

Labour Management Procedures

Government of Samoa: Ministry of Finance (MoF);
Samoa Airport Authority (SAA) and Land Transport
Authority (LTA)

DRAFT

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1 Introduction

The Samoa Aviation and Roads Investment Project (SARIP) is financed by the World Bank and aims to improve the climate resilience and safety of Samoa's transport sector. Both sectors play a critical role in the country's economic development through supporting trade and promoting commercial activity through enabling the movement of goods and services.

These Labor Management Procedures (LMP) have been developed in accordance with the Environmental and Social Standards (ESS) of the World Bank's Environment and Social Framework (ESF) as well as Samoa's Labor and Employment Relations Act (LERA 2013) administered by the Ministry of Commerce, Industry and Labor (MCIL) and other national policies. ESS2-Labor and Working Conditions of the ESF requires the Project to develop these LMP. These procedures will guide the Executing Agency, Implementing Agencies, Project Management Unit and contractors to ensure appropriate working conditions are in place as well as proper management of worker relationships and occupational health and safety. These LMP also provide prevention measures for sexual exploitation and abuse and sexual harassment (SEA/SH).

1.1 Project Description

The Project Development Objective (PDO) of SARIP is to improve the climate resilience and safety of Samoa's transport sector, and in case of an Eligible Crisis or Emergency, respond promptly and effectively to it. The SARIP aims to achieve its PDO through the implementation of proposed activities under the following components.

Component 1: Climate Resilience and Safety Investments in the Aviation Sector.

Component 1 will be implemented by SAA, and will support investments to improve climate resilience, safety and sustainability of the aviation subsector. This will include: i) technical assistance for climate resilience and safety investments at Faleolo International Airport including a site-level drainage master plan (including hydrological and hydraulics assessments, integrated flood resilience and stormwater drainage strategies), prioritization of potential resilience measures (rehabilitation / upgrade of the existing seawall and improvement of airfield drainage), design of a boundary fence, and feasibility study for the extension of the runway; ii) design and construction of climate resilient physical investments including (among other agreed measures based on the drainage master plan) the rehabilitation and upgrade of the existing seawall (supplemented by mangrove planting and other nature-based solutions where feasible) and airfield drainage improvements; and new navigation systems and boundary fence to improve operational safety; and iii) a regional airport maintenance program to maintain critical mechanical and electrical assets.

Component 2: Climate Resilience and Safety Investments in the Road Sector.

Component 2 will be implemented by LTA and will involve design and construction to improve the resilience of select road sections to climate-related hazards and/or events, and to improve the safety of the road network. The integration of climate change, disaster resilience, and safety considerations into infrastructure activities will help strengthen the resilience of assets, mitigate disruptions to roads access, and improve the functionality of the transportation network. This will include: i) the detailed design and construction of localized drainage upgrades for the East Coast Road (ECR) to help quickly drain storm

surge and runoff to the sea, as well as rehabilitation of the road to improve climate resilience; and, ii) the detailed design and construction of localized upgrades for Alafa'alava Road to improve climate resilience. Road safety aspects and universal accessibility will be taken into consideration in the designs prepared under SARIP.

Component 3: Strengthening the Enabling Environment.

This Component will provide support to strengthen management capacity of LTA and SAA for project implementation, and will include technical assistance for project management, Occupational Health and Safety (OHS), gender, and Sexual Exploitation and Abuse / Sexual Harassment (SEA/SH) activities .

Component 4: Contingent Emergency Response Component (CERC)

This component will provide swift response in an event of an Eligible Crisis or Emergency, by enabling Samoa to request the World Bank to re-allocate project funds to support emergency response and reconstruction. Given the lessons learned from the COVID-19 pandemic, the CERC under SARIP will allow flexibility to support health-related response in addition to transport-related response efforts.

1.2 Project Management Overview

The Ministry of Finance (MOF) is the Executing Agency for the Project. The Samoa Airport Authority (SAA) is the implementing agency for Component 1-Aviation while the Land Transport Authority (LTA) is the implementing agency for Component 2-Roads. The Ministry of Finance (MOF) is the implementing agency for Component 3-Project Management and Component 4-CERC. The Transport and Infrastructure Sector Coordination Division (TISCD) of the Ministry of Works, Transport and Infrastructure (MWTI) will be the PMU and will carry out the overall coordination role for the Project including results monitoring, financial management, procurement and safeguards. The Project is also supported by the Centralized Technical Support Services Unit (CTSSU) housed under the Aid Coordination and Debt Management Division (ACDMD) of the Ministry of Finance. The CTSSU includes an international safeguards specialist who will provide high-level guidance, training and hands-on support to all the agencies involved in the implementation of the Project.

The SAA and LTA as implementing agencies (IAs) of the Project will have the overall responsibility for ensuring that environmental and social issues are properly monitored and addressed in accordance with the Project's ESMF and related safeguard instruments including these LMP.

2 Labor Use on the Project

2.1 Categorization of the Workforce

ESS2 categorizes Project workers into the following four categories:

- **Direct workers:** People employed or engaged directly by the Borrower (including the project proponent and the project implementing agencies) to work specifically in relation to the Project;
- **Contracted workers:** People employed or engaged through third parties to perform work related to core functions of the project, regardless of location;
- **Primary supply workers:** People employed or engaged by the Borrower's primary supplier;
- **Community workers:** People employed or engaged in providing community labor. (This category of workers is not expected to be engaged on SARIP and is not discussed in this LMP.)

2.1.1 Direct Workers

Listed below are two types of direct workers who will be employed by the Project.

- **Direct workers – Government:** These are civil servants employed under MOF, TISCD, SAA and LTA. They will remain subject to the terms and conditions of the existing public sector employment agreements currently managed by Samoa’s Public Service Commission (PSC). Public servants operate under the Public Service Act 2004 which includes provisions for recruitment and selection, discipline and performance management for all government employees.
- **Direct workers – Other:** These are individuals employed as full or part-time consultants by the Project. Currently, the number of consultants to be employed by SARIP is not known.

Table 1. Guestimates for direct workers under project.

| Type of project worker | Entity | Total |
|------------------------|--------------------|------------|
| Direct Workers | Government | 25 members |
| Direct Workers | Other (consultant) | 10 members |

2.1.2 Contracted Workers

Contracted workers will include construction contractors, sub-contractors and any other intermediaries. It will be the contractors’ responsibility to implement these LMP.

Table 2. Guestimates for contracted workers.

| Type of project worker | Entity | Total |
|------------------------------|-----------------|------------|
| Construction contractors | Contractor | 80 members |
| Sub-construction contractors | Sub- contractor | 20 members |

2.1.3 Primary Supply Workers

A primary supply worker is a worker employed or engaged by the Borrowers’ primary suppliers. The primary supplier¹ exercises control for the work, working conditions, and treatment of the primary supply worker. For this Project, primary suppliers will supply civil-works related goods and materials (e.g. gravel and sand).

The Principal Contractor will be expected to be responsible for contracting primary supply workers and as such will provide management oversight to ensure compliance with ESS2 requirements.

The IAs will be responsible for screening information provided by the primary supplier for compliance with ESS2 requirements as set out in Annex A of this LMP. Such screening will address information obtained from primary suppliers at the request of the Principal Contractor.

Table 3. Guestimates for primary supply workers.

| Type of project worker | Entity | Total |
|------------------------|---------|------------|
| Primary supply worker | Private | 20 members |

¹ Primary suppliers’ are those suppliers who, on an ongoing basis, provide directly to the project goods or materials essential for the core functions of the project.

2.1.4 Migrant Workers

Migrant workers include international consultants who will work for the Project. International consultants will require a Foreign Employment Employee Permit issued by the Ministry of Commerce, Industry and Labor in order to work in Samoa as per provisions of the Labor and Employment Act 1990 and Foreign Employment Permit Policy 2017.

3 Potential Labor Risks

The Implementing Agencies as well as the assigned ESHS personnel from the awarded contractor will work collaboratively to determine the high standards of human resource management and adhere to Samoa’s national labor, OHS legislation and international instruments including International Labor office agreements approved by Samoa. The IAs with the assistance from the supervision team will monitor these actions to ensure that all aspects are in accordance with local and donor guidelines.

On the 22nd of September 2021, Samoa’s State of Emergency Order was extended by five weeks. The possibility of the country’s labor and OHS to be amended to comply with the state of emergency must be considered.

The most significant labor risks are summarized in Table 4 below.

Table 4 Key Labor Risks

| Project Activity: | Key Labour Risks: |
|---|--|
| General project administration and implementation (hiring of consultants, monitoring, and reporting, financial management, project coordination, conducting behaviour and communication campaigns, conducting trainings, E&S management, M&E) | <ul style="list-style-type: none"> • Risks of road accidents along villages within project vicinity or those who reside in the community travelling to the urban areas. • Exposure to people who could have covid-19 or who had encounter with a person who previously had Covid-19 especially for the aviation component. • Project workers at risk of psychological distress, fatigue, and stigma due to the nature of work. |
| Aviation and roads construction works | <ul style="list-style-type: none"> • Workers suffer discrimination and lack of equal opportunity in employment. • Risks of workplaces’ accidents, particularly when operation construction equipment, when working with heavy machinery e.g.: cranes, loader, aggregate mixers, equipment and material such as asphalt, concrete and mixed aggregates. • Risk from exposure to hazardous substances (Dust, cement, chemicals solution used in construction, hot tar, gasoline and more. • Accidents and emergencies (OHS) • Sexual Exploitations and Abuse (SEA), GBV and VAC to workers and community. |

| | |
|---|---|
| <p>Transportation of material and equipment including quarry operations</p> | <ul style="list-style-type: none"> • Road traffic accidents expose workers and local communities to hazardous materials (OHS) • Risks of road accidents in route to project site and vehicle destination • Risks from exposure to hazardous substances (solvents and acids, carbon monoxide, gasoline, asphalt etc) • Risk of heavy material/ sediment spill on road while transporting materials to and from site. • Fire and explosions risk while transporting petroleum for machines (refilling and refuelling) • Risks of slips and falls at quarry site due to unstable grounds |
|---|---|

Labour risks associated with terms of employment and child labour and forced labour are considered low. Due to the hazardous work environment, children under the age of 18 will not be permitted to work on the project. Forced or conscripted labour is also prohibited.

4 Brief Overview of Labor Legislation: Terms and Conditions

4.1 Employment and Working Condition Legislation

The main legislation for labor and employment management in Samoa is the Labor and Employment Relations Act 2013 (LERA) which is implemented and enforced by the Ministry of Commerce, Industry and Labor (MCIL). The LERA applies to all entities including public, private and non-governmental organizations.

4.1.1 Wages and deductions

The LERA (Section 23) requires wages to be paid in accordance with the terms of the employees' contract of service.

Wages are generally payable directly to the employee on a working day at his or her place of employment, but may be paid by money order, cheque, or by lodgement at a bank at the written request or consent of the employee.

The overall minimum wage in Samoa was raised by Cabinet from WST 2.30 to WST 3.00 (USD 1.11) with effect of 1 January 2020. According to the LERA, men and women must be paid equal remuneration for work of equal value (Art. 20).

Employers may only deduct periods of absence that are not a leave entitlement, damage or loss of goods or money due to neglect, cost of meals, accommodation and amenities provided by the employer, recovery of advances, income tax, provident fund contributions and accident compensation, and some other lawful purposes (LERA Art. 27). Total deductions, other than deductions for absence from duty, must not exceed 35% of wages.

4.1.2 Working hours and Rest Breaks

The LERA (Art. 47) sets the workweek at 40 hours and the workday at eight hours and forbids more than 4.25 hours of continuous work without a break of one hour. There are exceptions to these depending on the type of work. However, all employees must have at least 36 hours continuous rest within any seven-

day-period, and must not work for more than 12 continuous hours. Employees must have at least 8 hours rest each day. Art. 49 regulates exceptions for shift work.

4.1.3 Overtime work

There is no prohibition on excessive or compulsory overtime. Employees must be paid at least one and a half times their ordinary rate of pay for overtime work and double their ordinary rate of pay for Sunday work (LERA, Art. 38 and 39).

4.1.4 Leave

The LERA (Art. 40) provides for a minimum of 10 days paid annual leave and up to 10 days paid sick leave per year.

Employees are also entitled to 6 weeks maternity leave, during which they receive two thirds of their normal salary. Upon return from maternity leave, they have to be appointed to the same or equivalent position that they held prior to taking maternity leave. Male employees are entitled to 5 days paid paternity leave.

All forms of paid leave are subject to the workers already working for an employer for a period of 12 consecutive months.

4.1.5 Termination

Termination procedures are stipulated in Part VIII of the LERA (Art. 52-57), including procedures regarding the notice of termination and termination payments. The notice period for terminations that both employers and employees have to adhere to is stipulated in Schedule 2 and depends on the duration of employment. Contracts for unspecified periods of time can be terminated without reason by giving notice in accordance with the Schedule.

The LERA does not stipulate of what constitutes unlawful reasons for termination, except for making it unlawful to terminate an employee during sick, maternity or paternity leave.

The LERA stipulates cases for which the notice period is not required, such as part-time and seasonal employees, and employees that are terminated due to misconduct.

4.1.6 Non-discrimination and equal opportunity

The LERA (Art. 19) prohibits sex discrimination in employment and stipulates that women employed in like work with men are entitled to the same remuneration.

Art. 20 prohibits discrimination against employees or applicants for employment in any employment policies, procedures or practices on arbitrary grounds including ethnicity, race, colour, sex, gender, religion, political opinion, national extraction, sexual orientation, social origin, marital status, pregnancy, family responsibilities, real or perceived HIV status and disability.

Disability is the only of these characteristics that is defined in the LERA.

While the LERA prohibits discrimination in employment against specific groups of workers (see above), migrant workers and children are not listed (see also child labour below).

The LERA does not explicitly refer to sexual harassment but it stipulates that an employee who is subjected to physical, mental or verbal abuse or harassment by the employer at any time or place may

cease his or her service to an employer without notice (Art. 57). The employer is obligated to pay any earned wages pertaining to the employee (Art. 57, (3)). In addition, the employee can submit a formal complaint to the relevant ministry or the ministry police for further investigations and for a resolution. If the employee is unsatisfied with the response and solution presented by the relevant ministry, he/she can proceed to file complaint to a higher administration levels or to the court.

4.1.7 Child Labor

The LERA prohibits the employment of children younger than 15 except in safe and light work (Art. 51). The minimum age for working in hazardous occupations at 18 years of age which is consistent with international standards. Hazardous occupations prohibited to children are identified in Article 51 of the Labour and Employment Relations Act, Article 21 of the Labour and Employment Relations Regulations, and the Government of Samoa Public Notice on Hazardous Work for Children.

The Labour and Employment Relations Regulations (Art. 22 and 23) permit children between ages 12 and 14 to engage in light work for a maximum of six hours per day between 8 am and 4 pm; however, it does not specify the conditions under which light work may be undertaken, nor does it define the activities that are permitted. The Regulations permit children between 15 and 17 years of age to work for a maximum of 12 hours per day between 6 am and 6 pm.

4.1.8 Forced Labor

Art. 8 of the Constitution and Art. 18 of the LERA prohibit the exaction, procurement and employment of forced labour.

4.1.9 Freedom of association and collective bargaining

The LERA protects the right of workers to form and join independent unions and bargain collectively, as well as the right of employers to establish and join organisations (Art. 21-22). The law prohibits antiunion discrimination, such as contract conditions that restrict free association. The law addresses a range of fundamental rights and includes the establishment of a national tripartite forum that serves as the governing body for labour and employment matters in the country.

The law protects the rights of workers to conduct legal strikes. There are certain restrictions on the right to strike for government workers, imposed principally for reasons of public safety (United States Department of State Bureau of Democracy, Human Rights and Labour. 2018).

Samoa ratified C098 - Right to Organise and Collective Bargaining Convention, 1949.

4.1.10 Mediation, Conciliation and Arbitration

Part X of the LERA establishes a framework for the conciliation of industrial disputes.

The statutory power of dispute resolution rests with the CEO who may conciliate in whatever manner he or she thinks fit when requested to do so by either party to an industrial dispute (Art. 63). Art 64 stipulates the process of referring a dispute to a conciliation committee as well as the composition of the committee.

If the conciliation process has been unsuccessful, the Minister responsible for labour and employment relations; may refer the industrial to a Judge of the Supreme Court (Art. 76).

4.1.11 Grievance mechanism

The LERA stipulates that it is the duty of the Ministry to investigate grievances or complaints and assist with conciliation efforts where there are disputes between employers and employees arising out of any term of the contract of service or the provisions of this Act (Art. 13 and 16). Part 9 of the Labour and Employment Relations Regulations provides details of the reporting and investigation of employees' grievances.

4.2 Occupational Health and Safety Legislation

Samoa's main OHS legislation are the [Occupational Safety and Health Act 2002](#) and *Occupational Safety and Health Regulations 2017*. The Ministry of Commerce, Industry and Labor is responsible for the implementation of these laws.

The main objective of the OSH Act is to enhance productivity, morale and welfare of people at work and of people affected by work activity. Other objectives are to secure the safety, health and welfare of employees; protect persons at or near placed of work and protect the environment from risk to safety arising out of activities of employees at work; and foster a co-operative consultative relationship between government, employers and employees on health, safety and welfare of employees at work.

The most relevant parts of the Act are Sections 14 and 15, which says:

An employer must take all reasonably practicable steps to protect the safety, health and welfare at work of employees and to provide and maintain a safe and healthy working environment including substances, systems of work and any building or public or private area in which work takes place.

Requirements for safety are mainly the wearing of protecting clothing and equipment to avoid injury and damage to health.

OSH requirements will be integrated into ESMPs and will be binding on construction contractors.

According to the Act, Public Service Commissioners and OSH inspectors may, enter any business day or night to undertake inspections. Employer are required to maintain accident registers and report serious incidents to the MCIL within 24 hours. Employees can report matters to the Commissioner if they believe conditions are a serious danger to public health.

Penalties are prescribed in the OSH Act and Regulations and can range from 50 to 1000 penalty units depending on whether the violation is made by an individual or organisation, and the severity.

Samoa has not ratified the ILO Conventions dealing with occupational health and safety ([ILO Occupational Safety and Health Convention, 1981 \(No. 155\)](#) and the [ILO Safety and Health in Construction Convention, 1988 \(No.167\)](#)), nor [the ILO Occupational Health Services Convention \(No. 161\)](#). The OHS measures of the Project will include the requirements of the relevant sections of ESS2. Guidance will also be sought from the ILO Conventions, if applicable.

Detailed measures will be introduced for all direct and contracted Project workers.

5 Roles and Responsibilities

5.1 Implementing Agencies

The SAA and LTA as implementing agencies of the Project will have overall responsibility of managing the day-to-day implementation of these LMP by the contractors to ensure compliance. The IAs will be supported by the CTSSU and TISCD safeguards teams in the following areas:

- Implementing the LMP;
- Monitoring compliance of contractors with all LMP;
- Monitoring compliance of contractors with occupational health and safety guidelines and standards provisioned under the OHS legislation;
- Ensuring that the GRM is functional for project workers and that any complaints are well documented; and
- Ensuring there is a proper system in place for monitoring and reporting occupation health safety performance.

5.2 Contractors

5.2.1 Construction contractors

Construction contractors will be responsible for the day-to-day management of their workers or subcontracted workers in accordance with these LMP. They are to implement the following:

- Comply with requirements of national labor and employment legislations;
- Comply with these LMP;
- Maintain records of recruitment and employment conditions including contracts for contracted workers;
- Provide workers with evidence of all payments made, including benefits and any valid deductions;
- Assign a health and safety officer to be onsite at all times to conduct daily OHS checks, trainings and maintain records of such;
- Maintain records of induction of workers including any health and safety trainings, number of trainees, and code of conduct; and
- Implement the GRM for workers, maintain records of all complaints and grievances received onsite noting date, time, nature and resolution provided for each complaint.

5.3 Supervision contractors

The supervision contractor/consultant will supervise the construction or works contractors to ensure compliance with these LMP. The supervision consultant will also compile monthly and quarterly reports and submit them to the IAs.

6 Project Labor Policies and Procedures

6.1 Terms and Conditions of Employment

Direct workers and contract workers engaged to work specifically in relation to the project will have their terms and conditions of employment outlined in their individual employment contracts. Project workers will have individual agreements (labor contract or service contract) with fixed wage rates. All recruiting procedures will be documented and filed in accordance with the requirements of *Samoa*

Labor and Employment Relations Act 2013. Employment contracts will include requirements and conditions of overtime and leave entitlements. The LTA and SAA will ensure that contractors are aware of, and comply with, the labor management and OSH policies and procedures outlined in this LMP.

Government Civil servants working in connection to the Project will remain subject to their existing public sector employment agreement. ESS2 does not apply to government public civil servants, except for the provisions of Protecting the Workforce (employment age) and Occupational Health and Safety.

6.2 Age of Employment

The minimum age of employment for this Project shall be 18 years due to the hazardous working conditions on construction sites. To ensure compliance, all employees will be required to produce a Tax Identification Number (TIN) as proof of their identity and age. Contractors and subcontractors will be required to receive approval for the specific procedures they will use to verify the ages of job applicants.

6.3 Occupational Health and Safety

The OHS measures of the Project are based on the requirements of the *Occupational Safety and Health Act 2002*, *Occupational Safety and Health Regulation 2017*, and relevant sections of ESS2.

The LTA and SAA will establish OSH guidelines for all Project workers, monitor and implement training on OHS for Project workers and establish a system for regular monitoring and reporting on OSH performance including documentation and reporting of occupational accidents.

The LTA and SAA will ensure effective methods are put in place for responding to identified hazards and risks, establishing priorities for taking action and evaluating outcomes. This will include preventive and protective measures (such as the use of PPE), emergency prevention and preparedness and response arrangements to emergencies, and remedies for adverse impacts as required under the ESS2. Other Project requirements for OHS will include the following:

- Ensure workplace health and safety standards are in full compliance with Samoa law and ESS2 including:
 - Basic safety awareness training to be provided to all persons.
 - All Project vehicle drivers to have appropriate licenses.
 - Safe management of areas around operating equipment on construction sites.
 - All workers to be equipped with all necessary PPE.
 - First aid equipment and facilities to be provided.
 - At least one supervisory staff trained in safety procedures to be present at all times when construction work is in progress.
 - Adequate provision of hygiene facilities (toilets, hand-washing basins) and resting areas etc.
 - All workplace health and safety incidents to be properly recorded in a register detailing the type of incident, injury, people affected, time/place and actions taken.
 - All work sites to identify potential hazards and actions to be taken in case of emergency.
 - Fair and non-discriminatory employment practices.
 - All employees to be aware of their rights under the Labor Law, including the right to organize.
 - All employees to be informed of their rights to submit a grievance through the Project Worker Grievance Mechanism. All employees to be provided training on appropriate behavior with communities, gender-based violence and violence against children.

Project workers will receive OHS training at the start of their employment or engagement, and thereafter on a regular basis and when changes are made in the workplace, with records of the training kept on file. Training will cover the relevant aspects of OHS associated with daily work, including the ability to stop work without retaliation in situations of imminent danger (as set out in paragraph 27 of ESS2) and emergency arrangements.

All parties who employ or engage Project workers will actively collaborate and consult with Project workers in promoting understanding of, and methods for, implementation of OHS requirements, as well as in providing information to Project workers, training on occupational safety and health, and provision of personal protective equipment without expense to the Project workers.

6.3.1 Workers' rights to refuse unsafe work environments

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

6.3.2 Sexual Exploitation and Abuse and Sexual Harassment

Samoa ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 1992. By ratifying CEDAW, Samoa has made a commitment to ensure that the principles for equality are adhered to and that discriminatory practices including sexual exploitation and abuse and sexual harassment are abolished.

Provisions to prevent sexual exploitation and abuse and sexual harassment are included in the Code of Conduct for SAA and LTA staff, and for contracted workers in line with relevant national laws and legislation. Workers will be provided training on SEA/SH and obligations under the CoC.

6.3.3 COVID 19 Safety

The Project will follow Samoa national guidelines, and good international industry practice on COVID-19 safety including WHO and World Bank guidelines.

When necessary, and in accordance with the current COVID-19 transmission risk levels, the Project will ensure that all project workers including government, contractors, sub-contractors and consultants undertake regular COVID-19 risk awareness and mitigation training and commit, through the project's code of conduct, to managing COVID-19 risks associated with project activities.

7 Workers' Grievance Redress Mechanism

The MOF, MWTI, SAA and LTA staff working on the Project will have access to the grievance redress mechanisms established and managed by the implementing agencies (SAA and LTA).

The WGRM follows a series of steps as specified below.

Receiving a grievance: The complainant may report their grievance by any form in person or by phone, text message, mail or email (including anonymously if required) to the works contractors as the initial focal points for information and raising grievances.

Registering, assessment and response to grievance: Complaint is immediately registered in the complaint register onsite and reviewed to determine eligibility as to whether it is project-related. The contractor may be able to provide a resolution where possible. Once a possible resolution is identified, the complainant will be informed accordingly prior to corrective actions being implemented.

Resolved or unresolved complaints: If the complainant is dissatisfied, the contractor will refer the aggrieved party to the IA (SAA or LTA) for further assessment and resolution. The IA will be able to engage and contact other key project stakeholders (e.g., MNRE, MOH, MWCSO, MPPC) if assistance is needed. For complaints that are satisfactorily resolved by the contractors and IAs, information of the incident, resultant resolution and all other related data will be logged by the IA. Where the complaint remains unresolved, the LTA will resort to the Safeguards Coordination and Complaints Compliance Committee (SCCCC) whereas SAA will refer to their designated SARIP project team.

Otherwise, if the complaint still remains unresolved, the IA can seek advice or assistance from appropriate legal or judicial authority, at the complainant's own expense. A decision made by Court will be final. Further information on the engagement of the project stakeholders is provided in the project's Stakeholder Engagement Plan (SEP).

SEA/SH related grievances: The W GRM will also use the following process for handling cases of SEA/SH (refer Figure 2). This process will be further operationalized during project implementation, incorporating key elements for responding to cases of GBV and SEA/SH as outlined in the Project's SEA/SH Action Plan.

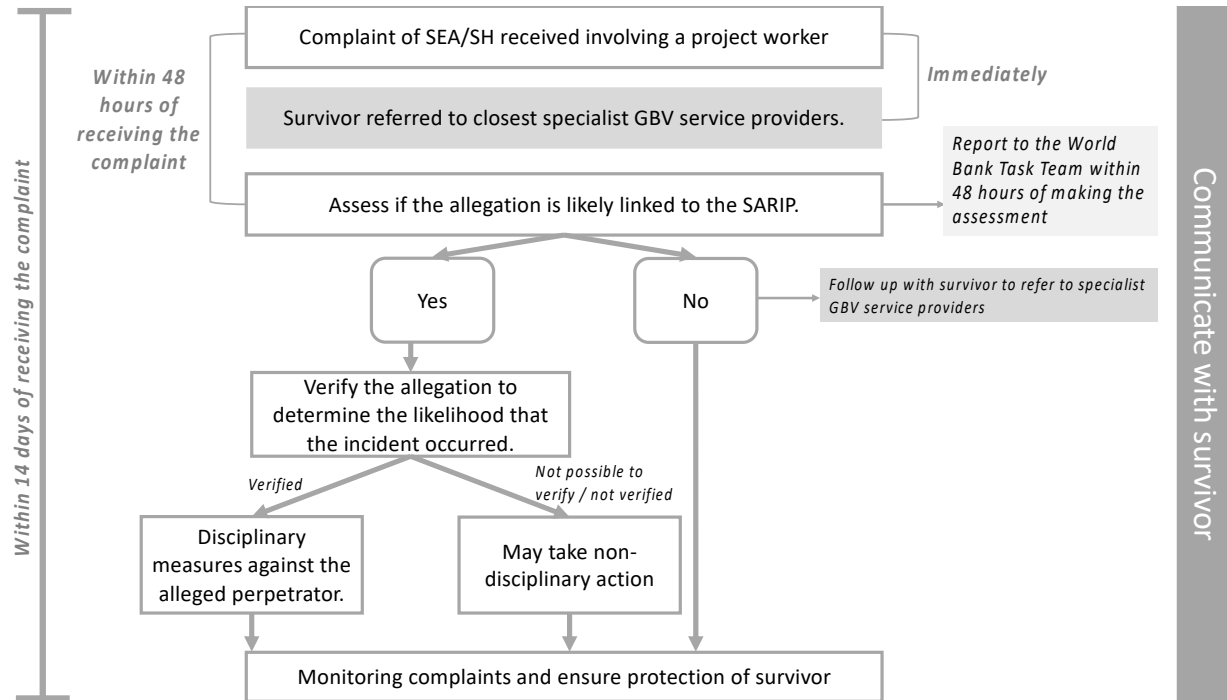


Figure 2: SEA/SH Complaints Handling Process.

Monitoring and Reporting: The works contractors monitor the daily implementation of the WGRM and will keep a log of all complaints received onsite to be incorporated into their monthly or quarterly reports submitted to the IAs through the supervision consultants. These quarterly reports will be submitted to the TISCD for compilation of the semiannual report which will be shared with WB. The semiannual reports include all project activities that occurred within the six months period including the implementation of the WGRM.

It should be highly emphasized that the specific worker’s GRM is not an alternative or a substitute to legal and juridical system for receiving and handling grievances. However, the platform should be tasked to mediate and seek necessary actions and solutions to labor related complaints, without reaching to higher administration stages. The worker will always process and have rights under the Government of Samoa legislation to access the judicial and legal procedures.

Annex A. Requirements for primary supply workers

The following requirements will apply to primary supply workers, as specified in ESS2 of the Environmental and Social Framework.

1. As part of the environmental and social assessment, the Borrower will identify potential risks of child labor, forced labor and serious safety issues which may arise in relation to primary suppliers.
2. Due to the hazardous work environment, children under the age of 18 will not be permitted to work on the project. Forced or conscripted labour is also prohibited.
3. Where there is a significant risk of serious safety issues related to primary supply workers, the Borrower will require the relevant primary supplier to introduce procedures and mitigation measures to address such safety issues. Such procedures and mitigation measures will be reviewed periodically to ascertain their effectiveness.
4. The ability of the Borrower to address these risks will depend upon the Borrower's level of control or influence over its primary suppliers. Where remedy is not possible, the Borrower will, within a reasonable period, shift the project's primary suppliers to suppliers that can demonstrate that they are meeting the relevant requirements of the ESS2.

Annex B. Guidance for Codes of Conduct for Direct Workers (consultants) and Contracted Workers

A satisfactory code of conduct will contain obligations on all direct workers (consultants) and contracted works that are suitable to address the following issues, as a minimum. Additional obligations may be added to respond to particular concerns of the region, the location and the project sector or to specific project requirements. The code of conduct shall contain a statement that the term “child” / “children” means any person(s) under the age of 18 years.

The issues to be addressed include:

1. Compliance with applicable laws, rules, and regulations
2. Compliance with applicable health and safety requirements to protect the local community (including vulnerable and disadvantaged groups), the Employer’s and Project Manager’s personnel, and the Contractor’s personnel, including sub-contractors and day workers, (including wearing prescribed personal protective equipment, preventing avoidable accidents and a duty to report conditions or practices that pose a safety hazard or threaten the environment)
3. The use of illegal substances
4. Non-Discrimination in dealing with the local community (including vulnerable and disadvantaged groups), the Employer’s and Project Manager’s personnel, and the Contractor’s personnel, including sub-contractors and day workers (for example on the basis of family status, ethnicity, race, gender, religion, language, marital status, age, disability (physical and mental), sexual orientation, gender identity, political conviction or social, civic, or health status)
5. Interactions with the local community(ies), members of the local community (ies), and any affected person(s) (for example to convey an attitude of respect, including to their culture and traditions)
6. Sexual harassment (for example to prohibit use of language or behavior, in particular towards women and/or children, that is inappropriate, harassing, abusive, sexually provocative, demeaning or culturally inappropriate)
7. Violence including sexual and/or gender-based violence (for example acts that inflict physical, mental or sexual harm or suffering, threats of such acts, coercion, and deprivation of liberty)
8. Exploitation including sexual exploitation and abuse (for example the prohibition of the exchange of money, employment, goods, or services for sex, including sexual favors or other forms of humiliating, degrading behavior, exploitative behavior or abuse of power)
9. Protection of children (including prohibitions against sexual activity or abuse, or otherwise unacceptable behavior towards children, limiting interactions with children, and ensuring their safety in project areas)
10. Sanitation requirements (for example, to ensure workers use specified sanitary facilities provided by their employer and not open areas)

11. Avoidance of conflicts of interest (such that benefits, contracts, or employment, or any sort of preferential treatment or favors, are not provided to any person with whom there is a financial, family, or personal connection)
12. Respecting reasonable work instructions (including regarding environmental and social norms)
13. Protection and proper use of property (for example, to prohibit theft, carelessness or waste)
14. Duty to report violations of this Code
15. Non retaliation against workers who report violations of the Code, if that report is made in good faith.

The Code of Conduct should be written in plain language and signed by each worker to indicate that they have:

- received a copy of the code;
- had the code explained to them;
- acknowledged that adherence to this Code of Conduct is a condition of employment; and
- understood that violations of the Code can result in serious consequences, up to and including dismissal, or referral to legal authorities.

A copy of the code shall be displayed in a location easily accessible to the community and project affected people. It shall be provided in languages comprehensible to the local community, Contractor's personnel (including sub-contractors and day workers), community workers, Employer's and Project Manager's personnel, and affected persons.