

Labour Management Procedures

Resilient Transport Project (P166991)

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Government of Papua New Guinea
Department of Works and Highways

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Acronyms

DOWH	Department of Works and Highways
E&S	Environmental and Social
ESCP	Environmental and Social Commitment Plan
ESF	World Bank's Environmental and Social Framework (ESF)
ESRS	Environmental and Social Review Summary
ESS	Environmental and Social Standard
ESSB	Environmental, Social, and Safety Safeguards Branch
GoPNG	Government of Papua New Guinea
IA	Implementing Agency
LMP	Labour Management Plan
M&E	Monitoring and Evaluation
NGO	Non Government Organisations
OH&S	Occupational Health and Safety
PDO	Project Development Objective
PIU	Project Implementation Unit
SEA	Sexual Exploitation and Abuse
SEP	Stakeholder Engagement Plan
SH	Sexual Harassment
WB	World Bank

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1 INTRODUCTION

1.1 Introduction to this plan

The Papua New Guinea Resilient Transport Project (RTP) seeks to enhance the safety and resilience of priority road infrastructure and strengthen institutional capacity in the road sector. The Labour Management Procedures (LMP) outline how project workers will be managed in accordance with the requirements under PNG law and the World Bank's Environmental and Social Framework (ESF).

1.2 Project Description

The Project aims to improve the quality of the road network and provide road users the benefit of a better and safer network.

Components and activities include:

- **Component 1: Improvement and Sustainable Maintenance of Ramu and Hiritano Highways**
 - i) Rehabilitation and reconstruction of critical sections of the Ramu Range section of the Ramu Highway (approx. 45km), and improvement and performance-based maintenance of the full length of the highway (approximately 175km) from Pompaquato bridge in Morobe Province to Madang airport junction in Madang Province;
 - ii) Rehabilitation and performance-based maintenance on the Hiritano Highway as a continuation of the Second Road Maintenance & Rehabilitation Project (RMRP2) (P119471) which will end in April 2023. The scope of this work will be dependent on available funding, however it is anticipated to include rehabilitation and maintenance between Laloki River and Brown River (approx 24 km).

Component 1 will also include road safety strengthening activities including improved road conditions, better implementation of road safety regulation and improved quality and safety of pedestrians' facilities, by implementing targeted traffic safety campaigns and awareness measure with the focus on needs of women traders working in adjacent markets and school children who use the road as pedestrians; as well as activities focusing on strengthening and the empowerment of women through increased participation in the labour force.

- **Component 2: Institutional Strengthening, Project Management & Technical Assistance** which would finance the establishment and operating costs for a Project Implementation Unit within DOWHH, as well as a range of institutional strengthening initiatives and technical assistance to support management and technical skills development
- **Component 3: Contingency emergency response component (CERC)** to support post-disaster recovery such as impacts from extreme weather events, earthquakes or pandemics.

Further detail is provided in the Environmental and Social Impact Assessment (ESIA).

1.3 Project Management Overview

The RTP will be implemented through the Department of Works and Implementation (DOWHH) as the single Implementation Agency (IA). A **Project Implementation Unit (PIU)** will be established within DOWHH for the Project. The PIU is responsible for overall implementation, project planning and coordination, procurement, monitoring of the project activities and reporting on the Project.

1.4 Purpose of the Labour Management Procedures

The RTP will be implemented in accordance with relevant PNG laws and the World Bank's Environmental and Social Framework (ESF). The ESF requires all World Bank Borrowers to comply with the Environmental and Social Standards (ESSs) for identifying, assessing and managing potential environmental and social risks and impacts associated with investment projects.

ESS2: Labour and Working Conditions articulates that the borrower is required to document the main labour requirements and related risks associated with the delivery of the project in a Labour Management Procedure (LMP).

The LMP outlines how workers and contractors are engaged, trained and managed for the duration of the project under the requirements of national law and ESS2. This includes measures to support appropriate working conditions and relationships, occupational health and safety practices, and prevention strategies for sexual exploitation and abuse and sexual harassment.

2 OVERVIEW OF LABOUR USE ON THE PROJECT

2.1 Categorisation of labour use in the Project

Three categories of workers, as defined in the World Bank's ESS2 Labour and Working Conditions are expected to be engaged through the RTP. These include direct workers, contracted workers and primary supply workers. A summary description is provided below.

2.1.1 Direct workers

A direct worker is a worker with whom the Implementing Agency (IA) has a directly contracted employment relationship and specific control over the work, working conditions, and treatment of the project worker. The direct workers will be employed or engaged, paid directly, and subject to the day-to-day instruction and control by the IA.

Two types of direct workers have been identified and include:

- Direct workers (government/civil servants) - including government staff in DOWHH, provincial governments and other public institutions with a role in implementing project activities; and
- Direct workers (consultants) - consultants engaged directly by the DOWHH.

Direct workers (government/civil servants)

Direct workers (government) comprise civil servants employed by the IA, provincial governments or district authorities. All direct workers (government) will remain subject to the terms and conditions of their existing public sector employment agreements, although terms and conditions may be altered to accommodate project delivery requirements.

Note: Under ESS2, provisions for occupational health and safety (ESS2 paragraphs 24 to 30) including those specifically related to COVID-19, as well as measures to protect the workforce in terms of child labour and forced labour (ESS 2 paragraphs 17 to 20) apply to civil servants.

2.1.1.1 Direct workers (consultants)

Direct workers (consultants) comprise consultants engaged directly by DOWHH as full or part-time workers. During the project implementation stages, the direct workers (consultants) are expected to be employed within the Project Implementation Unit (PIU) within DOWHH.

2.1.2 Contracted Workers

A contracted worker is a worker employed by a third party (and their sub-contractors) engaged by the IA, to perform work or provide services related to the core functions of the project, where the third party exercises control over the work, working conditions, and treatment of the project worker. The employment relationship is between the third party and the project worker, even if the project worker is working on an ongoing basis on project activities.

Types of contracted workers under the project are likely to include:

- Constructions firms – workers from construction firms delivering civil works associated with road reconstruction and rehabilitation

- Specialist consultant firms engaged to prepare technical assessments, engineering design, environmental and social assessments, develop training and awareness programs, materials or other technical inputs to Project activities.

Some direct workers (consultants) and contracted workers may be recruited as international consultants from outside of PNG. They will require a work permit issued by the Foreign Employment Division of the Department of Labour and Industrial Relations in accordance with the Employment of Non-Citizens Act 2007 and the Employment of Non-Citizens Regulation 2008. Non-citizens can also be engaged as technical advisors by government agency secretaries such as the Department of Treasury under the Public Employment (Engagement of Non-Citizen Technical Advisers) Regulation 2015 and the Public Employment (Non-Citizens) Act 1978.

2.2 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 may supply civil-works related goods and materials (e.g. gravel and sand) – however in most cases the works contractors/subcontractors are expected to operate quarries.

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.

3 POTENTIAL LABOUR RISKS

3.1 Key Labour Risks

The key potential labour risks for the RTP relate to working conditions, occupational health and safety (OHS) risks and COVID-19 transmission. A summary of these risks is provided below.

3.1.1 Working conditions

The risk of the terms of employment (employment period, remuneration, tax and insurance payments etc.) not being secured by contractual agreements is an important consideration. To ensure a capable and effective workforce is maintained, it is recommended that the PIU procurement specialist is utilise to ensure all contracts with all direct (consultants) and contracted workers clearly outline employment and management requirements.

A further consideration is the potential for discrimination in the recruitment, working conditions and terms of employment of workers. Existing policy frameworks include the *Constitution of PNG*, which guarantees all citizens the same rights, privileges, obligations and duties irrespective of race, tribe, place of origin, political opinion, colour, creed, religion or sex. Further, the *PNG Employment Act* prohibits discrimination of women on account of their sex and requires employers to pay women and men the same wages.

3.1.2 Occupational Health and Safety (OHS)

Occupational health and safety risks for contracted workers and primary supply workers associated with construction and quarry sites (i.e. physical hazards associated with working on a highway, operation of equipment, conditions at worksite and movement of materials with potential for serious injury or death) will be a key consideration for the Project. Provisions for managing potential impacts and risks associated with occupational health and safety are outlined in the Environmental and Social Impact Assessment.

Risk of social conflict and civil unrest may also arise during the delivery of the project. In addition to project workers being informed of the local context prior to arriving through their employers, they will be required to adhere to relevant OH&S protocols established by their organisations, which is to also comply with ESS2.

3.1.3 COVID-19 transmission

The risk of COVID transmission to and between direct workers, contracted workers and primary supply workers is a further key consideration for the Project. According to official reporting, from 3 January 2020 to 19 October 2021, there have been 25,356 confirmed cases of COVID-19 with 312 deaths in PNG.² However, authorities are reportedly concerned there is far greater community transmission than reported.

Relative to other Pacific island countries, extreme vaccine hesitancy is particularly apparent in PNG. As of 28 September 2021, the World Health Organization reported that a total of 191,925 vaccine doses

² World Health Organisation Worldometer–Papua New Guinea COVID-19, available at: <https://covid19.who.int/region/wpro/country/pg>

have been administered.³ According to media reporting of official data, less than 2 % of PNG's eligible population of 4.7 million people has been double-vaccinated against COVID-19.⁴

Low vaccination rates and under resourced public health systems, combine to make this a key risk consideration for the Project. Infection Prevention and Control measures in the form of a training and awareness will be implemented to provide knowledge on transmission of disease but also measures to prevent COVID transmission. A COVID Safety Protocol has been developed as part of the Stakeholder Engagement Plan (SEP).

3.1.4 Forced Labour and Child Labour

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. Labour risks associated with terms of child labour and forced labour are considered readily managed given that the majority of the workforce will be employed as direct or contracted workers and the primary supply workforce is expected to be small.

³ World Health Organisation Worldometer–Papua New Guinea COVID-19, available at: <https://covid19.who.int/region/wpro/country/pg>

⁴ Health workers face death threats as COVID-19 vaccine hesitancy takes hold in PNG, available at: <https://www.abc.net.au/news/2021-09-10/png-vaccine-hesitancy-papua-new-guinea-covid-19/100444380>

4 OVERVIEW OF RELEVANT LABOR LEGISLATION

4.1 Public Services (Management) Act 2014

The Constitution of the Independent State of Papua New Guinea was adopted in 1975 and guarantees equality of citizens, freedom of assembly and association, and freedom from inhuman treatment and forced labour. The PNG Public Services Management Act (2014) makes provisions to implement the constitution concerning the management of public finances (including those relating to Provincial Governments and Local-level Governments as required by the Organic Law on Provincial Governments and Local-level Governments). The provisions also relate to the staffing of Provincial and Local Level Governments and the establishment of the Public Service Commission which investigates serious allegations made against Departmental Heads, Provincial Administrators, Chief Executive Officers and Regulatory Statutory Authorities.

4.2 National Employment Legislation

PNG's main employment legislation is the Employment Act 1978 and associated Employment Regulation 1980 that govern relations between employers and workers. The Employment Regulation of 1980, amended in 2006, operationalises the Employment Act and the employment of non-citizens is regulated by the Employment of Non-Citizens Act 2007.

The Department of Labour and Industrial Relations (DLIR) is responsible for the administration of labour policy and associated activities, including industrial relations, labour inspection and employment services. As a member of the International Labour Office (ILO), PNG has also ratified several ILO Conventions including the eight Fundamental Conventions and 16 other Conventions.

The regulation of freedom of association, collective bargaining and industrial relations is undertaken through the Industrial Relations Act 1962. Other employment issues are governed by about a dozen other Acts which many remain under review and are not well aligned with many of the ILO Conventions ratified by Papua New Guinea. Furthermore, a review of the Employment Act and the Industrial Relations Act 1962 has been underway for several years. In 2014, the Employment Relations Bill, which is an amalgam of the two Acts, was read in Parliament. It has not yet become law.

Direct workers (government/civil servants), according to ESS2, remain subject to the terms and conditions of their existing public sector employment agreement or arrangement, unless there has been an effective legal transfer of their employment or engagement to the Project.

ESS2 will not apply to government direct workers, except for the provisions on protecting the workforce regarding child labour, minimum age and forced labour, and provisions on occupational safety and health. It is also important to note that during emergencies such as the COVID-19 pandemic, national laws, including labour laws, can be temporarily amended by Governments. The IA and contractors are responsible for keeping up-to-date with the legislative situation and adapting workplace practices accordingly.

4.2.1 Wages and deductions

The Employment Act of 1978 stipulates that the wages payable to an employee shall not be less than those provided for by registered awards relevant to the employee.

Casual employees shall be paid a day's wages after each day's employment, while piece-rate employees shall be paid wages in proportion to the amount of work performed, either at intervals of no longer than two weeks or on completion of the piece-rate work, whichever is the earlier. Other employees shall be

paid at intervals of no longer than two weeks; or by agreement between the employer and employee, of no longer than one month.

4.2.2 Working hours

The standard work week is 44 hours over six workdays (eight hours per weekday and four hours on Saturday). The maximum hours of work are 12 hours in one day. Women generally are not employed between the hours of 6 p.m. and 6 a.m. in any industrial undertaking.

4.2.3 Overtime work

There is no prohibition on excessive or compulsory overtime. Overtime work will be paid at rates between the hourly rate and twice the hourly rate. Specifically, overtime worked on a Sunday shall be paid at twice the hourly rate; on a public holiday at the hourly rate; and at any time, other than a Sunday or a public holiday, at one-and-a-half times the hourly rate.

4.2.4 Rest breaks

Employees must be granted a rest and meal break during the workday. Employees who work eight hours or more on any day shall be allowed one or more meal or rest periods totalling in the aggregate not less than 50 minutes. For every five hours of work, they are entitled to a 40 minute meal or rest period. Workers are entitled to a weekly rest period of 24 consecutive hours. The maximum permissible work hours may be exceeded in certain circumstances such as accidents and emergencies and when employees care for the sick.

4.2.5 Leave

Employees are entitled to ten (10) working days of paid recreational leave for each year of continuous service, equivalent to 14 consecutive days of paid leave including non-working days. Furthermore, after six months of employment, employees are entitled to paid sick leave at the rate of six days per year.

Pregnant women are entitled to unpaid maternity leave for a period consisting of the number of days necessary for hospitalization before giving birth and six (6) weeks following confinement.

4.2.6 Non-discrimination and equal opportunity

The Constitution of PNG guarantees all citizens the same rights, privileges, obligations and duties irrespective of race, tribe, place of origin, political opinion, colour, creed, religion or sex. PNG's Employment Act only prohibits discrimination of women on account of their sex and requires employers to pay women and men the same wages for the same work.

PNG ratified ILO's Discrimination (Employment and Occupation) Convention, 1958 (No. 111) by which it undertakes to promote equality of opportunity and treatment in respect of employment and occupation, with a view to eliminating any discrimination based on race, colour, sex, religion, political opinion, national extraction or social origin.

PNG also signed and ratified the Convention on the Rights of Persons with Disabilities (CRPD) in 2011 and 2013 respectively. The CRPD adopts a broad categorization of persons with disabilities and reaffirms that all persons with all types of disabilities must enjoy all human rights and fundamental freedoms. Signatories recognize the right of persons with disabilities to work, on an equal basis with others. The CRPD prohibits discrimination on the basis of disability with regard to all matters concerning all forms of employment, including conditions of recruitment, hiring and employment, the continuance of employment, career advancement and safe and healthy working conditions. The National Policy on Disability 2015-2025 advocates for the development of new legislation to provide a clear legal

framework for protecting the rights of Persons With Disabilities and for the mainstreaming of the rights of Persons with Disabilities in all legislation and policies.

4.2.7 Freedom of association and collective bargaining

While the Employment Act does not include provisions on freedom of association, collective bargaining and the rights of workers to join unions, the right to organize is guaranteed by the Constitution (Article 47). The Industrial Relations Act 1962 aims at improving industrial relations and preventing and settling industrial disputes and the Industrial Organizations Act 1962 regulates the registration and functioning of workers' and employers' associations. Unions have the right to organize and bargain collectively. PNG is also party to ILO's Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87) and Right to Organize and Collective Bargaining Convention, 1949 (No. 98).

4.2.8 Grievances

While the Employment Act does not include provisions on the resolution of labour disputes or the introduction of grievance mechanisms in workplaces, the settlement of industrial disputes is regulated by the Industrial Relations Act 1962.

Employers of project workers are required to develop and provide a grievance mechanism for all direct workers and contracted workers, except for public servants, before the beginning of work and inform their employees of the existence of such measures. Workers will be informed of the Workers Grievance Redress Mechanism (refer to *Section 8*) at the time of recruitment.

4.3 National Occupational Health and Safety Legislation

The main legal framework for Occupational Health and Safety (OSH) is the Industrial Safety, Health and Welfare Act of 1961 and other industry-specific regulations. The Industrial Safety, Health and Welfare Act of 1961 is generally no longer responsive to a modern labour market. The legislation applies to factories where manufacturing processes or power generation take place, or buildings or places that are declared factories by the Minister for the purposes of this Act. Hence, the Act regulates issues such as minimum requirements of floor space, ventilation, natural lighting, providing a room for eating, restrooms, sanitary facilities, a first aid kit and first aid personnel. It also requires employers to notify of disease or injury, as a result of employment and it includes specific provisions for dangerous work.

According to the Act, an Industrial Safety Officer may, at all reasonable times and with or without notice to any person, enter any premises or place at which he has reasonable grounds for suspecting that an employee is, or has recently been, employed. Employees can request a workplace inspection if they believe conditions are hazardous. Overall, the PNG Government has a weak influence on occupational health and safety regulations and few inspections take place.

PNG 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 \(No. 161\)](#). With work under the Project being outside the scope of PNG's Industrial Safety, Health and Welfare Act of 1961, the OHS measures of the Project will include the requirements of the relevant sections of ESS2.

4.4 World Bank's Environmental and Social Standards 2

The World Bank's stipulations related to labour are outlined in its *Environmental and Social Standard 2 on Labour and Working Conditions (ESS2)*. This helps the Borrowers in promoting sound worker-

management relationships and enhance the development benefits of a project by treating workers in the project fairly and providing safe and healthy working conditions. Key objectives of the ESS2 are to:

- Promote safety and health at work;
- Promote the fair treatment, non-discrimination and equal opportunity of project workers;
- Protect project workers, including vulnerable workers such as women, persons with disabilities, children (of working age, in accordance with this ESS) and seasonal/migrant workers, contracted workers, community workers and primary supply workers, as appropriate;
- Prevent the use of all forms of forced labour and child labour;
- Support the principles of freedom of association and collective bargaining of project workers; in a manner consistent with national law; and
- Provide project workers with accessible means to raise workplace concerns.

ESS2 applies to project workers including

- **Direct workers:** People employed or engaged directly to work specifically in relation to the Project.
- **Contracted workers:** People employed or engaged by third party contractors to perform work related to core function of the Project, regardless of location.
- **Primary supply workers:** People employed or engaged by the primary suppliers.

Where government civil servants are working in connection with the project, whether full-time or part-time, they will remain subject to the terms and conditions of their existing public sector employment agreement or arrangement, unless there has been an effective legal transfer of their employment or engagement to the project which is not foreseen under this Project.

Under ESS2, the Borrower is responsible for developing and implementing written labour management procedures applicable to the Project. These procedures set out how project workers will be managed, in accordance with the requirements of national law and ESS2. The procedures will address how ESS2 will apply to different categories of project workers including direct workers, and how the Borrower will require third parties to manage their workers.

Project workers will be provided with information and documentation that is clear and understandable regarding their terms and conditions of employment. The information and documentation will set out their rights under national labour and employment law (which will include any applicable collective agreements), including their rights related to hours of work, wages, overtime, compensation and benefits, as well as those arising from the requirements of ESS2. This information and documentation will be provided at the beginning of the working relationship and when any material changes to the terms or conditions of employment occur.

The employment of project workers 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, compensation (including wages and benefits), working conditions and terms of employment, access to training, job assignment, promotion, termination of employment or retirement, or disciplinary practices.

5 Roles and Responsibilities

5.1 Project Implementing Agency

DOWHH will be responsible for ensuring that project workers engaged to deliver activities are managed in accordance with this LMP.

The DOWHH PIU will be responsible for:

- Implementing these Labour Management Procedures;
- Ensuring that contractors comply with these Labour Management Procedures;
- Monitoring to verify that contractors are meeting labour and OHS obligations toward contracted workers as required by PNG national legislation and ESS2;
- Monitoring contractors and subcontractors' implementation of these Labour Management Procedures;
- Monitoring compliance with OHS standards at all workplaces in line with ESS2;
- Monitoring compliance with COVID-19 related health and safety measures including making workplaces ready for COVID-19;
- Monitoring and implementing training on LMP, OHS and on mitigating the spread of COVID-19 for all Project workers;
- Ensuring that workplace grievance procedures are operational and that workers are informed of its purpose and how to use it;
- Have a system for regular monitoring and reporting on labour and OHS performance; data collection, monitoring, and analysis of the LMP as part of the Project's M&E activity.
- Preparing and submitting regularly progress reports on the implementation of the LMP to the World Bank.

5.2 Contractors

Any 3rd parties engaged by DOWHH to implement project activities will be responsible for the following:

- Complying with the requirements of the PNG national legislation and these Labour Management Procedures;
- Maintain records of recruitment and employment process of contracted workers;
- Communicate clearly job description and employment conditions to contracted workers;
- Provide workers with evidence of all payments made, including benefits and any valid deductions;
- Providing all contracted workers with health insurance (including coverage for the treatment of COVID-19 infections);
- Maintain records regarding labour conditions and workers engaged under the Project, including contracts, hours worked, remuneration and deductions (including overtime);
- Ensure no child or forced labour is involved in the Project;
- Implement the grievance redress mechanism for workers, maintaining records of any worker grievances including occurrence date, grievance, and date submitted; actions taken and dates; resolution (if any) and date; and follow-up outstanding.
- Have a system for regular review and reporting on labour, and occupational safety and health performance.
- Submitting reports to the DOWHH Director on the implementation of LMP requirements.

These requirements will be outlined in contractual agreements. When contractor(s) are known after the beginning of Project implementation, these Labour Management Procedures can be updated to include additional details about companies, hired workforce and others, as deemed necessary.

6 Labour policies and procedures

6.1 Employment principles

The employment of Project workers will be based on the principles of non-discrimination and equal opportunity. There will be no discrimination with respect to any aspects of the employment relationship, including recruitment, compensation, working conditions and terms of employment, access to training, promotion or termination of employment. The following measures will be monitored by the Implementing Agency and Employers Project Manager (EPM) to ensure fair treatment of all employees:

- Recruitment procedures will be transparent, public and non-discriminatory, and open with respect to ethnicity, religion, sexuality, disability or gender;
- Clear job descriptions will be provided in advance of recruitment and will explain the skills required for each post;
- All workers will have written contracts describing terms and conditions of work and will have the contents explained to them. Workers will sign the employment contract;
- Employees will be informed at least two months before their expected release date of the coming termination;
- Depending on the origin of the employer and 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.

6.2 Terms and conditions of employment

Terms and conditions of direct workers are determined by their individual contracts. All the recruiting procedures should be documented and filed in the folders following the requirements of PNG's labour legislation and the ESS2. The maximum weekly working hours are 44. Requirements and conditions of overtime and leave entitlements are agreed as part of individual contracts.

As the Implementing Agency, DOWHH will ensure that contractors are aware of and comply with the labour management and OSH policies and procedures outlined in this LMP. Each contractor will submit an assessment of environmental and social risks (including labour risks) associated with all project activities delivered by the contractor (including through the recruitment of volunteers and community workers) and apply risk mitigation measures to demonstrate they have complied with the Project's environmental and social requirements.

The Project's labour requirements are outlined in the sections below.

6.3 Age of employment

PNG has ratified both the ILO Minimum of Age Convention (C138) and the ILO Worst Forms of Child Labour Convention (C182). According to PNG's Employment Act 1978, the minimum age of employment is 16 years of age. Children between the ages 11 and 16 may be employed in a family business or enterprise provided they have parental permission, medical clearance, and a work permit from a labour office. Persons under the age of 16 may not be employed in any employment or any place or under working conditions that are injurious or likely to be injurious to the health of the person. Under ESS2 children under the age of 14 cannot be employed, not even in light work.

Given the nature of the Project and required workforce, all direct and contracted workers hired for the Project will be over 18. 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.

If a child under the minimum age is discovered working on the project, measures will be taken to immediately terminate the employment or engagement of the child in a responsible manner, taking into account the best interest of the child.

6.4 Occupational Health and Safety

With work under the Project being outside the scope of PNG's Industrial Safety, Health and Welfare Act of 1961, the OHS measures of the Project will include the requirements of the relevant sections of ESS2. Specifically, the OHS measures will be designed and implemented to address:

- identification of potential hazards to project workers, particularly those that may be life-threatening;
- provision of preventive and protective measures, including modification, substitution, or elimination of hazardous conditions or substances;
- training of project workers and maintenance of training records;
- documentation and reporting of occupational accidents, diseases and incidents;
- emergency prevention and preparedness and response arrangements to emergencies; and
- remedies for adverse impacts such as occupational injuries, deaths, disability, and disease.

ESS2 requires that all parties who employ or engage project workers will develop and implement procedures to establish and maintain a safe working environment, including that workplaces, machinery, equipment, and processes under their control are safe and without health risk. Such parties will actively collaborate and consult with project workers in promoting understanding, 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.

Project workers will receive OHS training at the start of their employment or engagement, and thereafter regularly 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.

Workplace processes will be put in place for project workers to report work situations that they believe are not safe or healthy, and to 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.

Project workers will be provided with facilities appropriate to the circumstances of their work, including access to canteens, hygiene facilities, and appropriate areas for rest. Where accommodation services are provided to project workers, policies will be put in place and implemented on the management and quality of accommodation to protect and promote the health, safety, and well-being of the project workers, and to provide access to or provision of services that accommodate their physical, social, and cultural needs.

As the Implementing Agency, the responsible DOWHH manager will ensure that the requirements listed above are followed by all employers of Project workers. The responsible manager of the PIU will ensure effective methods are put in place for responding to identified hazards and risks, establishing priorities for taking action and evaluating outcomes.

A system for regular review of occupational safety and health performance and the working environment will be put in place and include identification of safety and health hazards and risks, implementation of effective methods for responding to identified hazards and risks, setting priorities for taking action, and evaluation of results.

Occupational health and safety risk for road works will be managed via the implementation of the ESIA and this LMP

6.5 Sexual Exploitation and Abuse and Sexual Harassment

Papua New Guinea ratified the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) in 1995. By ratifying CEDAW, PNG has committed to ensuring that the principles for equality are adhered to and that discriminatory practices including sexual exploitation and abuse and sexual harassment are abolished.

Government agencies are required to implement the Papua New Guinea's [Public Service Gender Equality and Social Inclusion Policy \(GESI\) 2013](#). This Policy promotes equity and inclusiveness in the public sector and encourages respectful relations at the workplace. This is used as a guidance for this Project. GESI calls for the development of workplace gender violence plans which includes best practice responses from management, ways to respond to reports of workplace harassment, referral processes to support agencies, and appropriate discipline or legal actions against perpetrators. The Implementing Agencies will include provisions to prevent sexual exploitation and sexual harassment (SEA/SH) in the contracts, partnership and other forms of agreements with contractors and implementing partners.

Provisions to prevent sexual exploitation and abuse and sexual harassment will be included in Codes of Conduct (refer Annex A) for all direct workers (consultants) and contracted workers in line with relevant national laws and legislation and ESS2 requirements.

6.6 COVID-19 safety

This section sets out the procedures which respond to the specific health and safety issues posed by COVID-19. Due to the nature of this Project, contracted Project workers (specifically the construction workforce) will likely need to be accommodated together for the duration of the road reconstruction period/ labour camps required.

Outside of the construction workforce, much of the work of Project workers, both direct and contracted, will take place in office environments where the advice of the PNG government and the WHO to make workplaces COVID-safe will be followed. Workers are particularly vulnerable to COVID-19 transmission outside of the office such as during community outreach/training and awareness activities and field work associated with environmental and social assessments.

The Department of Treasury has published a guide, Treasury Niupela Pasin, outlining the Department of Treasury's approach to operating safely within an environment where COVID-19 is present under the Niupela Pasin. The guide outlines practices put in place by the Department of Treasury to continue to work and operate safely and maintain physical distancing wherever possible. Moreover, the risk of infection at the workplace will be minimised by following WHO's workplace-related advice (see [WHO guidance getting your workplace ready for COVID-19](#)).

The Project's SEP includes a COVID-19 Safety Protocol entailing principles and approaches to mitigate the risk of COVID-19 transmission during the conduct of face-to-face consultation and engagement activities during project implementation.

The Protocol follows PNG national guidelines, and good international industry practice including WHO and World Bank guidelines. 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. National guidelines are outlined in the National Department of Health's [Papua New Guinea Emergency Preparedness and Response Plan Coronavirus Disease 2019](#) which is a live document. Project workers will also follow the procedures that are regularly updated by the Joint Agency Task Force under the National Control Centre for COVID-19 (see <https://covid19.info.gov.pg/>).

All Project workers will receive training on COVID-19 prevention, social distancing measures, hand hygiene, cough etiquette and community relations, and guidelines of what to do in case they or someone within their households feels sick or COVID-19 positive. These measures will follow the Project's COVID-19 Protocol (refer SEP) which has been developed based on the National Department of Health and WHO guidelines.

All of these workers will be entitled to paid sick leave from the start of their contracts instead of after six months of employment and the number of sick days will not be limited if they fall sick due to COVID-19 infections. Furthermore, if workers are required to self-isolate after arriving in PNG from abroad or after being in contact with an infected person, they will also be entitled to paid sick leave.

7 Contractor management

Contractors to be engaged to deliver the RT Project will include construction firms and specialist consultant firms. They should follow the requirements of the national legislation and measures described in this document concerning labour management. Subcontractors will include primary suppliers of civil-works related goods and materials (e.g. gravel and sand).

As the Implementing Agency, the responsible DOWHH manager will be responsible for:

- ascertaining that the contracted workers are legitimate and reliable entities and have in place labour management procedures applicable to the project that will allow them to operate in accordance with the requirements of ESS2
- establishing systems for managing and monitoring the performance of contractors in relation to the requirements of ESS2, including incorporating the requirements of ESS2 into contractual agreements with third parties, together with appropriate noncompliance remedies.

Further, DOWHH will manage and monitor the performance of contractors in relation to contracted workers, focusing on compliance by such third parties with their contractual agreements (obligations, representations, and warranties). Labour management records and reports compiled by contractors will include:

- a representative sample of employment contracts or arrangements between third parties and contracted workers;
- records relating to grievances received and their resolution;
- reports relating to safety inspections, including fatalities and incidents and implementation of corrective actions;
- records relating to incidents of non-compliance with national law; and
- records of training provided for contracted workers to explain labour and working conditions and OHS for the Project.

8 Workers' Grievance Redress Mechanism

The GoPNG through the PNG Public Service Commission has established a complaints process for aggrieved Officers engaged by the public service to lodge grievances relating to the discipline, selection or terms and conditions of employment connected to the National Public Service of Papua New Guinea⁵. All public servants engaged within the scope of the project will be referred to the commission to lodge their grievances through this process.

In addition, DOWHH will implement a Worker Grievance Redress Mechanism (WGRM) as provided in Section 8.2 for workers undertaking activities under their respective components. Contractors engaged by DOWHH will also be required to implement the WGRM and report to DOWHH. Contracted workers can also raise grievances directly with DOWHH.

The WGRM is not an alternative or a substitute to accessing the legal system for receiving and handling grievances. Nevertheless, all workers at all times have the right to access judicial or administrative remedies that are available under the PNG law or through existing arbitration procedures. While all workers always have the right to access the legal system, the purpose of establishing a WGRM is to provide an accessible and practical means to mediate and seek appropriate solutions to labour-related grievances, without escalating to higher stages wherever possible.

8.1 Worker Grievance Redress Mechanism for direct workers (consultants)

DOWHH will allocate sufficient resources within the PIU to implement the WGRM which will require:

1. The appointment of a DOWH officer to serve as a Grievance Focal Point (GFP) to file grievances of direct workers (consultants). The complainant may report their grievance in person, by phone, text message, mail or email (including anonymously if required). The GFP will be responsible to coordinate with relevant departments/organisations and persons to facilitate addressing these grievances. If the issue cannot be resolved at the level of the GFP within seven working days, it will be escalated to the Director DOWHH. The GFP will review the grievance records monthly and report on the grievances, response time and resolution status in a quarterly report to the World Bank.
2. The Director DOWHH will aim to resolve the grievance in three weeks or less. The PMU Grievance Focal Point (GRP) will log details of the issue and resultant resolution status.

8.2 Worker Grievance Redress Mechanism for contracted workers

The WGRM for contracted workers will operate as follows:

1. The complainant may report their grievance in person, by phone, text message, mail or email (including anonymously if required) to the relevant contractor as the initial focal point for information and raising grievances. For complaints that are satisfactorily resolved at this stage, the incident and resultant resolution will be logged and reported to the PIU Grievance Focal Point (GRP).
2. Where the complaint is not resolved, or the response is not satisfactory, the GFP will refer it to the Director DOWHH for further action or resolution.

⁵ Refer to <http://www.psc.gov.pg/~pscgovpg/legislation-policies/>

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3. The Director DOWHH will aim to resolve the grievance in three weeks or less. The GRP will log details of the issue and resultant resolution status.

Annex A Guidance for Codes of Conduct for Direct Workers (civil servants and consultants) and Contracted Workers

A satisfactory code of conduct will contain obligations on all direct workers 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 work site (e.g. civil works and transport safety, etc) 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 behaviour, in particular towards women and/or children, that is inappropriate, harassing, abusive, sexually provocative, demeaning or culturally inappropriate)
7. Violence including sexual, gender or sorcery-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 favours or other forms of humiliating, degrading behaviour, exploitative behaviour or abuse of power)
9. Protection of children (including prohibitions against sexual activity or abuse, or otherwise unacceptable behaviour 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 favours, 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, translated to Tok Pisin and other local languages where required, 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.