ministry of agriculture and ENVIRONMENT

**AGRICULTURAL PROJECT MANAGEMENT BOARD**

**SUSTAINABLE FISHERY DEVELOPMENT PROJECT (SFDP)**

**AT MINISTRY OF AGRICULTURE AND ENVIRONMENT**

**FUNDED BY WB**

**LABOR MANAGEMENT PROCEDURES (LMP)**

**Project locations: 05 provinces/cities: Hai Phong, Thanh Hoa, Gia Lai, Khanh Hoa and An Giang**

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**August 2025**

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**ABBREVIATIONS**

|  |  |
| --- | --- |
| APMB | Agricultural Projects Management Board |
| COC ON SEA | Code of conduct on Sexual Exploitation and Abuse |
| MM | Mitigation measure |
| COVID- 19 | Coronavirus Disease 2019 |
| CPC | Communal People’s Committee |
| CPMU | Central Project Management Unit |
| CSC | Construction Supervision Consultant |
| DAE | Department of Agriculture and Environment |
| D-Fish | Directorate of fishery |
| DMMP | Dredged material management plan |
| DOCST | Department of Culture, Sport and Tourism |
| DOF | Department of Finance |
| DOH | Department of Health |
| DOHA | Department of Home Affairs |
| DPC | District People’s Committee |
| E&S | Environment & Social |
| ECOP | Environmental & Social Code of Practice |
| EEZ | Exclusive Economic Zone |
| EIA | Environmental Impact Assessment (required by GoV) |
| EM | Ethnic Minority |
| EMDP | Ethnic Minority Development Plan |
| EMPF | Ethnic Minority Policy Framework |
| ESA | Environmental and Social Assessment |
| ESCP | Environmental & Social Commitment Plan |
| ESF | Environment and Social Framework |
| ESHGs | Environmental, Health, and Safety Guidelines |
| ESIA | Environmental and Social Impact Assessment |
| ESMF | Environmental and Social Management Framework |
| ESMP | Environmental and Social Management Plan |
| ESS | Environmental and Social Standards |
| FS | Feasibility Study |
| GAP | good Aquaculture Practice |
| GBV | Gender Based Violence |
| GIIP | Good International Industry Practice |
| GoV | Government of Vietnam |
| GRM | Grievance Redress Mechanism |
| IBRD | International Bank for Reconstruction and Development |
| IDA | International Development Association |
| IUU | Illegal Unreported and Unregulated |
| LMP | Labor Management Procedures |
| MAE | Ministry of Agriculture and Environment |
| MOF/BTC | Ministry of Finance |
| MOLISA | Ministry of Labor Invalids and Social Affairs |
| MOH | Ministry of Health |
| MOHA | Ministry of Home Affairs |
| OSH | Occupational Health and Safety |
| PPC | Provincial People’s Committee |
| PPMU | Provincial Project Management Unit |
| PSC | Project Standing Council |
| RAP | Resettlement Action Plan |
| RPF | Resettlement Policy Framework |
| SEA | Sexual Exploitation and Abuse |
| SEF | Stakeholder Engagement Framework |
| SFDP | Sustainable Fishery Development Project |
| TOR | Terms of Reference |
| TWG | Technical Working Group |
| VAC | Violence Against Children |
| VWU | Vietnam Women’s Union |
| WB | World Bank |

# INTRODUCTION

1. The Socialist Republic of Vietnam intends to apply for a loan from the World Bank to finance the proposed Sustainable Fishery Development Project hereafter referred as “the Project”. This project aims to enable improved management of and increased value from target fisheries by investing in ‘smart’ infrastructures.
2. On 30/5/2023, The Prime Minister signed the Decision No. 592/QD-TTg approving the Investment policy for the Sustainable Fishery Develoment Project, funded by WB at the Ministry of Agriculture and Rural Development (Now is Ministry of Agriculture and Environment). With the aim to enhance the fishery management and increase the product value through upgrading smart infrastructure, the Sustainable Fishery Development Project, funded by WB covers 06 subprojects and contents on fishery management, project management capacity of 05 provinces (Hai Phong, Thanh Hoa, Binh Dinh (Currently, Gia Lai Province), Khanh Hoa and Kien Giang (Currently, An Giang Province)), and consists of 03 components as follows:

* Component 1: Investment in infrastructure (06 subprojects) for sustainable fishery development: (i) new construction of 02 dynamic fishing ports in large Fisheries Center in Khanh Hoa (Currently, Cam Linh Ward and formerly Cam Linh ward, Cam Ranh city, Khanh Hoa Province), and An Giang (Currently, Tay Yen, An Giang Province and formerly Tay Yen A, An Bien district, Kien Giang Province); Upgrade, repair of 03 Grade I fishing ports combined with storm shelters: fishing ports combined with storm shelters for fishing boats in Bach Long Vi island (Hai Phong); fishing ports of Lach Hoi, Lach Bang (Thanh Hoa); (iii) and 01 regional storm shelter in Tam Quan (Currently, Gia Lai and formerly Binh Dinh Province);
* Component 2: Non-structural work items: (i) enhance the fishing exploitation management capacity for preventing illegal unreported and unregulated fishing (IUU); (ii) Apply advanced technology in production and raising of marine shrimp and breeds; (iii) Apply advanced technology in commercial shrimp farming; (iv) Upgrade, complete national database system on fisheries; (v) Support in management, reduction of plastic wastes in fishery exploitation and acquaculture.
* Component 3: Project Management.

1. Among 03 components above, investment in work items and labor force are mainly focused on in the component 1 and 2. The Ministry of Agriculture and Environment at central level, through APMB and 05 participating provinces will be responsible for implementation of the Project components, including subproject’s work items shown in the table 1.
2. One of the Standards, 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 APMB, 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. LMP was prepared for 12 provinces/cities. In the implementation phase, it is updated for 6 subprojects of 5 provinces/cities in which the Ministry of Agriculture and Environment is the Client, to supplement, update the contents appropriate to the scope, type and scale of the Project’s Work items, fulfilling the WB’s requirements in the ESS2. 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 primary supplier is mentioned in chapter 12.

**Table 1: Summary of 06 subprojects by provinces, communes/wards**

|  |  |  |  |
| --- | --- | --- | --- |
| No. | Subprojects | Province | Wards/communes |
| **I** | **Investment in construction, upgrade of large Logistic Fishery Center** |  |  |
| 1 | Investment in construction of Khanh Hoa large Fishery Center Subproject | Khanh Hoa | Cam Linh Ward (formerly Cam Linh Ward, Cam Ranh City) |
| 2 | Investment in construction of Kien Giang large Fishery Center Subproject | An Giang (formerly Kien Giang) | Tay Yen Commune, (formerly Tay Yen A, An Bien District) |
| **II** | **Investment in construction, upgrade of infrastructure of Grade I fishing ports** |  |  |
| 3 | Upgrade, expansion of Lach Hoi fishing port Subproject | Thanh Hoa | Sam Son 1 Ward (formerly Quang Tien Ward, Sam Son City) |
| 4 | Upgrade, expansion of Lach Bang fishing port Subproject | Thanh Hoa | Hai Thanh and Tinh Gia Ward (formerly Hai Binh and Hai Thanh Ward, Nghi Son Town) |
| **III** | **Investment in construction of regional storm shelters** |  |  |
| 5 | Upgrade of Fishing Port, Storm Shelter for fishing boats in Bach Long Vi Subproject | Hai Phong | Bach Long Vi Special Zone formerly Bach Long Vi Island District) |
| 6 | Investment in construction of Tam Quan storm shelter combined with Tam Quan fishing port Subproject | Gia Lai (formerly Binh Dinh) | Hoai Nhon 7 Ward (formerly Tam Quan Bac, Hoai Nhon Town) |

# OVERVIEW ON LABOR USE ON THE PROJECT

* 1. **Project workers**

1. ESS2 categorizes the workers into: (i) direct workers (directly engaged by the Client), (ii) contracted workers (engaged by a third party), (iii) community workers (recruited or engaged for community works) and (iv) primary supply workers. Under SFDP, the project is not likely to engage community workers, as civil works will be the responsibility of contractors.
2. According to Decree No. 29/2021/ND-CP dated 26 March 2021 on investment supervision and assessment, local people can establish a community investment supervision board to conduct voluntary supervision of the implementation of environmental, and social risk, impact mitigation measures, and construction safety..
   * 1. ***Direct workers***
3. Direct workers are those who are directly employed by the project management unit. They are staff of the APMB and consultants hired by the APMB to work on the project. In the framework of the project, the APMB is responsible for the management and supervision of the overall implementation of the project, including contractors’ construction work. Direct workers are staff (permanent or term) who are directly employed by the APMB. Given that the APMB is unlikely to have sufficient expertise to manage the entire project, it will require assistance from experts in certain technical areas (project management and coordination, financial management, procurement, construction, assessment and management of E&S risks and impacts, independent E&S monitoring, among others). Most of the direct workers are expected to have university or master’s degrees and relevant experience. They will be expected to work full-time to support the project owner in the project preparation, implementation, supervision, and reports. Direct workers will mostly be local but can include immigrant workers. Labor requirements are calculated from the start of the project through its end.
4. Most of the direct workers are expected to have university or master degrees and relevant experience. They will be expected to work full time for supporting the Clients in sub-project preparation, Project/Subproject implementation, supervision and reports. Direct workers will mostly be local or but can include immigrant workers.
   * 1. ***Contracted workers***
5. The APMB will involve different contractors for carrying out preparation of documents and implementation of different civil and TA works under components 1, 2, and 3. Subproject’s contracted workers include the consultants preparing the project/sub-project’s feasibility study and detail design; consultant for preparation of ESIA/RP, construction supervision consultant (CSC), independent environmental and social monitoring consultant (IEMC), construction contractors and subcontractors and their workers. The timing of labor requirements will fluctuate, depending on the construction stages and progress of each provincial and APMB subproject. The amount of manpower required for these activities varies according to the size of each activity with total of 1,598 contracted people within the project timeline (**Table 2**). The timing of labor requirements will fluctuate depending on the project stages. The different categories of anticipated contracted workers are presented below.
6. Details of contracted workers are as follows:.

* **Consultant teams:** About 118 contracted workers (**Table 2**) are mobilized for the consultant teams (FS, detailed design, E&S, CSC, IMC, and UXO clearance). All of them are expected to have university degrees and several years of relevant work experience. Most of them are migrant workers, except UXO clearance team. There could be some international consultants in the CSC team.
* **Feasibility Studies (FS) and detailed design Consultant.** Consultants (firm or international organization) were engaged by the APMB to provide services of preparation of FS and detailed design for the civil works under 6 subprojects in 5 provinces/cities. The consultant firms consist of 45 national experts, including project manager, sanitation, water supply and drainage, harbor and port expert, M&E, hydraulic, 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 has started during sub-project preparation, but the consultant will be on board in the early stage of project implementation. The FS and detailed design consultant have supported the APMB until the approval of the FS and detailed design for each subproject.
* UXOs clearance: 20 people.
* **Construction Supervision Consultant (CSC):** A construction and supervising consultant (firm or international organization) will be engaged by the APMB to provide day-to-day construction oversight for the civil works. The construction and supervision consultant team will consist of 18 national experts, including project manager, sanitation, water supply and 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 subproject preparation, but the consultant will be on board in the early stage of project implementation. The construction and supervision consultant will support the APMB until the completion of the Project’s/Subproject’s civil works.
* **Environmental and Social (E&S) Consultant.** The E&S Consultant (firm) are responsible for the development of Environmental and Social documents for each APMB’s subprojects. The procurement process for the consultant team has started during sub-project preparation and the consultant has been on board in the early stage of project implementation. The E&S firm comprise about 25 national experts. The E&S consultant will support the APMB until the E&S documents are cleared by the Bank and the local Government.
* **Independent Monitoring Consultants:** Independent Monitoring Consultants for environment and for social issues is planned to be engaged by the APMB. Independent monitoring consultants including 10 people 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.
* **Contractors and subcontractors:** About 984contracted workers of the contractors/subcontractors (**Table 2**), including skilled workers (564 people) and unskilled members (420 people). The skilled members of contractors/subcontractors are mostly immigrants while the unskilled community-engaged members are local to minimize the impacts due to the mobilization of labor influx mainly from other areas and create job opportunities for communities affected by the project.
  + 1. ***Primary supply workers***

1. Primary supply workers are people employed or engaged by the Client’s primary suppliers. 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, pipelines, 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 primary supply workers will be used during the project's construction stage and primary supplies will be procured from reputable suppliers who adhere to these conditions and have no past allegations related to these issues. The timing of labor use of primary supply workers will cover the construction stage of the subproject.
   * 1. ***Community workers***
2. The project will not engage community workers as defined under the ESS2 as a community contribution to the project. Community members who may be engaged by the project contractors will be categorized and managed as “contracted workers”.
3. **Direct government workers**. Other than the above-mentioned project workers, stakeholders working on the project will include government civil servants from relevant departments and agencies of project provinces, such as the Department of Finance (DOF), Department of Home Affairs (DOHA), Department of Construction (DOC), Department of Agriculture and Environment, Commune Land Fund Development Centers (CLFDC), commune Site Clearance and Compensation Councils (CSCCCs), and provincial, commune People’s Committees (PC). They will be subjected to the terms and conditions of their current public sector employment, which are governed by the Labor Code, the Public Employees Law, and the Civil Servants Law. There will be no legal transfer of their employment to the project. The ESS2 will not apply to government civil servants. However, if they visit the project sites, they must adhere to E&S risk management regulations[[1]](#footnote-1).
   1. **Timing of Labor Requirements**
4. The direct workers i.e. APMB staffs will generally be required full time and around the year for the Project/Subproject preparation and implementation
5. The contracted workers working as consultants for development of subproject FSs, E&S documents, detailed design will be engaged during the Project/Subproject preparation period.
6. The contracted workers, i.e. CSCs and IEMCs, will carry out supervision and monitoring of technical and environmental and social performances during Subproject and Project implementation. CSC will generally be required full time and daily working at sites for daily technical and E&S supervision and IEMC is expected to be mobilized to work quarterly or biannually depending on the project requirement.
7. Contractors/subcontractors will be mobilized during the construction of the civil works under subprojects. In general, the construction/upgrading fishing ports/storm shelters may last about 1 to 2 years, while the infrastructure improvement for the aquaculture research centers and hatcheries’ facilities and shrimp farming will be around six months to one year for completion.

**Table 2: Requirement of workers for the entire project**

|  |  |  |  |
| --- | --- | --- | --- |
| No. | Descriptions | Required No. (people) | Mobilization time |
| **1** | **Direct workers** | **384** |  |
| 1.1 | Implementing agency – APMB | 16  32 | Before project approval from the WB: preparation phase  After project approval from the WB:   * Pre-construction phase * Construction phase |
| 1.2 | Operation unit | 336 | Operation phase |
| **2** | **Contracted workers** | **984** |  |
| *2.1* | *Preparation phase* | *106* |  |
| 2.1.1 | FS consultant | 45 | Preparation phase |
| 2.1.2 | E&S document consultant | 25 | Preparation phase |
| 2.1.3 | Other consultants | 36 |  |
| *2.2* | *Implementation phase* | *878* |  |
| 2.2.1 | UXO consultant | 20 | Pre-construction phase |
| 2.2.2 | Contractors/Subcontractors | Total: 480 | Construction phase: 480 workers (unskilled workers: 336, skilled workers: 144) |
| 2.2.3 | CSC | 18 | Construction phase |
| 2.2.4 | IMC | 10 | Construction phase |
| 2.2.5 | Other consultants | 230 | Pre-construction and construction phases |
| **3** | **Primary supply workers** | **350** | **Construction phase** |
| 4 | Community workers | 0 |  |
|  | **Total** | **1,598** |  |

# ASSESSMENT OF KEY POTENTIAL LABOR RISKS

**3.1. Project activities**

1. The project’s types and locations and various activities are to be implemented by laborers. Below is the summary of construction activities under the components 1.

***3.1.1. Subcomponent 1.1 - Investment in construction, upgrade of large Logistic Fishery Center in Khanh Hoa and An Giang***

* Major activities include:
* Wharve and bridge and other structures for fishing: The center includes two off-shore wharves and bridges: Wharve and bridge 1: existing wharve and bridge of Da Bac port is upgraded and expanded with bridge deck width of 29m, and a length of 200m. Berth 2: new construction of wharve and bridge with overhanging structure and the deck width of 29m, length of 122m, boats anchoring in both sides.
* Logistics work system: fish classification and seafood auction house, live seafood storage area,etc.
* Administrative, service house: Center office house.
* Technical infrastructure: power, water supply and drainage, wastewater drainage and treatement, fuel supply.

***3.1.2. Subcomponent 1.2 – Investment in construction, upgrade of Grade I fishing port infrastructure (Fishing ports in Lach Hoi and Lach Bang, Thanh Hoa)***

* Major activities include:
* Removal of old infrastructure which need upgrading.
* Dredging and pilling;
* Soil excavation preparation for construction of wharve and bridge, embankments and breakwater;
* Soil excavation preparation for the construction of operational houses, storage, logistic landing services, wastewater Treatment Plants (WWTPs);
* Construction of operational houses, logistic service storage; roofs of wharves;
* Construction of operational houses, logistic service storage; roofs of wharves
* Install Transmission lines (TLs), substation, lighting system
* Transportation of dredged materials, excavated soil to disposal sites and construction materials to construction sites.
* Leveling, construction of port yards and other ancillary works;

***3.1.3. Subcomponent 1.3 – Investment and construction of regional storm shelters (Bach Long Vy - Hai Phong and Tam Quan – Gia Lai)***

* Key activities include:
* Upgrading breakwater, protection route;
* Constructing berths;
* Dredging storm shelter area;
* Constructing anchor posts and anchor buoys for storm sheltering;
* Waterway safety system.

**3.2. Assessment of potential risks**

1. Key potential project-related risks for workers:

* Occupation Safety Health (OSH) risks
* Potential of Child labor or forced labor cases related to industry or localities.
* Risks of labor influx or seasonal workers.
* Risks of labor disputes over terms and conditions of employment
* Risks related to labor influx or gender base violence, discrimination or exclusion of vulnerable/disadvantaged groups.

**3.3. Structural Components**

1. **OSH risks**

* Impacts on workers’ health as they have to work in a pollution environment with high dust concentration caused by the construction activities of site clearance and demolishing of old structures, soil excavations, leveling, machine operation and transportation;
* Accidents due to structure collapse: Demolition of old works, excavation of deep foundation for construction of wharves and bridges, embankments and construction of roads can cause damage of nearby existing structure foundations leading to the structure collapses causing serious injuries to workers;
* Accidents due to falling in water. Workers may fall down in water cause serious injuries during dredging, pilling or constructing breakwater, embankments, wharves and bridges due to dizzying or/and strong wind, waves or/and careless working without compliance with working safety.
* Accidents due to falling from high levels. Workers may fall down from a high-level due to incorrectly installed scaffolding, uninsured ladders and unprotected steel bars during construction of operational houses, wharves, bridges, logistic service storage; electric systems leading to serious labor accidents.
* Falling objects. Workers working below a operational house/warehouse, piling work, installation of power transmission works may be hit by hard objects falling from a high-level causing injury.
* Electrical shock. Workers may expose to live electricity during testing TLs, substations and using power for soldering. Electrical shock can cause serious injuries or fatalities.
* Accidence due to iron cut/ soldering. Workers cutting irons and soldering without using proper PPE (e.g. protective glasses) may be suffered with eye accidents with serious injuries even blinding.
* Accident due to fire and explosion. Welding can generate fire, especially when workers weld nearby the fuel and ethylene storage area.
* Accident due to heavy equipment. Several work sites may gather many workers and heavy machines (e.g. cranes) working in a narrow space for different jobs. Moving heavy equipment may hit workers working nearby causing injuries.
* Occupational disease. Workers working under a condition with noise generating from heavy machines (e.g. Power generators) can be suffered with occupational disease such as deaf.

1. The OSH risks are considered varied from moderate to substantial based on the typology and scale of investment, and based on the fact that a portion of contracted workers from contractors/subcontractors are unskilled and untrained local population. In addition, risk remains that some accidents may occur that lead to injuries even fatalities. The OSH risks can be controllable through providing workers with training on labor safety, sanitation, other preventive actions and adequacy of PPE prior to civil works. Proper working site management of contractors combined with a daily close supervision of CSCs on labor safety and strictly periodic E&S monitoring of IEMC during project implementation can be effective measures to address labor accidents. Information about social diseases such as HIV/AIDS, and prevention methods will be provided to workers through training programs and information disclosure; Regulations, penalties for the violated workers at the site must be developed; The contractor must be closely work with local authorities to manage the number of workers at the construction site.

**3.4. Non-structural components**

1. Labor for non-structural activities of the project will face the risk of stress at work, and pressure to complete the project schedule and work place SEA/SH. Furthermore, they face OHS risks when working at their office (for example, electric shock, fire, etc.) or facing the same OHS risk as construction workers (section 4.1.1) when traveling to the project area. However, their work will be primarily in the office and take place in a short time. Furthermore, these are highly skilled, highly educated, and well-aware workers, and provided with PPE as well as instructed on-site safety rules when traveling to the sites. As a result, the OHS risks are assessed to be low.

**3.5. Other Labor Risks**

***3.5.1. Child Labor***

1. While this is a risk, the use of child laborers as project workers will be prohibited. As previously stated, contractors may need to mobilize unskilled labor from local people. In this case, child laborers may be mobilized for jobs that do not require high qualifications (according to Vietnam’s regulations, a child is defined as anyone under the age of 15).
2. Due to limited knowledge, children may suffer from labor abuse, which can harm their psychology, health, and academic performance. However, the risk is assessed to be minor as (i) The experience with World Bank-financed and state-budgeted projects has revealed that no cases of child labor or forced labor have been recorded; (ii) the World Bank and the Government of Viet Nam have strong and comprehensive policies and requirements in place to protect children from child labor and other forms of abuse; (iii) According to the socio-economic survey findings, no cases of child labor or forced labor were found in the project area; (iv) Contractors will be required to commit to not hiring child labor for project-related jobs as one of the required conditions in the bidding and contractual documents; and (v) the Project owner will work closely with local authorities and other relevant units to strictly monitor and control the contractors' labor use.

***3.5.2. Labor Influx***

1. The project construction activities will mobilize workers on site and from other areas (migrant workers). As a result, social risks related to labor influx are identified as follows:

* Conflicts with local people due to contractors’ inappropriate management of their workers and worker camps lead to environmental pollution in the local area (e.g., discharging wastewater, dumping solid waste into rivers, canals, or agricultural land).
* Common health problems are caused by the transmission of communicable diseases, such as eye disease, skin disease, and respiratory infections, and sexually transmitted diseases (STDs) such as HIV/ADIS.
* Increased impacts on local services' ability to respond effectively, such as the health care system, which exacerbates the health problem and disease prevalence, water, and electricity supply.
* Potential conflict between workers and local communities because of differences in cultures, customs, habits, and living activities.
* In addition, gender-based violence (GBV), sexual exploitation and abuse (SEA)/sexual harassment (SH) may occur at sites due to male migrant workers to the project area causing adverse effects on the mental health and liberality of female workers, workers between the construction sites.

1. According to the initial consultation with key staff of the project communes, the majority of migrant workers may be sourced from other areas, therefore the cultural differences are expected to be moderate. The labor risk due to migrant influx is considered low to moderate. It can be mitigated by including a Code of Conduct (CoC) for workers (Appendix 1) in labor contracts signed by both parties, as well as providing workers with training to raise their awareness of the CoC and the availability of worker GRM for them to ask for solving once any case of noncompliance with the CoC is identified.

***3.5.3. Labor Disputes Over Terms and Conditions of Employment***

1. Labor disputes are common in the infrastructure construction field in Viet Nam. Demand for limited employment opportunities; labor wage rates and payment delays; disagreement over working conditions; and health and safety concerns in the workplace are all potential causes of labor disputes. Additionally, employers such as contractors/subcontractors may retaliate against employees who demand better working conditions, raise concerns about unsafe or unhealthy work environments, or voice any grievances. These kinds of circumstances may result in labor unrest.
2. This risk is assessed to be medium. However, to implement the project's policy on fair labor treatment in accordance with ESS2, project contractors/subcontractors will be required to provide information about employment to their laborers while negotiating to reach an agreement on labor terms and conditions prior to signing labor contracts. Monitoring compliance with the labor contract terms and conditions and strictly enforcing the GRM for laborers will be effective mitigation measures for resolving labor conflicts during the implementation of the project.

***3.5.4. Discrimination and Exclusion of Vulnerable/Disadvantaged Groups***

1. Vulnerable/disadvantaged groups of people may face an increased risk of being excluded from project-related employment opportunities. Ethnic minorities, women, and people with disabilities will be among these groups. In Viet Nam, men and women do not receive equal pay for equal work. Sexual harassment and other forms of abusive behavior by workers have the potential to jeopardize the safety and well-being of vulnerable workers and local people, as well as have a negative impact on project performance. This will include the possibility of sexual exploitation or harassment during the recruitment or retention of skilled or unskilled female workers for the project. However, project employers, particularly contractors/ subcontractors, will be expected to apply the incentive policies of Viet Nam to create jobs for ethnic minorities, women, and people with disabilities by coordinating with local authorities, such as Women's Unions. As a result, this risk is assessed to be low.

# BRIEF OVERVIEW OF LABOR LEGISLATION: TERMS AND CONDITIONS

1. The following is an overview of the key aspects of the Labor Code 2019 with regard to working terms and conditions that address the requirements of ESS2 (paragraph 11). Where there are gaps between national legislation and ESS2, the procedures, terms, and conditions outlined in this LMP will be followed.
2. Labor Code 2019 No. 45/2019/QH14 dated November 20, 2019, is the current legal document that establishes labor standards; rights, obligations, and responsibilities of employees, employers, internal representative organizations of employees, representative organizations of employers in labor relations and other relationships directly related to labor; and state management of labor-related issues.
3. The Labor Code 2019, which replaces the Labor Code 2012, includes the following new aspects:

* Employees at the enterprise have the right to establish or join an organization representing employees of their choice.
* Definition of sexual harassment in the workplace.
* Women are no longer prohibited from doing certain types of work.
* Legal protection is extended to employees who do not have a written employment contract.

1. Besides, the Labor Code 2019 has been updated with the following improvements:

* Better protection from anti-union discrimination and interference in unions.
* Clearer processes and encouragement for collective bargaining.
* Better protection against forced labor and debt bondage.
* Clearer regulations on the employment of minors at different ages.
* Extended coverage and increased professionalism in labor mediation and arbitration.

1. The aforementioned key legal improvements, along with existing provisions relating to various aspects of labor management contribute to the implementation of ESS2 requirements, as follows:

* **Gender equity and specific requirements for female workers**. The Code of Labor 2019 ensures the principle of gender equality in the field of employment (Article 4) and prevents and fights against sexual harassment in the workplace (Article 135). From a state policy perspective, the state policies ensure necessary measures will be in place to create employment opportunities, improve working conditions, develop occupational skills, provide healthcare, and strengthen the material and spiritual welfare of female employees to assist them in effectively developing their vocational capacities and harmoniously combine their working lives with their family lives (Article 135). As for employers, the Code requires employers to (a) adopt and promote the principle of gender equality in recruitment, job assignment, training, working hours and rest periods, salaries, and other policies (Article 136); and (b) consult with female employees or their representatives when making decisions that affect their rights and interests.
* **Child labour**. The code has provisions that protect employees who are under 18 years of age (the minor). It provided a specific list of jobs and places of work that are not allowed for employees from 15 to under 18, and employees from 13 to under 15 (Article 143). It also provided a guiding principle to ensure the minors are protected (Article 144). Employers who plan to recruit minors under 15 are obliged to follow provisions related to contracting, work time arrangement, and working conditions to ensure the minor workers are safe and the work they undertake does not affect their health and intellectual development (Article 145). The Code also specific the type of work and location of workers where employers are forbidden to engage employees from 15 to under 18 (Article 147).
* **Workers with disabilities**. The Labor Code 2019 protects the rights to work of people with disability and encourages employers to hire workers with disability following regulations on people with disability (Article 158). The Labor Code 2019 also requires employers to assume responsibility for ensuring appropriate working conditions, working tools, and occupational safety and health measures for employees with disability, including conducting regular health check-ups for them. Employers are also required to consult with employees with a disability before making any decision that affects the rights and interests of employees with disability (Articles 159 and 160).
* **Sexual harassment**. First and foremost, sexual harassment was prohibited in the workplace (Article 8). The code provided that the ultimate right of the employee is to be free from sexual harassment at their workplace and as such requires the employers to fight sexual harassment at the workplace (Article 6). This issue of sexual harassment in the workplace could be escalated to topics subjected to collective negotiation (Article 67). To realize this, the employer is prohibited from committing sexual harassment (Article 165) and is required to take action to prevent and fight sexual harassment in the workplace by prescribing steps and procedures to redress sexual harassment at the workplace (Article 6).

1. Along with the Labor Code 2019, other essential laws that aid in the code's execution include the following:

* **Laws**
  + Labor law No. 45/2019/QH14 dated 20/11/2019;
  + Social Security Law on 58/2014/QH13 dated 20/11/2014
  + Law on Occupation Safety and Health 84/2015/QH13 dated 25/6/2015
  + Law on Public Employees No. 58/2010/QH12 dated 15/11/2010 ;
  + Law on Civil Servants No. 22/2008/QH12 dated 13/11/2008
  + Law amending and supplementing a number of articles of the Law on Civil Servants and Public Employees No. 52/2019/QH14 dated 25/11/2019
  + Employment Law No. 38/2013/QH13) dated No16/11/2013;
  + Law on Health Insurance 2014 (amended) No. 46/2014/QH13 dated 13/6/2014;
  + Law on Trade Unions No. 12/2012/QH13 dated 20/6/2012;
  + Law on People with Disabilities No. 51/2010/QH122010 dated 17/6/2010;
  + Law on HIV/AIDS Prevention and Control No. 64/2006/QH11 dated 29/6/2006;
  + Law on Gender Equality No. 73/2006/QH11 dated 29/11/2006.

**Decree**

* + Decree No. 145/2020/ND-CP dated 14/12/2020 of the Government detailing and guiding the implementation of number of articles of the Labor Code on working conditions and labor relations;
  + Decree No. 58/2020/ND-CP dated 27/05/2020 of the Government prescribing rates of compulsory social insurance premiums payable to the Occupational Accident and Disease Insurance Fund;
  + Decree No. 135/2020/ND-CP dated 18/11/2020 of the Government regulating the retirement age;
  + Decree No. 12/2022/ND-CP dated 17/01/2022 of the Government providing penalties for administrative violations in the fields of labor, social insurance, and contracted overseas manpower supply;
  + Decree No. 88/2020/ND-CP dated 28/07/2020 of the Government stipulating some articles of the law on occupational safety and health on compulsory insurance for occupational accidents and occupational diseases;
  + Decree No. 38/2022/ND-CP dated 12/06/2022 of the Government prescribing minimum wage levels applicable to employees working under labor contracts;
  + Decree No. 61/2015/ND-CP dated 1/09/2015 regulating the employment support policies and national employment fund;
  + Decree No. 152/2020/ND-CP dated 30/12/2020 providing foreign workers working in Vietnam and recruitment and management of Vietnamese workers working for foreign employers in Vietnam;
  + Decree No.39/2016/ND-CP of the Government dated 15/5/2016, detailing the implementation of some articles of the Law on occupational safety and sanitation;
  + Decree No.44/2016/ND-CP dated 15/5/2016 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 27/2/2018 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.149/2018/ND-CP dated 7/11/2018 of the Government: detailing Clause 3, Article 63 of the Labor Code on the implementation of democracy regulations at the workplace;
  + Decree No.38/2022/ND-CP dated 12/06/2022 of the Government prescribing the minimum wage for contracted workers;
  + Decree No. 29/2019/ND-CP dated 20/3/2019 of the Government detailing Clause 3, Article 54 of Labor Code on implementation of Clause Article 54 of the Labor Code on licensing outsourcing services, deposts and lists of permissible outsourced jobs;
  + Decree No. 24/2023/ND-CP dated 14/5/2023 of the Government prescribing statutory pay rate for officials, public employees and armed forces.

# BRIEF OVERVIEW OF OCCUPATIONAL HEALTH AND SAFETY REGISLATION

1. Currently, the key law that is related to OHS in Viet Nam is the Law on OHS No. 84/2015/QH13, dated June 25, 2015. It includes provisions for OHS and applies to both direct and contracted workers, including foreign workers. It aims to ensure that employees work in a safe and healthy environment by establishing and enforcing standards and regulations, as well as defining the rights and responsibilities of employers, employees, and other relevant parties in terms of implementing OSH principles and measures to prevent occupational accidents and diseases.
2. It also specifies prohibited actions and preventative measures that must be taken to protect employees from hazards and risks that are harmful to them. Preventative measures include (a) the use of information, education, and communication, (b) the provision of training, (c) the promulgation of work regulations, (d) the control of workplace hazards, (e) technical solutions for problem-solving, (f) health care, g) the use of PPE, (h) regular check of machinery, (i) health insurance and entitlements, and (j) some special regulations to ensure the safety of female employees, minor employees, and employees with disability, etc.
3. More specifically, employers are required to implement measures to ensure OSH at the workplace, and the employees must comply with them. The main measures are as follows:

* All types of machinery, equipment, and materials with strict requirements for Labor safety, as detailed by the Government from time to time, must be tested and verified before 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 that meet quality standards as provided by the relevant laws, and the employees must use such equipment and facilities during work following the regulations of the 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 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 labour collective at the grassroots level (trade union or Labor union) when formulating and implementing plans on activities ensuring OHS.
* The employers' obligation to contribute to insurance covering labour accident and occupational disease insurance for the employees covered by the social insurance under the Law on Social Insurance. Vietnamese employees who work under labour contracts with a total term of 03 months or more are entitled to social insurance.
* 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.
* **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.
* 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.
* 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.

1. Thus, when a Vietnamese employee working in Vietnam, who contributed to social insurance, is injured or becomes ill, or even dies during 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 covered by the Social Insurance Fund of Vietnam as regulated under the Labor Code, Law on Occupational Health and Safety, the Social Security Law, etc.

# RESPONSIBLE STAFF

1. MOHA/DOHA (Formerly Ministry of Labor, War Invalids and Social Welfare/ Department of Labor, War Invalids and Social Welfare). Enforcement of the Labor Code is the responsibility of the Ministry of Home Affairs (MOHA) and of each Department of Home Affairs (DOHA) in each province.
2. The APMB will be responsible for overall project management and coordination of the subprojects, including the compliance with safeguards requirements including on labor and working condition. The APMB will assign staff with expertise in environmental, social, occupational health and safety issues of the overall subprojects and will be responsible for the following tasks relevant to labor and working conditions:
3. Undertake the overall implementation of the Project/Subproject LMP;
4. Engage and manage contractors/subcontractors in accordance with Project/Subproject LMP and the applicable Procurement Documents.
5. 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.
6. Monitor that contractors/subcontractors are meeting obligations towards contracted workers as included in the Contractor’s LMP and ESMP and the applicable Procurement Documents.
7. Monitor the potential risks of child labor, forced labor and serious safety issues in relation to primary supply workers.
8. Monitor training of relevant project workers.
9. Ensure that the grievance mechanism for project workers is established and implemented and that workers are informed of it.
10. 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);
11. Report to the World Bank on labor and occupational health and safety performance.
12. The Construction Supervision Consultant (CSC). The APMB will be supported by the CSC 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 APMB, which will be explicitly set out in their contract. The CSC will employ qualified expert(s) for such oversight and report on performance to the APMB.
13. **The Contractors/Subcontractors.** will be responsible for the following:
14. Employ or appoint qualified environmental, social, occupational health and safety are addressed and appoint health and safety expert(s) to manage OHS issues.
15. Adopt and implement the LMP and prepare C-ESMPs (Contractor’s ESMP) including OHS provisions which will apply to the contracted workers who work on the projects. These procedures and plans will be submitted to the APMB for review and approval before the contractor is allowed to mobilize to the field.
16. Supervise their subcontractors’ works including C-ESMP and project LMPs.
17. Maintain records of recruitment and employment of contracted workers (including subcontractors) with age verification to avoid child labor.
18. Provide induction and regular training to contracted workers on environmental, social and occupational health and safety issues.
19. 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.
20. 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.
21. 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 C-LMP/ESMP and supervise compliance with such measures.
22. Report to APMB on labor and occupational health and safety performance.

# POLICIES AND PROCEDURES

1. The Project will apply the policies and procedures, including those are appointed for the policy implementation to solve major labor risks.
2. **For OHS risks:** 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[[2]](#footnote-2))), the Project’s ESMP and WB standard procurement documents, 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 maintenance of training records; (d) documentation and reporting of occupational accidents and incidents; (e) emergency preparedness; and (f) remedies for occupational injuries and fatalities and (g) prevention and control of transmissible disease.
3. **For child labor risks:** The minimum age of project workers eligible for any type of work under the SFDP (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.
4. **For labor influx risks:** To minimize the labor influx, the (Project) SFDP will contractually require the contractor to preferentially recruit unskilled labor from the local communities for simple works such as excavation, leveling, cleaning, load/uploading materials, watering sites.... 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)/SEA/SH. The code of conduct governs both on-site behavior (with colleagues) and conduct in the community. Relevant training will be provided to workers, such as induction and daily toolbox talks outlining expected conduct and local community values.
5. **For risks on labor disputes over terms and conditions of employment.** To avoid labor disputes, fair terms and conditions will be applied for project workers. The Project will also have grievance mechanisms for project workers (direct workers and contracted workers) in place to promptly address their workplace grievances. 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).
6. **For risks of discrimination and exclusion of vulnerable/disadvantaged groups:** The employment of project workers under the SFDP 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 on gender equality in the work place, 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.
7. **Monitoring and reporting**. The contractor shall report to the APMB and to the CSC on the status of implementation of the above policies and procedures on a monthly basis. The APMB and the CSC will closely monitor the contractor/subcontractor on labor and occupational health and safety performance and report to APMB monthly so that APMB, with support from IEMC; will report it to the World Bank on a semiannual basis.
8. **Fatality and serious incidents**. In the event of an occupational fatality or serious injury, the APMB 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. Corrective actions shall be implemented in response to project-related incidents or accidents. The APMB or, where relevant the contractor, will be required to conduct a root cause analysis for designing and implementing further corrective actions.

**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 |
| 1. **OHS risks** | * In conformity with OHS requirements as set out in Labor Code (Chapter IX Articles 133-152), ESS2 (including WBG EHSGs), the Project ESMP and WB standard procurement documents. | * Select legitimate and reliable contractor through screening OHS records. * Address adequately OHS risks with non-compliance remedies in procurement documents. * Require the contractor to engage qualified OHS staffing * Enhance workplace OHS awareness and training. * Conduct routine monitoring and reporting. |
| 1. **Child labor** | * Set the minimum age of project workers eligible for any type for work (including construction work) at 18 years. * 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. | * Include minimum age in procurement documents. * Raise awareness on child protection with contractors and in the communities. * Maintain labor registry of all contracted workers with age verification. * Develop remedial procedures to deal with child labor incidents. |
| 1. **Labor influx** | * Minimize the labor influx by prioritizing local workforce. * Minimize labor-related risks on the community through the code of conduct, including GBV. | * Require the contractor to preferentially engage unskilled local workforce from the local communities. * Make all contracted workers sign code of conduct, including prevention of GBV. * Make all contracted workers to follow the rules for on-site behavior (with colleagues) and conduct in the community. * Conduct induction and toolbox talks outlining expected conduct and local community values. * Introduce disciplinary measures for violations and misbehaviors. |
| 1. **Labor disputes** | * 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. |
| 1. **Discrimination and exclusion of vulnerable or disadvantaged groups** | * 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. |
| 1. **Security risks** | * 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). |

# AGE OF EMPLOYEMENT

1. **Age limitation for hazardous work**. The national Labor Code (Articles 143-147) 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 (now is MOHA). 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 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 SFDP (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).
2. **Minimum age for project workers**. The national Labor Code as well as ESS2 allow persons under 18 and over 15 to be engage 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 SFDP is set at 15 and the minimum age of project workers eligible for construction works is set at 18.
3. **The process of age verification**. All work contracts 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. Contractors will be required to verify and identify the age of all workers. The contractors are 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. This will require workers to provide official documentation, which could include a birth certificate, national identification card, passport or relevant legal documents. If a minor under the minimum labor eligible age is discovered working on the project, measures will be taken to immediately terminate the employment or engagement of the minor in a responsible manner, taking into account the best interest of the minor.

# TERMS AND CONDITIONS OF EMPLOYMENT

1. **Direct workers**. The terms and conditions for direct workers in APMB and the CSC will be governed by the Standard World Bank Consultancy which set higher standards than the national Labor Code
2. **Labor contract**. Labor Code of Vietnam mentioned above is the regulatory law guiding terms and conditions for the labor contract.
3. **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.
4. **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.
5. **Minimum Wages**. While the mechanism to set the official minimum wage is prescribed by Labor Code 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 the Project workers.
6. **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 105). 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.
7. **Night shifts.** For contracted workers, they may be required to work overtime, including night shifts, depending on the nature of the project and the progress of construction. Night shift (from 10:00 PM to 6:00 AM the following day) is allowed under Labor Code 2019, but it will not be encouraged under the project. If a night shift is required, for example, to meet project timelines, it should be discussed and agreed upon in advance with the workers. If a night shift is envisaged as a possibility, it should be specified in the contract for acceptance by the workers.
8. **Arrangement for night shifts.** When the night shift is required, work time and relevant rest arrangements, including related payment, have to be under the Code of Labor 2019, and relevant applicable Decrees and Circulars. Their work time arrangement may be varied by season (wet season versus dry season) to meet the quality and progress of the works.
9. **Rest per week**. Every worker shall be entitled to one day’s rest each week, which should normally fall on Sunday (Article 111). The rest shall consist of at least 24 consecutive hours each week. Workers shall also be entitled to rest on public holidays recognized as such by the State.
10. **Annual leave**. Workers shall be entitled to 12 to 16 days’ leave with pay for every year of continuous service (Art. 113). An entitlement to leave with pay shall normally be acquired after a full year of continuous service.
11. **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 and is entitled to maternity benefits as regulated in the Law on Social Insurance (Art 101).
12. **Personal leave.** Personal leaves are allowed with full pay but with prior notice to employers, including 3 days for their marriage, 1 day for their children’s marriage, and 3 days in case of death of their parent(s) and parent(s)-in-law.
13. **Female workers.** The 2019 labor code includes provisions to encourage women's participation in the labor force while also protecting them at work. Employers are required to consult with female employees on issues concerning their rights and benefits, such as appropriate bathroom and toilet facilities at the workplace. Pregnant workers can take maternal leave (6 months) as stipulated by the law and can request extra leave without pay if they need it. Decree 85/2015/ND-CP includes provisions to support female workers, such as equal job opportunities, pay, and health care. Female workers will be paid the same as male workers for the same work, without any discrimination.
14. **Payment arrangement**. The wage should be paid timely, sufficiently, and directly to the labor. Employers are not allowed to intervene in how the wage is spent. Payment can be made monthly or fortnightly. The wage for overtime should be a minimum of 150% of the rate for a normal day, a minimum of 200% of the rate for weekends, and 300% for national, Lunar New Year holidays. Employers must issue monthly pay statements with details on salary, including pay for overtime, night shift, and deductions. Payment can be made in cash or by bank transfer. In the case of bank transfer, costs related to the opening of a bank account for employees and transfer fees must be borne by employers.
15. **Deductions from remuneration**. No deductions other than those prescribed by the Code (Article 102) 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.
16. **Death benefit**. In case of the death of a worker during his contract of employment, the employer shall pay to his heirs an amount equivalent to 30 months’ wages.
17. **Medical treatment of injured and sick workers.** Employers will be responsible for paying the copay; expenses not on the list covered by health insurance for employees who participate in the health insurance scheme; and all medical expenses for employees who do not participate in the health insurance scheme.
18. **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.

# GRIEVANCE REDRESS MECHANISM

**10.1. General Principles**

1. This part details of grievance redress mechanism applicable to direct workers and contracted workers, including complaints related to Gender based violation (GBV) and describes how to disseminate this mechanism to workers.
2. 06 Subprojects in 05 participating provinces 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. To meet the ESS2 requirement, a separate grievance mechanism will be established for project workers (direct workers and contracted workers) as required in ESS2.
3. 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 labour (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.
4. **Direct workers**. Each unit engaging direct workers (APMB and the CSCs) 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. DOHA), where relevant. Where the construction and supervision consultants have an existing grievance system, their direct workers should use such mechanism.
5. **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 APMB and the CSC 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 APMB and/or the CSC. The contracted workers will be informed of the grievance mechanism prior to the commencement of work. The contact information of the APMB and/or the CSC will be shared with contracted workers.
6. **State Inspection on Labor, Sanctions Against Violations of Labor Legislation**. As per the Labor Code (Articles 214-217), the labour inspector is mandated to settle complaints and denunciations of employees of violations of the labour legislation and to receive and settle complaints and denunciations about violations of the labour legislation, as prescribed by law.
7. **Grievance Handling Procedure**. The table provides steps with responsibilities of grievances relating to the complaint handling linked to labour issue. The key purpose of this exercise is to present GRM process in an effective and user-friendly manner.
8. **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. Any complaint needs to be reported to the APMB’s staff 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.
9. **Publicizing the GRM**. The APMB will be in charge of publicizing the GRM. APMB should ensure that GRM is explained during public meetings. APMB 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.
10. GRM procedures are summarized in the following table:

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

|  |  |  |  |
| --- | --- | --- | --- |
| Steps | Complainants | GRM Fuction | Timeframe |
| * **Community level GRM/mediation**: 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. | | | |
| **1** | Submission of complaint to the local or community level GRM/mediation | * Conduct public consultations among the affected communities to use grievance service. * Register a grievance in the project logbook and grievance database. * Segregate/sort and process. * Acknowledge and follow up of grievance. * Verify investigate, and act * Provide written response to the complainants. | 7- 14 days |
| **Project or Site level GRM:**   1. **Project Level GRM:** If resolution at local/community level is unsuccessful, or the Affected Person (AP) can take his or her complaint to project level GRM. | | | |
| **2** | Submission of grievance to the project level GRM through one of the channels | * Conduct coordinating meetings among complainants/public and appropriate administration levels. * Provide written response to the complainant. | 15 days |
| 1. **GRM for Workers:** 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. | | | |
| **3** | Design and implementation of workers’ grievance mechanism | * Project/Sub Client registers the grievance (in the project logbook) and response to the grievance within 07 days since that date of grievance receipt. * Project/Sub Client will take actions within 15 days after receiving grievance and store all information in the GRM database. * Where possible, the Grievance Redress Committee will be established to facilitate the discussion and grievance address fairly and transparently. Solutions must be given within 30 days of the grievance receipt date. * If the grievance cannot obtain consensus or not be addressed by both parties, it will be lodged to the State agencies responsible for resolving the grievance and complied with the GoV’s redress procedures. * The Project/Subproject will inform the WB of the compliance/grievance via Environmental and Social Monitoring Report. However, for serious cases, the issues will be sent to the WB within 48 hours after receiving the complaint/grievance. | 15-30 days |
| **Provincial Level GRM:**  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. | | | |
| 4 | * Workers, labor associations or the AP can refer the complaint to the provincial GRM | * Conduct coordinating meetings/ resolution sessions with complainants. * Investigate the complaints. * Provide written response to the complainants. | * 30 days |
| **Referee Level:** If all above fails, the last recourse is the stipulations in the Labor Code. | | | |

**10.2. Grievance Mechanism**

1. 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.

1. The grievance process chart is displayed below:



*Figure 1: Grievance procedure for the project*

**10.3. Grievances Related to Sexual Exploitation and Abuse (SEA) and Sexual Harassment (SH)**

1. 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 SEA/SH-related cases with a focus on GBV and Violence against children (VAC).
2. The APMB will finalize the Codes of Conduct (CoC) on SEA in line with the project design and work closely with the responsible team to incorporate it as a separate section of the contractor contract. Results from the implementation will be included in the project progress report.

***The GBV/SEA/SH and VAC Compliance Team***

1. The project shall establish a ‘GBV/SEA/SH and VAC Compliance Team’ (GCCT). The GCCT will include, as appropriate to the project, at least four representatives (‘Focal Points’) as follows:

* An E&S specialist from the APMB;
* The occupational health and safety manager from the contractor[[3]](#footnote-3), or someone else tasked with the responsibility for addressing GBV/SEA/SH and VAC with the time and seniority to devote to the position;
* The supervision consultant; and,
* A representative from a local service provider with experience in GBV/SEA/SH and VAC (the ‘Service Provider’).

1. It will be the duty of the GCCT with support from the management to inform workers about the activities and responsibilities of the GCCT. To effectively serve on the GCCT, members must undergo training by the local service provider prior to the commencement of their assignment to ensure that they are sensitized on GBV/SEA/SH and Child Protection.
2. The GCCT will be required to:

* Approve any changes to the GBV/SEA/SH and VAC Codes of Conduct contained in this document, with clearances from the Supervision Consultant for any such changes.
* Prepare the Action Plan reflecting the CoC which includes:
* GBV/SEA/SH and VAC allegation procedures,
* Accountability measures,
* An awareness-raising strategy,
* A response protocol.
* Obtain approval of the Action Plan by company management;
* Obtain the APMB clearances for the Action Plan prior to full mobilization;
* Receive and monitor resolutions and sanctions with regard to complaints received related to GBV/SEA/SH and VAC associated with the project; and,
* Ensure that GBV/SEA/SH and VAC statistics in the GRM are up to date and included in the regular project reports.

1. The GCCT shall hold quarterly update meetings to discuss ways to strengthen resources and GBV/SEA/SH and VAC support for employees and community members.
2. The Action Plan and CoC shall be submitted for review to the CSC within 90 days from the contract signature date. Works will not commence unless the Engineer is satisfied with the measures in place, including the plan and codes. Failure to comply with such obligation should provide grounds for contract suspension cancellation – this shall be determined at the sole discretion of the contracting entity, whilst the intention to cancel the contract shall be notified to the World Bank team within 60 days from the proposed cancellation date.

***GBV/SEA/SH and VAC allegation procedures***

1. All staff, volunteers, consultants, and sub-contractors are encouraged to report suspected or actual GBV/SEA/SH or VAC cases. Managers are required to report suspected or actual GBV/SEA/SH and/or VAC cases as they have responsibilities to uphold company commitments and they hold their direct reports accountable for complying with the Individual Code of Conduct.
2. The project will provide information to employees and the community on how to report cases of GBV/SEA/SH and VAC Code of Conduct breaches through the GRM. The GCCT will follow up on cases of GBV/SEA/SH, VAC, and Code of Conduct breaches reported through the GRM.

***Addressing complaints about GBV/SEA/SH or VAC***

1. *Figure 2* shows the process for addressing complaints related to GBV/SEA/SH and VAC.

A diagram of a company's company

Description automatically generated

*Figure 2: Process for addressing complaints related to GBV/SEA/SH and VAC*

1. The project operates a GRM. Reports of GBV/SEA/SH or VAC, other complaints, or other concerns may be submitted online, via telephone or mail, or in person.
2. The GRM operator will refer complaints related to GBV/SEA/SH or VAC to the GCCT to resolve them. In accordance with the Action Plan, the GCCT through the Service Provider and Focal Point(s) will investigate the complaint and ultimately provide the GRM operator with a resolution to the complaint, or the police if necessary. The GRM operator will, upon resolution, advise the complainant of the outcome, unless it was made anonymously. Complaints made to managers or the Service Provider will be referred by them to the GRM for processing.
3. If the complaint to the GRM is made by a survivor or on behalf of a survivor, the complainant will be directly referred to the service provider to receive support services while the GCCT investigates the complaint in parallel.

***Service Provider***

1. The Service Provider is a local organization (possibly an NGO) that has the technical experience and ability to provide training to staff and to support survivors of GBV/SEA/SH or VAC. The contractor(s) will contract the services of a Service Provider so that GBV/SEA/SH and VAC cases can safely be referred to them. The Service Provider will also provide support and guidance to the GBV/SEA/SH and VAC Focal Points as necessary. The Service Provider will have a representative on the GCCT and be involved in resolving complaints related to GBV/SEA/SH or VAC. The service provider will develop and conduct mandatory training for employees on GBV/SEA/SH and VAC.

***GBV/SEA/SH and VAC Focal Point***

1. The GCCT will refer the complaint to the appropriate focal points for resolution (i.e. issues with the contractor’s staff will be for the contractor to resolve; the consultant’s staff the consultant; and APMB’s staff) and will advise the GCCT on potential resolutions, including referral to the police if necessary. They will be assisted by the Service Provider as appropriate.
2. All the focal points on the GCCT must be trained and empowered to resolve GBV/SEA/SH and VAC issues. All staff of the GRM and GCCT must understand the guiding principles and ethical requirements of dealing with survivors of GBV/SEA/SH and VAC. All reports should be kept confidential and referred immediately to the service provider represented on the GCCT[[4]](#footnote-4). In GBV/SEA/SH and VAC cases warranting police action, the focal points must appropriately refer the complaint to (i) the authorities; (ii) the service provider; and, (iii) management for further action. The employer and the WB are to be immediately notified.

***Accountability Measures***

1. All reports of GBV/SEA/SH or VAC shall be handled in a confidential manner in order to protect the rights of all involved. To ensure that survivors feel confident to disclose their experience of GBV/SEA/SH or VAC, the APMB, contractor, and consultant must maintain the confidentiality of employees who notify any acts or threats of violence, and of any employees accused of engaging in any acts or threats of violence (unless a breach of confidentiality is required to protect persons or property from serious harm or where required by law). The contractor and consultant must prohibit discrimination or adverse action against an employee on the basis of the survivor’s disclosure, experience, or perceived experience of GBV/SEA/SH or VAC.

***Monitoring and Evaluation***

1. The GCCT must monitor the follow-up of cases that have been reported and maintain all reported cases in a confidential and secure location. Monitoring must collect the number of cases that have been reported and the share of them that are being managed by police, NGOs, etc.
2. These statistics shall be reported to the GRM and the CSC for inclusion in their reporting.
3. In GBV/SEA/SH and VAC cases warranting police action, the APMB and the WB are to be immediately notified.

***Awareness-raising Strategy***

1. It is important to create an awareness-raising strategy with activities aimed at sensitizing employees on GBV/SEA/SH and VAC on the work site and its related risks, provisions of the GBV/SEA/SH and VAC Codes of Conduct, GBV/SEA/SH and VAC Allegation Procedures, Accountability Measures and Response Protocol. The strategy will be accompanied by a timeline, indicating the various sensitization activities through which the strategy will be implemented and also the related (expected) delivery dates. Awareness-raising activities may be linked with training provided by the service provider.

***Response Protocol***

1. The GCCT will be responsible for developing a written response[[5]](#footnote-5) protocol to meet the project requirements, in accordance with national laws and protocols. The response protocol must include mechanisms to notify and respond to perpetrators in the workplace. The response protocol will include the GRM process to ensure a competent and confidential response to disclosures of GBV/SEA/SH and VAC. An employee who discloses a case of GBV/SEA/SH or VAC in the workplace shall be referred to the GRM for further action.

***Survivor Support Measures***

1. Appropriately respond to the survivor’s complaint by respecting the survivor’s choices to minimize the potential for re-traumatization and further violence against the survivor. Refer the survivor to the service provider to obtain appropriate support services in the community—including medical and psychosocial support, emergency accommodation, security including police protection and livelihood support—by facilitating contact and coordination with these services. The contractor may, where feasible, provide financial and other support to survivors of GBV/SEA/SH or VAC for these services.
2. If the survivor is an employee, in order to ensure the safety of the survivor and the workplace in general, the contractor, in consultation with the survivor, will assess the risk of ongoing abuse, to the survivor and the workplace, and make reasonable adjustments to the work schedule and work environment as deemed necessary. The contractor will provide adequate leave to survivors seeking services after experiencing violence.

***Perpetrator Policy and Response***

1. Encourage and accept notification through the GRM from employees and community members about perpetrators in the workplace. Through the GCCT and/or the Service Provider, oversee the investigation of these grievances, ensuring procedural fairness for the accused, and within the local laws. If an employee has breached the CoC, the contractor will take action which could include:

* Undertake disciplinary action in accordance with sanctions in the GBV/SEA/SH and VAC Codes of Conduct;
* Report the perpetrator to the Police as per local legal paradigms;
* If feasible, provide or facilitate counseling for the perpetrator.

***Administrative Sanctions***

1. Under the CoC, any employee identified as a potential GBV/SEA/SH or VAC perpetrator shall be considered for disciplinary measures in line with sanctions and practices as agreed in the Individual CoC. It is important to note that, for each case, disciplinary sanctions are intended to be part of a process that is entirely internal to the employer, is placed under the full control and responsibility of its managers, and is conducted by the applicable national labor legislation.
2. Such a process is expected to be fully independent of any official investigation that competent authorities (e.g. Police) may decide to conduct in relationship to the same case and per the applicable national law. Similarly, internal disciplinary measures that the employer’s managers may decide to enact are meant to be separate from any charges or sanctions that the official investigation may result in (e.g. monetary fines, detention, etc.).

**10.4. Publicizing the GRM**

1. The APMB will be in charge of publicizing the GRM. The APMB should ensure that GRM is explained during public meetings. The APMB should also ensure that leaflets on GRM are distributed during public meetings and made available at commune levels with the contact numbers of the focal person for the GRM. Posters will be also posted at ward/commune levels.
2. 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 the resident engineer. All grievances shall be registered when and upon the receipt of complaints from the aggrieved. The book shall have (i) the case reference number, (ii) the aggrieved name, (iii) the date the case is received, (iv) the date the case is resolved, and, (v) a remark 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;
* SEA/SH grievances will not be documented in the public accessible book. SEA/SH risk assessment shows that the project is LOW risk of SEA/SH. Therefore, mitigation measures are recommended as follows: (i) Engage a qualified institution to conduct community and workers’ training and awareness on HIV/AIDS, SEA/SH; (ii) Awareness raising on grievance/feedback processes for reporting SEA/SH cases (referral pathways and response protocol) as part of LMP and SEP; (iii) The contractor and APMB are responsible to manage workers through the implementation of C-ESMP throughout project implementation; (iv) Independent monitoring consultant is responsible to monitor the implementation of mitigation measures set up in C-ESMP and ESHS for social risks and impacts related to labor influx; and (v) The all-level women’s unions will be engaged for awareness raising and ensure a system that captures SEA/SH and HIV/AIDS-related issues will be developed.
* PAPs: All PAPs who have issues with their compensation and assistance 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.

# CONTRACTOR MANAGEMENT

1. **Contractor selection**. Subprojects will use the World Bank's Standard Bidding Documents to advertise and sign contracts. These include labor and occupational, health and safety requirements. APMB will make reasonable efforts to ensure that the contractor will employ contract workers who are legitimate, trustworthy and able to comply with the relevant requirements under the LMP. These requirements must be included in the bidding documents. As part of the process of selecting contractors who will recruit contract workers, APMB may consider the following information:

* Business licenses, registrations, permits and approvals;
* Public records, such as company registers and public documents related to violations of the applicable Labor Code; Accident and death records and notifications to authorities; labor-related litigation;
* 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);

1. **Contractual Provisions and Non-Compliance Remedies**. The APMB 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 monthly 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 APMB will require the contractor to include equivalent requirements and non-compliance remedies in their contractual agreements with subcontractors.
2. **Performance Monitoring**. The APMB 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.

1. 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 APMB 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.

# PRIMARY SUPPLIER WORKERS

1. This part reveals the procedures on monitoring and reports of the primary supplier workers, including remedy procedures when big risks on child labor or forced labor or other serious risks in regard of primary suppliers are identified.
2. Potential risks in primary supply workers. The construction work under the 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 APMB and the construction supervision consultants (CSCs) 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 Project, the APMB and the CSCs 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 APMB and the CSCs will, within reasonable period, shift the project’s primary suppliers to suppliers that can demonstrate that they are meeting the relevant requirements.

# APPENDICES

**Appendix 1: Table of Contents of the action plan on GBV and VAC**

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Attachment 1 - Potential Procedures for Addressing GBV and VAC

**Appendix 2: Code of Conduct for GBV and VAC**

1. **Company CoC:** **Preventing Gender-Based Violence and Violence against Children**

In the context of the project, the company is committed to creating and maintaining an environment in which gender-based violence (GBV) and violence against children (VAC) have no place, and where they will not be tolerated by any employee, associate, or representative of the company. Therefore, to ensure that all those engaged in the project are aware of this commitment, and to prevent, be aware of, and respond to any allegations of GBV and VAC, the company commits to the following core principles and minimum standards of behavior that will apply to all company employees, associates, and representatives including sub-contractors, without exception:

1. The company—and therefore all employees, associates, and representatives—commit to treating women, children (persons under the age of 18), and men with respect regardless of race, color, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status. Acts of GBV and VAC violate this commitment.
2. Demeaning, threatening, harassing, abusive, culturally inappropriate, or sexually provocative language and behavior are prohibited among all company employees, associates, and representatives.
3. Acts of GBV or VAC constitute gross misconduct and are therefore grounds for administrative sanctions, which may include penalties and/or termination of employment. All forms of GBV and VAC, including grooming are unacceptable, regardless of whether they take place on the work site, the work site surroundings, at worker’s camps, or worker’s homes.
4. In addition to company sanctions, legal prosecution of those who commit acts of GBV or VAC will be pursued if appropriate.
5. Sexual contact or activity with children under 18—including through digital media—is prohibited. Mistaken belief regarding the age of a child is not a defense. Consent from the child is also not a defense or excuse.
6. Sexual favors, for instance, making promises or favorable treatment dependent on sexual acts—or other forms of humiliating, degrading, or exploitative behavior are prohibited.
7. Unless there is full consent[[6]](#footnote-6) by all parties involved in the sexual act, sexual interactions between the company’s employees (at any level) and members of the communities surrounding the workplace are prohibited. This includes relationships involving the withholding/promise of actual provision of benefit (monetary or non-monetary) to community members in exchange for sex—such sexual activity is considered “non-consensual” within the scope of this CoC.
8. All employees, including volunteers and sub-contractors, are highly encouraged to report suspected or actual acts of GBV and/or VAC by a fellow worker, whether in the same company or not. Reports must be made in accordance with GBV and VAC Allegation Procedures.
9. Managers are required to report suspected or actual acts of GBV and/or VAC as they have a responsibility to uphold company commitments and hold their direct reports responsible.
10. Comply with all relevant local legislation, including labor laws in relation to child labor.

To ensure that the above principles are implemented effectively the company commits to ensuring that:

1. All managers sign the ‘Manager’s CoC’ detailing their responsibilities for implementing the company’s commitments and enforcing the responsibilities in the ‘Individual Code of Conduct’.
2. All employees sign the project’s ‘Individual CoC’ confirming their agreement not to engage in activities resulting in GBV or VAC.
3. Displaying the Company and Individual CoC prominently and in clear view at workers’ camps, offices, and in public areas of the work space. Examples of areas include waiting, rest, and lobby areas of sites, canteen areas, and health clinics.
4. Ensure that posted and distributed copies of the Company and Individual Codes of Conduct are translated into the appropriate language of use in the work site areas as well as for any international staff in their native language.
5. An appropriate person is nominated as the company’s ‘Focal Point’ for addressing GBV and VAC issues, including representing the company on the GBV and VAC Compliance Team (GCCT) which is comprised of representatives from the client, contractor(s), the supervision consultant, and local service provider(s).
6. Ensuring that an effective Action Plan is developed in consultation with the supervision consultant and which includes as a minimum:
   1. GBV and VAC Allegation Procedure to report GBV and VAC issues through the project Grievance Redress Mechanism (GRM);
   2. Accountability Measures to protect the confidentiality of all involved; and,
   3. Response Protocol applicable to GBV and VAC survivors and perpetrators.
7. The company effectively implements the Action Plan, providing feedback to GCCT for improvements and updates as appropriate.
8. All employees attend an induction training course prior to commencing work on-site to ensure they are familiar with the company’s commitments and the project’s GBV and VAC Codes of Conduct.
9. All employees attend two mandatory training courses per year for the duration of the contract starting from the first induction training prior to commencement of work to reinforce the understanding of the project’s GBV and VAC Code of Conduct.

Company name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signature of Company’s Representative: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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

Title: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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

1. **Manager’s Code of Conduct:** **Preventing GBV and VAC**

Managers at all levels have particular responsibilities to uphold the company’s commitment to preventing and addressing GBV and VAC. This means that managers have an acute responsibility to create and maintain an environment that prevents GBV and VAC. Managers need to support and promote the implementation of the Company Code of Conduct. To that end, managers must adhere to this Manager’s Code of Conduct and also sign the Individual Code of Conduct. This commits them to supporting and developing systems that facilitate the implementation of the Action Plan and maintain a GBV-free and VAC-free environment at the workplace and in the local community. These responsibilities include but are not limited to:

**Implementation**

1. To ensure maximum effectiveness of the Company and Individual Codes of Conduct:
   1. Prominently displaying the Company and Individual Codes of Conduct in clear view at workers’ camps, offices, and public areas of the workspace. Examples of areas include waiting, rest, and lobby areas of sites, canteen areas, and health clinics.
   2. Ensuring all posted and distributed copies of the Company and Individual Codes of Conduct are translated into the appropriate language of use in the work site areas as well as for any international staff in their native language.
2. Verbally and in writing explain the Company and Individual Codes of Conduct to all staff.
3. Ensure that:
4. All staff members sign the ‘Individual CoC, including an acknowledgment that they have read and agree with the CoC.
5. Staff lists and signed copies of the Individual CoC are provided to the GCCT and the client.
6. Participate in training and ensure that staff also participate as outlined below.
7. Staff are familiar with the Grievance Redress Mechanism (GRM) and that they can use it to anonymously report concerns of GBV or VAC incidents.
8. Staff are encouraged to report suspected or actual GBV or VAC through the GRM by raising awareness about GBV and VAC issues, emphasizing the staff’s responsibility to the Company and the country hosting their employment, and emphasizing the respect for confidentiality.
9. In compliance with applicable laws and to the best of your abilities, prevent perpetrators of sexual exploitation and abuse from being hired, re-hired, or deployed.
10. Ensure that when engaging in partnership, sub-contractor, or similar agreements, these agreements:
    1. Incorporate the GBV and VAC Codes of Conduct as an attachment.
    2. Include the appropriate language requiring such contracting entities and individuals, and their employees and volunteers, to comply with the Individual Codes of Conduct.
    3. expressly state that the failure of those entities or individuals, as appropriate, to take preventive measures against GBV and VAC, to investigate allegations thereof, or to take corrective action when GBV or VAC has occurred, shall constitute grounds for sanctions and penalties in accordance with the Individual Codes of Conduct.
11. Provide resources to the GCCT to create and disseminate internal sensitization initiatives through the awareness-raising strategy under the Action Plan.
12. Ensure that any GBV or VAC issue warranting police action is reported to the client and the World Bank immediately.

**Training**

1. All managers are required to attend an induction manager training course prior to commencing work on-site to ensure that they are familiar with their roles and responsibilities in upholding the GBV and VAC Codes of Conduct. This training will be separated from the induction training course required of all employees and will provide managers with the necessary understanding and technical support needed to begin to develop the Action Plan for addressing GBV and VAC issues.
2. Ensure that time is provided during work hours and that staff attend the mandatory project-facilitated induction training on GBV and VAC required of all employees before commencing work on site.
3. Ensure that staff attend the mandatory refresher training course required of all employees. Ensure satisfaction surveys to evaluate training are conducted by the service provider.

**Response**

1. Managers will provide input to the GBV and VAC Allegation Procedures and Response Protocol developed by the GCCT, as needed as part of the final cleared Action Plan.
2. Once adopted by the Company, managers will uphold the Accountability Measures set forth in the Action Plan to maintain the confidentiality of all employees who report or (allegedly) perpetrate incidences of GBV and VAC (unless a breach of confidentiality is required to protect people or property from serious harm or where required by law).
3. If a manager develops concerns or suspicions regarding any form of GBV or VAC by an employee, or by an employee working for another contractor on the same work site, s/he is required to report the case.
4. Once a sanction has been determined, the relevant manager(s) is/are expected to be personally responsible for ensuring that the measure is effectively enforced, within a maximum timeframe of 14 days from the date on which the decision to sanction was made.
5. Managers failing to report or comply with such a provision can in turn be subject to disciplinary measures, to be determined and enacted by the company’s CEO, Managing Director, or equivalent highest-ranking manager. Those measures may include:
   1. Informal warning.
   2. Formal warning.
   3. Loss of up to one week's salary.
   4. Suspension of employment (without payment of salary), for a minimum period of 1 month up to a maximum of 6 months.
   5. Termination of employment.
6. Ultimately, failure to effectively respond to GBV and VAC cases on the work site by the company’s managers or CEO may provide grounds for legal actions by authorities.

I do hereby acknowledge that I have read the foregoing Manager’s Code of Conduct, do agree to comply with the standards contained therein, and understand my roles and responsibilities to prevent and respond to GBV and VAC. I understand that any action inconsistent with this Manager’s Code of Conduct or failure to take action mandated by this Manager’s Code of Conduct may result in disciplinary action.

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

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

Title: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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

1. **Individual CoC:** **Preventing Gender-Based Violence and Violence against Children**

I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, acknowledge that preventing gender-based violence (GBV) and violence against children (VAC) is important. The company considers that GBV or VAC activities constitute acts of gross misconduct and are therefore grounds for sanctions, penalties or potential termination of employment. All forms of GBV or VAC are unacceptable be it on the work site, the work site surroundings, or at worker’s camps. Prosecution of those who commit GBV or VAC may be pursued if appropriate.

I agree that while working on the project I will:

1. Treat women, children (persons under the age of 18), and men with respect regardless of race, color, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.
2. Not use language or behavior towards women, children, or men that is inappropriate, harassing, abusive, sexually provocative, demeaning, or culturally inappropriate.
3. Not participate in sexual contact or activity with children—including grooming or contact through digital media. Mistaken belief regarding the age of a child is not a defense. Consent from the child is also not a defense or excuse.
4. Not engage in sexual favors—for instance, making promises or favorable treatment dependent on sexual acts—or other forms of humiliating, degrading, or exploitative behavior.
5. Unless there is full consent[[7]](#footnote-7) by all parties involved, I will not have sexual interactions with members of the surrounding communities. This includes relationships involving the withholding or promise of actual provision of benefit (monetary or non-monetary) to community members in exchange for sex—such sexual activity is considered “non-consensual” within the scope of this Code.
6. Attend and actively partake in training courses related to HIV/AIDS, GBV and VAC as requested by my employer.
7. Consider reporting through the grievance redress mechanism or to my manager any suspected or actual GBV or VAC by a fellow worker, whether employed by my company or not or any breaches of this Code of Conduct.
8. With regard to children under the age of 18:
9. Wherever possible, ensure that another adult is present when working in proximity of children.
10. Not invite unaccompanied children unrelated to my family into my home, unless they are at immediate risk of injury or in physical danger.
11. Not sleep close to unsupervised children unless necessary, in which case I must obtain my supervisor's permission, and ensure that another adult is present if possible.
12. Use any computers, mobile phones, or video and digital cameras appropriately, and never to exploit or harass children or access child pornography through any medium (see also “Use of children's images for work-related purposes” below).
13. Refrain from physical punishment or discipline of children.
14. Refrain from hiring children for domestic or other labor which is inappropriate given their age or developmental stage, which interferes with their time available for education and recreational activities, or which places them at significant risk of injury.

**Use of children's images for work-related purposes**

1. When photographing or filming a child for work-related purposes, I must:
2. Before photographing or filming a child, assess and endeavor to comply with local traditions or restrictions for reproducing personal images.
3. Before photographing or filming a child, obtain informed consent from the child and the parent or guardian of the child. As part of this, I must explain how the photograph or film will be used.
4. Ensure photographs, films, videos, and DVDs present children in a dignified and respectful manner and not in a vulnerable or submissive manner.
5. Ensure images are honest representations of the context and the facts.
6. Ensure file labels do not reveal identifying information about a child when sending images electronically.

**Sanctions**

1. I understand that if I breach this Individual Code of Conduct, my employer will take disciplinary action which could include:
2. Informal warning.
3. Formal warning.
4. Loss of up to one week’s salary.
5. Suspension of employment (without payment of salary), for a minimum period of 1 month up to a maximum of 6 months.
6. Termination of employment.
7. Report to the police if warranted.

I understand that it is my responsibility to avoid actions or behaviors that could be regarded as GBV or VAC or breach of this Individual Code of Conduct. I do hereby acknowledge that I have read the foregoing Individual Code of Conduct, do agree to comply with the standards contained therein and understand my roles and responsibilities to prevent and respond to GBV and VAC. I understand that any action inconsistent with this Individual Code of Conduct or failure to take action mandated by this Individual Code of Conduct may result in disciplinary action and may affect my ongoing employment.

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

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

Title: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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

**Appendix 3: 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 APMB 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 hot 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 fires extinguishers.

Any construction worker, office staff, Contractor’s employees or any other person related to the project found violating theses 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.

**Appendix 4: 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.

**Appendix 5: Guidelines for worker’s camps**

**WORKER RECRUITMENT**

The Contractor is required to prioritize the mobilization of local unskilled workers including a target of 25% females to minimize the number of workers coming from outside of the project province. The recruitment will be based on their skills and education. The Contractor will maximize the number of skilled and unskilled workers that are recruited from the local communities along with the project site. The Contractor will be required to provide justification for any skilled workers recruited from outside and explain why this position cannot be filled in locally. The project will not employ workers under 18 years. There will be no tolerance for forced labor.

**WORKERS CAMP FACILITIES**

All facilities in the workers' camp must be compliant with the stipulations of the ESMP, as follows:

* 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 on steep slopes.
* Site offices or camps should be located at least 100 meters from any watercourses and be operated so that no pollutants enter the 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 zones, sanitary facilities, offices, etc.
* The workforce shall be provided with safe, suitable, and comfortable accommodations, which must be maintained in clean and sanitary conditions.
* At every site, adequate and suitable facilities for washing clothes and utensils shall be provided and maintained.
* Potable water for human consumption shall be provided 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 follow 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.
* Eating space and dormitories as required shall be constructed of suitable materials to provide a safe healthy environment for the workforce and which facilitate regular cleaning and the provision of ventilation and illumination. There should be separate dormitories for females.
* The Contractor will be required to provide adequate provisions for the workers for the duration of the project so as not to be a burden on the food or water security of the surrounding communities. The Contractor will strive to hire local labor to provide cleaning and food services.

*Sanitary facilities.*

* At every campsite, 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 of running water, soap, and toilet paper. Such facilities shall be conveniently accessible and shall be kept in clean and hygienic conditions.
* Sanitary arrangements, latrines, and urinals shall be provided in every workplace on the following scale: at least one latrine for every 15 females and at least one latrine for every 20 males.
* 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 the 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, and 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 set up with safety instructions on fire prevention and an emergency phone number provided at the site office and camp.

*Security.* Some security measures should 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 with local authorities per existing Vietnamese regulations;
* Adequate, daytime and night-time lighting shall be provided;
* Access to the camp shall be limited to the residing workforce, construction camp employees, and those visiting personnel for business purposes;
* Prior approval from the construction camp manager for visitor’s access to the construction camp;
* No overnight visitors will be allowed.
* A perimeter security fence at least 2m in height constructed from appropriate materials;
* Provision and installation in all camps of firefighting equipment and portable fire extinguishers.

**MANAGEMENT OF WORKERS**

The Contractor will prepare and ensure all staff sign and adhere to the individual CoC to describe the expected behaviors of their project workers regarding the local communities and their social sensitivities.

The Contractor is to ensure that all overseas project staff *[for both local and foreign workers if working in an area where ethnic minorities are present]* undergo a cultural familiarization session as part of their induction training. The purpose of this induction will be to introduce the project staff to the cultural sensitivities of the local communities and the expected behaviors of the staff in their interactions with these communities.

The Contractor shall ensure that basic social/collective rest spaces are provided and equipped with seating within the workers' camp to help minimize the impact that the workers would have on the leisure and recreational facilities of the nearby communities. Provisions should also be made to provide the workers with an active recreation space within the camp.

**PROHIBITIONS**

The following activities are prohibited on or near the project site and/or campsite:

* Cutting of trees for any reason outside the approved construction area;
* Hunting, fishing, wildlife capture, or plant collection;
* Buying 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;
* Washing cars or machinery in streams or creeks;
* Doing maintenance (change of oils and filters) of cars and equipment outside authorized areas;
* Disposing of trash in unauthorized places and/or littering the site;
* Driving in an unsafe manner on 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;
* Spillage of potential pollutants, such as petroleum products;
* Collection of firewood;
* Poaching of any description;
* Explosive and chemical fishing;
* Latrine outside the designated facilities;
* Burning of wastes and/or cleared vegetation; and
* Any activity which violates the Code of Conduct.

Any project worker 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.

**WORKERS CAMP MANAGEMENT PLAN**

A worker’s camp management plan shall be submitted by the Contractor to APMB.

1. ESS2 applies in part to government workers, through the provision of paragraphs 17 to 20 (Protecting the Work Force) and paragraphs 24 to 30 (Occupational Health and Safety). [↑](#footnote-ref-1)
2. 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. [↑](#footnote-ref-2)
3. Where there are multiple contractors working on the project each shall nominate a representative as appropriate. [↑](#footnote-ref-3)
4. Survivors of GBV and VAC may need access to police, justice, health, psychosocial, safe shelter and livelihood services to begin on a path of healing from their experience of violence. [↑](#footnote-ref-4)
5. Develop appropriate protocol for written recording of GBV/SEA/SH issues and VAC raised in case the notes are subpoenaed. Develop processes for record keeping including activities undertaken by the GCCT. [↑](#footnote-ref-5)
6. [↑](#footnote-ref-6)
7. [↑](#footnote-ref-7)