliers. Bidding documents must make it clear that any use of child labor or forced labor will be considered a breach of contract and may lead to cancellation of the contract.
20. Contractors will be responsible to verify the age of contracted workers, including workers for sub-contractors, before they start work on project activities. Contractors who fail to carry out this mandatory check are in breach of the contract.
21. Contract supervisors, who may be project officials or technical supervisors working for a service provider, will be responsible to monitor contractors' workforces for use of child labor or forced labor. In any case where use of child labor or forced labor is suspected, the contract supervisor must require the contractor to produce evidence that this is not the case. Work may be suspended, or the suspected child worker/s or forced labor worker/s excluded from the works, until this evidence is provided.
22. Contractors who wish to employ a worker aged 15-17 on a permitted task must notify the contract supervisor in advance of identity, age and proposed role of the worker, and must furnish proof that the worker is aged at least 15.
23. Employers of project primary supply workers will be required to certify at the time of contract signature that no child labor or forced labor has been used, or will be used, in manufacture, handling or transport of the supplies.
24. Additional verification will be undertaken for the following known high-risk sectors;
  - a. Commercial agriculture plantations in Cambodia, supplying planting materials to the project;
  - b. Kilns manufacturing bricks and tiles for supply to the project.
25. Verification may be undertaken by EITHER:
  - a. Direct inspection of the premises of the supplier, with the presence of the Provincial E&S Risk Management Adviser and a Labor Inspector of the Ministry of Labor and Vocational Training (MoLVT) or its Provincial Departments; OR
  - b. Provision of a certificate issued by MoLVT or its Provincial Departments, certifying that the premises of the supplier has been inspected and no breaches of Cambodian law on child labor or forced labor have been found.

26. No payment will be made for these types of supplies, or for works using these types of supplies, until these verification checks have been completed.
27. The Provincial Project Team will verify that child labor is not used in community works. This will be done through inspection by the Provincial E&S Risk Management Adviser who will report to the Provincial Project Manager.
28. The Provincial E&S Risk Management Adviser will also be responsible to review arrangements for community work tasks, particularly group tasks, and verify that work is being undertaken on a voluntary basis, meaning that the community, and all individual community members, are free to decline to participate without suffering any form of sanction other than withholding of payments (in cash or kind) provided as remuneration for the work task.

### **Breaches of Prohibitions on Child Labor and Forced Labor**

29. Any case of breach of prohibitions child labor and forced labor by a contractor, supplier or project partner agency, identified by the LASED III EA/IA or PPT, is considered as a severe incident and as such must be notified to World Bank Task Team Leader within 48 hours. World Bank will have the right to review the adequacy of any sanctions applied.
30. In any case of breach of prohibitions on child labor and forced labor the Project Director will nominate a team to investigate the case. The investigation team will consist of project officials and advisers who have had no previous direct role in engagement of labor for the relevant task, or procurement of the contract for goods, works or services. The investigation team will (1) verify the circumstances including number of workers affected, the age of the workers (child labor) and / or the form of coercion (forced labor) ; (2) verify that the child labor or forced labor has ceased and will not recur; and (3) verify whether the contractor or supplier undertook mandatory checks on worker age as required before engaging the workers. The investigation team will report to the Project Director who will share the findings with World Bank Task Team Leader.
31. If it is established that the use of child labor or forced labor was known to the contractor, supplier or partner agency, or that the contractor, supplier or partner agency failed to carry out mandatory checks, the contract (for goods, works or services) will be terminated.
32. If it is established that the breach occurred despite the contractor, supplier or partner agency conducting mandatory checks in good faith (e.g. the worker submitted false evidence of age) the contract or partnership agreement will be suspended until full and effective compliance with prohibitions on child labor and forced labor has been verified. Further payment for any part goods supplied or works or services completed with the use of child labor or forced labor will be withheld.

### **E. Monitoring and Reporting Requirements and Responsibilities**

33. All EA/IA, PPT and project partner agencies will report two times per year on the number of direct project workers employed, by category, confirming that age verification has been carried out for all workers and that all workers have written Terms and Conditions of employment which exclude the possibility of forced labor.
34. For any contract for services or works, the contract supervisor will submit a report stating (1) the number and type of contracted workers employed; and (2) means of verifying compliance with prohibitions on child labor and forced labor, including by suppliers to the contractor. If workers aged 15-17 have been employed on permitted tasks this will be noted in the report.
35. For any contract for supply of goods, the contract supervisor will submit a report confirming that mandatory checks on compliance with prohibitions on child labor and forced labor have been applied.

36. For any community works task, the Provincial E&S Risk Management Adviser will submit a report stating (1) the number and type of workers engaged; and (2) means of verifying that work was voluntary, and no child labor was used.

37. In each Province, Provincial E&S Risk Management Adviser will consolidate these reports into a Provincial Project Labor Management Report which will include numbers of workers in each category, types of work undertaken, any case of permitted employment of workers aged 15-17.

38. Labor Management Reports will be prepared by each IA in relation to contracts under their direct management.

39. The Social Risk Management Adviser attached to MLMUPC will consolidate these reports into a Project Labor Management Report which will be annexed to the semi-annual Project Progress Report.

#### **F. Training and Awareness Raising**

40. MLMUPC, through the Social Risk Management Adviser, will prepare and deliver trainings necessary to understand the key project personnel have a full understanding of the requirements of this Procedure.

41. In addition, all professional project staff will receive training including the essential principles of this Procedure.

42. MLMUPC will prepare simple awareness raising materials in the form of a booklet on Labor and Working Conditions for LASED project workers, which will be disseminated or made accessible to all project workers and will include the principles of this Procedure.

43. Key project personnel who will require training include:

- a. Human resources staff or administration staff responsible for recruitment of direct project workers;
- b. Procurement staff;
- c. Provincial E&S Risk Management Advisers;
- d. Social Risk Management Focal Points in each EA/IA and each Province, and E&S Risk;
- e. Management Focal Points in each project partner agency;
- f. Staff, consultants and consultants' staff acting as contract supervisors and responsible for monitoring compliance with the policy.

44. Provincial E&S Risk Management Advisers will train Commune Councilors, community leaders and others in the application of this Procedure to community work tasks

#### **G. Reference Documents**

45. The following documents have been referred to in preparation of this Procedure:

- g. Labor Law, 1997
- h. World Bank Environmental and Social Standard 2 (ESS2) on Labor and Working Conditions;
- i. LASED III Environmental and Social Management Framework (ESMF)
- j. LASED III Environmental and Social Commitment Plan (ESCP)
- k. LASED III Labor and Working Conditions Procedures

**H. Date for Review and Revision of Procedure**

46. The application and effectiveness of this Procedure will be reviewed as a part of and Environmental and Social Audit of LASED III, to be undertaken before the project Mid-Term Review (MTR). The MTR will then determine, through mutual agreement between World Bank and RGC, and requirements for revision of this Procedure.

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**ANNEX 3: FURTHER PROCEDURES AND FORMATS TO BE PREPARED**

1. The following procedures and formats will be prepared by MLMUPC during project inception and will be applied by all EA/IA and project partner agencies in implementation of the Labor and Working Conditions Procedures for LASED III.

<b>Document Title</b>	<b>Scope</b>	<b>Applied By</b>
Occupational Health and Safety Strategy	All direct project workers	EA/IA and project partner agencies
Terms and Conditions of Employment	All direct project workers, by category	EA/IA and project partner agencies
Environmental, Social, Health and Safety Specifications	Includes mandatory contract requirements for labor management and contracted workers' occupational health and safety. To be produced in 3 versions: (1) NCB works contracts; (2) small works through Commune Councils; and (3) service providers	EA/IA and project partner agencies Commune Councils and local communities Contractors and service providers
Community Labor Management Procedure	Risk assessment and labor management for community work tasks	EA/IA, project partner agencies, Commune councils and local communities
Works Risk Assessment Format	Assessment of site-specific risks during construction works	Contract supervisors and contractors
Works Site Occupational Health and Safety Plan	OHS measures applicable at a works site	Contract supervisors and contractors