

# OECS DATA FOR DECISION MAKING PROJECT (P174986)

## **DRAFT LABOUR MANAGEMENT PROCEDURES**

## List of Acronyms

ESF	Environmental and Social Framework
ESMF	Environmental and Social Management Framework
ESS	Environmental and Social Standard
LMP	Labour Management Procedures
GRM	Grievance Redress Mechanism
OECS	Organisation of Eastern Caribbean States
OHS	Occupational Health and Safety
PIU	Project Implementation Unit
PM	Project Manager
SVG	Saint Vincent and the Grenadines
WB	World Bank

## Table of Contents

.List of Acronyms.....	1
1 Introduction .....	3
2 Overview of Labour Use on the Project .....	3
2.1 Characteristics of Project Labour .....	4
2.2 Timing of Labour Requirements.....	4
3 Assessment of Key Potential Labour Risks.....	4
3.1 Covid-19 Considerations .....	6
4 Brief Overview of Labour Legislation: Terms and Conditions.....	7
5 Brief Overview of Labour Legislation: Occupational Health and Safety .....	10
6 Responsible Staff.....	12
7 Policies and Procedures .....	13
7.1 Purpose .....	13
7.2 Scope.....	13
7.3 Measures/Procedures.....	13
7.4 Dissemination and Awareness .....	15
8 Age of Employment.....	15
8.1 Verification of the Age of Project Workers .....	17
8.1.1 Procedures to be Followed if Underage Workers are Found Working on the Project .....	18
9 Terms and Conditions .....	18
10 Grievance Redress Mechanism .....	22
11 Contractor Management .....	25
12 Community Workers.....	25
13 Primary Supply Workers .....	25
Annex 1- Sample Code of Conduct .....	26

## 1 Introduction

This document represents the Labour Management Procedures (LMP) for the OECS Data for Decision Making Project (P174986). These procedures ensure that the appropriate measures are established and implemented to manage any risks associated with employment under the project. The LMP identifies the main labour requirements and ensures that the engagement of project workers is completed in accordance with the requirements established in both the Labour Laws of the countries in which the project will be implemented (Grenada, Saint Lucia and Saint Vincent and the Grenadines) and ESS2 (Labor and Working Conditions) of the World Bank's Environmental and Social Framework (ESF).

The labour risks for the project are temporary. They are understood and are not expected to have any significant impact on the project once adequately managed by the procedures outlined in this document. On a continuous basis, throughout the project's life cycle, the governments of countries in which the project will be implemented and the OECS Commission are committed to evaluating risks and impacts and to having in place adequate measures and procedures to manage any adverse impacts that may arise. This LMP is a living document and may be updated throughout the project's life cycle, when necessary.

## 2 Overview of Labour Use on the Project

The measures established in this LMP are applicable to all project workers, whether full-time, part-time or temporary. The types of project workers to be engaged are direct workers and contract workers. It is not expected that any community labour will be engaged for the project, however, if this changes during project implementation, the LMP will be updated to reflect this change.

Any full time or part time government civil servants working with the project 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. ESS2 will not apply to such civil servants except for the provisions for Protecting the Workforce (ESS2 para 17-20) and Occupational Health and Safety (ESS2 para 24-30), if these persons are involved in project implementation and/or oversight.

The breakdown of the tentative anticipated numbers for each category of labour, based on available information, is given in Table 1.

*Table 1- Number of project workers by category*

	<b>Category of Project Worker</b>	<b>Grenada</b>	<b>Saint Lucia</b>	<b>SVG</b>	<b>OECS</b>	<b>Total</b>
1	Direct workers	5	5	5	3	<b>18</b>
2	Contracted workers	TBD	TBD	TBD	TBD	<b>TBD</b>
	<b>Total</b>	<b>5+</b>	<b>5+</b>	<b>5+</b>	<b>3+</b>	<b>18+</b>

## 2.1 Characteristics of Project Labour

The project will employ local workers from each of the project’s participating countries who are of legal age to be engaged in employment in a manner consistent with ESS2, as further detailed below.

Country	Minimum Employment Age
Grenada	16
Saint Lucia	14
Saint Vincent and the Grenadines	14

## 2.2 Timing of Labour Requirements

The timing of the labour requirements for the project will be based on the project’s implementation schedule which will be developed during later stages of the project.

## 3 Assessment of Key Potential Labour Risks

Table 2 presents the key labour risks associated with each project component.

*Table 2- Labour risk and proposed mitigation methods by project component*

Project component	Key identified labor risks.	Proposed measures
<b>Component 1: Statistical Modernization and Capacity Building</b>	<ul style="list-style-type: none"> <li>• Failure to use proper PPE during any retrofitting work</li> <li>• Injuries e.g., electric shock associated with any retrofitting to be completed</li> <li>• Noise from retrofitting activities</li> <li>• General workplace injuries</li> <li>• General understanding and implementation of</li> </ul>	<ul style="list-style-type: none"> <li>• Implement OHSP described in the ESMF</li> <li>• Provision of adequate PPE</li> <li>• Training</li> <li>• Implement the code of conduct</li> <li>• Ensure all project workers have access to GRM</li> </ul>

Project component	Key identified labor risks.	Proposed measures
	occupational health and safety requirements <ul style="list-style-type: none"> <li>• Discrimination and harassment in the workplace</li> <li>• Transmission of Covid-19</li> </ul>	<ul style="list-style-type: none"> <li>• Implement Covid-19 transmission prevention plan</li> </ul>
<b>Component 2: Data Production and Dissemination</b>	<ul style="list-style-type: none"> <li>• General workplace injuries both at offices and at remote work locations e.g. during data collection</li> <li>• General understanding and implementation of occupational health and safety requirements</li> <li>• Discrimination and harassment in the workplace</li> <li>• Transmission of Covid-19</li> </ul>	<ul style="list-style-type: none"> <li>• Implement OHSP described in the ESMF</li> <li>• Training</li> <li>• Implement the code of conduct</li> <li>• Ensure all project workers have access to the GRM</li> <li>• Implement Covid-19 transmission prevention plan</li> </ul>
<b>Component 3: OECS Regional Integration</b>	<ul style="list-style-type: none"> <li>• General workplace injuries</li> <li>• General understanding and implementation of occupational health and safety requirements</li> <li>• Discrimination and harassment in the workplace</li> <li>• Transmission of Covid-19</li> </ul>	<ul style="list-style-type: none"> <li>• Implement OHSP described in the ESMF</li> <li>• Training</li> <li>• Implement the code of conduct</li> <li>• Ensure all project workers have access to the GRM</li> <li>• Implement Covid-19 transmission prevention plan</li> </ul>

Project component	Key identified labor risks.	Proposed measures
<b>Component 4: Project Implementation</b>	<ul style="list-style-type: none"> <li>• General workplace injuries</li> <li>• General understanding and implementation of occupational health and safety requirements</li> <li>• Discrimination and harassment in the workplace</li> <li>• Transmission of Covid-19</li> </ul>	<ul style="list-style-type: none"> <li>• Implement OHS measures described in the ESMF/ESMP</li> <li>• Training</li> <li>• Ensure that all project workers have access to the GRM</li> <li>• Implement the code of conduct</li> <li>• Implement Covid-19 transmission prevention plan</li> </ul>

### 3.1 Covid-19 Considerations

As a result of the ongoing Covid-19 pandemic, there is a risk of project workers contracting the virus. Consequently, 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:

- 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, along with the World Bank’s guidance note, “Covid-19 Considerations in Construction/ Civil Works Projects” as well as the Bank’s guidance provided through “ESF/SAFEGUARDS INTERIM NOTE: COVID-19 CONSIDERATIONS IN CONSTRUCTION/CIVIL WORKS PROJECTS (April 1, 2020)”, 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 also adhere to the national guidelines for Covid-19 prevention in each of the participating countries.

The project will ensure the following:

- A detailed Covid-19 transmission prevention plan is developed and implemented.
- 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.
- Project workers will be provided with the adequate PPE required to safely carry out their duties.

## 4 Brief Overview of Labour Legislation: Terms and Conditions

Table 3 outlines the main legislation with respect to terms and conditions of employment in each of the jurisdictions in which the project will be implemented. The OECS Commission is located in Saint Lucia, hence the legislation for that country govern the Commission.

*Table 3- Relevant labour legislation for implementing countries (Terms and Conditions)*

Country	Description of the legislation
<b>Grenada</b>	<p>The overarching major national labour legislation in Grenada is the Employment Act of 1999 which regulates the terms and conditions of employment. The guiding principles reside on the prohibition of forced labour, discrimination, equal pay for equal works, as well as remedies for infringements of rights. The Act makes it mandatory for employers to furnish employees with written particulars of employment, stating hours of work, wages, leave entitlements, job description, grievance procedures, benefits if any among others.</p> <p>Specifically, Part VI deals with the matter of hours of work and continuity of employment and will apply to the risk of extended hours of work as perceived as a minor risk to the project. Part VII speaks to Protection and Regulation of wages, Part VIII - Leave entitlements and other benefits and Part IX expounds on discipline and termination of employment.</p> <p>The Employment Act of Grenada strictly prohibits discrimination of employees based on race colour, national extraction, social origin, religion, political opinion, sex, marital status, family responsibilities or disability. An employee also has the right, by law, to remove himself or herself from a work situation which he or she reasonably believes presents an imminent or serious danger to life or health.</p>
<b>Saint Lucia</b>	<p>Saint Lucia Labour Code, no. 37 of 2006 outlines the conditions of employment with a view to improving the terms and conditions upon which workers are employed. The Labour Code makes it mandatory for employers to provide</p>



Country	Description of the legislation
	<p>employees with written details of employment stating, hours of work, leave entitlement, job description, grievance procedures, benefits, health, and safety etc. Within this legislation there are provisions relating to: Fundamental principles of employment-Part II; Contracts of employment-Division 1; Hours of Work-Division 3; Wages and minimum wages-Division 4&amp;5; Leave entitlements (annual leave, sick leave, maternity leave, bereavement leave etc.)-Divisions 6, 7 and 2; Employment of Children and Young persons-Division 9; Termination of Employment-Division 10; Duties of Employers, workers and other persons-Part IV Division; Occupational Health and Safety-Part IV; Equality of opportunity and treatment in employment-Part V Division 1, Trade Unions and employers organizations-Part VII.</p> <p>Part II of the Code under Fundamental Principles of Employment number 7 states that “an employer shall not discriminate against any employee on the grounds of race, colour, sex, religion, national extraction, social origin, ethnic origin, political opinion or affiliation, age, disability, serious family responsibility, pregnancy, marital status or HIV\AIDS, in respect of recruitment, training, work facilities or service, promotion, terms and conditions of employment or benefit arising out of the employment relationship”. The Code also makes provision on how the matter of discrimination can be addressed.</p> <p>Project workers will be paid on a regular basis as required by national law and labor management procedures. Deductions from payment of wages will only be made as allowed by national law or the labor 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 and sick, maternity and family leave, as required by national law and labor management procedures.</p>
<b>Saint Vincent and the Grenadines</b>	<p>The Labor legislation in St. Vincent and the Grenadines, is composed, among others by the:</p> <p><b>Wages Councils Act, 1953:</b> This Act provides for the establishment of wages councils and the making of wages council orders. Wage’s regulations address: Minimum wage, Hours of work, Overtime wages, Vacation, Sick leave, Maternity leave, Health and Safety.</p>

Country	Description of the legislation
	<p><b>Trade Unions Act, 1950:</b> This Act provides for the establishment and regulation of trade unions and addresses other matters such registration, rules, use of funds, and accounts.</p> <p><b>Trade Disputes (Arbitration and Inquiry) Act, 1940:</b> 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.</p> <p><b>Protection of Employment Act, 2003:</b> 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.</p> <p><b>Equal Pay Act, 1994:</b> 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.</p> <p><b>Employment of Women, Young Persons and Children Act, 1935:</b> 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</p> <p><b>The Employers and Servants Act, 1937:</b> 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</p> <p>Additionally, the <b>Employment of Foreign Nationals and Commonwealth Citizens Act, 1973</b> will also apply as necessary</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</p>

Country	Description of the legislation
	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.

## 5 Brief Overview of Labour Legislation: Occupational Health and Safety

Table 4 outlines the key aspects of labour legislation, policies etc. that relate to occupational health and safety in each of the countries in which the project will be implemented. The OECS Commission is located in Saint Lucia, hence the legislation for that country govern the Commission.

*Table 4- Relevant labour legislation for implementing countries (Occupational Health and Safety)*

Country	Description of the legislation
<b>Grenada</b>	Grenada has an Occupational Health and Safety Policy. The Factories Act is the main law governing occupation safety and health, and there are a number of detailed regulations developing the main Act such as the Factories (Sanitary Accommodation) Regulations, Factories (Welfare) Regulations, Factories (Electricity) Regulations, Factories (Lifting Tackle) Regulations, the Employment Act containing provisions on the establishment and functions of the Department of Labour, the Accidents and Occupational Diseases (Notification) Act. Grenada has active/in force the following conventions: C011 - Right of Association (Agriculture) Convention, 1921 (No. 11); C019 - Equality of Treatment (Accident Compensation) Convention, 1925 (No. 19); C016 - Medical Examination of Young Persons (Sea) Convention, 1921 (No. 16); C155 - Occupational Safety and Health Convention, 1981 (No. 155). Under this convention (No. 155), the GoG takes account of the following main spheres of action in so far as they affect occupational safety and health and the working environment:(a) design, testing, choice, substitution, installation, arrangement, use and maintenance of the material elements of work (workplaces, working environment, tools, machinery and equipment, chemical, physical and biological substances and agents, work processes); (b) relationships between the material elements of work and the persons who carry out or supervise the work, and adaptation of machinery, equipment, working time, organisation of work and work processes to the physical and mental capacities of the workers; (c) training, including necessary further training, qualifications and motivations of persons involved, in one

Country	Description of the legislation
	<p>capacity or another, in the achievement of adequate levels of safety and health;</p> <p>(d) communication and co-operation at the levels of the working group and the undertaking and at all other appropriate levels up to and including the national level;</p> <p>(e) the protection of workers and their representatives from disciplinary measures as a result of actions properly taken by them in conformity with the policy referred to in Article 4 of this Convention.</p>
<b>St. Lucia</b>	<p>Part four of the Saint Lucia Labour Code also speaks to occupational health and safety in the workplace. Under Part four, Divisions 1-4 provides for preventative health measures, protective devices and equipment, medical examinations, notification of employment injuries and diseases, training, etc. This Act obligates the employer to ensure the safety and health of all employees and to mitigate risk of exposure to any hazards in the work environment. Division three of the Code clearly outlines the procedures to be followed in relation to notification of accidents, occupational diseases and other diseases. Division four specifically speaks to the responsibilities of employers, employees and other persons in adhering to health and safety regulations. The Code also clearly outlines the circumstances where employees may refuse to work on health and safety grounds and the procedures for how such matters should be addressed.</p>
<b>Saint Vincent and the Grenadines</b>	<p>Labour occupational health and safety in Saint Vincent and the Grenadines, in part is enforced by the:</p> <p><b>Environmental Health Services Act, 1991 (No. 14 of 1991):</b> The Act provides for the regulation of activities that may affect public health and the environment.</p> <p><b>Factories Act, 1955 (Cap. 335),</b> that part II, addresses health, safety, welfare and special protective measures.</p> <p><b>Accidents and Occupational Diseases (Notification) Act, 1952,</b> that 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>

Country	Description of the legislation
	<p><b>Public Health Act, 1977</b>, regulates environmental health issues including the monitoring of communicable diseases in SVG and provides remedies for same.</p> <p><b>Public Health (Amendment) Act, 2020</b>, revises and strengthens the powers of public health officers as it regards communicable diseases to be enacted in the case of non-compliance.</p> <p><b>Public Health (COVID–19) Rules, 2021</b>, set out restrictions/rules for public gatherings (including at bars, restaurants, nightclubs, outdoor functions) and penalties for contravention of these rules/restrictions.</p> <p><b>General Guidelines for Organisations: Safe Working During the COVID–10 Pandemic – SVGNS 85:2020</b>, outline what is expected of organisations and their employees and are applicable regardless of the nature of the business or service provision or size or complexity. They include practical examples for different types of organisations to help determine the actions which can be taken to make workplaces safer.</p>

The occupational health and safety (OHS) measures of the project will be designed based on the guideline 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 and those related to COVID-19.
- (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

## 6 Responsible Staff

The overall Project Manager (PM) at the OECS Project Implementation Unit (PIU) and the national PMs at the national level PIUs will be responsible for the recruitment and engagement of all project workers. The OECS PM and the national-level PMs will also be responsible for ensuring that all project staff receives occupational health and safety (OHS) training. This will include proper Covid-19 transmission prevention

training. They will also be responsible for the receipt and timely resolution of all project worker grievances. Generally, they will be responsible for the overall management of all project workers, contractors and sub-contractors.

## 7 Policies and Procedures

No major labour-related risks are expected with the Project, however, the Bank's directives on labour and working conditions apply since the project will engage direct, contracted and primary supply workers. Contracts for each category of project workers must be consistent with ESS2- Labour and Working Conditions. Mitigation measures for any labour risks will be established by incorporating standardized clauses in the contract documents so that contractors are aware of the environmental and social obligations of the project. The PIU, (including national level PIUs) will ensure compliance of the following clauses, including compliance by contractors.

### 7.1 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, including on any contractors and sub-contractors of the project through contractual arrangements as is appropriate.

### 7.2 Scope

Occupational Health and Safety: Occupational Health or workplace health and safety refers to the health and welfare of people at work. OHS Management System is the standards, policies and guidelines that address project worker's safety, health, monitoring, and evaluation.

### 7.3 Measures/Procedures

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

- Compliance with all national and international OHS legislation that are applicable to the participating country governments, and the OECS;
- Compliance with the Environmental and Social Standards (ESSs) of the World Bank and the World Bank Environmental, Health and Safety Guidelines. In case of discrepancy between national and international legislation and the ESSs of the World Bank, the latter prevail for this project purposes.
- 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.

- Prevention of the spread of Covid-19 amongst project workers.

The project will commit to safety considerations in the conduct of all its activities and that of any 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. This will include a detailed Covid-19 transmission prevention plan, which includes consideration for the procedures to be carried out if one of the project workers contracts the virus.

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 project's Environmental and Social Specialist 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:

- Adhere to the employment Code of Conduct (sample Code of Conduct included as Annex 1)
- Ascribe to the principle of not harming people.
- That sexual harassment, gender-based violence (GBV), sexual exploitation and abuse (SEA) will not be tolerated.
- 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 Conduct 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 Labor and Working Conditions.

- That all health and safety measures are adhered to as laid out under the World Bank’s ESS2 on Labor and Working Conditions and for on Community Health and Safety.

#### 7.4 Dissemination and Awareness

The project’s OHS policy will be disseminated to all project workers in varied formats, including via training sessions and as part of written documentation, such as contracts.

### 8 Age of Employment

The age of employment for each of the participating countries are outlined in Table 5. The OECS Commission is located in Saint Lucia, hence the legislation for that country govern the Commission.

*Table 5- Age of employment of participating countries*

<b>Grenada</b>	<p>The project will be guided by the (Grenada Employment Act, 1999) which states that the minimum age of employment in Grenada is sixteen (16) years old. In addition to the Employment Act, Grenada is a signatory to the following international conventions related to the minimum age of employment:</p> <ul style="list-style-type: none"> <li>• Convention on the Rights of the Child (CRC): “Signed on the 19th April 1990 and ratified on the 9th October 1990” (UNICEF, 2015)</li> <li>• Minimum Age Convention, 1973 (No.138) (International Labor Organization, 2017)</li> <li>• Forced Labour Convention, 1930 (No. 29) (International Labor Organization, 2017)</li> <li>• Worst Forms of Child Labour Convention, 1999 (No. 182) (International Labor Organization, 2017)</li> <li>• Medical Examination of Young Persons Convention, 1921 (No. 16) (International Labor Organization, 2017)</li> <li>• UN CRC Optional Protocol on Armed Conflict (U.S. Department of Labor, 2017)</li> <li>• UN CRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography (U.S. Department of Labor, 2017)</li> <li>• Palermo Protocol on Trafficking in Persons (U.S. Department of Labor, 2017)</li> </ul> <p>Employees over the minimum age of 16 and under the age of 18, may be employed or engaged in connection with the project, in line with ESS2, and only under the following specific conditions:</p> <p>(a) the work is not likely to be hazardous and is not harmful to the child’s health or physical, mental, spiritual, moral or social development, and will not interfere with the child’s education.</p>
----------------	--



	<p>(b) an appropriate risk assessment is conducted prior to the work commencing; and</p> <p>(c) the Borrower conducts regular monitoring of health, working conditions, hours of work and the other requirement of ESS2: Labor and working conditions.</p> <ul style="list-style-type: none"> <li>• Consider employing another adult member of the family if the child’s family is determined to be vulnerable or in dire circumstances</li> </ul> <p>The Grenada employment Act of 1999 will be used as a guide in the conduct of the assessment of risks associated with persons below the age of 18. The procedure for assessing the risks will be as follows:</p> <ul style="list-style-type: none"> <li>• All persons will be asked to provide a medical certificate with the results of a medical examination.</li> <li>• An assessment will be done of the tasks assigned, to ensure that persons below the age of 18 are not subjected to hazards and risks</li> <li>• There will be clear policy guidelines regarding supervision of young persons to prevent exploitation and sexual harassment</li> <li>• Young persons will be provided with educational and awareness information on the policies of the workplace including sexual harassment policies and labour related grievances and the grievance redress mechanism of the project.</li> </ul>
<p><b>St. Lucia</b></p>	<p>Division 9 “Employment of children and young persons” of the Labour Code states “.....a person shall not employ or allow to be employed any child who is under the minimum school leaving age as declared by any law in force in Saint Lucia except for employment during school holidays in light work.</p> <p>The minimum age of employment for the Project will be 18 years. To ensure compliance all employees will be required to produce their National Identification Card (NIC) as proof of their identity and age. This NIC serves as the national document required for employment.</p> <p>A child over 14 years of age and under the age of 18 may be employed or engaged in connection with the project only under the following specific conditions:</p> <p>(a) an appropriate risk assessment is conducted prior to the work commencing; and</p>

	<p>(b) the Borrower conducts regular monitoring of health, working conditions, hours of work and the other requirement of ESS2 of the World bank: Labor and Working condition.</p> <p>A child over 14 years and under the age of 18 will not be employed or engaged in connection with the project in a manner that is likely to be hazardous or interfere with the child’s education or be harmful to the child’s health or physical, mental, spiritual, moral or social development.</p> <p>Any consultant found hiring persons under the age of 18 will have their contract immediately terminated and will be reported to the authorities. Under Division 9 127- “Any employer who contravenes sections 122, 123 or 124 commits an offence and is liable on summary conviction to a fine not exceeding ten thousand dollars or to imprisonment for a term of two years or both.</p>
<p><b>SVG</b></p>	<p>Part II, Article 8 of the Employment of Women, Young Persons, and Children Act, 1938:</p> <p>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.</p> <p>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.</p>

**8.1 Verification of the Age of Project Workers**

All project workers will be required to produce identification documents that are legally acceptable in each of the project’s jurisdictions as proof of age. The following IDs will be accepted:

1. Birth certificates

2. Passports
3. National identification/registration cards
4. Driver's License

If a prospective employee does not possess any of the abovementioned documentation, the project will implement and document the process it used to verify the age of said prospective employee. Age verification may include any of the following:

1. Copies of academic certificates.
2. Testimony or affidavits from officials of the schools attended by the potential employee;
3. Medical examination.
4. Statements from family members or officials and local authorities

All documents provided will be subject to a verification process to ensure their validity. In cases where documents are believed to have been falsified, the project will go through the same verification process. The project will ensure that the confidentiality of the potential employee's data maintained that their right to privacy is protected. All ID and other age verification documentation will be stored in secured files with the human resource personnel. In keeping with the Labour/Employment Acts and included as a clause in their contracts, contractors will be required to conduct audits and implement controls of the process.

#### 8.1.1 Procedures to be Followed if Underage Workers are Found Working on the Project

If underage workers are found working on the project the following actions will be undertaken:

- Termination of the contract and services agreement immediately as per the Labor Act.
- Schedule a meeting with the child and seek to determine the reasons for seeking employment.
- Refer the child to other support services including social services and the Ministry of Education.
- Leverage the services of Non-government and Community Based Organizations to assist the child.

## 9 Terms and Conditions

The terms and conditions for employment in each of the participating countries is outlined in Table 6. The OECS Commission is located in Saint Lucia, hence the legislation for that country govern the Commission.

*Table 6-Terms and conditions of employment in each participating country*

<b>Grenada</b>	<p>The following terms and conditions apply to project workers in accordance with the Grenada Employment Act of 1999.</p> <p><b>Contracts</b></p>
----------------	---

The project, and sub-contractor, subcontractor, and assignees of contracts shall pay rates of wages and observe hours and conditions of employment which are not less favorable than those established in the country.

Contractors and sub-contractors shall be certified according to the Government Requirements for governmental contractors including that contractors are certify that the wages and conditions of employment of all those employed by the contractor in the trade or industry in which the contractor is seeking to contract with the Government are fair and reasonable.

The contracts will be guided by the principle of collective bargaining is applicable and where there is no minimum wage or rates established in the country, the guiding principle will be of fair wages and reasonable rates commensurate with governmental minimum wage and similar established rates and conditions.

In keeping with the Employment Act, the contractor shall keep proper wage records and time sheets for all those employed in relation to the execution of the contract, and the contractor shall produce the wage records and timesheets for the inspection of any person authorized by the project or the Labour authorities of Grenada.

Contractors are required by law, to post conditions of work in conspicuous places informing workers of their rights and conditions of work.

The contractor shall ensure sufficient insurance so as to pay compensation to workers under the Workmen's Compensation Act, Chapter 343. 9.

A subcontractor shall be bound to conform to the conditions of the main contract and the main contractor shall be responsible for the observance of all contract conditions.

Contractors and subcontractors shall recognize the right of their workers to be members of the trade unions.

### **Minimum Wage**

All project workers shall be paid a wage that is above or equal to the minimum wage as established by the Government of Grenada. Wages will be paid on a weekly, bi-weekly, or monthly basis. Each employee is entitled to a statement accompanying pay that itemized the following: "(a) the employee's gross wages due at the end of that pay period; (b) the amount of every deduction from his or her wages during that pay period and the purpose for which each deduction was made; and (c) the employee's net wages payable at the end of that pay period."

### **Hours of Work**

	<p>The maximum number of ordinary hours of work for employees shall be 40 hours per week with the ordinary working days being Mondays to Saturdays.</p> <p>Project employees are prohibited from working more than 10 hours per day inclusive of two hours for lunch and rest periods. No person under the age of eighteen years shall be employed or allowed to work between the hours of 9.00 p.m. to 6.00 a.m. Other provisions related to hours of work will be guided by the Employment Act on this matter.</p>
<p><b>St. Lucia</b></p>	<p>The Saint Lucia Labour Code guides and regulates the terms and conditions of employment.</p> <p><b>Contracts</b></p> <p>Division 1 “Contracts of Employment” applies to all persons engaged under contracts of employment. The Act mandates that “Within fourteen days from the date on which employment commences, an employer may prepare a written contract correctly describing the terms and conditions of employment that have been agreed upon by the employer and employee”. The Code also states that “where a contract of employment is not written the employer shall explain to the employee the contents of the contract of employment....”. The Code further states that “upon written request to the employer, an employee who is not employed under a written contract shall be given, within one month of the request, a written contract.</p> <p><b>Hours of Work</b></p> <p>The Labor code, para. 27.— (1) states that subject to subsections (2) and (3), an employer shall not require any employee to work for more than forty hours during any week, excluding overtime. In para. 265. — (1) It also states that an employer shall not — (a) dismiss or threaten to dismiss an employee; (b) discipline or suspend or threaten to discipline or suspend an employee, (c) impose any penalty upon an employee; (d) intimidate or coerce an employee; or (e) discriminate against an employee in any way.</p> <p><b>Non-Discrimination</b></p> <p>The code states, that a person discriminates against another person if the first-mentioned person makes, on any of the grounds specified in subsection (2), any distinction, exclusion or preference, the intent or effect of which is to nullify or impair equality of opportunity or treatment in occupation or employment. (2) The grounds referred to in subsection (1) are — (a) race, sex, religion, colour, ethnic origin, social origin, political opinion or affiliation, disability, serious family responsibility, pregnancy, marital status, HIV/AIDS, trade union affiliation or activity, or age except for purposes of</p>

	<p>retirement and restrictions on work and employment of minors or for the protection of children and young persons.</p> <p>Para 285.— (1) states that, without prejudice to the provisions under this Division, an employer shall not refuse to employ a person, demote or dismiss a female employee, alter the terms and conditions of her contract of employment, refuse her promotion or training or in other way discriminate against her because she is or was pregnant or for any reason connected with pregnancy.</p>
<p><b>SVG</b></p>	<p>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.</p> <p><b>Protection against dismissal without good cause</b></p> <p>5. (1) Subject to the following provisions, every person shall be protected against the unfair termination of his employment without good cause.</p> <p>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.</p> <p><b>Termination after fixed term of employment</b></p> <p>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.</p> <p>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.</p> <p><b>Terms of employment in writing</b></p> <p>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:</p> <ul style="list-style-type: none"> <li>a) the date of commencement of employment.</li> <li>b) the name and address of the employer and the employee.</li> </ul>

	<ul style="list-style-type: none"> <li>c) the rate of pay, the overtime rate if any and the pay period.</li> <li>d) the probationary period if any.</li> <li>e) the hours of work including time off and rest period, if any.</li> <li>f) the rate of vacation, sick and maternity leave if applicable; and</li> <li>g) the duties to be performed.</li> </ul> <p>8. (2) An employer shall provide to the employee the conditions of service referred to in subsection (1) within seven working days from the date of employment or four calendar weeks where the employee is in employment at the commencement of this Act,</p> <p>8. (3) Any person who fails to comply with the provisions of this section commits an offence and is liable on conviction to a fine not exceeding one thousand dollars.</p>
--	--

Under this Project, all project workers will be provided with a written contract, in accordance with the Labour Code, outlining terms and conditions for executing the particular work that they have been contracted for. The terms and conditions of employment will make adequate provisions for periods of rest per week, annual holiday, sick, maternity and vacation and bereavement leave as stipulated in the Labour Code. The contract will also include the Code of Conduct.

## 10 Grievance Redress Mechanism

The Grievance Mechanism for all Project Workers is as follows:

Contractors will appoint a representative/employee who will be the point of contact for all Grievances. In the case of project management staff, the point of contact will be the project manager, and similar in the respective countries or the Permanent Secretary of the respective sector. Contact information will become available once the manager of the PIU is on board, and the contractors are known. Contact information will be available prior to the hiring of workers and it will be provided to workers upon signing of contract.

Upon receipt of Grievances (not channeled through the project manager,) the contractor staff / Permanent Secretary or Representative will notify the project manager and Social Specialist. In the case of issues with project management staff the Project Manager may be required to exclude her or himself if the complaint directly involves him or her.

The contractor will attempt to address grievance within established time frame of 3 weeks upon receipt. In cases of timely or urgent matters a period of a minimum of 24 hours and a maximum of 15 days will be allotted for addressing a resolving the grievance. Grievances can be made in person, telephone call or writing. Grievances can be made anonymously. A dedicated email and telephone number will be provided

for all Grievances. For grievances made via telephone or in person, grievances will be recorded at a later date and the complainant asked to sign same.

### Contact information

**Contact information of the social specialist in each PIU will be updated upon establishment and staffing of the PIUs. Given below are contact details of the line ministries where each PIU will be housed.**

Contact	Grenada	St. Lucia	SVG	OECS
Name	Candice Ramessar	Deborah Hippolyte	DeAnna Ralph	Carlene Radix
Title	Development Specialist	Social Specialist	Social Specialist	Head of Human and Social Division
Telephone	592-502-5180, 592-604-2216	+1 758 285 7245	W: 784 457 1746	M: 758-485-1491 W: 758-455-6409
Email address	<a href="mailto:ramess9@aol.com">ramess9@aol.com</a>	<a href="mailto:deborah.hippolyte@govt.lc">deborah.hippolyte@govt.lc</a>	<a href="mailto:dralph@svgcpd.com">dralph@svgcpd.com</a>	<a href="mailto:carlene.radix@oeecs.int">carlene.radix@oeecs.int</a>
Physical Address			1 <sup>st</sup> Floor Administrative Building, Bay Street, Kingstown, Saint Vincent and the Grenadines	Organisation of Eastern Caribbean States (OECS) Commission Morne Fortune, Castries, Saint Lucia

The contractor will notify the Project Manager through a report of the successful resolution of any grievance. The complainant will also be informed via writing of the measures taken to address the grievance.

If the grievance cannot be resolved by the contractor, the contractor will inform the Project Manager and the Social Specialists.



The Social Specialist and Project Manager will meet with the project contractor and workers and attempt resolution. In the case of project management staff, the Permanent Secretary will meet directly with the staff.

If issues cannot be resolved the issue will be referred to the Ministry of Labour of the respective country for their action and pronouncement. The Ministry of Labor'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.

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

### **ADDRESSING GENDER-BASED VIOLENCE**

The GRM will specify and train an individual who will be responsible for dealing with any gender-based violence (GBV) issues, should they arise. 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 at the PIU and by either the Project Manager or the Permanent Secretary of the respective ministries in each of the participating countries. 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;
- If possible, the age and sex of the survivor; and
- Whether the survivor was referred to a GBV service provider

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.**

In addition to the project's main GRM channel, the GBV survivor can also approach the Bank directly, especially if the alleged perpetrator ends up being someone directly implicated with managing the

GRM. The affected person can approach the Task Team Leader (TTL), the World Bank Caribbean country director, or any other Bank staff within the task team with whom he/she feels comfortable sharing.

## 11 Contractor Management

It is mandated that the contractor execute the management of the contract in a manner that is acceptable to the client and is in accordance with the World Bank rules and regulations as it relates to ESS2, specifically relating to the selection process for contractors, management of labour issues, including health and safety, procedures for managing and monitoring of performance for contractors, as well as reporting on workers under the project.

**Information on Public Records:** The Contractor must have in place information on corporate registers and documents relating to the violation of applicable law, including reports from labour inspectorates and other enforcement bodies.

**Certification and Approval of Business and Workers:** Documentation of approved business licenses, registration, permits and other approvals and workers' certification/permits and training to perform the work.

**Health and Safety:** Document and have in place labour management systems as it relates to organizational health and safety. Records of incidents and corresponding root cause analysis with a corrective mitigation plan. First aid cases, high potential near misses, and remedial and preventive activities required. Identification and establishment of safety committee and records of meetings. Contractors will also have in place adequate Covid-19 transmission prevention procedures. These will include procedures to be followed if a worker contracts the virus.

**Workers Payroll Records:** Documentation of the number of hours work and pay received inclusive of all payments made on their behalf, for example payment made to the National Insurance Scheme and other entitlements regardless of the workers being engaged on a short- or long-term assignment fulltime or part time worker.

## 12 Community Workers

The project doesn't intend to be engaged with community workers.

## 13 Primary Supply Workers

The project doesn't intend to be engaged with primary supply workers.

## 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 behavior that we require from all Contractor’s Personnel.

Our workplace is an environment where unsafe, offensive, abusive or violent behavior 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 serious 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 Sexual Harassment, which means unwelcome sexual advances, requests for sexual favours, and other verbal or physical conduct of a sexual nature with other Contractor's or Employer's Personnel;
7. not engage in Sexual Exploitation, which means any actual or attempted abuse of position of vulnerability, differential power or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another. In Bank financed operations/projects, sexual exploitation occurs when access to or benefit from Bank financed Goods, Works, Consulting or Non-consulting services is used to extract 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 behavior 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 behavior 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/): \_\_\_\_\_