

Fiji Social Protection COVID-19 Response and System Development Project (P175206) & Additional Financing (P177674)

LABOR MANAGEMENT PROCEDURES

DRAFT: February 2022

Note: This Labor Management Procedure shall be updated and finalized to include the Component 4: Jobs for Nature 2.0 activities prior to finalization of the Component 4 Operations Manual and prior to implementation of Component 4 activities. This requirement is reflected within the project's Environmental and Social Commitment Plan.

1. PROJECT INTRODUCTION

This Labor Management Procedure (LMP) was designed for the Fiji Social Protection COVID-19 Response and System Development Project P175206 (parent project) in December of 2020. This updated LMP is prepared to include activities that have been introduced as part of the Additional Financing P177674, namely, components 3 and 4. The parent project for the Additional Financing (AF) was approved on February 9, 2021 in the amount of SDR 34.8 million (US\$50 million equivalent). In August 2021, Government of Fiji requested the Bank to provide additional financing to the parent project in the amount of US\$45 million equivalent (IDA Credit) to continue supporting the unemployed and vulnerable affected by the COVID-19 crisis. This LMP combines the parent project and AF and thereby covers both projects and streamlines LMP activities within one document.

This LMP will need to be updated by MOE to reflect detailed designs and plans to be prepared and finalized for Component 4; Jobs for Nature 2.0 scheme. At the time of updating this LMP, the operations manual for component 4 had not been initiated and hence, it was not possible to capture the details in this LMP, including exact number of workers, project worker redress mechanism details and so forth. The project's environmental and social commitment plan require the project to complete missing details and update this LMP before finalizing the operations manual for component 4 and initiating activity.

The Fiji Social Protection COVID-19 Response and System Development Project supports cash transfers to the unemployed and underemployed affected by COVID-19 and strengthen the social protection system and the relevant policy setting in Fiji. The project consists of two components. Component 1: Cash transfers to the unemployed and underemployed affected by COVID-19 supports cash transfers in the form of government top-ups to the Fiji National Provident Fund (FNPF) members who have lost their jobs or face reduced hours or reduced wages as a result of the COVID-19 crisis and who have insufficient balance in their FNPF General Account. Component 2: Institutional strengthening focuses on strengthening the Fijian social protection delivery system and the relevant policy setting. Activities under Component 2 aim to help the government build an integrated system for identifying and providing necessary support to vulnerable populations not covered by social assistance benefits, but who need support in the event of economic or natural covariate shocks. The Project will also support monitoring and evaluation and project management. The AF has introduced two new components: Component 3: Unemployment assistance (US\$40million): this component will support cash payments to the unemployed who lost jobs or livelihood in formal and informal sectors because of the COVID-19 pandemic. For which a share of 78 percent of the total IDA financing will be paid retroactively and; Component 4: Supporting employment opportunities for green, resilient, and inclusive growth (US\$9 million); this component will support job opportunities through public works for vulnerable Fijians residing in rural areas. In addition, 1 million to support institutional strengthening for components 3 and 4.

2. PROJECT MANAGEMENT

The project will be monitored by a Steering Committee (SC) with the participation of multiple institutions; the Ministry of Economy as the leading implementation agency; joined by other implementation partners, including the Fiji National Provident Fund (FNPF), Ministry of Women, Children and Poverty Alleviation (MWCPA), Ministry of Employment, Productivity and Industrial Relations (MEPIR), Ministry of Commerce, Trade, Tourism and Transport (MCTTT), Ministry of Waterways and Environment –Department of Environment.

The Ministry of Economy (MOE) is the leading implementation agency and has overall responsibility for the project implementation and coordination. MOE has set up a Project Management Unit (PMU), which is responsible for the day-to-day work on project management, coordination, financial management, procurement, monitoring and reporting, and environmental and social (E&S) risk management.

The PMU is comprised of a project manager, specialist and technical coordinators who have been assigned from other government ministries. The MOE has recruited an environmental and social specialist and an environmental and social officer to the PMU who will be maintained throughout project implementation. The Project has also committed, within the environmental and social commitment plan (ESCP), to assign at least one additional environmental and social officer from Ministry of Environment to the PMU, to support the environmental and social management of Jobs for Nature 2.0 subproject activities.

3. OVERVIEW OF LABOR USE ON THE PROJECT

3.1. Categorization of the Workforce

The project workforce includes two categories of worker: i) Direct Workers: including government staff assigned to the project and consultants engaged directly by the MOE as part of the PMU; and ii) Contracted Workers: staff engaged through the FNPF as part of Component 1; a Technical Advisory consultancy firm as part of Component 2; staff employed under Component 3 Unemployment Assistance; and Component 4; Village Cooperatives, community groups and employees whom are also classified as contracted workers to deliver upon Jobs for Nature 2. **NOTE: as the Component 4 Operations Manual is yet to be developed under the Project; this LMP will need to be updated to reflect whether Village cooperatives and community groups will engage individual workers as subcontractors or if the workers would be direct contractors.**

No migrant workers are anticipated in this project.

The total number of project workers cannot be estimated due to component 4. A breakdown of anticipated workers is provided:

- Component 1: 11 Direct Workers (eight assigned government staff and three consultants recruited under the PMU) and approximately 180 Contracted Workers, all existing staff of the FNPF. Note that FNPF will not engage additional workers and the existing permanent employees will be part of the Project.
- Component 2: The number of individuals to be recruited under the TA consultancy is anticipated to have approximately 10 individuals however the exact number is unknown as the TA consultancy TOR is yet to be compiled. Approximately five direct workers will be engaged under the PMU.
- Component 3: Approximately 60 contracted workers were engaged and continue to work on the implementation of the unemployment assistance provided through the MOE in conjunction with Digicel and Vodafone.
- Component 4: as a jobs program, this component is expected to engage hundreds of Village Cooperatives and community groups across the country; comprising thousands of workers. Estimated 10,000 workers total.

3.2. Project Labor Requirements

Project Component	Estimated No. of Project Workers	Characteristics of Project Workers	Timing of Labor Requirements
Component 1: Provide cash transfers to those made unemployed or underemployed by COVID-19	<p>180 contracted workers in FNPF.</p> <p>All locally employed and above the age of 18.</p> <p>102 are females and 78 males.</p>	<p>Chief Operating Officer (Project Manager)</p> <p>COVID-19 Committee Members: Deliberate and makes decisions in consultation with Ministry of Economy, Legal and Corporate Governance on FNPF member appeals and clarity on withdrawal guidelines and policy.</p> <p>GRM Committee Members: Ensure that Member’s concerns are dealt with fairly and independently; operate in line with the Review of Decision Policy; review the submission and make recommendation for the Funds Chief Executive Officer’s consideration.</p> <p>Member Services Department: Staff process and approve FNPF member applications.</p> <p>Human Resources Department: Assist COVID – 19 Committee in resource allocation.</p> <p>Public Relations Department: Member awareness through social media, TV, Radio and newspapers.</p> <p>Corporate Governance: Provide policy guidance and risk assessment of the COVID-19 payment assistance.</p> <p>Information Technology: Provides all IT Infrastructure and support.</p> <p>Finance Department: COVID-19 payment processing, reconciliation and acquittal reporting. Also responsible for document and record-keeping.</p> <p>Legal Department: Provides legal advice.</p> <p>Treasury Department: Monitors cash flow position.</p> <p>Internal Audit Department: Real time and audit assurance of COVID-19 assistance.</p>	Operations

<p>Component 2 (2.1-2.2): Institutional strengthening</p>	<p>10 contracted workers: TA Consultancy</p>	<p>TA Project Manager</p> <p>Social Protection Specialist</p> <p>Study Tour Coordinator and Trainer</p> <p>Policy Advisor</p> <p>Environmental and Social Officer</p> <p>Gender Based Violence Specialist</p> <p>Procurement Specialist</p> <p>Monitoring and Evaluation Specialist</p>	<p>Operations</p>
<p>Subcomponent 2.3: Project Management Unit (PMU) and strengthening the capacity of MOE</p>	<p>11 Direct Workers:</p> <p>7 PMU staff: 4 gov staff, 3 new staff</p> <p>4 Technical Coordinators</p>	<p>PMU staff: Project Manager, Financial management Specialist, Procurement Specialist, Social Protection Specialist, a Project Officer, Environmental and Social Specialist, Environmental and Social Officer*</p> <p>*New positions will be made in the PMU for the Social Protection Specialist, a Project Officer and an Environmental and Social Specialist. All other PMU positions will be filled with existing Ministry staff.</p> <p>Technical Coordinators: four staff will be assigned to the project; one representative from FNPF, MWCPA, MEPIR, and MCTTT</p>	<p>Operations</p>
<p>Component 3: Unemployment Assistance</p>	<p>Direct workers:</p> <p>MOE: TBC FNPF: TBC [other GoF] Digicel: 30 Vodafone: 30</p> <p>All locally employed and above the age of 18.</p>		<p>Operations</p>
<p>Component 4: Supporting employment opportunities for green,</p>	<p>Direct Workers: TBC</p> <p>PMU Staff:TBC</p>	<p>PMU staff: Project Manager, Financial management Specialist, Procurement Specialist, Social Protection Specialist, a Project Officer, Environmental and Social</p>	<p>Operations</p>

<p>resilient and inclusive growth</p>	<p>Min of Water & Environment: TBC</p> <p>Dept of Environment: TBC</p>	<p>Specialist, Environmental and Social Officer*</p> <p>*New positions will be made in the PMU for the Social Protection Specialist, a Project Officer and an Environmental and Social Specialist. All other PMU positions will be filled with existing Ministry staff.</p> <p>Technical Coordinators: four staff will be assigned to the project; one representative from Department of Environment and Climate Change Division.</p>	
	<p>Contracted Workers: estimated 10,000 positions</p>	<p>Village cooperative and community groups workers employed under the Jobs for Nature 2.0 Program funded by the project. Village cooperatives and community groups submit their proposal under the Jobs for Nature 2.0 program.</p> <p>The number of positions means individual 3-month or 6-month jobs that may be held consecutively by the same person (although recommended to not allow exceeding one year for one beneficiary, to ensure enhanced benefit sharing).</p>	<p>Operations</p>

4. ASSESSMENT OF KEY POTENTIAL LABOR RISKS

The Project management will demonstrate high standards of human resource management and adhere to Fiji’s national labor and OHS legislation and international instruments including International Labor Office conventions ratified by Fiji. The most significant risks to worker health, safety and well-being are summarized in **Table** below.

Project activity	Key Labor Risks
<p>General project administration and implementation (hiring of consultants, monitoring and reporting, financial management, audits, E&S management, project coordination, study tours, workshop and consultative activities, the procurement of office equipment, hardware and software, as well as project management and monitoring and evaluation)</p>	<ul style="list-style-type: none"> • Risk of traffic accidents in travel to project office. • Exposure to public or other workers with contracted COVID-19, putting workers at risk of psychological distress and health problems. • Sexual Exploitation, Harassment and Abuse (SEHA) and Gender Based Violence in the workplace. • occupational health and safety from working at the desk and in an office environment

<p>Running cash transfers program to those made unemployed or underemployed by COVID-19. Providing public with information and support to access unemployment benefits.</p>	<ul style="list-style-type: none"> • Members of the public pressure staff to disburse unemployment benefits causing staff distress and fatigue. • Mental stress due to workloads given need of public to access unemployment benefits. • Sexual Exploitation, Harassment and Abuse (SEHA) and Gender Based Violence in the workplace. • Use of child labor contravenes national legislation and international conventions ratified by Fiji. • Project workers pressured by family members and/or others to engage in fraud • occupational health and safety from working at the desk and in an office environment
<p>Village cooperative and community groups workers employed under the Jobs for Nature 2.0 Program. Workers will be employed from the community for a limited period of time (3-6 months) to provide additional work opportunities. Workers will be newly recruited from the communities for the program.</p>	<ul style="list-style-type: none"> • Working conditions are below national minimum regulated standards. • Exploitation of workers through underpayment by village cooperative (fraud and/or forced labor). • Use of child labour in contravention of national legislation and international conventions ratified by Fiji. • Sexual Exploitation, Harassment and Abuse (SEHA) and Gender Based Violence in the recruitment process or workplace. • Occupational health and safety from working in unfamiliar manual tasks or with improper tools or with tools for which they are inadequately trained. • Lack of access to effective grievance mechanism.

5. BRIEF OVERVIEW OF LABOR LEGISLATION: TERMS AND CONDITIONS

Fiji’s labor legislation is comprehensive and covers most issues included in ESS2. The ***Constitution of the Republic of Fiji***, adopted in 2013, incorporates a Bill of Rights which contains some articles on labor and working conditions. Specifically, it guarantees protection for the following rights:

- To freedom from slavery, servitude, forced labor and human trafficking (Article 10).
- To freedom of assembly and association (Articles 18 and 19).
- To fair employment practices and the right to form or join a trade union and to engage in collective bargaining (Article 20).
- To equality and freedom from discrimination on the grounds of race, culture, ethnic or social origin, colour, place of origin, sex, gender, sexual orientation, gender identity and expression, birth, primary language, economic or social or health status, disability, age, religion, conscience, marital status or pregnancy (Article 26).
- To full and free economic participation (Article 32).
- To work and a just minimum wage (Article 33).

Attachment A sets out Fiji's key employment and occupational health and safety legislation and ratification of international conventions.

The **Employment Relations Act 2007 (ERA)** is Fiji's main legislation covering labor and working conditions.¹ It sets out fundamental principles and rights at work including: the prohibition on forced labor and on the worst forms of child labor, the right to non-discrimination, freedom from harassment and equal opportunity in employment, equal pay for equal work, and freedom of association. It also establishes the Employment Relations Advisory Board (ERAB), an expert group comprising representatives of the Government, employers and workers, which advises the Minister on a range of matters related to employment policy and law.⁴⁸ The ERA regulates terms and conditions of employment including:

- The establishment and termination of employment.
- The payment of wages.
- Hours of work.
- Leave.
- Minimum age for employment and restrictions on the employment of children.
- Grievance procedures and dispute resolution mechanisms.
- Procedures governing industrial action.

In addition to the ERA, subsidiary legislation – including the Employment Relations (Administration) Regulations 2008, Hazardous Occupations Prohibited to Children under 18 Years of Age Order 2013, and Employment Relations (National Minimum Wage) Regulations 2015 – set out further details on these provisions.

The **Human Rights Commission Act 1999 (HRCA)** prohibits unfair discrimination and harassment in employment, including in recruitment and training. The HRCA provides that any person may make a complaint to the Human Rights Commission about unfair discrimination, harassment or another contravention of their human rights under the Act. The HRCA outlines the Commission's powers to investigate and conciliate a complaint. It also sets out judicial remedies for unfair discrimination or a contravention of Fiji's Bill of Rights. In addition to the HRCA, the **Rights of Persons with Disabilities Act 2018** sets out the rights to equal opportunity and non-discrimination in work and employment for people with a disability and includes provisions for ensuring safe work access for workers with disabilities among other rights.

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

The Health and Safety at Work Act (HASAW), 1996 and amended in 2003, is the key legal instrument for safety and health at work. It is comprehensive, covering a wide range of key aspects of safe and healthy environment at work. The HASAW Act provides the following:

- The general inspection of safety and health at work.

¹ The *Health and Safety at Work Act 1996* also operates in Fiji. However, it is not covered here as occupational health and safety is beyond the scope of this report.

- Duties of the persons assigned for the control of workplace.
- Duties of employers and workers to non-working people visiting the workplace.
- Duties of manufacturers, importers, suppliers, and installers.
- General obligations concerning non-interference of safety and health at work.
- Appointment and tasks, duties, rights and functions of the workers' Safety and Health Representative.
- Appointment and membership of the Safety and Health Committee.
- Provisions for prevention of discrimination of the Health and Safety Representative or an individual worker informing the OSH Inspector.
- Investigation of workers ceasing work under immediate threat to safety.

Notification and registration of workplaces with twenty workers or more is stipulated, as well as the registration, notification and statistics of occupational accidents and diseases.

The HASAW Act mandates the Safety Inspection, Chief Inspectors, and the Inspectorate for enforcement of OHS regulations. The law stipulates the rights and powers of the Inspectorate; controls for notifications by employers; penalties; and appeal systems. The Act is supplemented by associated regulations on OHS administration, training, representatives and committees, general workplace conditions, and a number of specific substantive provisions such as diving, hazardous substances, and a Code of Practice on noise. In addition, the Code of Practice on HIV/AIDS in the Workplace (2008) and the National Policy on Sexual Harassment in the Workplace (2008) are important elements of the OHS regulatory environment.

The Act stipulates the establishment and operation of the National Occupational Health and Safety Advisory Board (NOHSAB) under the Ministry of Employment, Productivity and Industrial Relations. The role of the Board is advisory, providing support to the development of Ministry of Employment policies, follow-up of the development of OHS standards and responding to specific questions and requests set by the Minister. The Board is a tripartite and multi-sectorial body, chaired by the Permanent Secretary of the Ministry of Employment, Productivity and Industrial Relations, with Deputy Chairs from representative employers' and workers' organizations and members from the Ministries of Health, Mining, Agriculture, Transport and Civil Aviation, and the Environment. The Board may also include representatives from other relevant Ministries.

7. RESPONSIBLE STAFF

7.1. Project Management (MOE)

The MOE will be responsible for project management, implementation and coordination with other government ministries and stakeholders as outlined above in Section 2 Project Management. The Project Manager will lead day-to-day project management and implementation, supported by an Environment and Social Specialist and an Environmental and Social Officer. Responsibilities include:

- Implementing this LMP;
- Ensuring that contractors comply with this LMP;

- Monitoring to verify that contractors are meeting labor and OHS obligations toward contracted workers as required by Fiji's legislation and ESS2;
- Monitoring contractors' implementation of this LMP;
- Monitoring compliance with occupational health and safety standards at all workplaces in line with the national occupational health and safety legislation;
- Monitoring compliance with COVID-19 related health and safety measures including making workplaces ready for COVID-19;
- Ensuring that the grievance mechanism for Project workers is established and implemented and that workers are informed of its purpose and operation.
- Have a system for regular monitoring and reporting on labor and occupational safety and health performance; and data collection, monitoring, and analysis of the LMP as part of the Project's M&E activity. Report on LMP implementation within the six-monthly report to the WB.
- Promptly notify the WB of any incident or accident related to the Project which has, or is likely to have, a significant adverse effect on the environment, the affected communities, the public or workers. Provide sufficient detail regarding the incident or accident, indicating immediate measures taken or that are planned to be taken to address it, and any information provided by any contractor and supervising entity, as appropriate. Subsequently, as per the WB's request, prepare a report on the incident or accident and propose any measures to prevent its recurrence. Minor incidents will be reflected in the six-monthly reports to the WB, major incidents will be reported to the WB within 24 hours.

7.2. Contractors

Contractors are responsible for management of their workers or subcontracted workers in accordance with this LMP, which will be supervised by the MOE and Project Manager. Contractors will be responsible for the following:

- To obey requirements of the national legislation (including any emergency regulations) and this LMP;
- Maintain records of recruitment and employment process of contracted workers;
- Communicate clearly job description and employment conditions to contracted workers;
- Provide workers with evidence of all payments made, including benefits and any valid deductions;
- Provide all contracted workers with health insurance that covers treatment for COVID-19 infections;
- Maintain records regarding labor conditions and workers engaged under the Project, including contracts, registry of induction of workers including Code of Conduct, hours worked, remuneration and deductions (including overtime);

- Assign a designated safety officer, conducting training on and implementing OHS measures and measures to mitigate the spread of COVID-19, recording safety incidents and corresponding Root Cause Analysis (lost time incidents, medical treatment cases), first aid cases, high potential near misses, and remedial and preventive activities;
- Ensure no child or forced labor is involved in the Project.
- Maintain records of training/induction dates, number of trainees, and topics.
- Implement the grievance mechanism for workers, maintaining records of any worker grievances including occurrence date, grievance, and date submitted; actions taken and dates; resolution (if any) and date; and follow-up outstanding.
- Establish a system for regular review and reporting on labor, and occupational safety and health performance.

This LMP can be updated to include additional details about the hired workforce of contractors including, as necessary.

8. POLICIES AND PROCEDURES

8.1. Age of Employment

Fiji has ratified both the ILO Minimum of Age Convention (C138) and the ILO Worst Forms of Child Labor Convention (C182). A study by the ILO based on five child labor surveys has reported that children in Fiji are engaged in child labor. Fiji recorded 173 cases of child labor from 2011 to 2014, including in street work, and in the worst forms of child labor such as commercial sexual exploitation. Children were also found to be involved in hazardous work such as collecting and handling scrap metals, chemicals, and carrying heavy loads. Poverty, parental or family neglect and other social problems, combined with the need for cash for personal requirements, remain the key factors that push children into child labor. The Employment Relations Act defines the minimum age and conditions of employment for children who are above 15 years. The Ministry of Employment, Productivity, and Industrial Relations has increased the number of labor inspections conducted throughout the year and was actively involved in the launch and implementation of the Tackling Child Labor Through Education Project.

The minimum age of employment for this Project will be 18 years so that full time employment is possible. To ensure compliance, all employees will be required to produce a Tax Identification Number (TIN) as proof of their identity and age. Contractors and subcontractors will be required to receive approval for the specific procedures they will use to verify the ages of job applicants.

8.2. Terms and Conditions of Employment

Terms and conditions of direct workers are determined by their individual contracts. Permanent Project staff will have individual agreements (labor contract or service contract) with fixed fortnightly wage rates. All the recruiting procedures will be documented and filed in accordance to the requirements of Fiji's labor legislation and the ESS2. Forty (40) hour per week employment should be practiced. Requirements and conditions of overtime and leave entitlements are agreed as part of individual contracts.

The Project Manager will ensure that contractors are aware of, and comply with, labor management and OHS policies and procedures outlined in this LMP. Each contractor will be required to submit an assessment of environmental and social risks (including labor risks) associated with their activities and risk mitigation measures in accordance with the Project's environmental and social requirements.

8.3. Occupational Health and Safety

The OHS measures of the Project are based on the requirements of the relevant sections of ESS2 as well as the Fijian government OHS regulations and guidelines and WHO guidelines. These will particularly address the key identified risk, including for fatigue and mental stress due to the workload, office-based injuries and the potential infection of project workers with Covid-19 in the event of an outbreak.

The Environment and Social Specialist and Environmental and Social Officer, on behalf of the MOE, will review the MOE, FNPF, MOWE and DOE existing OHS guidelines for all project workers, monitor and implement training on OHS for Project workers and establish a system for regular monitoring and reporting on OHS performance including documentation and reporting of occupational accidents, diseases and incidents. The Project Manager will ensure effective methods are put in place for responding to identified hazards and risks, establishing priorities for taking action and evaluating outcomes. The Project Environment and Social Specialist and Environmental and Social Officer will ensure that the OHS guidelines comply with the following provisions:

- Ensure workplace health and safety standards in full compliance with Fiji law, ESS2 and WHO Guidelines and include:
 - Basic safety awareness training to be provided to all persons as well as on COVID-19 prevention and related measures.
 - All Project vehicle drivers to have appropriate licenses.
 - First aid equipment and facilities to be provided in accordance with labor legislation.
 - Adequate provision of hygiene facilities (toilets, hand-washing basins) and resting areas etc.
- Compliance with Fiji legislation, WB's ESS2 requirements and other applicable requirements which relate to OHS hazards, including WHO specific COVID-19 guidelines.
- All workplace health and safety incidents to be properly recorded in a register detailing the type of incident, injury, people affected, time/place and actions taken.
- All workers (irrespective of contracts being full-time, part-time, temporary or casual) to be covered by insurance against occupational hazards and COVID-19, including ability to access medical care and take paid leave if they need to self-isolate as a result of contracting COVID-19.
- All work sites to identify potential hazards and actions to be taken in case of emergency.
- Any on-site accommodation to be safe and hygienic, including provision of an adequate supply of potable water, washing facilities, sanitation, accommodation and cooking facilities.

- Workers residing at site accommodation to receive training in preventing prevention of infection through contaminated food and / or water, COVID-19 prevention and avoidance of sexually transmitted diseases.
- Laminated signs of relevant safe working procedures to be placed in a visible area on work sites, in local language and English, including on hand hygiene and cough etiquette, as well as on symptoms of COVID-19 and steps to take if suspect have contracted the virus.
- Fair and non-discriminatory employment practices.
- Safe access to project facilities (workplace) for workers with disabilities
- Under no circumstances will contractors, suppliers or sub-contractors engage forced labor.
- Construction materials to be procured only from suppliers able to certify that no forced labor or child labor (except as permitted by the Labor Law) has been used in production of the materials.
- All employees to be aware of their rights under the Labor Law, including the right to organize.
- All employees to be informed of their rights to submit a grievance through the Project Worker Grievance Mechanism. All employees to be provided training on appropriate behaviour with communities, gender-based violence and violence against children.

Project workers will receive OHS training at the start of their employment or engagement, and thereafter on a regular basis and when changes are made in the workplace, with records of the training kept on file. Training will cover the relevant aspects of OHS associated with daily work, including the ability to stop work without retaliation in situations of imminent danger (as set out in paragraph 27 of ESS2) and emergency arrangements; training on COVID-19 prevention, social distancing measures, hand hygiene, cough etiquette and relations with local community. Training will also focus on the Project's labor-management procedures, stakeholder engagement and grievance mechanism.

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

For grant recipient village cooperatives and workers contracted by grant recipient village cooperatives and community groups under the Jobs for Nature 2.0 Program, MOE and DOE will develop separate OH&S guidelines relevant to the nature of the work to be undertaken under the grant agreement. DOE will provide OH&S to the village cooperatives and the contracted workers as part of their program training outreach activities.

8.4. Sexual Exploitation and Abuse and Sexual Harassment

Fiji ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 1995. By ratifying CEDAW, it has made a commitment to ensure that the principles of equality are adhered to and that discriminatory practices including sexual exploitation and abuse and sexual harassment are abolished. Provisions to prevent sexual exploitation and abuse and sexual harassment

will be included in the Code of Conduct for Project staff and for contracted workers in line with relevant national laws and legislation, see **Attachment B**.

9. WORKERS' GRIEVANCE MECHANISM

General Project Workers' Grievance Mechanism

The project will use the existing MOE complaints and feedback system to receive, resolve and document all project related grievances, including worker grievances. Complaints can be made via this email address: EconomyInformation@economy.gov.fj. Information about the mechanism is also publicly available at the MOE website. The mechanism will receive complaints of a sensitive nature, including with respect to gender based violence, sexual exploitation, assault and harassment on a confidential and anonymous basis as per the MOE existing GRM protocol.² Grievances of a sensitive nature are directed to trained professionals with the MOE human resources department. General complaints will be received and addressed by the Head of Administration - and the Acting/Permanent Secretary for Economy- Mr. Shiri Gounder. Project workers can file grievances relating to the project activities via the following mediums:

- Letter, facsimile, phone contact on (679) 3221300/ 9996250 or email to: EconomyInformation@economy.gov.fj
- In person at Level 5, Ro Lalabalavu House, Ministry of Economy and contact The Head of Administration

The timeframe that a complaint gets responded or addressed to is within the day. Complaints that may require further investigation may take longer. Direct and Contracted Workers will be informed of the workers' grievance mechanism within 60 days of the project effective date or as employed. The WGM will be easily accessible and measures will be put in place to protect workers against reprisal for its use. The WGM can be used to raise workplace related concerns including about the terms of employment, rights at work, sexual exploitation, abuse, and harassment, unsafe or unhealthy work situations and others.

FNPF staff will have access to the MOE Workers' Grievance Mechanism however they will also be able to file grievances via the FNPF Workers Grievance Mechanism which allows employees to raise any issues, including in a confidential manner, related to their employment directly within their immediate supervisor within the specified timelines. The FNPF Workers Grievance Procedure articulates the process and timelines meeting requirements of the Fijian Employment Relations Act and consistent with ESS2. FNPF retain trained counselors to address staff grievances of a sensitive nature, including with respect to gender based violence, sexual harassment and assault. the Fijian legislative framework will apply to the TOR for the TA consulting firm and reviewed for material consistency with ESS2 by the PMU ES Specialists and World Bank staff before providing a No Objection. The TA TOR will be developed as part of project implementation.

In the event that an issue cannot be resolved within FNPF or the MOE Workers Grievance Mechanism within seven days, it will be escalated to the Project Management level where the Environment and Social Specialist will serve as Grievance Focal Point. The Grievance Focal Point will coordinate with relevant departments/organizations and persons to address these grievances. The Project Manager

² The Project Stakeholder Engagement Plan outlines the project GRM which is established for issues that are not worker or workplace related but may apply to issues such as worker community interactions.

will review the record all worker grievances on a weekly basis and report on the grievances, response time and resolution status in the quarterly report to the WB.

The project WGM will operate as follows:

1. The complainant may report their grievance in person, by phone, text message, mail or email (including anonymously if required) to MOE or the contractor as the initial focal point for information and raising grievances.
2. For complaints that are satisfactorily resolved at this stage, the incident and resultant resolution will be logged and reported to the PMU Grievance Focal Point. The Focal Point endeavors to address and resolve the complaint and inform the complainant in two weeks or less. For complaints that are satisfactorily resolved by the Focal Point, the incident and resultant resolution will be logged by the Focal Point. Where the complaint is not resolved, the Focal Point will refer to the Project Manager for further action or resolution.
3. As a third step, if the matter remains unresolved, or the complainant is not satisfied with the outcome, the Project Manager will refer the matter to the MHMS Permanent Secretary, which will aim to resolve the grievance in three weeks or less. The Grievance Focal Point will log details of issue and resultant resolution status.
4. If the complaint remains unresolved or the complainant is dissatisfied with the outcome proposed by the MHMS Permanent Secretary, the complainant may refer the matter to the appropriate legal or judicial authority, at the complainant's own expense. A decision of the Court will be final.

The grievance mechanism is not an alternative or substitute for the legal system for receiving and handling grievances and will not preclude access to other judicial or administrative remedies that might be available under the law or through existing arbitration procedures. While all employees always have the right to access the legal system, the purpose of establishing a grievance mechanism is to provide an accessible and practical means to mediate and seek appropriate solutions, wherever possible.

Workers' Grievance Mechanism Channel for Jobs for Nature 2 Program

These complaints will be received and addressed by MOE. This mechanism channel is for contracted workers engaged by a grant recipient village cooperative under the Jobs for Nature 2 Program. Grievances may be lodged through the following means:

- By Phone: [Monica Lal, Principal Environment Officer and 3311699]
- By email: [Monica Lal, Principal Environment Officer and monika.lal@govnet.gov.fj]
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1. The GM includes the following steps:
 - Step 1: Complainant lodges complaint
 - Step 2: MOE receives/accepts the complaint.
 - Step 3: Complaint will be acknowledged (within 24 hours or on the next working day)
 - Step 4: Complaint will be assigned to respective unit or office within MOE and shared with the Project the ES Specialist.
 - Step 5: Complaint resolution

- Step 6: Complaint resolved
2. GM timeframe. The process of grievance resolution is not expected to take longer than 10 working days for normal complaints. Initial assessment of the complaint will seek to confirm if the issue is related to the project funded activity and confirm other relevant details. Complaints that require further investigation may take longer, in which case the complainant will be advised.
 3. Confidentiality and complaints of a sensitive nature. All complaints are treated with the utmost confidentiality and any information provided is used strictly for the purposes of resolving grievances. Complaints received pertaining to gender-based violence, sexual assault or harassment are referred to trained professionals in the Ministry of Women.

The operation of the project's Grievance Mechanism will be regularly monitored. Patterns of complaints will be assessed for required adjustments or corrections to the project's operation or requirements.

Attachment A: Relevant national legislation and international conventions ratified by Fiji

National legislation	Year adopted	Weblink
Constitution of the Republic of Fiji	2013	https://www.laws.gov.fj/ResourceFile/Get/?fileName=2013%20Constitution%20of%20Fiji%20(English).pdf
Employment Relations Act	2007	https://www.laws.gov.fj/Acts/DisplayAct/483
Employment Relations (Administration) Regulations	2008	https://laws.gov.fj/Acts/DisplayAct/483#
Employment Relations (National Minimum Wage) Regulations	2015	https://laws.gov.fj/Acts/DisplayAct/483#
Hazardous Occupations Prohibited to Children under 18 Years of Age Order	2013	https://laws.gov.fj/Acts/DisplayAct/483#
Human Rights Commission Act	1999	https://www.hurights.or.jp/archives/database/nhri-law-fiji.html#18
Rights of Persons with Disabilities Act	2018	https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/107420/132231/F-623634238/FJI107420.pdf
Maritime Transport Act	2013	https://www.laws.gov.fj/Acts/DisplayAct/570#
ILO Conventions - Fundamental		
C029 - Forced Labor Convention, 1930 (No. 29)		https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_INSTRUMENT_ID:312174:NO
C087 - Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)		https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_INSTRUMENT_ID:312232:NO
C098 - Right to Organise and Collective Bargaining Convention, 1949 (No. 98)		https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_INSTRUMENT_ID:312243:NO
C100 - Equal Remuneration Convention, 1951 (No. 100)		https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_INSTRUMENT_ID:312245:NO

C105 - Abolition of Forced Labor Convention, 1957 (No. 105)	https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_INSTRUMENT_ID:312250:NO
C111 - Discrimination (Employment and Occupation) Convention, 1958 (No. 111)	https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_INSTRUMENT_ID:312256:NO
C138 - Minimum Age Convention, 1973 (No. 138)	https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_INSTRUMENT_ID:312283:NO
C182 - Worst Forms of Child Labor Convention, 1999 (No. 182)	https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_INSTRUMENT_ID:312327:NO
ILO Conventions - Governance	
C081 - Labor Inspection Convention, 1947 (No. 81)	https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_INSTRUMENT_ID:312226:NO
C122 - Employment Policy Convention, 1964 (No. 122)	https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_INSTRUMENT_ID:312267:NO
C129 - Labor Inspection (Agriculture) Convention, 1969 (No. 129)	https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_INSTRUMENT_ID:312274:NO
C144 - Tripartite Consultation (International Labor Standards) Convention, 1976 (No. 144)	https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_INSTRUMENT_ID:312289:NO
ILO Conventions - Technical	
C011 - Right of Association (Agriculture) Convention, 1921 (No. 11)	https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_INSTRUMENT_ID:312156:NO
C012 - Workmen's Compensation (Agriculture) Convention, 1921 (No. 12)	https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_INSTRUMENT_ID:312157:NO
C019 - Equality of Treatment (Accident Compensation) Convention, 1925 (No. 19)	https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_INSTRUMENT_ID:312164:NO
C026 - Minimum Wage-Fixing Machinery Convention, 1928 (No. 26)	https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_INSTRUMENT_ID:312171:NO
C045 - Underground Work (Women) Convention, 1935 (No. 45)	https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_INSTRUMENT_ID:312190:NO

C084 - Right of Association (Non-Metropolitan Territories) Convention, 1947 (No. 84)	https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_INSTRUMENT_ID:312229:NO
C085 - Labor Inspectorates (Non-Metropolitan Territories) Convention, 1947 (No. 85)	https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_INSTRUMENT_ID:312230:NO
C108 - Seafarers' Identity Documents Convention, 1958 (No. 108)	https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_INSTRUMENT_ID:312253:NO
C142 - Human Resources Development Convention, 1975 (No. 142)	https://www.ilo.org/dyn/normlex/en/f?p=1000:12100:0::NO:12100:P12100_INSTRUMENT_ID:312287
C149 - Nursing Personnel Convention, 1977 (No. 149)	https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_INSTRUMENT_ID:312294:NO
C155 - Occupational Safety and Health Convention, 1981 (No. 155)³	https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_INSTRUMENT_ID:312300:NO
C159 - Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159)	https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_INSTRUMENT_ID:312304:NO
C169 - Indigenous and Tribal Peoples Convention, 1989 (No. 169)	https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_INSTRUMENT_ID:312314:NO
C172 - Working Conditions (Hotels and Restaurants) Convention, 1991 (No. 172)	https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_INSTRUMENT_ID:312317:NO
C181 - Private Employment Agencies Convention, 1997 (No. 181)	https://www.ilo.org/dyn/normlex/en/f?p=1000:12100:0::NO:12100:P12100_INSTRUMENT_ID:312326
C184 - Safety and Health in Agriculture Convention, 2001 (No. 184)	https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_INSTRUMENT_ID:312329:NO
MLC, 2006 - Maritime Labor Convention, 2006 (MLC, 2006)	https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:91:0::NO:91:P91_INSTRUMENT_ID:312331:NO
Other international conventions	

³ I note that occupational safety and health is outside the scope of this report.

Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)⁴	https://www.ohchr.org/documents/professionalinterest/cedaw.pdf
Convention on the Rights of Persons with Disabilities (CRPD)⁵	https://www.ohchr.org/EN/HRBodies/CRPD/Pages/ConventionRightsPersonsWithDisabilities.aspx
Convention on the Rights of the Child (CRC)⁶	https://www.ohchr.org/en/professionalinterest/pages/crc.aspx
International Covenant on Economic, Social and Cultural Rights (ICESCR)⁷	https://www.ohchr.org/en/professionalinterest/pages/cescr.aspx

⁴ Article 11 deals with employment.

⁵ Article 27 deals with work and employment.

⁶ Article 32 deals with the right of a child to be protected from economic exploitation and from performing any work that is likely to be hazardous, harmful or to interfere with their education.

⁷ Articles 6 and 7 deal with the right to work.

Attachment B: Guidance for the Code of Conduct for direct workers and contracted workers

The PMU will ensure that direct workers and contracted workers abide by a suitable workplace Code of Conduct which contains obligations on all direct workers (other) and contracted workers. Additional obligations may be added to the minimum requirements outlines below. Additional obligations will respond to particular concerns of the region, the location and the project sector or to specific project requirements. The Code of Conduct will be prepared by the PMU Environment and Social Specialist no later than 30 days following recruitment and endorsed by the World Bank. The Code of Conduct will build upon the existing MoE and FNPF Code of Conduct and shall incorporate Department of Environment as well as contain a statement that the term 'child'/'children' means any person(s) under the age of 18 years.

The issues to be addressed include:

1. Compliance with applicable laws, rules, and regulations
2. Compliance with applicable health and safety requirements to protect the local community (including vulnerable and disadvantaged groups), the Employer's and Project Manager's personnel, and the Contractor's personnel, including sub-contractors and day workers, (including wearing prescribed personal protective equipment, preventing avoidable accidents and a duty to report conditions or practices that pose a safety hazard or threaten the environment)
3. The use of illegal substances
4. Non-Discrimination in dealing with the local community (including vulnerable and disadvantaged groups), the Employer's and Project Manager's personnel, and the Contractor's personnel, including sub-contractors and day workers (for example on the basis of family status, ethnicity, race, gender, religion, language, marital status, age, disability (physical and mental), sexual orientation, gender identity, political conviction or social, civic, or health status)
5. Interactions with the local community (ies), members of the local community (ies), and any affected person(s) (for example to convey an attitude of respect, including to their culture and traditions)
6. Sexual harassment (for example to prohibit use of language or behavior, in particular towards women and/or children, that is inappropriate, harassing, abusive, sexually provocative, demeaning or culturally inappropriate)
7. Violence including sexual and/or gender-based violence (for example acts that inflict physical, mental or sexual harm or suffering, threats of such acts, coercion, and deprivation of liberty)
8. Exploitation including sexual exploitation and abuse (for example the prohibition of the exchange of money, employment, goods, or services for sex, including sexual favors or other forms of humiliating, degrading behavior, exploitative behavior or abuse of power)⁸

⁸ Please take note of the WB guideline: <https://pubdocs.worldbank.org/en/632511583165318586/ESF-GPN-SEASH-in-major-civil-works.pdf>

9. Protection of children (including prohibitions against sexual activity or abuse, or otherwise unacceptable behavior towards children, limiting interactions with children, and ensuring their safety in project areas)
10. Sanitation requirements (for example, to ensure workers use specified sanitary facilities provided by their employer and not open areas)
11. Avoidance of conflicts of interest (such that benefits, contracts, or employment, or any sort of preferential treatment or favors, are not provided to any person with whom there is a financial, family, or personal connection)
12. Respecting reasonable work instructions (including regarding environmental and social norms)
13. Protection and proper use of property (for example, to prohibit theft, carelessness or waste)
14. Duty to report violations of this Code
15. Non retaliation against workers who report violations of the Code, if that report is made in good faith.

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

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

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