



**VINH LONG PROVINCIAL PEOPLE'S COMMITTEE**  
**Vinh Long ODA Project Management Unit**



**Vinh Long City Urban Development and Enhanced Climate Resilience Project**  
**Additional Financing (P177314)**

**UPDATED LABOR MANAGEMENT**  
**PROCEDURES (LMP)**



**Vinh Long, January 2022**

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## ACRONYMS AND ABBREVIATIONS

AF	:	Additional Financing
DARD	:	Provincial Department of Agriculture and Rural Development
DOC	:	Provincial Department of Construction
DONRE	:	Provincial Department of Natural Resources and Environment
DPI	:	Provincial Department of Planning and Investment
ESF	:	Environmental and Social Framework
ESIA	:	Environmental and Social Impact Assessment
ESMP	:	Management Plan
ESS	:	Environmental and Social Standards
GBV	:	Gender-based violence
GOV	:	Government of Vietnam
GRM	:	Grievance Redress Mechanism
LMP	:	Labour Management Procedures
MDR	:	Mekong Delta Region
OHS	:	Occupational health and safety
PAPs	:	Project Affected Persons
PMU	:	Vinh Long ODA Project Management Unit
RPF	:	Resettlement Policy Framework
SEA	:	Sexual Exploitation and Abuse
SEP	:	Stakeholder Engagement Plan
WB	:	World Bank

## **1. INTRODUCTION**

1. The Socialist Republic of Vietnam intends to apply for a loan from the World Bank to finance the proposed Vinh Long City Urban Development and Enhanced Climate Resilience Project in Vinh Long Province hereafter referred as “the Project”. This project addresses the environmental and social aspects through the World Bank’s Environmental and Social Stands (ESS) approach/framework

2. One of the Standard, ESS2, relates to Labor and Working Conditions and expects the Borrowers to develop labor management procedures (LMP). The purpose of the LMP is to identify the main labor requirements and risks associated with the project and help the Borrower to determine the resources necessary to address project labor issues. The LMP will enable different project-related parties, for example, staff of the project management unit, contractors and sub-contractors and project workers, to have a clear understanding of what is required on a specific labor issue. The LMP is a living document, which is initiated early in project preparation, and is reviewed and updated throughout development and implementation of the project.

3. Scope of the LMP is outlined in the World Bank’s ESS2. The engagement will be planned as an integral part of the project’s environmental and social assessment and project design and implementation. This document has 12 chapters. Chapter 1 served as Introduction. An overview of labor use in the project is presented in Chapter 2. Key potential labor risks are listed in Chapter 3. Legislative Framework governing labor employment in Vietnam 2 is discussed in Chapters 4 and 5. Implementation Arrangements, Age Requirement, Policies and Procedures and Timing of labor requirements follows in the subsequent chapters. Grievance Redressal Mechanism and Contractor Management are presented in the last two chapters 10 and 11 respectively, while Chapter 12 relates to primary supply workers. The AF would enable the scaling up of existing activities under Component 4 of the parent project in enhancing climate resilience and leveraging disruptive technologies in urban management. The AF will involve contracted workers in the form of technical assistance through consulting service providers. The AF activities will not have other substantive changes to the LMP as the provisions were already in place to mitigate the risks to such workers.

## **2. OVERVIEW ON LABOR USE ON THE PROJECT**

4. The proposed project will take an integrated multisectoral approach to promote the economic and demographic densification of Vinh Long’s urban core, thereby unlocking the City’s development potential and enabling the City to function as an economically and physically integrated metropolitan area. The project investments include a comprehensive set of structural and non-structural interventions to improve access to infrastructure and to reduce the flood and environmental pollution risk in the urban core area of Vinh Long city, through developing flood control systems and nature-based solutions, wastewater collection and treatment, as well as key transport links.

5. These measures will eliminate the physical constraints to development in the urban core, increase land values, stimulate private capital investments, and reduce the pressure for urban sprawl. Increased demand on land will also create an opportunity for the local government in Vinh Long to capture some of the associated land value increase from private development. By providing comprehensive improvement to infrastructures in the urban center, where the majority of poor people live and increasing the connectivity of these areas to other parts of the city, especially centers of employment, the project is expected to improve the living conditions of the poor and vulnerable

populations and increase their accessibility to jobs and public services. Citizens and community organizations will be engaged throughout the project preparation and implementation process in order to raise their awareness about flood risks and enhance their ownership of the project. Providing technical assistance to improve urban planning, transport management and the operation and maintenance of infrastructure will enable the city to become more interconnected, livable and resilient to disasters. The project is organized around four components:

- **Component 1: Flood risk management and environmental sanitation.** The objective of this component is to reduce flood-related risks and improve environmental sanitation in the urban core of Vinh Long City through investments in drainage, flood protection structures, sewage networks, and wastewater treatment. In addition to improving the environmental sanitation conditions in the city, the upgrading of wastewater collection and treatment in Vinh Long will contribute to improving surface water quality. Design of this component was based on the existing national building codes and standards and investment proposals were selected based on assessment of the flood risks, including flood hazards and the vulnerability of the affected community. Investments will consist of a balance between gray and green infrastructure (or nature-based solutions).
- **Component 2: Strategic corridors development.** The objective of this component is to increase connectivity and flood protection capacity in Vinh Long. This component will finance prioritized investments in roads identified in the city's master plans<sup>1</sup> and will specifically finance three urban roads. The first two roads run through the existing built-up area, creating important vertical and horizontal links in the urban road network, while the third road diverts intercity traffic from the national roads and future expressway and serves as a development boundary to the south. Two of these three roads in the south also form part of the overall flood control scheme, serving as the boundary of the current and future polder system.
- **Component 3: Resettlement Area Development.** The project will try to minimize resettlement impacts through adopting fit-for-purpose standards and appropriate design; however, significant resettlement impacts are expected due to the proposed investments, particularly under the embankments in Component 1 and the roads in Component 2. An estimated 550 households may have to be relocated under the project. This component will ensure improved living conditions and security of tenure for those target communities who are subject to relocation and resettlement under the project. An investment for technical and social infrastructure at the resettlement site in Ward 8 of Vinh Long City will be proposed with green and nature-based solutions incorporated, such as park connectors, water absorbing tree pits and landscapes, pervious pavements, stormwater detention ponds, raingardens, etc. This resettlement site covers an area of 12.5 hectares which is currently agricultural land and not occupied by any households, easing the compensation process. In addition, the resettlement site is assessed to be appropriate, as it is just 5 km from the city centre and close to National Road 53. Services (water, drainage, electricity, access roads) are already present along the proposed resettlement area, which will facilitate the development of the site.
- **Component 4: Enhancing Climate Resilience and Leveraging Disruptive Technologies in Urban Management.** This component aims to improve urban management in a climate

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<sup>1</sup> Draft Adjusted Construction Master Plan of Vinh Long City and approved Adjusted Transport Development Master Plan up to 2020 with a vision to 2030 dated 2018.

and risk informed manner and to set the stage for the development of Vinh Long as a smart city through leveraging disruptive technologies. The proposed project will support implementation of Vinh Long’s smart city framework currently being developed, through investments in data and information and communication technologies (ICTs) including software, in conjunction with counterpart fund from the province. Combined, these activities should improve knowledge of the built and natural environments, which can better inform decision making in the future. For example, it will create a visual representation of flood risk overlaid with existing people and assets to guide future development in a risk-informed manner, away from high flood and climate risk. Analysing data related to lack of access to basic services, population income level, and density will also enable decision makers to identify areas of high health risk to prepare for and respond to future health crises. Key investments under Component 4 include an integrated flood risk management information system, strengthened IEC and O&M on wastewater management, a geospatial data sharing platform to improve data sharing across different departments, and an intelligent transportation system (ITS). Component 4 will also provide technical implementation support to the implementing agencies in Vinh Long.



**Figure 1: Project Map**

**Additional Financing (AF) Scale-up activities:**

6. All four parent project components and their sub-components would remain substantively the same. The proposed AF in the form of a US\$2 million trust fund grant, would enable the scaling up of existing activities under Component 4: Enhancing Climate Resilience and Leveraging Disruptive Technologies in Urban Management. Project Component 4 aims to improve urban management in a climate and risk informed manner and to set the stage for the development of Vinh Long as a smart

city through leveraging disruptive technologies. Three components are proposed under this AF which are directly linked to Component 4 of the parent project. These three components include: (i) development of an integrated flood risk management information system, (ii) strengthening IEC and O&M on wastewater management, and (iii) development of a geospatial data sharing platform to improve data sharing across different departments. These three AF components are expected to improve the quality and sustainability of the parent project investments in flood mitigation, drainage system and wastewater collection and treatment (parent project Component 1), and better inform decision making in the future.

7. The three AF components and sub-components are presented below:

**Component 1: Development of an integrated Flood risk Management Information System (FMIS) (AF of US\$0.8 Million).**

8. The AF would improve the ability of technical experts and decision makers to better predict flood events and respond to flooding with an integrated set of actions. Specifically, the financing would enhance the sustainability and the quality of the service provided by the flood control infrastructure financed under parent project component 4. The proposed AF sub-component include:

- *Sub-component 1.1 Investigation and FMIS conceptual Design.* Under this sub-component, the AF would be used to assess and review the urban flooding challenges and the flood risk management capacity in Vinh Long, as well as to identify the structural and non-structural measures for city flood risk management. Based on the outcome of this assessment, the needs and functional requirements of an information system for city flood management (FMIS) would be discussed and agreed with the city and provincial counterparts in Vinh Long. An initial FMIS design concept would be developed followed by detailed designs for the FMIS.
- *Sub-component 1.2 Developing FMIS.* Based on the detailed FMIS design, the three principal components of the FMIS (1. Database, 2. Data processing, 3. Flood information outcome and dissemination) would be developed by a consulting firm under Vinh Long PMU supervision. Development of the FMIS database will ensure close interoperability with the geospatial data sharing platform under parent project component 4 as well as with component 3 under the AF. The data processing component will be established based on hydrodynamic and Geographic Information System (GIS) models. A Decision Support Tool (DST) will also be developed for daily operation of the flood control infrastructure such as tidal gates and pumps. A GIS model will be developed for flood mapping based on inputs from hydraulic modeling results and/or real-time monitoring system (SCADA). This will enable real time flood and flood early warning functionality based on river flood forecasting and forecasted rain scenarios, as well as real time data sourced from SCADA and other monitoring systems. Based on flood risk analysis, a Water Control Plan (WCP) will be developed for multi-purposes of flood mitigation (create room for water detention on the canal network), water quality improvement and water way navigation (less of gate closed). A flood information outcome and dissemination component will be built which presents the outputs from the data processing component, in order to improve flood management. In addition, a web-based ITC platform will be developed for the dissemination of flood information to end users.
- *Sub-component 1.3 FMIS establishment.* The parent project (subcomponent 4) funds the installation of FMIS hardware, software and accessories. Under this subcomponent, AF support will be provided for the preparation of technical specifications relating to the



hardware, software and accessories, as well as supervising equipment/ instrument supply, installation and testing to ensure the FMIS can be effectively used for the city. This sub-component will also provide expertise support for preparing the O&M manual and supporting the establishment of the institutional arrangements for managing and operating the FMIS including an O&M team for the FMIS.

- *Sub-component 1.4 Training for FMIS Operation and Maintenance.* The Vinh Long FMIS O&M team staff will be responsible for ensuring proper operation, maintenance, updating and future development of the FMIS. Sub-component 1.4 will provide training in order to enable the O&M team to perform their roles effectively. Training will also be provided for the responsible city/ provincial departments/ agencies to use the FMIS effectively for their assigned responsibilities such as providing flood early warning information. Finally, community training will be provided to Vinh Long city residents on accessing flood related information such as road and transport disruption, through the web-based platform developed under sub-component 1.2 above.

## **Component 2: Strengthening IEC and O&M for Wastewater Management (AF of US\$0.200 Million).**

9. The AF would be used to strengthen the quality of implementation and the sustainability of the parent project component 1 and component 4: Strengthening IEC and O&M on wastewater management. The proposed AF sub-component include:

- *Sub-component 2.1 Strengthening IEC for wastewater management.* The successful engagement of the public in order to increase public awareness and support for the project outcomes through the parent project is critical to the achievement of the parent project PDO. Specifically, the AF would finance the following IEC related activities : (i) Rapid baseline IEC survey to measure the existing public awareness of environmental sanitation issues and identify appropriate IEC channels; (ii) Detailed IEC plan to address environmental sanitation issues; (iii) Develop the communication materials identified in the IEC plan; (iv) Deliver training courses for relevant agencies and assigned staff on IEC delivery and (v) Provide implementation support for: upgrading the Urban Management Division’s website and information on project activities; and coordinating with local government to implement communication activities. The AF would incorporate emerging needs resulting from the COVID-19 pandemic and seek to incorporate future needs in the post COVID-19 environment such as IEC to improve relevant behaviors and practices (e.g., handwashing).
- *Sub-component 2.2 Strengthening O&M for wastewater management.* Ensuring the quality of arrangements for O&M of wastewater management is vital to sustaining long term gains under the parent project. The AF would be used to develop the capacity of the Urban Management Division of Vinh Long to strengthen O&M through making improvements to current practices in the areas of: regulation; asset management and operational planning; financial strategy and cost recovery; and contract management. Specifically, the AF would finance the following activities: (i) Analysis and review of the current organizational structure and policies of the City’s Urban Management Division as well as propose improvements to policies and the organizational and institutional structure of the department. This will enable the department to improve performance of its tasks in areas of planning, developing and calculating service pricing strategies for the drainage/wastewater system and the solid waste management system,

management and supervision of service contracts between the City People's Committee and service providers and Asset management of the drainage/wastewater system and the solid waste management system; (ii) Support to the Urban Management Division to develop and implement regulations on wastewater management; (iii) Development of an asset management and operation plan at the Urban Management Division; (iv) Support the Urban Management Division and DOC to develop a sustainable financial strategy, including a roadmap to increase tariffs for services in order to cover operation and maintenance costs; (v) Review existing service contracts and support the Urban Management Division to update service contracts and to strengthen their capacity to supervise those contracts and (vi) Build a GIS based asset management system at the Urban Management Division, in order to support the effective management and operation of drainage and waste infrastructure. The institutional strengthening on O&M will include technical support for wastewater service providers to prepare contingency plans, to ensure the continuity of wastewater services during the current COVID-19 pandemic and future potential pandemics.

### **Component 3: Developing a Geospatial Data Sharing Platform (GDSP) (AF of US\$0.750 Million)**

10. The lack of adequate spatial data infrastructure, digitized spatial data and spatial data management capacity, is a significant barrier to efficient infrastructure planning and management in Vinh Long. This activity will enhance the quality and sustainable operation of equipment and hardware installed under the parent project subcomponent 4, by developing a geospatial data sharing platform, in order to strengthen spatial planning and development in Vinh Long. The AF would finance the following sub-components:

- *Sub-component 3.1 Data sharing, regulation and institutional setup – Development of GDSP requirements.* Under this sub-component, the AF would finance an assessment of existing geospatial data in Vinh Long, including its regulation and sharing, as well as geospatial hardware, software and staff capacity. The information from this assessment would be used to inform sub-components 3.2 to 3.3 below: This sub-component would also recommend enhancements to regulation as well as develop recommendations for the establishment of an institution to operate the GDSP. sub-component 3.1 would also establish data management and sharing protocols and policies.
- *Sub-component 3.2 Data gathering, collation and digitization.* Data gathering, collation and digitization is critical to the success of the parent project. Based on the needs identified in subcomponent 3.1, geospatial data gaps would be filled through the collection of new data and the digitization of existing data. This sub-component would also draw on the phase 1 data outputs of the ongoing World Bank-financed Vietnam Improved Land Governance and Database Project. Based on the data collected, a 3D City Model would be developed that would serve as the basis for urban management.
- *Sub-component 3.3 Develop and deploy geospatial data sharing platform.* Under sub-component 3.3, a Spatial Data Infrastructure (SDI) would be developed in line with the Vinh Long provincial and city land database development programs and in close partnership with city officials. The SDI would integrate multiple data sources from different departments in Vinh Long, enabling users to effectively access spatial data for planning and investment purposes. The SDI would ensure close interoperability with the FMIS under activity 1.2 above.

11. The geospatial data sharing platform would act as an important tool to assist with the management of a disease outbreak such as COVID-19.

## 2.1 Type of workers

12. ESS2 categorizes the workers into: direct workers, contracted workers, community workers and primary supply workers. As indicated in the Concept Stage Environment and Social Review Summary (ESRS) prepared for the Project, the Project's workforce will include direct workers (directly employed by PMU), contracted workers (recruited by third parties such as contractors or as consultants), and primary supply workers. The project is not likely to engage community workers, as civil works will be the responsibility of contractors. The sections below provide detailed description of the type and number of workers to be engaged throughout the project life.

## 2.2 Direct workers

13. Under the Vinh Long Project, direct workers are workers directly employed by the PMU. It includes staff in Project Management Unit (PMU), as described below:

- **Project Management Unit (PMU):** The PMU is responsible for the management and supervision of overall implementation of the Project, including construction work by the contractors. The PMU will require support from the consultants in specific technical areas (i.e., in project management and coordination, financial management, procurement, construction, environmental/social safeguards, monitoring and evaluation, among others), as they are unlikely to have sufficient expertise to manage the whole project. The timing of labor requirements is from the project preparation to the completion of the project.

## 2.3 Contracted workers

14. The PMU will engage around 6 contractors for carrying out the implementation of the different works under component 1,2 and 3 and 2 supervision contractors with subcontractors. The labor requirements will depend on the scale of the individual civil work under each construction package. The timing of labor requirements will fluctuate, dependent on the construction stages. The experience of SUUP in Vinh Long indicates that the contractor will engage approximately 50 workers in each LIA, 80 workers for each canal upgrading, and 70 workers for road. The different categories of anticipated contracted workers are presented below.

- **Skilled permanent staff of the contractors (construction company):** The permanent technical staff of the contractors will be engaged in the project, including project managers, project engineers, environmental engineers, construction foreman, medical officer, admin and finance officer.
- **Skilled workers engaged by sub-contractors:** Depending on the available expertise within the contractors and other factors, the contractor may engage sub-contractors for some technical work, which may include heavy machine operators for hauling, road roller/soil compaction, sand/quarry loading, and grader/excavation. The contractor may engage such subcontractors locally.
- **Unskilled community members engaged by the contractor:** The project is designed to maximize the employment generation through engaging community members as unskilled workers especially in LIAs. To ensure equal opportunities in employment, the contractor will be contractually required to coordinate with the PMU to prioritize the host communities and vulnerable groups in the engagement of such workers, including female workers and persons

with disabilities. Mass organizations are expected to support the selection of unskilled workers.

- **Construction Supervision Consultant:** A construction and supervising consultant (firm or international organization) will be engaged by the PMU to provide day-to-day construction oversight for the civil works. The construction and supervision consultant team will consist of 15 to 20 national experts, including project manager, sanitation, water supply, water drainage, M&E, hydraulic and road design engineer, project support officer, geospatial technical officer, quantity and cost estimator, community liaison officer and environmental, health and safety officer. The procurement process for the consultant team will start during project preparation, but the consultant will be on board in the early stage of project implementation. The construction and supervision consultant will support the PMU until the completion of the civil works.
- **Independent Monitoring Consultants:** Independent Monitoring Consultants for environment and for social issues will be engaged by the PMU. Independent monitoring consultants are responsible to ensure compliance with approved plans and programs related to environmental and social issues. The independent monitoring consultants will be engaged at the beginning of the implementation period and will complete their works from 6 months to 1 year after all resettlement/environmental activities have been satisfactorily completed.

15. The AF would enable the scaling up of existing activities under Component 4 of the parent project in enhancing climate resilience and leveraging disruptive technologies in urban management. The AF will involve contracted workers in the form of technical assistance through consulting service providers.

- **Technical Assistance Consultants:** For the AF, the PMU will mobilize consulting firms to provide technical assistance for delivering the scaling-up activities in enhancing climate resilience and leveraging disruptive technologies in urban management (including relevant expertise of GIS/FMIS, urban planning). The PMU will call for approximately 05 contractors with about 25 consultants to perform the scaling-up activities.

## 2.4 Primary supply workers

16. The construction work under the Project will require primary supplies essential for the functions of the priority infrastructure, such as construction materials including aggregates, bitumen and precast concrete interlocking blocks. Where the contractor will source such materials directly from primary suppliers on an ongoing basis, the workers engaged by such primary suppliers are deemed “primary supply workers”, as defined in ESS2. The number and type of primary suppliers will be determined at project implementation stage. The timing of labor use of primary supply workers will cover the construction stage of the project (see Section 12 for more details on primary supply workers).

## 2.5 Community workers

17. The project will not have community workers as defined under ESS2. The community members to be engaged by the contractors will be categorized and managed as “contracted workers”.

## 2.6 Other stakeholders working in connection with the project

18. Stakeholders working in connection with the Project other than the above project workers will include the Government civil servants. Some city and provincial government civil servants will

be working in connection the Project, which will include DOC, DARD, DONRE, DPI. They will remain subject to the terms and conditions of their existing public sector employment, which are governed by the Vietnam Labor Code, the Law on Public Employees, and the Law on Civil Servants. There will be no legal transfer of their employment or engagement to the project. The Constitution and the Labor Code prohibit child labor and forced labor. The government civil servants involved in the Project are not expected to be exposed to OHS risks under the project as they will not engage in project-related civil works.

## 2.7 Total number of workers

19. The total number of workers is estimated at 435. The number of workers by categories is identified in Table 1.

**Table 1: Estimated number of workers**

Type of project workers	Characteristics of project workers	Timing of labor requirements	Indicative number of workers
<b>Direct workers</b> ○ PMU staff	○ National staff	○ From project preparation until project completion	○ PMU staff: approx. 20 <b>Total: 20</b>
<b>Contracted workers</b> ○ Construction & supervision consultants ○ Independent Monitoring consultant ○ Skilled workers engaged by the contractors ○ Skill workers engaged by consulting firms for AF activities ○ Skilled workers engaged by subcontractors ○ Unskilled workers	○ International and national experts ○ National experts ○ Mostly national technical permanent staff ○ National/local host community members (in LIAs), female workers and persons with disabilities.	○ From early stage of project implementation until project completion ○ The timing of labor requirement will fluctuate, dependent on the construction stages, which will be determined by individual contractors at the contract award stage.	○ Construction supervision consultants: approx. 20 ○ Independent monitoring consultants approx. 15 ○ Skilled workers of the contractors: approx. 120 ○ Specialists/ technicians of the consulting firms for AF activities: approx. 25 ○ Skilled workers of sub-contractor: approx. 10 ○ Unskilled workers: approx. 70 <b>Total: 260</b>
<b>Primary supply workers</b> ○ Workers engaged by primary suppliers at quarry sites (construction materials)	○ They are most likely local workers.	○ The construction stage of the project.	○ The primary supply workers will be identified during the project implementation stage expected: approx. 150 <b>Total: 150</b>
<b>Community workers</b>	Not applicable	Not applicable	Not applicable

### 3. ASSESSMENT OF KEY POTENTIAL LABOR RISKS ACTIVITIES

#### 3.1 Project activities

20. The project activities will include:

- **Under component 1:** i) rehabilitation and improvement of the canal and drainage system in the core areas, including construction of new drains, dredging of canal systems, creation of rainwater retention areas, etc. ii) construction of a wastewater treatment plant and rehabilitation and construction of sewer collection networks; iii) embankment upgrading with tidal sluicegates/valves”, a drainage system including open canals, sewers, storm rainwater retention, and pumps (if needed).
- **Under component 2:** Construction of urban roads and bridges along with corresponding road drainage system, sidewalks, street lighting and road furniture.
- **Under Component 3:** Construction of technical infrastructures (i.e. sewage, water treatment plant, water supply, drainage, inner roads, electric poles, sidewalks etc.) and social infrastructures (i.e. kindergarten) at the resettlement site.

21. Most of the construction activities will take place within the urban core area which may involve densely populated business premises. Indicative project activities to be carried out under the Project are the following:

#### Component 1:

- Improving flood prevention infrastructure in core area;
  - Construction of a new drainage system;
  - Dredge canal system;
- Construction of a wastewater collection and treatment system
  - Laying of pipes
  - Construction of valve chambers
  - Construction of storage reservoirs
  - Construction of a booster pump station
  - Construction of a waste water treatment plant
  - Construction of sanitary facilities
  - Concrete works
- Flood control
  - Construction of embankments along the Long Ho river;
  - Construction of a tidal gate;
  - Construction of a pumping station;
  - Dredge and rehabilitate drainage routes

#### Component 2:

- Site preparation
  - After the construction site is handed over, the contractor will clean and remove the trees, surface objects such as garbage, unnecessary materials out of the site.
  - Checking existing structures
- Prepare and mobilize equipment for construction

- Transporting and gathering specialized equipment for separate tasks. Synchronous equipment includes: (i) Geodetic survey equipment with sufficient accuracy as required; (ii) Equipment for soil work, excavation, grading, and compaction; (iii) Equipment for production, transportation, testing of construction materials and concrete in the field; (iv) Other related management equipment;
- Making plan to use equipment completely and synchronously for each stage of construction;
- Transportation of construction material including excavated soil, gravel, sand, rocks and water to the construction sites;
- Protecting construction site and structures, installing signage.
- Construction work: After cleaning and clearing the construction site, infrastructure items will be constructed from low to high priority. Construction activities include:
  - Clean the site, dredge organic and sludge, demolish the old road foundation (within the road structure);
  - Organize sand blasting K95 to the elevation of the road bottom;
  - Monitor subsidence and subsidence compensation;
  - Construct water supply and drainage systems, lighting; planting trees ...;
  - Construct road structure including: (K98 soil layer, crushed aggregate base course, crushed aggregate subbase course; asphalt concrete for lower and upper layers);
  - Complete sidewalks, curbs, paths up and down for the disable persons if any;
  - Road marking and, installing road signs, etc.

### **Component 3:**

- Potentially any of above construction activities.

22. For the work items under the AF: The AF would enable the scaling up of existing activities under Component 4 of the parent project in enhancing climate resilience and leveraging disruptive technologies in urban management. The AF will involve contracted workers in the form of technical assistance. The AF activities will not have other substantive changes to the LMP as the provisions were already in place to mitigate the risks to such workers.

- The work items under the AF do not involve construction activities but engage project implementation support consultants who can also be mobilized for conducting studies under the project. These consultants will work mainly in-door modality with paperwork, training workshops and meetings.

## **3.2 Key labour risks**

23. Drawing upon the experience and lessons learned from the SUUP and other similar projects, the following are key labor risks anticipated and assessed during the implementation of the Project.

### **(1) Occupational health and safety (OHS) risks:**

#### **Component 1:**

- a) Accidents due to falling: Incorrectly installed scaffolding, open walls, manholes on roadbeds, uninsured ladders and unprotected steel bars are the most common risks leading to labor accidents for construction workers.

- b) Risks of working on water surface: It may occur during the construction intersecting with canals, constructions of tidal sluiceways, river embankments and rehabilitation of drainage ditches.
  - c) Falling objects: During construction process, it is necessary to mobilize many types of construction machinery, equipment and materials. All heavy tools and equipment and supplies may fall from the high level and helmets are not effective. If the site area is not enclosed or something may fall from a crane out of the construction area, the pedestrians may also be hit by these objects.
  - d) Accident due to ditches and trenches: During the process of excavation and construction of drainage system, collapse may occur. If the excavated material is too close to the trench, the material may fall back and cause serious injury.
  - e) Electrical shock: Exposure to overhead or underground high voltage lines may cause death. Damaged power tools or conductors can also cause injury due to electric shock.
  - f) Physical injury due hard work: Back injuries caused by lifting heavy objects or improper posture.
  - g) Heavy equipment: Injury may start from heavy equipment. The machineries may malfunction or fall down. Careless operation of the crane can cause many injuries. A forklift or excavator is also one of the common devices that cause accidents. In addition, the construction activities involving heavy machineries will be quite noisy. Loud, repetitive, and excessive noise causes long term hearing problems, such as deafness. Noise can also be a dangerous distraction and may distract the worker from the task at hand, which can cause accidents.
  - h) Contamination during infectious disease outbreaks if frequent and proper hygiene practices are not consistently applied (in particular frequent and proper hand hygiene and wearing masks to serve as barriers to human-to-human transmission of virus).
24. The impact level of above risks is assessed from small to medium as: (i) the impacts are localized within the construction site and scattered in the local areas; (ii) short construction period from 15-24 months; (iii) workers are provided with protective equipment, reasonable construction time; (iv) mitigation measures for these risks have been provided in the ECOP in ESIA and workers will be trained on labor safety, traffic safety, sanitation before starting any civil works.

### **Component 2:**

- a) Road or bridge construction sites pose risks to the workers of constantly moving heavy vehicles and dump trucks maneuvering around on an uneven terrain.
- b) The construction activities involving heavy machineries will be quite noisy. Loud, repetitive, and excessive noise causes long term hearing problems, such as deafness. Noise can also be a dangerous distraction and may distract the worker from the task at hand, which can cause accidents.
- c) Heavy materials and equipment are expected to be constantly lifted and moved around by workers at site, which poses health and safety risks.
- d) Collapsing of material borrow excavation with workers inside is also a risk with the type of prevailing materials in the area.
- e) Working at height for the bridge construction will also pose the risk of falling.
- f) Risks of traffic accidents, labor accident, fire, explosion, short circuit and electric shock posed by the construction activities will also affect the safety of the community.



- g) Contamination during infectious disease outbreaks if frequent and proper hygiene practices are not consistently applied (in particular frequent and proper hand hygiene and wearing masks to serve as barriers to human-to-human transmission of virus).
25. According to the calculation results in ESIA, the noise level and risk from heavy machines at the construction sites is low, generating in short time and scattering over 11 wards under the project. Construction machinery and equipment will not work simultaneously but in shifts and phases depending on the progress and construction volume of items, of which each type of machine will be used different, so the resonance impact is very low. Moreover, all vehicles and equipment will be checked periodically and noise will cease when construction is completed. Noise can be minimized by measures such as labor protection equipment and noise protection devices.

### Component 3:

- a) Potentially any of above risks.
- (1) **Lack of awareness on occupational health and safety requirements:** As it is common at work site in Vietnam, there is often a lack of use of personal protective equipment (PPE) and safe workplace practices. Materials for handwashing and hygiene and masks are often not provided at work sites.
  - (2) **Child labor:** Even if in Vietnam, it is forbidden to hire child, the risk of engaging under-aged children in the project activities will require particular attention. Contractors and suppliers may tend to use children for economic reasons and convenience. The forced labor risks are less likely as it is expected that in Vinh Long there will not be shortage of labor supply.
  - (3) **Labor influx:** Due to the availability of labor supply in Vinh Long city, a large scale of labor influx is not expected. However, the construction activities may bring some workers from other cities who may have diverse backgrounds, different cultures and dissimilar behaviors to the local communities. They may not integrate well with the local cultures and values, and could risk the local social values and harmony. All these could lead into conflict between locals and migrant workers. Labor influx could also increase the risk of Gender Based Violence (GBV).
  - (4) **Labor disputes over terms and conditions of employment:** Labor disputes in a new construction environment are common in Vietnam. Likely causes for labor disputes include demand for limited employment opportunities; labor wages rates and delays of payment; disagreement over working conditions; and health and safety concerns in work environment. In turn, there is also a risk that employers such as contractors/subcontractors may retaliate against workers for demanding legitimate working conditions, or raising concerns regarding unsafe or unhealthy work situations, or any grievances raised, and such situations could lead to labor unrest.
  - (5) **Discrimination and exclusion of vulnerable/disadvantaged groups:** Vulnerable/disadvantaged groups of people may be subject to increased risk of exclusion from employment opportunities under the Project. Such groups will include women and persons with disabilities. Lack of equal pay for equal work for men and women is also an issue in Vietnam. Sexual harassment and other forms of abusive behavior by workers will also have the potential to compromise the safety and wellbeing of the vulnerable groups of workers and the local communities, while adversely affecting project performance. This will also include potential sexual exploitation or harassment in recruitment or retention of skilled or unskilled female workers supported under the project.

26. The above social impact is assessed to be low as: (i) workers will be trained on labor safety, traffic safety, sanitation before starting any civil works; (ii) the workers concentrated scatteredly in different areas, the impacts are localized within the construction areas; (iii) Local labor will be prioritized to use for construction activities, at the same time measures to control the age of hired workers must be taken; (iv) The Contractor committed not to hiring child labor for the project-related jobs; (v) The project Owner will coordinate with local authorities and related units to strictly control the Contractor's labor use; (vi) Commitment not to use child labor is one of the required conditions in the bidding documents; Especially, the impact on women is assessed as minor because: (i) According to the socio-economic survey results, no negative impacts related to women were recorded. At the construction sites: (ii) The number of women workers is not large as local workers are prioritized by the Contractor; (iii) Information about social diseases and prevention methods will be provided to workers through training programs and information disclosure; (iv) Regulations, penalties for the violated workers at the site must be developed; (v) The contractor must be closely work with local authorities to manage the number of workers at the construction site.

27. For the work items under the AF: For the consultants supporting implementation of the work items using additional financing, they will work mainly in the office so the OHS risk is rated from low when they are working in office (electric shock, fire, COVID-19 risks) to medium when they go for site visit (traffic accident, risk of getting communicable diseases...). Therefore, these consultants should follow all OHS requirements in this LMP. The AF activities will not have other substantive changes to the LMP as the provisions were already in place to mitigate the risks to such workers.

#### **4. BRIEF OVERVIEW OF LABOR LEGISLATION: TERMS AND CONDITIONS**

28. The workers in Vietnam are managed and protected under a relative comprehensive labor framework. The key Vietnamese labor legislations are presented below.

- **The Laws:**

- The Labor Code No. 10/2012/QH13 passed by the National Assembly of Vietnam on 18 June 2012<sup>2</sup>;
- The Social Security Law No. 58/2014/QH13 passed by the National Assembly of Vietnam on 20 November 2014;
- The Law on Occupational Safety and Health No. 84/2015/QH13 passed by the National Assembly of Vietnam on 25 June 2015;
- The Law on Public Employees No. 58/2010/QH12 dated 15 November 2010;
- The Law on Civil Servants No. 22/2008/QH12, dated 13 November 2008;
- The Law amending and supplementing a number of articles of the Law on Civil Servants and Public Employees No. 52/2019/QH14 dated 25 November 2019.

- **Decrees:**

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<sup>2</sup> A New Labor Code No. 45/2019/QH14 was adopted on 20 November 2019 by the National Assembly of Vietnam. The New Labor Code will take effect from 1 January 2021.

- Decree No.41/2013/ND-CP dated June 23, 2013 of the Government detailing Article 220 of the Labor Code on the list of employees that are not allowed to go on strike and settle requests of the labor collective in these units;
- Decree No.44/2013/ND-CP dated May 10, 2013, detailing the implementation of a number of articles of the labor code regarding labor contracts;
- Decree No. 45/2013 / ND-CP of May 10, 2013, detailing a number of articles of the Labor Code on working time, rest time and occupational safety and health;
- Decree No.46/2013/ND-CP dated 10/05/2013 of the Government detailing a number of articles of the Labor Code on labor mortgage;
- Decree No.49/2013/ND-CP dated May 14, 2013 of the Government detailing the implementation of a number of articles of the Labor Code on wages;
- Decree No.27/2014/ND-CP dated May 25, 2014 of the Government detailing a number of articles of the Labor Code on labor as domestic workers;
- Decree No.05/2015/ND-CP dated March 1, 2015 of the Government detailing and guiding the implementation of some contents of the Labor Code;
- Decree No.61/2015/ND-CP dated September 1, 2015 of the Government on regulations on employment support policies and National employment fund;
- Decree No.85/2015/ND-CP dated November 15, 2015 of the Government detailing a number of articles of the Labor Code on policies for female workers;
- Decree No.11/2016/ND-CP dated April 1, 2016 of the Government detailing the implementation of a number of articles of the Labor Code on foreign workers working in Vietnam;
- Decree No.39/2016/ND-CP dated May 15th, 2016, detailing the implementation of some articles of the Law on occupational safety and sanitation;
- Decree No.44/2016/ND-CP dated May 15, 2016 of the Government detailing a number of articles of the Law on occupational safety and sanitation regarding technical inspection of occupational safety and training of occupational safety and hygiene and working environment observation;
- Decree No.24/2018/ND-CP dated February 27, 2018 of the Government stipulating the settlement of complaints about denunciations in the labor force, vocational education and activities, Vietnamese guest workers, safety, environmental sanitation;
- Decree No.148/2018/ND-CP dated October 24, 2018 of the Government amending and supplementing a number of articles No.05/2015/ND-CP dated January 12, 2015 of the Government detailing and guiding the implementation of some contents of the labor code;
- Decree No.149/2018/ND-CP dated November 7, 2018 of the Government: detailing Clause 3, Article 63 of the Labor Code on the implementation of democracy regulations at the workplace;
- Decree No.157/2018/ND-CP dated November 16, 2018 of the Government: Regulations on regional minimum wage for employees working under labor contracts;

- Decree No.121/2018/ND-CP dated September 13, 2018 of the Government: Amending and supplementing a number of articles of the Government's Decree No.49/2013/ND-CP dated May 14, 2013 detailing the implementation of a number of articles of the labor code on wages;
- Decree No.29/2019/ND-CP dated May 5, 2019 of the Government: detailing the implementation of Clause 3, Article 54 of the Labor Code on licensing of labor sublease and deposit and the list of jobs to be subleased;
- Decree No.38/2019/ND-CP dated May 9, 2019 of the Government: Providing basic salaries for cadres, civil servants, public employees and armed forces;
- **Circular**
  - Circular No.10/2013/TT-BLĐTBXH dated 10 June 2013: Promulgating the lists of jobs and workplaces in which the employment of minor persons is prohibited;
  - Circular No.11/2013/TT-BLĐTBXH dated August 1, 2013: promulgating the list of light tasks permitted for persons under 15 years old;
  - Circular No.25/2013/TT-BLĐTBXH dated 05/12/2013: Guiding the regime of in-kind allowances for people working in hazardous and hazardous conditions;
  - Circular No.26/2013/TT-BLĐTBXH dated 15/12/2013: List of jobs that are not allowed to employ female workers;
  - Circular No.30/2013/TT-BLĐTBXH dated July 1, 2013: Guiding the implementation of Decree No. 44/2014 on labor contracts;
  - Circular No.23/2014/TT-BLĐTBXH dated 20/10/2013: Guiding the implementation of Decree No.03/2014 on employment;
  - Circular No.29/2015/TT-BLĐTBXH dated 15/9/2015: Guidance on collective bargaining, agreement of collective labor and resettlement of labor disputes;
  - Circular No.47/2015/TT-BLĐTBXH dated 16/11/2015: Providing some articles on contracts, labor rules and material responsibilities of Decree No.05/2015 dated 12/01/2015 of The Government detailing and guiding the implementation of a number of contents of the Labor Law;
  - Circular No.13/2016/TT-BLĐTBXH dated June 16, 2016: Promulgating a list of jobs with strict occupational safety and sanitation requirements;
  - Circular No. 40/2016/TT-BLĐTBXH dated October 25, 2016, guidance on implementation of a number of articles of Decree No.11/2016/ND-CP dated February 3, 2016 detailing a number of articles of the Labor Code in respect of foreign workers in Vietnam;
  - Circular No.53/2016/TT-BLĐTBXH dated 28/12/2016: Promulgating the list of machines, equipment, supplies and substances with strict requirements on occupational safety and sanitation;
  - Circular No. 23/2015/TT-BLĐTBXH dated June 23, 2015: guiding the implementation of a number of articles on wages of Decree No.05/2015/ND-CP dated January 12, 2015

of the Government detailing and guiding the implementation of some contents of the labor code;

- **Others:**

- Directive No. 02/2008/CT-BXD on labor safety and sanitation in construction agencies;
- Circular No. 22/2010/TT-BXD on regulation on labor safety in construction;
- QCVN 18:2014/BXD: Technical regulation on safety in construction.

29. **Labor Code.** The main law regulating employment relationships in Vietnam is the 2012 Labor Code. As indicated above, a new Labor Code No. 45/2019/QH14 was adopted on 20 November 2019 by the National Assembly of Vietnam. When the new Labor code will be in force on January 1<sup>st</sup>, 2021, the LMP will be updated. The Labor Code grants certain protections to particular groups of employees (women, child, etc.) as presented in the followings:

- **Gender Equity.** Chapter X of the Labor code identifies Specific Provisions on Women's Labor. Article 154 states that “Employers shall ensure the implementation of gender equality and measures to promote gender equality in recruitment, employment, training, working hours and rest periods, wages and other policies. “. This Article also states that: “Employers shall consult with female employees or their representatives when taking decisions which affect the rights and interests of women”.
- **Prevent Child Labor.** Article 162 states that: “Employer shall only employ a minor employee (under 18 years old) in work suitable to the health of the minor employee in order to ensure his/her physical, mental and personality development, and shall have the responsibility to take care of the minor employee in regard to his/her work, wage, health and study in the course of his/her employment”. Article 163 lists the tasks prohibited for minor employees. Article 164 states that “An employer is only entitled to employ persons from 13 full years of age to fewer than 15 years of age to undertake light work in accordance with the list issued by the Ministry of Labor, Invalids and Social”.
- **Disabled Laborers.** Section 4 of Chapter XI of the Labor code covers disabled laborers. Under Article 176, it is indicated that: “The State shall protect the rights to work and to self-employment of workers with disabilities, adopt policies to encourage and provide incentives for employers to create work for and to employ workers with disabilities in accordance with the Law on People with Disabilities”.

30. **Social Security Law.** Under this law, the contribution of health insurance is an obligation of both the employers and all the Vietnamese and foreign employees working in Vietnam under the Labor contracts with a term of a full 03 months or more. With health insurance contribution, the employees will be entitled to medical treatment expenses and the cost for rehabilitation (partly or wholly depending on certain situations), including cases of suffering Labor accidents and occupational diseases.

31. **For the work items under the AF:** will strictly comply with the provisions of the Labor Code as set forth for the parent project.

## 5. BRIEF OVERVIEW OF LABOR LEGISLATION: OCCUPATION HEALTH AND SAFETY

32. The two key Vietnamese labor legislations regarding OHS are the Labor Code and the Law on Occupational Safety and Health.

33. **The Labor Code** which governs all different sectors and industries in Vietnam enacts general regulations on the occupational health and safety at the workplaces and the regime on Labor accidents, occupational disease of employees. These general regulations are applicable to all Vietnam-based employers (including international companies based in Vietnam), Vietnamese and foreign employees who are working in Vietnam. Under the Labor Code, the employers are required to implement measures to ensure OHS at the workplace, and the employees must comply with them. The main measures are as follow:

- All types of machinery, equipment and materials with strict requirements for Labor safety as detailed by the Vietnamese Government from time to time must be tested and verified prior to being commissioned for use, and must be periodically tested and verified by an organization conducting technical Labor safety testing and verification.
- The employers must provide the employees engaged in hazardous work activities with sufficient personal protective equipment and facilities which meet quality standards as provided by the relevant laws, and the employees must use such equipment and facilities during work in accordance with the regulations of the Ministry of Labor, War Invalids and Social Affairs of Vietnam (MOLISA). The employers must hold training classes on OSH for employees, apprentices and trainees when they are recruited and when work is assigned to them.
- The employers must arrange periodic health checks for the employees once per year or once per each six months.
- The employers are also required to: (i) ensure that the workplaces meet the requirements on spaces, airiness, dust, steam, toxic gas and other harmful factors as prescribed in relevant technical regulations; (ii) ensure safe and hygienic working conditions for machines, equipment and workshops as required by the promulgated or applied national technical regulations or standards on OSH at the workplaces; (iii) check and evaluate dangerous and harmful factors at the workplaces in order to put forward measures to avert and minimize dangers and harm and improve working conditions and healthcare for the employees; (iv) examine and maintain machines, equipment, workshops and warehouses on a periodic basis; (v) display signboards of instructions regarding OHS covering the operation of machines, equipment and the workplaces at easy-to-read and visible locations at the workplaces; and (vi) obtain opinion from the organization representing the Labor collective at the grassroots level (trade union or Labor union) when formulating and implementing plans on activities ensuring OHS.

34. In addition, the Labor Code also provides obligations for the employers in the event that an employee is victim of a Labor accident or of an occupational disease, as well as the rights and benefit regimes to which the concerned employees are entitled in these cases.

35. **The Law on Occupational Health and Safety (No. 84/2015/QH13)**, seeks to assure occupational health and safety and introduces policies for victims of labor accidents and occupational

diseases. It also provides state management and rights and obligations of organizations and individuals in occupational safety and hygiene.

36. The provisions of this law are applicable to all Vietnamese employers and to all Vietnamese employees (including Vietnamese employees working aboard under contracts) and foreign employees who are working in Vietnam, and also to all different sectors and industries.

37. More particularly, this law regulates the employers' obligation to contribute to insurance covering Labor accident and occupational disease insurance for the employees covered by the social insurance under the Social Security Law. Vietnamese employees who work under the Labor contracts with a total term of 03 months or more are entitled to social insurance.

38. Thus, when a Vietnamese employee working in Vietnam, who contributed to social insurance, is injured or becomes ill or even dies during the course of his or her employment, all related costs such as payment for being unable to work, retraining and even lump sum amounts for permanent impairments or death, are paid by the Social Insurance Fund of Vietnam.

39. For the work items under the AF: will strictly comply with the provisions of the Vietnam Government on OHS as set forth for the parent project.

## **6. RESPONSIBLE STAFF**

40. **MOLISA/DOLISA.** Enforcement of the Labor Code is the responsibility of the Ministry of Labor, War Invalids and Social Welfare (MOLISA) and of each Department of Labor, War Invalids and Social Welfare (DOLISA) in each province.

41. **The Project Management Unit (PMU).** The ODA PMU is located in Vinh Long City and will be responsible for overall project management and coordination of the Project, including the compliance with safeguards requirements including on labor and working condition. The PMU will hire consultant(s) with expertise in environmental, social, occupational health and safety issues. The PMU will be responsible for the following tasks relevant to labor and working conditions:

- 1) Undertake the overall implementation of this LMP.
- 2) Engage and manage contractors/subcontractors in accordance with these LMP and the applicable Procurement Documents.
- 3) Ensure that contractors prepare their labor management procedures (Contractor's LMP) that comply with this LMP and Contractor's ESMP (including OHS provisions) for approval before the contractor is allowed to mobilize to the field.
- 4) Monitor<sup>3</sup> that contractors/subcontractors are meeting obligations towards contracted workers as included in the Contractor's LMP and ESMP and the applicable Procurement Documents.
- 5) Monitor the potential risks of child labor, forced labor and serious safety issues in relation to primary supply workers.
- 6) Monitor training of relevant project workers.
- 7) Ensure that the grievance mechanism for project workers is established and implemented and that workers are informed of it.

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<sup>3</sup> The PMU shall establish resources and procedures for managing and monitoring the performance of the contractor in relation to the LMP. The PMU will ensure that the contract with the construction and supervision consultants explicitly set out their monitoring responsibility for the contractor's performance on labor and working conditions on a daily basis. The monitoring may include, inspections, and/or spot checks of project locations or work sites and/or of labor management records and reports compiled by the contractor. For more details, see Chapter 11 "Contractor Management".

- 8) Monitoring the implementation of the Worker Code of Conduct and any other measures to address risks of sexual exploitation and abuse (SEA)/sexual harassment (SH).
  - 9) Report to the World Bank on labor and occupational health and safety performance.
42. **The Construction and Supervision Consultant.** The PMU will be supported by the construction and supervision consultant who will be responsible for monitoring the contractors of the civil works as well as monitoring adherence to the safeguard instruments. They will oversee the performance on labor and working conditions on a daily basis on behalf of the PMU, which will be explicitly set out in their contract. The Construction and Supervision Consultant will employ qualified expert(s) for such oversight and report on performance to the PMU.
43. **The Contractor will be responsible for the following:**
- 1) Employ or appoint qualified environmental, social, occupational health and safety expert(s) to manage OHS issues.
  - 2) Prepare and implement their labor management procedure (Contractor's LMP) and Contractor's ESMP (including OHS provisions)<sup>4</sup> which will apply to the contracted workers who work on the projects. These procedures and plans will be submitted to the PMU for review and approval before the contractor is allowed to mobilize to the field.
  - 3) Supervise their subcontractors' adherence to the LMP and ESMP.
  - 4) Maintain records of recruitment and employment of contracted workers (including subcontractors) with age verification to avoid child labor.
  - 5) Provide induction and regular training to contracted workers on environmental, social and occupational health and safety issues.
  - 6) Require the primary supplier to identify and address risks of child labor, forced labor and serious safety issues, and risks of equity and discrimination for primary supply workers.
  - 7) Develop and implement the grievance mechanism for contracted workers, including ensuring that grievances received from their contracted workers resolved promptly, and reporting the status of grievances and resolutions.
  - 8) Ensure that all contractor and subcontractor workers understand and sign the Code of Conduct prior to the commencement of works, take all other measures to address risks of sexual exploitation and abuse (SEA)/sexual harassment (SH) as specified in the contractor's LMP/ESMP and supervise compliance with such measures.
  - 9) Report to PMU on labor and occupational health and safety performance.
44. **Consultants supporting implementation of work items under the AF:** The consultants will assist the PMU in developing an integrated flood risk management information system, (ii) strengthening information, education-communication and operation & maintenance of wastewater management, and (iii) building a geospatial data sharing platform that improves data sharing across departments.

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<sup>4</sup> The Contractor's LMP and the Contractor's ESMP may be prepared as separate documents or integrated into a single document.



**Table 2: Summary of the project staff/party responsible for various key issues**

Key issues	Direct workers	Contracted workers	Primary supply workers
<b>Hiring and managing individual project workers</b>	- PMU to engage/manage consultants - PMU to engage/manage Construction and Supervision consultant	- Contractor/Subcontractor (site manager and/or OHS officer)	- n/a (outside the scope of ESS2)
<b>OHS</b>	- n/a (direct workers will follow OHS measures when visiting construction sites)		- Contractor to require the primary supplier to identify/address child labor/forced labor and serious safety risks.
<b>Child labor and forced labor</b>	- n/a (the contract for direct workers does not allow child labor and forced labor)		- PMU/Construction and Supervision consultants to review
<b>Training</b>	- PMU/Construction and Supervision consultants		- n/a (outside the scope of ESS2)
<b>Code of conduct</b>	- n/a (the contract for direct workers will address relevant risks.)		
<b>Grievance mechanism</b>	- PMU/Construction and Supervision consultants	- Contractor and PMU/Construction and Supervision consultants	
<b>Monitoring and reporting</b>	- PMU/Construction and Supervision consultants to monitor and report to World Bank	- Contractor to monitor and report to PMU - PMU/Construction and Supervision consultant to monitor and report to World Bank	- Contractor to monitor and report to PMU - PMU/Construction and Supervision consultant to monitor and report to World Bank.

## 7. POLICIES AND PROCEDURES

45. The Vinh Long Project will apply the following policies and procedures to address the key labor risks identified under Chapter 3. The summary of indicative procedures to implement the policies is presented in the following table (Table 3).

- 1) **Occupational health and safety (OHS).** Pursuant to the relevant provisions of the Labor Code (Chapter IX on Labor Safety, Labor Sanitation Articles 95-108), ESS2 (including WBG General Environmental, Health and Safety Guidelines (EHSGs<sup>5</sup>)), the Project's ESMP and WB standard procurement documents<sup>6</sup>, the contractor shall manage all construction sites in such a way that the workers and the community are properly protected against possible OHS risks. Key elements of OHS measures should include (a) identification of potential hazards to workers; (b) provision of preventive and protective measures; (c) training of workers and

<sup>5</sup> The WBG General EHSGs are technical reference documents with general statements of Good International Industry Practice, which provide guidance to users on general EHS issues. The applicability of the ESHGs should be tailored to the hazards and risks established for each project.

<sup>6</sup> The WB Standard Procurement Document for Work is likely to be used for the Vinh Long Project construction works, which will include relevant OHS provisions, such as the appointment of ESHS officer, development of Contractor-ESMP, compliance with OHS measures and reporting, and the use of Code of Conduct.

maintenance of training records; (d) documentation and reporting of occupational accidents and incidents; (e) emergency preparedness; and (f) remedies for occupational injuries and fatalities.

- 2) **Child labor.** The minimum age of project workers eligible for any type of work under the Vinh Long project (including construction work) is set at 18. The engagement of project workers between the age of 15 and under 18 years may be allowed only for non-hazardous work that would not interfere with the child's education (subject to prior risk assessment and regular monitoring on health and safety conditions, hours of work and any other aspects) in accordance with ESS2. To prevent engagement of under-aged labor, all contracts shall have contractual provisions to comply with the minimum age requirements including penalties for non-compliance. The contractor is required to maintain labor registry of all contracted workers with age verification.
- 3) **Labor influx.** To minimize the labor influx, the Vinh Long Project will contractually require the contractor to preferentially recruit **unskilled** labor from the local communities and especially in LIAs. All contracted workers will be required to sign the code of conduct (see Annex 1 on the Guideline on Code of Conduct) prior to the commencement of work, which includes a provision to address the risk of Gender Based Violence (GBV). The code of conduct governs both on-site behavior (with colleagues) and conduct in the community. Relevant trainings will be provided to workers, such as induction and daily toolbox talks outlining expected conduct and local community values.
- 4) **Labor disputes over terms and conditions of employment.** To avoid labor disputes, fair terms and conditions will be applied for project workers in the Vinh Long Project (more details are provided in Chapter 9). The Project will also have grievance mechanisms for project workers (direct workers and contracted workers) in place to promptly address their workplace grievances (more details are provided in Chapter 10). Further, the Project will respect the workers' right of labor unions and freedom of association, as set out in the national Labor Code (Chapter XIII, Trade Union).
- 5) **Discrimination and exclusion of vulnerable/disadvantaged groups.** The employment of project workers under the Vinh Long Project will be based on the principle of equal opportunity and fair treatment, and there will be no discrimination with respect to any aspects of the employment relationship, such as recruitment and hiring, terms of employment (including wages and benefits), termination and access to training. To address the risk of exclusion of vulnerable groups (such as women and persons with disabilities) from employment opportunities, the Project will require the contractor to employ such groups as part of their unskilled workforce. The contractor will be also required to comply with the national Labor Code (Chapter X) on gender equality in the workplace, which will include provision of maternity leave and nursing breaks and sufficient and suitable toilet and washing facilities, separate from men and women workers. The contractor will be also required to enable safety in the workplace to address potential sexual exploitation or harassment in recruitment or retention of skilled or unskilled female workers supported, and potential discrimination along ethnic lines under the project.
46. **Monitoring and reporting.** The contractor shall report to the PMU and to the construction and supervision consultants on the status of implementation of the above policies and procedures on a monthly basis. The PMU and the construction and supervision consultants will closely monitor the

contractor/subcontractor on labor and occupational health and safety performance and report to the World Bank on a quarterly basis (see Chapter 11 for more details).

47. Fatality and serious incidents. In the event of an occupational fatality or serious injury, the PMU shall report to the Bank as soon as becoming aware of such incidents, and inform the government authorities (where available) in accordance with national reporting requirements (Labor Code Chapter IX, section 2). Corrective actions shall be implemented in response to project-related incidents or accidents. The PMU or, where relevant the contractor, will be required to conduct a root cause analysis for designing and implementing further corrective actions.

48. For the work items using additional fund under the AF: will apply policies and procedures to address the key labor risks identified in chapter 3, as in the parent project.

**Table 3: Overview of Project policies and indicative procedures to address key labor risks**

Key labor risks	Policies to address risks	Procedures to back up the policy
<p><b>1. OHS risks</b></p>	<ul style="list-style-type: none"> <li>- In conformity with OHS requirements as set out in Labor Code (Chapter IX Articles 133-152), ESS2 (including WBG EHSs), the Project ESMP and WB standard procurement documents.</li> </ul>	<ul style="list-style-type: none"> <li>- Select legitimate and reliable contractor through screening OHS records.</li> <li>- Address adequately OHS risks with non-compliance remedies in procurement documents.</li> <li>- Require the contractor to engage qualified OHS staffing</li> <li>- Enhance workplace OHS awareness and training.</li> <li>- Provide materials for handwashing and hygiene at work sites.</li> <li>- Provide masks in case of infectious disease outbreaks;</li> <li>- Practice social distancing on the worksite, following national and international guidelines.</li> <li>- Conduct routine monitoring and reporting.</li> </ul>
<p><b>2. Child labor</b></p>	<ul style="list-style-type: none"> <li>- Set the minimum age of project workers eligible for any type for work (including construction work) at 18 years.</li> <li>- Allow the engagement of project workers between the age of 15 and under 18 years only for non-hazardous work that would not interfere with the child’s education in accordance with ESS2.</li> </ul>	<ul style="list-style-type: none"> <li>- Include minimum age in procurement documents.</li> <li>- Raise awareness on child protection with contractors and in the communities.</li> <li>- Maintain labor registry of all contracted workers with age verification.</li> <li>- Develop remedial procedures to deal with child labor incidents.</li> </ul>
<p><b>3. Labor influx</b></p>	<ul style="list-style-type: none"> <li>- Minimize the labor influx by prioritizing local workforce.</li> <li>- Minimize labor-related risks on the community through the code of conduct, including GBV.</li> </ul>	<ul style="list-style-type: none"> <li>- Require the contractor to preferentially engage unskilled local workforce from the local communities (especially in LIAs).</li> <li>- Make all contracted workers sign code of conduct, including prevention of GBV.</li> <li>- Make all contracted workers to follow the rules for on-site behavior (with colleagues) and conduct in the community.</li> <li>- Conduct induction and toolbox talks outlining expected conduct and local community values.</li> </ul>

Key labor risks	Policies to address risks	Procedures to back up the policy
		- Introduce disciplinary measures for violations and misbehaviors.
<b>4. Labor disputes</b>	- Respect the national Labor Code and promptly address workplace grievances to minimize the risk of labor disputes.	- Provide workers with contracts with fair terms and conditions. - Have grievance mechanisms in place to promptly address workplace concerns. - Respect the national Labor Code on workers' right of labor unions and freedom of association.
<b>5. Discrimination and exclusion of vulnerable or disadvantaged groups</b>	- Promote no discrimination and equal opportunity with respect to any aspects of the employment relationship.	- Require the contractor to employ vulnerable groups as part of unskilled workforce. - Provide maternity leave and nursing breaks where relevant. - Arrange sufficient and suitable toilet and washing facilities, separate for men and women workers. - Require the contractor to address potential sexual exploitation or harassment in recruitment or retention of skilled or unskilled female workers. - Require the non-discrimination and harassment and should be socialized/basis for training, and covers potential ethnic discrimination.
<b>6. Security risks</b>	- Take appropriate and proportionate security measures to minimize the potential risk to the workers.	- Arrange security protection to be determined by security authorities to address external security risks (such as terrorism and armed insurgency). - Restrict work hours to minimize security threat. - Maintain low profile of the site and workers. - Address internal security risks associated with the deployment of security personnel on the community and project workers in line with the WB Good Practice Note "Assessing and Managing the Risks and Impacts of the Use of Security Personnel" (such as the training of security officers on the principles of proportionality in the use of force.).

## 8. AGE OF EMPLOYMENT

49. **Age limitation for hazardous work.** As indicated above, the national Labor Code (Articles 162-165) states that it is forbidden to employ children below 15 years of age, except for those professions and jobs to be defined by the Ministry of Labor, War Invalids and Social Welfare. Similarly, ESS2 (para 19) sets out further conditions on the minimum age, stating that a child over the minimum age and under the age of 18 will not be employed or engaged in connection with the Bank-financed project in a manner that is likely to hazardous<sup>7</sup> or interfere with the child's education or be harmful to the child's health or physical, mental and any other relevant development. Considering these national and WB requirements, the minimum age for hazardous work under the

<sup>7</sup> Examples of hazardous work activities prohibited for persons between the minimum age and 18 under ESS2 include work: (a) with exposure to physical, psychological or sexual abuse; (b) underground, underwater, working at heights or in confined spaces; (c) with dangerous machinery, equipment or tools, or involving handling or transport of heavy loads; (d) in unhealthy environments exposing children to hazardous substances, agents, or processes, or to temperatures, noise or vibration damaging to health; or (e) under difficult conditions such as work for long hours, during the night or in confinement on the premises of the employer.

Vinh Long Project (including construction) is set at 18 (for example, work at quarries to obtain construction materials; work with dangerous machinery, equipment or tools; work involving handling or transport of heavy loads; or work at height).

50. **Minimum age for project workers.** The national Labor Code as well as ESS2 allow persons under 18 and over 15 to be engaged if the work is non-hazardous and does not interfere with the child's education and not harmful to the child's development (for example, administrative work, site cleaning or rubbish removal). Considering this, the minimum age of project workers for such (non-hazardous) work under the Vinh Long Project is set at 15 and the minimum age of project workers eligible for construction works is set at 18.

51. **The process of age verification.** In order to prevent engagement of under-aged labor, all contracts with work contractors shall have contractual provisions to comply with the minimum age requirements including penalties for non-compliance, and it will be well communicated to all potential stakeholders including the local community where the unskilled workforce will be sourced. The contractor is required to maintain labor registry of all contracted workers with age information. Verification of the age shall be undertaken prior to the engagement of labor and be documented based on the workers ID or other relevant legal documents.

52. **For the work items under the AF:** The consultants supporting the PMU in implementation of work items using the additional fund are qualified and experienced experts who are recruited through bidding procedure. As a result, no experts are under the age of 18.

## 9. TERMS AND CONDITIONS

53. **Direct workers.** The terms and conditions for direct workers in PMU and the construction and supervision consultants will be governed by the Standard World Bank Consultancy which set higher standards than the national Labor Code.

54. **Contracted workers.** Labor Code of Vietnam presented in Chapter 3 (Overview of Labor Legislation) above is the guiding legislation on employment terms and conditions for contracted workers.

55. **Provision of written individual contract of employment.** A written individual contract of employment shall be provided to workers that specify the following: (a) name of workers; (b) address, occupation, age and sex of workers; (c) employer's name and address; (d) nature and duration of contract; (e) hours and place of work; (f) remuneration payable to the worker; (g) procedure for suspension or termination of contract. Depending on the origin of the employer and the employee, employment terms and conditions will be communicated in a language that is understandable to both parties. In addition to written documentation, an oral explanation of conditions and terms of employment will be provided to workers who may have difficulty understanding the documentation.

56. **Notice for termination of contract.** Either of the contracting parties may terminate a contract of employment by giving written notice as under: (a) not less than ten days in the case of manual workers; or (b) not less than 30 days in the case of non-manual workers. No notice needs to be given in case the duration of contract does not exceed one month.

57. **Minimum Wages.** While the mechanism to set the official minimum wage is prescribed by the State (Labor Code, Article 91) is not currently functioning, the market rate is available for each

job type in different locality. The fair market rate will be identified and applied for the Vinh Long project workers.

58. **Hours of Work.** The normal hour of work of a project worker shall not exceed 8 hours a day or 48 a week (Labor Code, Article 104). Hours worked in excess of the normal hours of work shall not exceed 12 hours a week and shall entitle a worker to a proportionate increase in remuneration.

59. **Rest per week.** Every worker shall be entitled to one day's rest each week, which should normally fall on Sunday (Article 108). It shall consist of at least 24 consecutive hours each week. Workers shall also be entitled to a rest day on public holidays recognized as such by the State.

60. **Annual leave.** Workers shall be entitled to 12 to 16 days' leave with pay for every year of continuous service (Art. 111). An entitlement to leave with pay shall normally be acquired after a full year of continuous service.

61. **Maternity leave.** A female worker shall be entitled, on presentation of a medical certificate indicating the expected date of her confinement, to 6 months maternity leave (Art 157). During maternity leave, the female employee is entitled to maternity benefits as regulated in the Law on Social Insurance.

62. **Deductions from remuneration.** No deductions other than those prescribed by the Code (Article 101) or regulations made hereunder, or any other law or collective Labor agreement shall be made from a worker's remuneration, except for repayment of advances received from the employer and evidenced in writing. The contractor shall not demand or accept from workers any cash payments or presents of any kind in return for admitting them to employment or for any other reasons connected with the terms and conditions of employment.

63. **Death benefit.** In case of death of a worker during his contract of employment, the employer shall pay to his heirs an amount equivalent to 30 months' wages (Art. 145).

64. **Medical treatment of injured and sick workers.** It shall be the duty of the employer to arrange at his own expense for the conveyance to the nearest hospital of any injured or sick worker who can be so conveyed and who cannot be treated on the spot with the means available (article 144).

65. **Collective Agreements.** A collective agreement is an agreement relating to terms and conditions of work concluded between the representatives of one or more trade unions, on the one hand, and the representatives of one or more employers, on the other hand. Where collective agreements exist between the employer and project workers, such agreements will be applied, where relevant.

66. **For the work items under the AF:** terms and conditions for consultants supporting the PMU will be the same as the terms and conditions applied for the parent project.

## 10. GRIEVANCE MECHANISM

67. **General principles.** While the Vinh Long City Urban Development and Enhanced Climate Resilience Project in Vinh Long Province will have in place a grievance mechanism to address concerns of project-affected parties, the nature of workplace concerns of workers is usually different. For example, typical workplace grievances include demand for employment opportunities; labor wages rates and delays of payment; disagreement over working conditions; and health and safety

concerns in work environment. Therefore, a separate grievance mechanism will be established for project workers (direct workers and contracted workers) as required in ESS2.

68. **Handling of grievances should be objective, prompt and responsive to the needs and concerns of the aggrieved workers.** Different ways in which workers can submit their grievances should be allowed, such as submissions in person, by phone, text message, mail and email. The grievance raised should be recorded and acknowledged within one day. While the timeframe for redress will depend on the nature of the grievance, health and safety concerns in work environment or any other urgent issues should be addressed immediately. Where the grievance cannot be addressed within a reasonable timeframe, the aggrieved worker should be informed in writing, so that the worker can consider proceeding to the State inspection on labor (see below for more details). The mechanism will also allow for anonymous complaints to be raised and addressed. Individuals who submit their comments or grievances may request that their name be kept confidential.

69. **Direct workers.** Each unit engaging direct workers (PMU and the construction and supervision consultants) will hold periodic team meetings to discuss any workplace concerns. The grievance raised by workers will be recorded with the actions taken by each unit. The summary of grievance cases will be reported to the World Bank as part of the regular report. Where the aggrieved direct worker wishes to escalate their issue or raise their concerns anonymously and/or to a person other than their immediate supervisor/hiring unit, the worker may raise the issue with responsible municipal authorities (e.g., DOLISA), where relevant. Where the construction and supervision consultants have an existing grievance system, their direct workers should use such mechanism.

70. **Contracted workers.** The site manager and the OHS officer (or any other appropriate officers) of the contractor will hold a daily team meeting with all present contracted workers at site at the end of the daily work to discuss any workplace grievances. The grievance raised will be recorded with the actions taken by the contractor. The summary of grievance cases will be reported to the PMU and the construction and supervision consultant as part of contractor's periodic report. Where appropriate and available, the contracted workers should be allowed to utilize an existing grievance mechanism within the contractor. Where the aggrieved workers wish to escalate their issue or raise their concerns anonymously and/or to a person other than their immediate supervisor, the workers may raise their issue with the PMU and/or the construction supervision consultant. The contracted workers will be informed of the grievance mechanism prior to the commencement of work. The contact information of the PMU and/or the construction supervision consultants will be shared with contracted workers.

71. **State Inspection on Labor, Sanctions Against Violations of Labor Legislation.** As per the Labor Code (Articles 237-239), the labor inspector is mandated to settle complaints and denunciations of employees of violations of the labor legislation and to receive and settle complaints and denunciations about violations of the labor legislation, as prescribed by law.

72. **Grievance Handling Procedure.** The table provides steps with responsibilities of grievances relating to the complaint handling linked to labor issue. The key purpose of this exercise is to present GRM process in an effective and user-friendly manner.

73. **For the work items under the AF:** the grievance redress mechanism of the parent project will be applied.

**Table 4: GRM procedures for complaint handling process**

Steps	Complainants	GRM Functions	Timeframe
<p><b>Community level GRM/mediation:</b> The Affected Person (AP)/workers/complainant (or his/her representative) may submit his/her complaint in several ways e.g., by written letter, phone, SMS messages and email to the GRM or, alternatively, raise his/her voice in a public or individual meeting with project staff.</p>			
1	Submission of complaint to the local or community level GRM/mediation	<ul style="list-style-type: none"> <li>• Conduct public consultations among the affected communities to use grievance service.</li> <li>• Register a grievance in the project logbook and grievance database.</li> <li>• Segregate/sort and process.</li> <li>• Acknowledge and follow up of grievance.</li> <li>• Verify investigate, and act</li> <li>• Provide written response to the complainants.</li> </ul>	7- 14 days
<p><b>Project or Site level GRM:</b></p> <p>(a) <b>Project Level GRM:</b> If resolution at local/community level is unsuccessful, or the Affected Person (AP) can take his or her complaint to project level GRM.</p>			
2	Submission of grievance to the project level GRM through one of the channels	<ul style="list-style-type: none"> <li>• Conduct coordinating meetings among complainants/public and appropriate administration levels.</li> <li>• Provide written response to the complainant.</li> <li>• Provide written response to the complainant</li> </ul>	15 days
<p>(b) <b>GRM for Workers:</b> The project workers (all three categories, direct workers, contracted workers and primary supply workers) can directly register their complaints with the GRM for workers. The members of this GRM will be trained to be capable to address grievances by workers, including workplace complaints in an efficient and effective manner to meet national regulations on labors and World Bank ESS2.</p>			
3	Workers or labor association will submit their grievance to the GRM for Workers through one of the channels	<ul style="list-style-type: none"> <li>• Refer workers related complaints to the Workers GRM.</li> <li>• Registration, classification and analysis of grievances.</li> <li>• Convene the GRM for workers meeting to analyze and resolve the complaint.</li> <li>• Provide written response to the complainant/contractor.</li> <li>• Provide guidance with recommendations to the contractor to improve working condition/labor management issues.</li> </ul>	10 days
<p><b>Provincial Level GRM:</b> In case the grievance is not resolved within 10 days of its receipt or it is unattended, the complainant can approach the provincial level GRM or to the court. The grievance will be examined and addressed within 30 days.</p>			
4	Workers, labor associations or the AP can refer the complaint to the provincial GRM	<ul style="list-style-type: none"> <li>• Conduct coordinating meetings/ resolution sessions with complainants.</li> <li>• Investigate the complaints.</li> <li>• Provide written response to the complainants.</li> </ul>	30 days
<p><b>Referee Level:</b> If all above fails, the last recourse is the stipulations in the Labor Code.</p>			



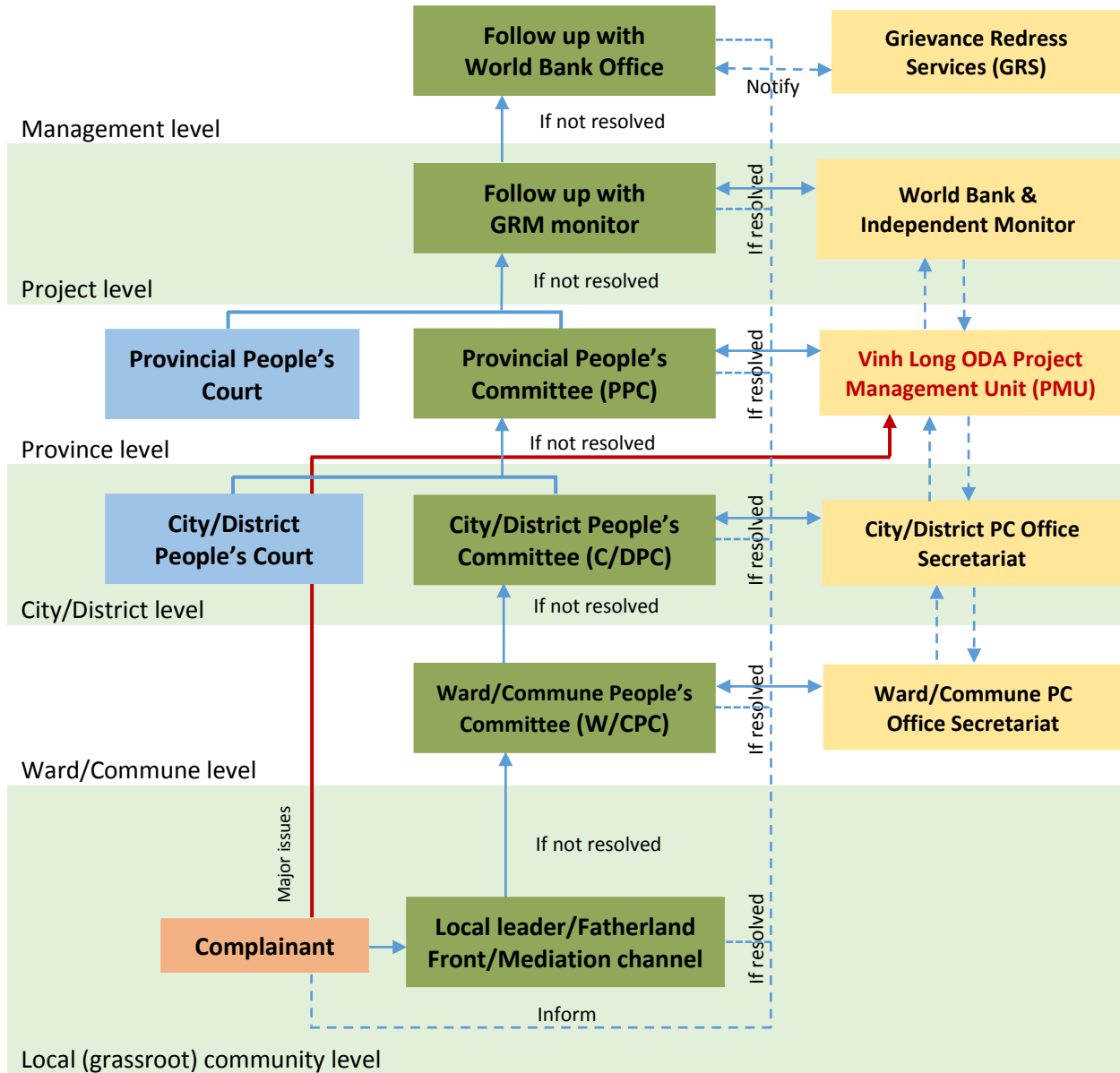
74. **Grievances related to Gender Based Violence (GBV).** To avoid the risk of stigmatization, exacerbation of the mental/psychological harm and potential reprisal, the GRM shall have a different and sensitive approach to GBV related cases. The GRM equally applies to workers who experience GBV. Where such a case is reported to the GRM, it should immediately be referred to the appropriate service providers, such as medical and psychological support, emergency accommodation, and any other necessary services. It should also be reported to the safeguard staff of the PMU who can advise on relevant service providers. Data on GBV cases should not be collected through the GRM unless operators have been trained on the empathetic, non-judgmental and confidential collection of these complaints. Only the nature of the complaint (what the complainant says in her/his own words) and additional demographic data, such as age and gender, can be collected as usual.

75. **Publicizing the GRM.** The PMU will be in charge of publicizing the GRM. PMU should ensure that GRM is explained during public meetings. PMU should also ensure that leaflets on GRM are distributed during public meetings and made available at ward/commune levels with contact numbers of the focal person for the GRM. Posters will be also be posted at ward/commune levels.

76. The following procedures shall be followed while filing and processing complaints through the above described GRM structures:

- Grievance Register Book: A grievance register book shall be opened and kept in the office of resident engineer. All grievances shall be registered when and upon the receipt of complaints from the aggrieved. The book shall have: i) case reference number, ii) the aggrieved name, iii) the date the case is received, iv) the date the case is resolved and, v) a remarks column;
- Responsibility for Registering Complains: the resident focal point in the project area shall register in the Grievance Register Book all written complaints received;
- Case Receipt: Within 24 hours of receiving complaints, the monitoring consultant shall issue a letter to the aggrieved acknowledging receipt of the case and providing a date when the case will be reviewed as well as the venue;
- Public Access to the book: The book shall be accessible to the public;
- GBV grievances will not be documented in the public accessible book. However, a GBV action plan will be prepared to manage related risks. The all-level women's unions will be engaged for awareness raising and ensure a system that capture GBV/SEA and HIV/AIDS related issues will be developed;
- PAPs: All PAPs who have issues with their compensation and assistances are required to submit written complaints to the appropriate level of GRMs;
- Mediation meetings and outcomes will be recorded and kept by the GRM person-in-charge.

## THE GRIEVANCE PROCESS CHART



## 11. CONTRACTOR MANAGEMENT

77. **Selection of Contractors.** The Vinh Long Project will use the World Bank Standard Procurement Documents for Works for solicitations and contracts. These include labor and occupational, health and safety requirements. The PMU shall make reasonable efforts to ascertain that the contractor who will engage contracted workers is legitimate and reliable entities and able to comply with the relevant requirements under the LMP. Such requirements shall be included in the bidding documents. As part of the process to select the contractors who will engage contracted workers, the PMU may review the following information:

- Business licenses, registrations, permits, and approvals
- Public records, for example, corporate registers and public documents relating to violations of applicable labor law; accident and fatality records and notifications to authorities; labor-related litigations

- Documents relating to the contractor’s labor management system and OHS system (e.g., HR manuals, safety program); ESHS personnel and their qualification
- Previous contracts with contractors and suppliers (showing inclusion of provisions and terms reflecting requirements on labor and working conditions).

78. **Contractual Provisions and Non-Compliance Remedies.** The PMU shall incorporate the agreed labor management requirements as specified in the bidding documents into contractual agreements with the contractor, together with appropriate non-compliance remedies (such as the provision on withholding 10 % of payment to the contractor in case of non-compliance with relevant environmental, social, health and safety requirements; removal of personnel from the works; or lack in the OHS performance security). In the case of subcontracting, the PMU will require the contractor to include equivalent requirements and non-compliance remedies in their contractual agreements with subcontractors.

79. **Performance Monitoring.** The PMU shall establish resources and procedures for managing and monitoring the performance of the contractor in relation to the LMP. The PMU will ensure that the contract with the construction and supervision consultants explicitly set out their monitoring responsibility for the contractor’s performance on labor and working conditions on a daily basis. The monitoring may include, inspections, and/or spot checks of project locations or work sites and/or of labor management records and reports compiled by the contractor. Contractors’ labor management records and reports that should be reviewed would typically include the following:

- Representative samples of employment contracts and signed code of conduct;
- Grievances received from the community and workers and their resolution;
- Reports relating to fatalities and incidents and implementation of corrective actions;
- Records relating to incidents of non-compliance with national Labor Code and the provisions of the LMP; and
- Records of training provided for contracted workers to explain occupational health and safety risks and preventive measures.

80. The Project requires that contractors monitor, keep records and report on terms and conditions related to Labor management. The contractor must provide workers with evidence of all payments made, including social security benefits, pension contributions or other entitlements regardless of the worker being engaged on a fixed term contract, full-time, part-time or temporarily. The application of this requirement will be proportionate to the activities and to the size of the contract, in a manner acceptable to the PMU and the World Bank:

- **Labor conditions:** records of workers engaged under the Project, including contracts registry of induction/training of workers including Code of Conduct, hours worked, remuneration and deductions (including overtime), collective bargaining agreements.
- **Safety:** recordable incidents and corresponding Root Cause Analysis (lost time incidents, medical treatment cases), first aid cases, high potential near misses, and remedial and preventive activities required (for example, revised job safety analysis, new or different equipment, skills training, and so forth).
- **Workers:** number of workers, indication of origin (expatriate, local, nonlocal nationals), gender, age with evidence that no child Labor is involved, and skill level (unskilled, skilled, supervisory, professional, management).
- **Training/induction:** dates, number of trainees, and topics.

- **Details of any security risks:** details of risks the contractor may be exposed to while performing its work—the threats may come from third parties external to the project.
- **Worker grievances:** details including occurrence date, grievance, and date submitted; actions taken and dates; resolution (if any) and date; and follow-up yet to be taken grievances listed should include those received since the preceding report and those that were unresolved at the time of that report.

81. For the work items under the AF: provisions set forth for the parent project will be fully applied.

## 12. PRIMARY SUPPLY WORKERS

82. **Potential risks in primary supply workers.** The construction work under the Vinh Long Project will require primary supplies including construction materials essential for the functions of the proposed infrastructure, such as aggregates, bitumen and precast concrete interlocking blocks. Some contractors may be able to produce such construction materials by their workforce. However, where the contractor will source (a) essential materials (b) directly from primary suppliers (c) on an ongoing basis, the workers engaged by such primary suppliers (that meet all three criteria (a) to (c)) are deemed “primary supply workers”, as defined in ESS2. As discussed in Chapter 3 (Key Labor Risks), The OHS risks are also deemed to be generally significant in the construction sector including quarry sites where there is no functioning Labor inspection mechanism. To address these potential risks, the following measures will be taken:

- **Selection of primary suppliers.** When sourcing construction materials from primary suppliers, the contractor will require such suppliers to identify the risk of child labor/force labor and serious safety risks in producing the construction materials. The PMU and the construction and supervision consultants will review and approve the purchase of primary supplies from the suppliers following such risk identification/assessment and any other relevant due diligence (such as the review of license for quarries). Where appropriate, the contractor will be required to include specific requirements on child labor/forced labor and work safety issues in all purchase orders and contracts with primary suppliers.
- **Remedial process.** If child labor/forced labor and/or serious safety incidents are identified in relation to primary supply workers under the Vinh Long Project, the PMU and the construction and supervision consultants will require the primary supplier to take appropriate steps to remedy them. Such mitigation measures will be monitored periodically to ascertain their effectiveness. Where the mitigation measures are found to be ineffective, the PMU and the construction and supervision consultants will, within reasonable period, shift the project’s primary suppliers to suppliers that can demonstrate that they are meeting the relevant requirements.
- **For the work items under the AF:** no construction activity will be involved so labors of primary suppliers will not be mobilized.

## ANNEX

### Annex 1: Guidelines on Code of Conduct

1. A satisfactory code of conduct will contain obligations on all project workers (including sub-contractors) that are suitable to address the following issues, as a minimum. Additional obligations may be added to respond to particular concerns of the municipality, the location and the project sector or to specific project requirements.
2. The Code of Conduct should be written in Vietnamese and signed by each worker to indicate that they have:
  - received a copy of the code;
  - had the code explained to them;
  - acknowledged that adherence to this Code of Conduct is a condition of employment; and
  - understood that violations of the Code can result in serious consequences, up to and including dismissal, or referral to legal authorities.
3. The Contractor should conduct continuous awareness raising and training activities to ensure that workers abide by the Code of Conduct (such as through toolbox talks). The Contractor should also ensure that local communities are aware of the Code of Conduct and enable them to report any concerns or non-compliance.
4. The issues to be addressed include:
  - 1) Compliance with applicable **laws, rules, and regulations** of the jurisdiction
  - 2) Compliance with applicable **health and safety requirements** (including wearing prescribed personal protective equipment (PPE), preventing avoidable accidents and a duty to report conditions or practices that pose a safety hazard or threaten the environment)
  - 3) The use of **illegal substances**
  - 4) **Non-Discrimination** (for example on the basis of family status, ethnicity, race, gender, religion, language, marital status, birth, age, disability, or political conviction)
  - 5) **Interactions with community members** (for example to convey an attitude of respect and non-discrimination)
  - 6) **Sexual harassment** (for example to prohibit use of language or behavior, in particular towards women or children, that is inappropriate, harassing, abusive, sexually provocative, demeaning or culturally inappropriate)
  - 7) **Violence or exploitation** (for example the prohibition of the exchange of money, employment, goods, or services for sex, including sexual favors or other forms of humiliating, degrading or exploitative behavior)
  - 8) **Protection of children** (including prohibitions against abuse, defilement, or otherwise unacceptable behavior with children, limiting interactions with children, and ensuring their safety in project areas)
  - 9) **Sanitation** requirements (for example, to ensure workers use specified sanitary facilities provided by their employer and not open areas)
  - 10) Avoidance of **conflicts of interest** (such that benefits, contracts, or employment, or any sort of preferential treatment or favors, are not provided to any person with whom there is a financial, family, or personal connection)

- 11) **Respecting reasonable work instructions** (including regarding environmental and social norms)
- 12) **Protection and proper use of property** (for example, to prohibit theft, carelessness or waste)
- 13) Duty to **report violations of this Code**
- 14) **No retaliation against workers** who report violations of the Code, if that report is made in good faith.

## Annex 2: Workers and Workforce Management

A concern during construction phase of the project is the potentially negative impacts of the workforce interactions with the local communities. For that reason, a Code of Conduct shall be established to outline the importance of appropriate behavior, alcohol abuse, and compliance with relevant laws and regulations. Each employee shall be informed of the Code of Conduct and bound by it while in the employment of the Client or its Contractors. The Code of Conduct shall be available to local communities at the project information centers or other place easily accessible to the communities.

The Contractor is responsible for providing appropriate training to all staff according to their level of responsibility for environmental, health and safety matters.

*The Code of Conduct* shall address the following measures (but not limited to them):

- All of the workforce shall sign in the CoCs and abide the laws and regulations of the Socialist Republic of Vietnam;
- Illegal substances, weapons and firearms shall be prohibited;
- Pornographic material and gambling shall be prohibited;
- Fighting (physical or verbal) shall be prohibited;
- Creating nuisances and disturbances in or near communities shall be prohibited;
- Disrespecting local customs and traditions shall be prohibited;
- Smoking shall only be allowed in designated areas;
- Maintenance of appropriate standards of dress and personal hygiene;
- Maintenance of appropriate standards hygiene in their accommodation quarters;
- Residing camp workforce visiting the local communities shall behave in a manner consistent with the Code of Conduct; and
- Failure to comply with the Code of Conduct, or the rules, regulations, and procedures implemented at the construction camp will result in disciplinary actions.
- Develop a Code of Conduct for sexual harassment in the workplace and check their compliance. The PMU should supervise the implementation of this code strictly; regularly organize activities for raising legal awareness for male and female workers such as provision of leaflets, regular activities.

*Prohibitions.* The following activities are prohibited on or near the project site:

- Cutting of trees for any reason outside the approved construction area;
- Hunting, fishing, wildlife capture, or plant collection;
- Buying of wild animals for food;
- Use of unapproved toxic materials, including lead-based paints, asbestos, etc.;
- Disturbance to anything with architectural or historical value;
- Building of fires;
- Use of firearms (except authorized security guards);
- Use of alcohol by workers during working hours;
- Gambling should be strictly forbidden.
- Washing cars or machinery in streams or creeks;
- Doing maintenance (change of oils and filters) of cars and equipment outside authorized areas;
- Disposing trash in unauthorized places;
- Driving in an unsafe manner in local roads;

- Having caged wild animals (especially birds) in camps;
- Working without safety equipment (including boots and helmets);
- Creating nuisances and disturbances in or near communities;
- The use of rivers and streams for washing clothes;
- Indiscriminate disposal of rubbish or construction wastes or rubble;
- Littering the site;
- Spillage of potential pollutants, such as petroleum products;
- Collection of firewood;
- Poaching of any description;
- Explosive and chemical fishing;
- Latrine outside the designated facilities; and
- Burning of wastes and/or cleared vegetation.

*Security.* Some security measures shall be put into place to ensure the safe and secure running of the camp and its residents. Some of these security measures include:

- The list of workers must be registered to local authorities in accordance with existing Vietnamese regulations
- Children under 14 years of age will not be hired under the Project
- Adequate, day-time night-time lighting shall be provided;
- Control of camp access. Access to the camp shall be limited to the residing workforce, construction camp employees, and those visiting personnel on business purposes;
- Prior approval from the construction camp manager for visitor's access to the construction camp;
- A perimeter security fence at least 2m in height constructed from appropriate materials;
- Provision and installation in all buildings of firefighting equipment and portable fire extinguishers.

Any construction worker, office staff, Contractor's employees or any other person related to the project found violating these prohibitions will be subject to disciplinary actions that can range from a simple reprimand to termination of his/her employment depending on the seriousness of the violation.



## Annex 3: Worker camp requirement

### Workers Camps

*Workers' Camp and Site Installation Requirement.* Potential sites of workers' camps were discussed with and proposed by local communities and authorities during consultations. Construction camp sites will have to be approved by local authorities and agreed with local communities prior to their establishment. If additional camps and ancillary construction sites are selected, for following criteria must be used:

- Construction sites, including concrete mixing stations and asphalt stations as well as construction camps will minimize the land occupation by setting them at the interchange areas where relatively large areas of land will be needed eventually.
- Site offices shall be located at least 200 meters from any existing residential settlements Camp facilities should not be located in steep slopes;
- Site offices, camps be located at least 100 meters from any watercourses, and be operated so that no pollutants enter watercourses. Camp areas shall be located to allow effective natural drainage;
- All construction camps shall be zoned according to their use. For example, workers' camp zone, sanitary facilities, offices, etc.
- The workforce shall be provided with safe, suitable and comfortable accommodations. They have to be maintained in clean and sanitary conditions;
- In every site adequate and suitable facilities for washing clothes and utensils shall be provided and maintained for the use of contract labor employed therein;
- Potable water for human consumption shall be provided for at camps, site offices, medical facilities, and other areas. Potable water shall follow the National Standards for Drinking Water Quality, and the other municipal water will be in accordance with class B1 of QCVN 08-MT:2015/BTNMT - National technical regulation on surface water quality.
- The camp can be characterized as a housing estate, and the water quota could refer to class B1, QCVN 08-MT:2015/BTNMT - National technical regulation on surface water quality.
- Drainage, wastewater treatment and solid waste disposal of the construction site shall follow national regulations and the mitigation measures presented in the Contractor's Waste Management Plan.
- Firefighting equipment, fire extinguishers shall be available at every camp.

*Sanitary Facilities.* In every camp site separate and adequate lavatory facilities (toilets and washing areas) shall be provided for the use of male and female workers. Toilet facilities should also be provided with adequate supplies running water, soap, and toilet paper. Such facilities shall be conveniently accessible and shall be kept in clean and hygienic conditions;

- Where workers of both sexes are employed, there shall be displayed outside each block of latrine and urinal, a notice in the language understood by the majority of the workers "For Men Only" or "For Women Only" as the case may be;
- Sanitary arrangements, latrines and urinals shall be provided in every work place on the following scale: Where female workers are employed, there shall be at least one latrine for every 25 females or part thereof; Where males are employed, there shall be at least one latrine for every 25 males or part thereof;
- At every construction camp, there must be at least one mobile septic tank. The wastewater from the tank shall not be discharged into any watercourses. The wastewater shall be periodically transported away by a water tank to the nearest treatment plant;
- Sewage tanks shall be designed and installed by the Contractor(s) in accordance with the National Design Code for construction of camps.

*Medical Facilities.* A medical and first aid kit, medicine cabinets, condoms, etc., emergency phone number, phone number of the person in charge of safety, chief construction supervision engineer, hotline shall be provided at each camp area. All consumables in the first aid kit should be checked and recharged regularly.

*Firefighting equipment.* fire-extinguishers must be provided and setup the safety instructions on fire prevention and emergency phone number at the site office, camp.