



DRAFT

LABOUR MANAGEMENT PROCEDURES

**Coastal and Marine Ecosystems Management
Strengthening Project
(P172980)**

**Saint Vincent and the Grenadines
19 July, 2021**

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1. INTRODUCTION

This Labour Management Procedures (LMP) is developed as a requirement of the World Bank in support of the Coastal and Marine Ecosystems Management Strengthening Project (P172980). The procedures seek to ensure that measures are in place to manage risks associated with employment under the project. The LMP identifies the main labour requirements under the project and establishes parameters to ensure that engagement is undertaken in accordance with the requirements established in Environmental and Social Standards 2 (ESS2): Labour and Working Conditions and Occupational Health and Safety.

Based on the Project's Environmental and Social Assessment, risks as it relates to labour and working conditions and occupational health and safety are expected to be minimal. These risks are understood and are expected to have a limited impact on the project if managed by the procedures set out in this Plan. The Government of Saint Vincent and the Grenadines (GOSVG) is committed, on a continuous basis throughout the life of the project, to evaluate risks and impacts and to have in place adequate measures and procedures to manage adverse impacts. The project will be implemented by the SDU within the Ministry of Tourism, Civil Aviation, Sustainable Development and Culture.

The objectives of ESS 2 and of the LMP 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 migrant workers, contracted workers, community workers and primary supply workers, as appropriate;
- Prevent the use of all forms of forced labor and child labor;
- 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

The LMP is a live document and can be updated to meet any changes in the demands of the project. The project aims to apply a multi-pronged approach designed to support ecosystem-based adaptation in the coastal and marine environment of Saint Vincent and the Grenadines (SVG) through: (i) establishment and strengthening policy, regulatory and institutional mechanisms for coordination, planning, and monitoring of coastal and marine ecosystems; (ii) setting up a publicly accessible national knowledge platform (environmental and data centre) for improved information for decision-making on the use and conservation of coastal and marine resources; (iii) area-based spatial planning using a coastal zone management plan (under preparation with support of the OECS Caribbean Regional Oceanscape Project) to integrate conservation into regional development; (iv) capacity building of key government agencies involved in coastal and marine pollution control interventions focusing on conservation and restoration.

2. OVERVIEW OF LABOR USE ON THE PROJECT

The LMP is applicable to all project workers, whether full-time, part-time, or temporary. This section describes the project's labour requirements based on available information.

Project workers as it relates to the applicability of EES2 refers to workers who will be employed or engaged under the project, whether full-time, part-time, temporary, seasonal, and migrant workers. The main type of workers anticipated to work under this project is contracted workers, as reflected in **Table 1** below. The Project will hire the following types of workers as defined in the ESS2es (LMP):

- a) *Direct Workers (15)*. The project will employ "Direct Workers." These are "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". For example, local and/or international recruited consultants contracted by the Government implementing agency to provide technical advice. All requirements of ESS2 apply and application is a Borrower responsibility
- b) *Contracted Workers. (TBD)* The project will also employ "Contracted Workers" the number has yet to be determined but it will not be significant given the scale of works. These are people employed or engaged through third parties to perform work related to core functions of the project." For example, employees working for a construction company hired to undertake civil works. All requirements of ESS2 apply and the Borrower is responsible for enforcing them by including them in the terms of contracts, along with remedies for non-compliance.
- c) *Community workers (10)*. The project will apply participatory approaches to planning and implementing community approaches to the management of biodiversity and coastal management planning and pilot activities. As a result, the project anticipates persons to be employed or engaged in providing community labor for small civil works. As well the CSOs and other groups will also provide volunteers who typically support NGOs and community groups¹. Requirements include a labor management procedure, occupational health and safety working conditions, and avoiding child, forced labor and trafficking. Given the small scope of civil works and high community involvement in the pilots these risks are very low². Guidelines for Voluntary labour contributions are in Annex 2 and will be included in the ESMF to ensure that community labor and other contributions are free, of coercion and truly voluntary as per per ESS2..

¹ The World Bank Environment and Social framework, ESS2. "Work is on a voluntary basis when it is done with the free and informed consent of a worker. Such consent must exist through out the employment relationship and the worker must have the possibility to revoke freely given consent. In particular there can be no "voluntary offer" under threat or other circumstances of restriction of deceit. To assess the authenticity of a free and informed consent, it is necessary to ensure that no external constraint or indirect coercion has been carried out, either by an act of the authorities or by an employer's practice. P. 34, Footnote 14.

² See the World Bank Environment and Social framework, ESS2.

- d) *Government workers (16)*. A number of Government Workers will be assigned to work on the project in PIU and/or project management unit. These are persons employed on a regular basis by the government, often considered civil servants and will retain their positions and terms of employment. The application of ESS2 is limited to the child labor and forced labor and occupational health and safety requirements.

It is envisaged that a minimum of 41 persons will be engaged to work on the project. All the workers will be over the age of 18. Table 1 below provides information on the estimated number of persons that will be engaged.

Table 1: Main Types of Workers

Project workers	Total
Direct workers	15
Contracted workers	TBD
Community workers	10
Government workers	16
Total	41

Most of the Jobs can be classified as follows in **Table 2**:

Table 2: Overview of Labour Use on the Project

Job Classification	Number of workers	Timing of worker engagement					Type of Workers
		YR1	YR 2	YR3	YR4	YR5	
Project Director	1	x	x	x	x	x	Government worker
Deputy Project Director	1	x	x	x	x	x	Government worker
Project Officer ³ – Policy and Institutional Development	1	x					Direct for first 3 years before transitioning to civil service
Project Officer – Monitoring and Evaluation	1	x					Direct for first 3 years before transitioning to civil service

³ This person will also act as Project Manager.

Job Classification	Number of workers	Timing of worker engagement					Type of Workers
		YR1	YR 2	YR3	YR4	YR5	
Administrative Officer	2	x		x			Government worker
(Environmental) Policy and Institutional Development Specialist	1		x				Direct
Biodiversity Specialist	1		x				Direct
Data Management Specialist	2	x					Direct
Web Development Specialist	1		x				Direct
Communications and Knowledge Management Specialist	1						Direct
Consultant – pilot sites assessment and partnership model development	3						Direct
Consultant – Institutional and Policy Development, Capacity Building and Market-based Instruments	2						Direct
Auditor	2						Direct
Environmental Specialist	1						Government Worker
Social Specialist/Grievance Redress Officer	1						Government Worker
Gender Specialist	1						Government Worker
Legal Professional (Environment)	1						Government Worker
GIS Officer	2						Government Worker
Procurement Officer	1						Government Worker
Financial Management	2						Government Worker
M & E Specialist	1						Government Worker
Community workers	10						Community workers

2.1 Characteristics of Project Workers

Project workers will be mixture of local and international labour. At this stage, it is difficult to predetermine the gender of the persons that will be employed under the project. This will be determined upon engagement of the required contracted workers. The Project will make efforts to ensure that eligible women are encouraged to apply for project contracts and that there is gender balance in recruitment. The gender gap the project will aim to address is the limited participation of women in biodiversity and coastal management planning at community, local and national levels. The SA provides recommendations on how to design project activities with a gender lens to promote strategies and approaches to strengthen the role and participation of women in the relevant coastal and marine productivity sectors. Proposed activities in the Gender Action Plan include: (a) Women provided training and capacity building in leadership to amplify their voice and agency; Women representation on project Committees to be able to contribute to planning and pilot project priorities; (iii) Establishment of a National Environmental Data and Information Centre collecting gender disaggregated data and targeted research to document role of women and men in biodiversity protection and coastal management and lessons learned in gender mainstreaming in such activities. A detailed Gender Action Plan is in Annex 4.

2.2 Timing of Labour Requirements

The Project Manager, Administrative Officer, and Project Officers will be engaged from inception to completion of the project. The other project workers will be engaged at their required time throughout the project life cycle.

3. ASSESSMENT OF KEY POTENTIAL LABOR RISKS

The key labour risks which may be associated with the project are outlined in **Table 3** below provides a brief description of the activities that will be undertaken under the project and their associated labour-related risks. For technical assistance and management types work, risks are associated with extended hours. There is also the possibility of the staff not working in properly ventilated buildings or buildings not equipped with proper cooling facilities. The probability of the incidence of child labour or forced labour is also minimal. The Government of SVG has labour laws in place that prohibit child employment under the age of 14 years (See Table 4 below⁴) and also requires that any work undertaken by children 14 and above not be hazardous or interfere with a child's education or physical or mental health. This is in accordance with the requirements of ESS 2. However, it is not expected that anyone the age of eighteen years shall be employed by the project. The project requires technical staff with skills that require experience and

⁴ Employment of Women, Young Persons and Children Act, 1935 Defines "child" as a person under 14 years of age. Prohibits the employment of children in industrial undertakings and ships and prohibits night work for children and women. Consolidated to 1990.

education, which will not be possible for children or those below the age of 18 to possess.. A register of all persons under the age of eighteen years employed by the project and the dates of their births will be kept in keeping with the relevant labour legislation. The pilot projects will be identified and executed with communities and no migrant or seasonal workers are anticipated

Table 3: Key Labour Risks

Project component	Key identified labour risks.	Proposed measures
Component 1: Institutionalisation of Coastal and Marine Ecosystems Management Program	<ul style="list-style-type: none"> • General understanding and implementation of occupational health and safety requirements • Discrimination and harassment in the workplace 	<ul style="list-style-type: none"> • Implement OHS measures described in the ESMF/ESMP • Training • Implement the code of conduct
Component 2: Applying a participatory ecosystem-based framework to effectively plan, manage, finance and monitor compliance in target environmentally sensitive coastal and marine sites	<ul style="list-style-type: none"> • Possible accidents or emergencies, with reference to the sector or locality • General understanding and implementation of occupational health and safety requirements • Discrimination and harassment in the workplace • Exclusion of women and other groups (e.g. PWD as hires) 	<ul style="list-style-type: none"> • Implement OHS measures described in the ESMF/ESMP • Training • Implement the code of conduct • A Gender Assessment to make ensure women’s voice included and gender informed targeted measures are in place.
Component 3: Knowledge and data management, gender mainstreaming, monitoring and evaluation, documentation and dissemination of best practices and replication	<ul style="list-style-type: none"> • Possible accidents or emergencies, with reference to the sector or locality • General understanding and implementation of occupational health and safety requirements • Discrimination and harassment in the workplace • Risks linked to women’s contribution in sector not being measured and documented 	<ul style="list-style-type: none"> • Implement OHS measures described in the ESMF/ESMP • Training • Implement the code of conduct. • Actions from the gender action plan will generate sex disaggregated data and inform analytics that document women’s role in and

Project component	Key identified labour risks.	Proposed measures
		contributions to biodiversity and coastal management projects.
Component 4: Project coordination and management	<ul style="list-style-type: none"> • General understanding and implementation of occupational health and safety requirements • Discrimination and harassment in the workplace 	<ul style="list-style-type: none"> • Implement OHS measures described in the ESMF/ESMP • Training • Implement the code of conduct • Ensure that eligible women are encouraged to apply for project contracts and that there is gender balance in recruitment

3.1 COVID-19 Considerations

There is a risk of project workers contracting COVID-19. If implementation of the project occurs at a time when risks associated with COVID 19 are still prevalent, then proper measures in accordance with national laws and regulations, and international good practice will be applied. The Project will also be guided by good international industry practice (GIIP) including:

The Project will also adhere to international guidelines related to Covid-19. These include:

- ILO Occupational Safety and Health Convention, 1981 (No. 155)
- ILO Occupational Health Services Convention, 1985 (No. 161)
- WHO International Health Regulations, 2005
- WHO Emergency Response Framework, 2017
- WHO Guidance on COVID-19, 2020

The project will also ensure that adherence is made to the WHO's specific guidelines on COVID-19 (see <https://www.who.int/emergencies/diseases/novel-coronavirus-2019/advice-for-public>, along with the World Bank's guidance provided through "ESF/SAFEGUARDS INTERIM NOTE:COVID-19 CONSIDERATIONS IN CONSTRUCTION/CIVIL WORKS PROJECTS (April 1, 2020) ⁵", especially as it relates to the application of such guidance to project workers, contractors and subcontractors. The note recommends assessing the current situation of the project, understanding the obligations of contractors under existing contracts, requiring contractors to put in place appropriate organizational structures and developing plans and procedures to address different aspects of COVID-19.

The project will ensure the following:

- OHS training will include training for project workers on hygiene and other preventative measures.
- A two-way communication strategy where workers can receive regular updates on COVID-19 related issues and status of any workers that may be affected by the illness and report issues, pose questions, and submit requests.
- . Virtual sessions, including with project communities, will be conducted where viable.
- Where virtual sessions are not viable and sessions must be held in person, the project will ensure that the Government of SVG COVID-19 protocols are adhered to as well as those of the WHO and World Bank. The protocols of the Government are as follows:
<http://health.gov.vc/health/index.php/covid-19-protocols-documents>
- Project workers will be provided with the adequate PPE required to safely carry out their duties.

A protocol will be developed in the event any project worker contracts COVID-19.

4. BRIEF OVERVIEW OF LABOUR LEGISLATION: TERMS AND CONDITIONS

Project workers will be paid on a regular basis as required by national laws and labour management procedures. Should there be gaps between the national legislation and ESS2 the ESS2 will apply. Deductions from payment of wages will be made as allowed by national laws or labour management procedures and project workers will be informed of the conditions under which such deductions will be made. Project workers will be provided with adequate periods of rest per week, annual holiday, sick, maternity and family leave, as required by national laws and labour management procedures. **Table 4** below outlines the details of national labour legislation as it regards terms and conditions.

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<https://worldbankgroup.sharepoint.com/sites/wbunits/opcs/Knowledge%20Base/ESF%20Safeguards%20Interim%20Note%20Construction%20Civil%20Works%20COVID.pdf>

Table 4: Labour Legislation – Terms and Conditions

Legislation	Description and relevance
Wages Councils Act, 1953	This Act provides for the establishment of wages councils and the making of wages council orders. Wages regulations address: Minimum wage, Hours of work, Overtime wages, Vacation, Sick leave, Maternity leave, Health and Safety.
Trade Unions Act, 1950	This Act provides for the establishment and regulation of trade unions and addresses other matters such registration, rules, use of funds, and accounts.
Trade Disputes (Arbitration and Inquiry) Act, 1940	This Acts provides for the establishment of an arbitration tribunal and a board of inquiry in connection with trade disputes and to make provision for the settlement of such disputes, and for the purpose of enquiring into economic and industrial conditions in St. Vincent and the Grenadines.
Protection of Employment Act, 2003	This Act provides for the maintenance and promotion of good employment relationships between employers and employees. It also addresses matters of severance and settlement of disputes.
Equal Pay Act, 1994	This Act provides for the removal and prevention of discrimination, based on the sex of the employee, in the rates of remuneration for males and females in paid employment, and for all incidental matters.
Employment of Women, Young Persons and Children Act, 1935	This Act regulates the employment of women, young persons and children in industrial undertakings and on ships in accordance with the following International Labour Organization (ILO) Conventions: Minimum Age (Industry) Convention (Revised) 1937; Night Work of Young Persons (Industry) Convention 1919; and the Night Work (Women) Convention 194.
The Employers and Servants Act, 1937	Requires wages to be paid by the employer to the worker only in money and the payment of wages is to be made at intervals not exceeding fourteen days.
	Additionally, the Employment of Foreign Nationals and Commonwealth Citizens Act, 1973 will also apply as necessary
Public Health Act, 1977	This Act regulates the environmental health issues, including monitoring of communicable diseases, in SVG and provides remedies for same.
Public Health (Amendment) Act, 2020	This Act revises and strengthens the powers of health officers as it regards communicable diseases and remedies to be enacted in the case of non-compliance.

5. BRIEF OVERVIEW OF LABOR LEGISLATION: OCCUPATIONAL HEALTH AND SAFETY

In this section (**Table 5**) are they key aspects of national policies and labour legislation with regards to occupational health and safety (OHS).

Table 5: Labour Legislation – Occupational Health and Safety

Legislation	Description and relevance
Environmental Health Services Act, 1991 (No. 14 of 1991)	The Act provides for the regulation of activities that may affect public health and the environment.
Factories Act, 1955 (Cap. 335)	Addresses health, safety, welfare, and special protective measures.
Accidents and Occupational Diseases (Notification) Act, 1952	<p>Places a legal obligation on the employer to inform the Labour Commissioner in writing on the prescribed form, any accident involving any worker that arises out of and in the course of employment and which causes loss of life or serious bodily injury or disables a worker. The employer is also obligated to inform the Labour Commissioner on any occupational disease which he reasonable believes or suspects to have occurred among workers employed by him.</p> <p>The national legislation states that an employer shall not terminate the services of an employee on any of the following grounds: i) Trade union membership or participation in trade union activities outside working hours or, with the consent of the employer, within working hours; ii) Seeking office as, or acting as the capacity of, an employee representative, iii) Making a complaint or participating in proceedings against an employer involving an alleged violation of laws and regulation; iv) . Race, colour, sex, marital status, pregnancy, religion, political opinion, nationality or social origin; v) Reasonable absence from work due to family emergencies or responsibilities; vi) Absence from work during maternity leave as certified by a medical practitioner vii) Absence from work due to injury or illness provided that the employee submits a medical certificate to his employer by the third day of absence, and viii) Absence from work in the performance of jury service as required by law.</p>
Public Health Act, 1977	This Act regulates the environmental health issues, including monitoring of communicable diseases, in SVG and provides remedies for same.

Public Health (Amendment) Act, 2020	This Act revises and strengthens the powers of health officers as it regards communicable diseases and remedies to be enacted in the case of non-compliance.
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The OHS measures of the project will be designed based on the guidelines provided in the Environmental and Social Framework of the project, and will be implemented to address:

- (a) Identification of potential hazards to project workers, particularly those that may be life threatening.
- (b) Provision of preventive and protective measures, including modification, substitution, or elimination of hazardous conditions or substances.
- (c) Training of project workers and maintenance of training records.
- (d) Documentation and reporting of occupational accidents, diseases and incidents.
- (e) Emergency prevention and preparedness and response arrangements to emergency situations;
- (f) Remedies for adverse impacts such as occupational injuries, deaths, disability, and disease; and
- (g) Ensure that relevant ESS requirements are included in the bidding documents and contracts requiring the contractor/supplier/ consultant responsible to the borrower for managing these risks and delivering on the E&S outcomes.

RESPONSIBLE STAFF

Role/position	Responsibilities
Project Manager	Manage and implement the all project documents Engage and manage of all project workers, contractors, and subcontractors Ensure occupational health and safety (OHS), is implemented Dissemination of Project Information Record grievances Has the overall responsibility for oversight of development and execution of the project

	Responsible for approving the SEP, including the annual budget required for implementation
Social & Environment Specialist	<p>Interface with stakeholders and respond to comments or questions about the project or consultation process</p> <p>Provide contact information if stakeholders have questions or comments about the project or consultation process</p> <p>Document interactions with stakeholders</p> <p>Coordinate public meetings, workshops, group discussions</p> <p>Manage grievance redress mechanism Monitor the implementation of the SEP</p> <p>Project sensitization and awareness Undertake two rounds of visits to the affected communities a month</p> <p>Hold small meetings</p>
Administrative staff	Maintain database, records of project

6. POLICIES AND PROCEDURES

Given the nature of the project, no major labour-related risks are expected, however, the Bank’s provisions on labour and working conditions apply given that the project will engage with direct workers and will also hire specialised consultants. Any contracts must also be consistent with the labour provisions outlined in the World Bank’s Environmental and Social Framework. Mitigation measures will be established by incorporating standardised clauses in the contract documents so that the contractors are aware of the project’s environmental and social obligations. The PIU will ensure compliance with clauses. These clauses will include non-tolerance of gender-based violence (GBV), sexual harassment and sexual exploitation and abuse (SEA), and discrimination. Project workers will be employed on the basis of equal opportunity and there will be no discrimination as it relates to compensation, working conditions and terms of employment. All project workers will be given and receive training on the Code of Conduct as well as any OHS measures required under ESS2.

6.1 COVID-19 Considerations

The project will ensure the following:

- OHS training will include training for project workers on hygiene and other preventative measures.
- A communication strategy for regular updates on COVID-19 related issues and status of any workers that may be affected by the illness.
- Virtual sessions, including with project communities, will be conducted where viable.
- Where virtual sessions are not viable and sessions must be held in person, the project will ensure that proper COVID-19 protocols will be adhered (refer to the Bank’s guidance note as well as WHO’s guidance).
- Project workers will be provided with the adequate PPE required to safely carry out their duties.
- A protocol will be developed in the event any project worker contracts COVID-19.

6.2 Purpose

The primary purpose of the OHS measures is the safety and health of all the project employees at work and the protection of the environment and conservation of resources associated with the project. The measures also establish and defines the authority for the OHS and associated safety systems. These measures will be enforced on all activities of the project and contractors and sub-contractors of the project through contractual arrangements as is appropriate.

6.3 Scope

Occupational safety and health (OSH), also commonly referred to as occupational health and safety (OHS), occupational health, or workplace health and safety (WHS), is concerned with the safety, health, and welfare of people at work. Safety is defined as “the well-being of project employees whilst at work or carrying out work duties”. Project Employee for the Project is defined as “anyone employed by activities of the project including employees of contractors and sub-contractors on a full-time or a part-time basis.

OSH Management System is the standards, policies, guidelines, that address project worker's safety, monitoring and evaluation of safety, worker's health, work, and general environment.

6.4 Measures /procedures

The obligations of the project under the OSH policy includes the following:

- Compliance with all national and international OSH legislation that are applicable to the participating country governments and the World Bank;
- Compliance with the Environmental and Social Safeguards of the World Bank;
- Prevention of injury and ill health of all project workers;
- Establishment of safety systems, processes and performance;
- Continuous improvement of Safety Systems;
- Management and mitigation of adverse environmental and social impacts;
- Prevention of use of faulty equipment or sub-standard equipment.

The project will commit to safety considerations in the conduct of all its activities and that of contractors and sub-contractors.

The project will provide systems, processes, procedures, the necessary safety equipment and gears, and training for all project employees so that all activities are conducted in a safe environment.

Employees will be responsible, subject to their roles, for the maintenance of a safe environment including the assessment of risks and actions to mitigate minimize and manage risks to the safety of the work environment.

The project will develop and implement systems, processes, policies, and services that are national and international in compliance with national and international legal requirements including industry standards and best practices in relation to safety.

Employees at all levels have the authority to stop any activity they consider to be a danger to themselves or other workers, the public or the environment. **There will be no retaliation to project workers for stop-work whistle blowing.**

The Environmental and Social Specialist of the project is responsible for the implementation and monitoring of the safety management systems of the project. The Environmental and Social Specialist will develop sub-policies, guidelines, procedures, instructions and training and awareness materials to support this policy.

The project will also ensure that all employees hired as part of the project:

- Ascribe to the principle of not harming people;
- That sexual harassment, gender-based violence (GBV), sexual exploitation and abuse (SEA) will not be tolerated. All workers under the project will adopt a code of conduct and all workers will sign and will be informed on Code of Conduct provisions;
- That discrimination will not be tolerated in the workplace;
- 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;
- Given that there are direct workers under PIU, the PIU will adapt and receive training on Code of Conducts as well as on OHS measures required under ESS2;
- That there is compliance with the laws of the Countries at all times;
- Compliance with the Environmental and Social Framework (ESF) of the Bank, including the Environment and Social Standard (ESS2) on Labour and Working Conditions;
- That all health and safety measures are adhered to as laid out under World Bank's Environmental and Social Standards (ESS2) on Labour and Working Conditions and for on Community Health and Safety.

6.5 Dissemination and Awareness

The OSH policy will be disseminated to all project workers and stakeholders. The information will be disseminated in various formats including an adapted and summarized version. There will also be sensitization on the Code of Conduct.

7. AGE OF EMPLOYMENT

Part II, Article 8 of the Employment of Women, Young Persons, and Children Act, 1938:

- a. Prohibition of employment of a child — (1) Subject to subsection (2), a child shall not be employed. (2) Nothing in subsection (1) applies— (a) to work done by any child in accordance with the provisions of Part I; (b) to the service rendered by any child to his parent or guardian in light agricultural or horticultural work on the family land or garden outside of school hours; (c) to the participation of a child, without fee or reward, in an entertainment the net proceeds of which are devoted to any charitable or educational purpose or to any purpose other than the private profit of the promoters.
- b. SCHEDULE II, ARTICLE 2 Children under the age of fourteen (14) years shall not be employed or work in any public or private industrial undertaking, or in any branch thereof, other than an undertaking in which only members of the same family are employed: Provided that, except in the case of employment which, by their nature or the circumstances in which they are carried on, are dangerous to the life, health or morals of the persons employed therein, national laws or regulations may permit such children to be employed in undertakings in which only members of the employer's family are employed.

The following process will be followed to verify the age of project workers. This process will be completed by project contractors and verified by the PIU:

- All project employees will be asked to produce identification documents (ID) that are acceptable in local laws, employment, and human resources practices as “proof of age”. These forms of ID will be birth certificates, national driver’s licenses and national registration cards. In the absence of one of those forms of IDs the project will apply and document an age verification process. The age verification process will consist of alternative methods including copies of academic certificates, testimony/affidavits from officials of the schools attended, a medical examination, statements from family members and parish/village officials/local authorities. In addition, all documents will be cross-referenced and subjected to a verification process to ensure the validity of the documents. In instances where the documents are thought to be falsified the project will conduct the same process to ensure their authenticity. In all the processes the attendant care will be provided to ensure that the applicant or employee’s data are protected and their right to privacy is guaranteed. All copies of the IDs and documents pertaining to the applicant's age and other supporting materials will be kept in files with the human resources personnel. Audits and controls of the process will be a

requirement of the contractors and included in the contracts, in keeping with the country's Labour/ Employment Acts.

- If underage workers are found working on the project the following actions will be undertaken:
 - i. Termination of the contract and services agreement immediately as per the Labour Act;
 - ii. Schedule a meeting with the child and seek to determine the reasons for seeking employment;
 - iii. Refer the child to other support services including social services and the Ministry of Education;
 - iv. Leverage the services of Non-government and Community Based Organizations to assist the child.

8. TERMS AND CONDITIONS

The project will be guided by the Protection of Employment Act, 2003. This Act provides for the maintenance and promotion of good employment relationships between employers and employees. Among other elements, it addresses promotion of employment rights, severance pay and disputes.

- Protection against dismissal without good cause:
 5. (1) Subject to the following provisions, every person shall be protected against the unfair termination of his employment without good cause.
 5. (2) The employment of a worker shall not be terminated for reasons related to his conduct or performance before he is provided an opportunity to defend himself against the allegations made except in cases where the employer cannot reasonably be expected to provide such opportunity.
- Termination after fixed term of employment:
 6. (1) The services of an employee who has been specifically employed for a fixed period may, notwithstanding anything contained in this Act, be terminated on the expiration of the term so stipulated.
 6. (2) For the purposes of this section, the effective date of termination of the services of an employee in relation to an employee who has been specifically employed for a fixed period and where that period expires without being renewed under the same contract, shall be the date on which the term expired.
- Terms of employment in writing:
 8. (1) Save in the case of daily paid and weekly paid workers, an employer shall inform an employee in writing of the terms and conditions in writing of employment and such terms and conditions shall include:

- a) the date of commencement of employment;
- b) the name and address of the employer and the employee;
- c) the rate of pay, the overtime rate if any and the pay period;
- d) the probationary period if any;
- e) the hours of work including time off and rest period, if any.

9. GRIEVANCE MECHANISM

In order to ensure the implementation of the Project in a timely manner and effectively address any anticipated and unanticipated risks that would be encountered during implementation, including the development of the necessary actions of mitigation and avoidance, a robust Grievance Redressal Mechanism (GRM) was developed. The GRM will enable the Project Authorities to address any grievances against the Project. It must be noted that this GRM covers grievances that relate to the impacts that the project will have on its workers.

A grievance refers to an issue, concern, problem, or claim, whether actual or perceived, that affects the physical, social and economic conditions of all workers in their workplace. They can occur at different stages of the project cycle.

Grievances can occur at various stages in the project cycle:

- Inception – complaints about the perceived work conditions
- Implementation – complaints about wages, work related injuries, discrimination, Violence
- Close – non-fulfilment of contractual agreement

Objectives of the Grievance Redress Mechanism

The objectives of the Grievance Redress Mechanism are as follows:

1. Ensure that the Government of Saint Vincent and Grenadines' regulations and the World Bank Environmental and Social Standards are adhered to in all project activities;
2. Address any negative environmental and social impacts affecting workers of all project activities;
3. Resolve all grievances emanating from the project activities in a timely manner;
4. Establish relationships of trust between project staff and Grievance officer;
5. Create transparency in the handling of grievance parties.
6. Make clear procedures for handling of SEA/SH grievances. (See below).

Responsibility for Grievance Redressal

The Project Manager (PM) and the Environmental and Social Specialist/Social Specialist assigned to the project will be designated as the key officers in charge of Grievance Redressal. They will be tasked with the following:

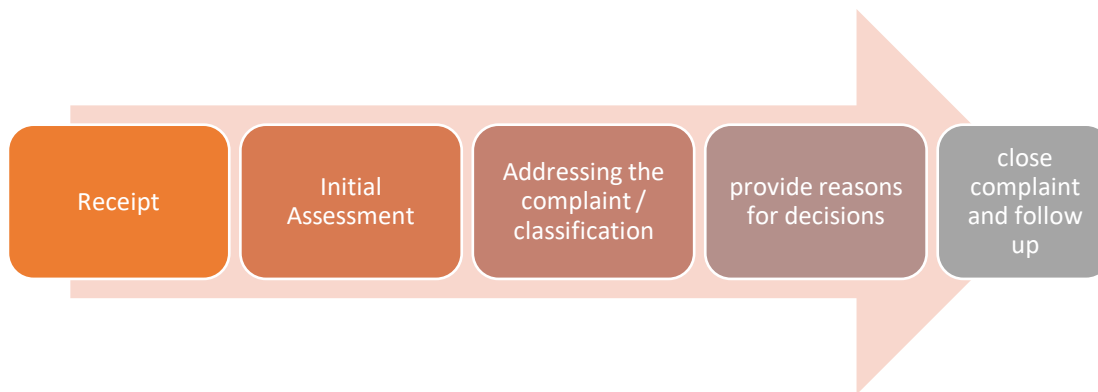
- Establish the Grievance Redressal Mechanism (GRM) before the commencement of any project activities;
- Act as the Focal Point on Grievance Redressal issues and facilitate access at the level of the PIU;
- Create awareness of the Grievance Redressal Mechanism (GRM) amongst all the stakeholders through awareness activities;
- Receive and examine grievances;
- Assist in redressal of all grievances by coordinating with the concerned parties;
- Maintain a database/information of grievances and redressal;
- Monitor the project activities of contractors and consultants on redressal of grievances;
- Regularly contact all points of receipt of complaints;
- Prepare monthly/quarterly progress reports on grievances received.

Types of Grievances

Aggrieved persons can file different types of complaints depending on the specific issue or concern of the project beneficiaries. These may include, but are not limited to:

- wages /payment period
- Rest period /hours of work
- Vacation/sick/maternity/family/special leave
- Wrongful termination

Process:



1. Receive grievance (in person, writing, verbally, phone or emails etc)

- During project implementation the primary point person for public and community engagement will be the Social Development Specialist (SDS)/Project Coordinator (PC). The PC has a hotline for direct contact with the program.
- The PC will manage this line and is the first point of contact for any complaints and will assist them in following the official SDU project Grievance procedure. The PC will respond immediately (real time) and help guide the complainant to formulate the grievance and guide the complaint through the process.

Formal grievances in writing should be addressed to:

All grievances relating to the development of this project are to be directed to:
 Project Director – Labour conditions
 Coastal and Marine Ecosystems Management Strengthening Project
 Sustainable Development Unit
 2nd Floor Administrative Building, Kingstown
 St. Vincent and the Grenadines
 Telephone: 784 485 6992
 Email – emdsvg@gmail.com
 cc. cenplan@svgcpd.com

2. Formal grievance process as managed by implementing agency:

- All grievances will be acknowledged by telephone or in writing by the PC using the Grievance Acknowledgment Form (Annex 1) within 48 hours of receipt and the complainant informed preferably **within 5 working days** of the approximate timeline for addressing the complaint, if it can't be addressed immediately. The PC will work with the safeguard team to ensure the speedy resolution of the grievance. If the complaint cannot be resolved at this level it is taken to the next level.

3. Register/Log

- After receiving and recording the grievance on the GIF, it will be registered in the Grievance Redressal Registration. (Labour Grievance Registration form)

4. Classification of Grievances

Category	Description	Response Time	Personnel in Charge
Level 1 low	When an answer can be provided immediately and/or the safeguards team is already working on a resolution Attendance	48 hours to 5 days	SET Team & Project Coordinator 48 hours
Level 2 Medium	One off event Payment, workers disputes	10 days – 25 days	SET Team & Project Coordinator
Level 3 High	Accidents, emergencies Complaint is repeated. Any complaint that indicates breach of law or applicable policy/regulation High-profile grievances that if not resolved promptly may represent significant risks to the environment or community.	48 hours to 5 days 28 days +	Grievance Redress Committee

5. Investigate

The grievance owner will investigate the complaint. This investigation will include, but is not limited to, meetings with the grievant/complainant, site visits, meetings/interviews with project staff and collection of relevant documentation and other forms of evidence. For meetings, the deliberations and decision will be recorded on the Meeting Record Form included as Annex 4. Community representatives or representatives of the complainant will be allowed to sit in on these meetings.

6. Resolution

The resolution at the first tier should normally be completed within 15 working days of receipt of grievance and notified to the concerned party through the Disclosure Form.

If the grievance is not being resolved within this period, it can be referred to the next level of the Grievance Redressal System. However, once it is determined that progress is being made towards a resolution, the grievance will be retained at this first level. The complainant will be informed of this decision and an estimated time for the resolution of the matter will be given either verbally or in writing. If the issue cannot be resolved within 25 working days, it will be transferred to the next level. Once a resolution has

been agreed and accepted, the complainant's acceptance will be obtained on the Disclosure Form. If the proposed resolution is not accepted the grievance will be escalated to level 2.

The complainant will be informed in writing of the measures taken to address the grievance by the Project Manager or the Social Specialist if the complaint is against the Project Manager.

If issues cannot be resolved, they will be referred to the Ministry of Labour for their action and pronouncement. The Ministry of Labour's ruling would be the final tier of the grievance mechanism.

If unresolved, either party may seek redress in the courts of the country. Parties involved will be advised that they can directly contact the Project Office Ministry.

Copies of the complaint shall be sent to the Project Coordinator.

All workers will be made aware on employment contracts of the grievance mechanisms that are in place and what those consist of. Workers will have access to the following grievance information:

- The option of either verbal or written grievance complaint.
- Contact information for grievance submission.
- Timelines for grievance response: minimum 24 hours, maximum 3 weeks.
- Grievance forms will be simple and easily available: the workers describe the actual grievance, allow the organisation to track the investigation, conciliation and remediation steps, and be available to all workers.
- The possibility to hold an open and constructive meeting about a grievance with their immediate manager/supervisor.
- The right to appeal to another manager/supervisor against a decision made by their manager/supervisor.
- The workers' right to be accompanied by a fellow worker or support of her/his own choice when attending the meeting to discuss a grievance.

World Bank Grievance Redressal Service (GRS)

The complainant has the option of approaching the World Bank if they find the established GRM cannot resolve the issue. It must be noted that this GRS should ideally only be accessed once the project's grievance mechanism has first been utilized without an acceptable resolution. World Bank Procedures requires the complainant to express their grievances in writing to World Bank office in Washington DC by completing the Bank's GRS complaint form which can be found at the following URL link: <http://www.worldbank.org/en/projects-operations/products-and-services/grievance-redress-service#5>. Completed forms will be accepted by email, fax, letter, and by hand delivery to the GRS at the World Bank Headquarters in Washington or World Bank Country Offices.

Email: grievances@worldbank.org

Fax: +1-202-614-7313

By letter: The World Bank

Grievance Redress Service (GRS)

MSN MC 10-1018 NW,

Washington, DC 20433, USA

All grievances received by the project shall be logged and filed.

Table 6: Contact information

Name	Title	Phone	Email	Physical Address
Ms. Resa Noel - McBarnett	Permanent Secretary	784 457 1502	tourism@gov.vc	2 nd Floor, NIS Building, Upper Bay Street, Kingstown
Janeel Miller- Findlay	Director, Sustainable Development Unit	784 485 6992	janeel.miller@gmail.com	2 nd Floor, Administrative Building (Financial Complex), Bay Street, Kingstown
Yasa Belmar	Environmental Resource Analyst II	784 485 6992	yasa.belmar@gmail.com	2 nd Floor, Administrative Building (Financial Complex), Bay Street, Kingstown

9.1 Addressing gender-based violence

The SDU has a Gender Specialist who will be responsible for dealing with any GBV issues, should they arise. Training will be provided. A list of GBV service providers, which will be defined prior to the contracting of workers, will be kept available by the GBV trained individual, the Project Manager and the Social Specialist. UN Women has undertaken a GBV referral mapping. [St Vincent and the Grenadines GBV service mapping map.pdf](#)

The GRM should assist GBV survivors by referring them to GBV Services Provider(s) for support immediately after receiving a complaint directly from a survivor.

If GBV-related incident occurs, it will be reported through the GRM, as appropriate and keeping the survivor information confidential. Specifically, the GRM will only record the following information related to the GBV complaint:

- The nature of the complaint (what the complainant says in her/his own words without direct questioning);
- If, to the best of their knowledge, the perpetrator was associated with the project; and,
- If possible, the age and sex of the survivor.

Any cases of GBV brought through the GRM will be documented but remain closed/sealed to maintain the confidentiality of the survivor. Here, the GRM will primarily serve to:

- Refer complainants to the GBV Services Provider; and
- Record the resolution of the complaint

The GRM will also immediately notify both the Implementing Agency and the World Bank of any GBV complaints **WITH THE CONSENT OF THE SURVIVOR**.

10. CONTRACTOR MANAGEMENT

Project consultants will be managed according to the terms and conditions outlined in their signed contract. The Project Manager will be responsible for providing oversight over the execution of contracts. The Project Manager will also be responsible for ensuring that all consultants or individuals hired for the project are implementing project activities according to their agreed upon Terms of Reference which will form part of the contract document. Additionally, a copy of the workers' GRM and Code of Conduct will be made available to all workers hired as part of the project.

11. COMMUNITY WORKERS

The project may engage with community workers during implementation of Component 2. It is foreseen that men and women from the communities in the intervention communities or close to them will be linked to the project activities either because they are participants who will contribute their work as counterpart to the benefits they receive from sub-project activities or because they receive remuneration for their work. In this case and within the project, ESS2 will apply. The Social and Environmental Specialist(s) will supervise that the working conditions meet the standards and guidelines of the WB. There are several CSOs, community interest groups (e.g., Fisher Folk Groups, Women Groups), and Tourism Industry and Trade Associations that will be consulted and will be involved in the planning and implementation of the area plans and pilot activities. Community workers (including volunteers), engaged for the implementation of sub-project activities, are obliged to follow the training session preceding the start of sub-project implementation in order to become fully familiar with all E&S safety procedures and regulations applicable under the Project. It will be during the training sessions that project team will communicate to community volunteers and CSO participants on the nature of volunteering under the sub-project and to ascertain if volunteers agree to work on a voluntary basis. The training will make clear that people are free to opt out without fear of reprisal, that work is not mandatory and that no resources from the project can be withheld as a result of not participating in the volunteer work. The training will also review the code of conduct. The PIU will register all participants who attend the training session.

12.PRIMARY SUPPLY WORKERS

If such situation appears, contractors who subcontract the supply of materials and equipment will be responsible to include conditions and specifications on ESHS aspects to its subcontracting agreements, including and to prevent the use of child labour, forced labour and serious safety issues which may arise in relation to primary suppliers, and consistent with ESS2.

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ANNEX 1- SAMPLE CODE OF CONDUCT

CODE OF CONDUCT FOR CONTRACTOR'S PERSONNEL

We are the Contractor, *[enter name of Contractor]*. We have signed a contract with *[enter name of Employer]*, for *[enter description of the Works]*. These Works will be carried out at *[enter the Site and other locations where the Works will be carried out]*. Our contract requires us to implement measures to address environmental and social risks related to the Works, including the risks of sexual exploitation, sexual abuse and sexual harassment.

This Code of Conduct is part of our measures to deal with environmental and social risks related to the Works. It applies to all our staff, labourers and other employees at the Works Sites or other places where the Works are being carried out. It also applies to the personnel of each subcontractor and any other personnel assisting us in the execution of the Works. All such persons are referred to as **“Contractor’s Personnel”** and are subject to this Code of Conduct.

This Code of Conduct identifies the behaviour that we require from all Contractor’s Personnel.

Our workplace is an environment where unsafe, offensive, abusive or violent behaviour will not be tolerated and where all persons should feel comfortable raising issues or concerns without fear of retaliation.

REQUIRED CONDUCT

Contractor’s Personnel shall:

1. Carry out his/her duties competently and diligently;
2. Comply with this Code of Conduct and all applicable laws, regulations, and other requirements, including requirements to protect the health, safety and well-being of other Contractor’s Personnel and any other person.
3. Maintain a safe working environment including by:
 - a) ensuring that workplaces, machinery, equipment and processes under each person’s control are safe and without risk to health;
 - b) wearing required personal protective equipment (PPE);
 - c) using appropriate measures relating to chemical, physical and biological substances and agents; and
 - d) following applicable emergency operating procedures.
4. Report work situations that he/she believes are not safe or healthy and remove himself/herself from a work situation which he/she reasonably believes presents an imminent and danger to his/her life or health;
5. Treat other people with respect and not discriminate against specific groups such as women, people with disabilities, migrant workers or children;

6. Not engage in Harassment (sexual or non-sexual in nature), which means unwelcome (sexual) advances, requests for sexual favours, and other verbal or physical conduct (of a sexual or non-sexual nature) with other Contractor's or Employer's Personnel;
7. Not engage in Exploitation (sexual or non-sexual in nature), which means any actual or attempted abuse of position of vulnerability, differential power or trust, for sexual or non-sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual or non-sexual exploitation of another. In Bank financed operations/projects, sexual or non-sexual exploitation occurs when access to or benefit from Bank financed Goods, Works, Consulting or Non-consulting services is used to extract sexual or non-sexual gain;
8. Not engage in Sexual Abuse, which means the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal coercive conditions;
9. Not engage in any form of sexual activity with individuals under the age of 18, except in case of pre-existing marriage;
10. Complete relevant training courses that will be provided related to the environmental and social aspects of the Contract, including health and safety matters, Sexual Exploitation and Abuse (SEA), and Sexual Harassment (SH);
11. Report violations of this Code of Conduct;
12. Not retaliate against any person who reports violations of this Code of Conduct, whether to us or the Employer who makes use of the grievance mechanism for Contractor's Personnel or the project's Grievance Redress Mechanism.

RAISING CONCERNS

If any person observes behaviour that he/she believes may represent a violation of this Code of Conduct, or that otherwise concerns him/her, he/she should raise the issue promptly. This can be done in either of the following ways:

1. Contact [*enter name of the Contractor's Social Expert with relevant experience in handling sexual exploitation, sexual abuse and sexual harassment cases, or if such person is not required under the Contract, another individual designated by the Contractor to handle these matters*] in writing at this address [] or by telephone [] or in person at []; or
2. Call [] to reach the Contractor's hotline (*if any*) and leave a message.

The person's identity will be kept confidential, unless reporting of allegations is mandated by the country law. Anonymous complaints or allegations may also be submitted and will be given all due and appropriate consideration. We take seriously all reports of possible misconduct and will investigate and take appropriate action. We will provide warm referrals to service providers that may help support the persons who experience the alleged incident, as appropriate.

There will be no retaliation against any person who raises a concern in good faith about any behaviour prohibited by this Code of Conduct. Such retaliation would be a violation of this Code of Conduct.

CONSEQUENCES OF VIOLATING THE CODE OF CONDUCT

Any violation of this Code of Conduct by Contractor's Personnel may result in serious consequences, up to and including termination and possible referral to legal authorities.

FOR CONTRACTOR'S PERSONNEL:

I have received a copy of this Code of Conduct written in a language that I comprehend. I understand that if I have any questions about this Code of Conduct, I can contact *[enter name of Contractor's contact person(s) with relevant experience (including for sexual exploitation, abuse and harassment cases) in handling those types of cases]* requesting an explanation.

Name of Contractor's Personnel: *[insert name]*

Signature: _____

Date (day/month/year/): _____

Countersignature of authorized representative of the Contractor:

Signature: _____

Date (day/month/year/): _____

Guidelines for Engaging Voluntary Labour

1. The World Bank Environment and Social Framework (ESF) Environmental and Social Standard Two (ESS2) Labor and Working Conditions (ESS2) states that:
2. “Work is on a voluntary basis when it is done with the free and informed consent of a worker. Such consent must exist through out the employment relationship and the worker must have the possibility to revoke freely given consent. In particular, there can be no “voluntary offer” under threat or other circumstances of restriction of deceit. To assess the authenticity of a free and informed consent, it is necessary to ensure that no external constraint or indirect coercion has been carried out, either by an act of the authorities or by an employer’s practice⁶.” The PIU will put in place measures to ensure that any labor offered is voluntary and given of free will and informed consent.
3. Will be “fully informed” of the terms and conditions of the voluntary contribution of labour. “Fully informed” means that the owner has complete information regarding the proposed activity and its impacts, the labour requirements and his or her rights to compensation should others be receiving compensation for same work under the project.
4. “Free will” means that the owner can reject the possibility of offering his or her labour with no fear or reprisal or any sanction.
5. The project staff will ensure that all potential volunteers to the project are aware of the conditions under which voluntary labour is acceptable.
6. Will be informed that they have the right to withdraw the voluntary labour offer at any time without fear to threat or reprisal from the community or project.
7. Potential volunteers are provided with sufficient time to consider his or her offer of voluntary labor.
8. The person is still entitled to benefit from the project activities whether they offer voluntary labour or not
9. The PIU will verify that voluntary donations are indeed voluntary by requesting potential volunteers will affirm in writing that they are volunteering of their own free will and/or confirm in a presence of a trusted source (e.g. local administration official, church member or community group member) that participation is voluntary.
10. The PIU will ensure that all types of labour are aware of the grievance redress mechanism for workers paid and voluntary and how to access it, including anonymously.

⁶ World Bank Environmental and Social Framework, ESS2 p. 34, Footnote 14.

